

# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

**Submitted for Review Before**  
**Senate Education Committee**  
**64th Idaho Legislature**  
**Second Regular Session – 2018**



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2018*

# **SENATE EDUCATION COMMITTEE**

## **ADMINISTRATIVE RULES REVIEW**

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## **IDAPA 08 – STATE BOARD OF EDUCATION**

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

**DOCKET NO. 08-0111-1701**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-4605, Idaho Code.

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

The proposed amendments provide clarification that the Board does not review courses or courses of study as part of the proprietary school registration process and that those individuals who are providing training for a profession that is regulated by another state agency or Board must attest that the courses meet the licensing or certification requirements of the regulating agency or Board.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 49-55](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
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P.O. Box 83720  
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<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**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, Idaho Constitution and under Sections 33-105, 33-107, 33-2402 and 33-2403, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The proposed amendments provide clarification that the Board does not review courses or courses of study as part of the proprietary school registration process and that those individuals who are providing training for a profession that is regulated by another state agency or Board must attest that the courses meet the licensing or certification requirements of the regulating agency or Board.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: No changes are being made to the existing fee schedule.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 40](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No documents are being incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent 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 25, 2017.

DATED this 29th day of August, 2017.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0111-1701**

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

If the Board is unable to determine the nature and activities of an institution on the basis of the information provided by the institution under this rule, then the Board may notify the institution of additional information that it will be required to provide in connection with the application for registration. (4-9-09)

**01. Verification of Information.** The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. (4-9-09)

**02. Criteria for Approval of Registration.** To be approved for registration, the institution must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-9-09)

**03. Public Information.** All information submitted to the Board in connection with the application is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-12)

**04. Certificate of Registration or Exemption.** (3-29-12)

**a.** A certificate of registration will be issued to a postsecondary educational institution that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution or any of its courses, courses of study, or degrees. (4-7-11)

**b.** An institution exempt from registration under these rules may request a certificate of exemption. (3-29-12)

**c.** If a postsecondary educational institution wishes to offer additional courses, courses of study, or degrees during a registration year that were not included in its annual registration application to the Board, then the institution must submit a letter to the Board Office along with documentation of its accrediting agency's approval of those specific curriculum changes. (4-7-11)

**05. Disapproval and Appeal.** If a postsecondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision ~~in accordance with Chapter 52, Title 67, Idaho Code~~ by submitting written request. The request must be in writing and made to the Board office within thirty (30) days of the date the institution is notified of the disapproval. (3-29-12)( )

**06. Withdrawal of Approval.** (4-9-09)

**a.** The Board may refuse to renew, or may revoke or suspend approval of, an institution's registration by giving written notice and the reasons therefore to the institution. The institution may request a hearing relating to such decision under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-9-09)

**b.** Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

**i.** Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)

- ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)
- iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; (3-29-12)
- iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board Office has been received; or (3-29-12)
- v. Loss of accreditation status. (3-29-12)
- c. If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board office of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board Office of this event. (3-29-12)

**202. -- 299. (RESERVED)**

**300. REGISTRATION OF PROPRIETARY SCHOOLS.**

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

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

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

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

**c.** Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

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

**a.** A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, or if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

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

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

ii. Internship or cooperative training programs occurring in the state of Idaho where students are

employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

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

**04. Exemptions from Registration.** The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-9-09)

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

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

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

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

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

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

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

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

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

**05. Application.** A proprietary school that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form provided by the Board office. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (3-29-10)

**06. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous tax reporting year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (4-4-13)

**07. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. A school should expect the Board review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)



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

**301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.**

The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. (4-9-09)

**01. Standard I - Legal Status and Administrative Structure.** The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. (4-9-09)

**a.** The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval. (4-7-11)

**b.** The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

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

**d.** Written policies must be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-7-11)

**e.** Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. (4-9-09)

**f.** All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll. Schools offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. The school must provide to each prospective student, newly-enrolled student, and returning student complete and clearly presented information indicating the school's current completion and job placement rate. (4-4-13)

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

**a.** The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study ~~will~~ **must** follow applicable trade or occupational board training curriculum standards or be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. Applicants must include an attestation that courses or courses of study applicable to occupations, which are otherwise regulated, licensed, or registered with another state agency or state board, meet the regulating state agency or state board standards for licensure or certification at the time of application. The office of the state board of education does not

review course or program curriculum.

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

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

**c.** The school must assure that a course or courses of study will be offered with sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. (4-9-09)

**d.** The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information, and the refund policy, must be given to students in writing. (3-29-12)

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

**a.** The admission of students must be determined through an orderly process established in a written policy using published criteria which must be uniformly applied. Admissions decisions must take into account the capacity of the student to grasp and complete the instructional training program and the ability of the school to handle the unique needs of the students it accepts. (3-29-12)

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

**c.** The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, given to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (3-29-12)

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

i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)

ii. Completion requirements for the courses or courses of study; (4-9-09)

iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)

iv. Cancellation and refund policies; (4-9-09)

v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)

vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)

vii. A complete list of instructors and their qualifications; (4-9-09)

viii. A listing of available student services; and (4-9-09)

**e.** Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-9-09)

**04. Standard IV - Faculty/Instructor Qualifications and Compensation.** (3-29-12)

- a.** Instructor qualifications (training and experience) must be recorded and available to students. (3-29-12)
- b.** There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)
- c.** The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)
- d.** Commissions may not be used for any portion of the faculty compensation. (4-9-09)
- e.** Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources.** (4-9-09)

  - a.** Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including classroom and training facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (3-29-12)
  - b.** The school must have sufficient instructional resource materials so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements for a comparable teach-out opportunity with another proprietary school or refund one hundred (100) percent of prepaid tuition. (3-29-12)
  - c.** School financial/business records and reports must be kept separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. (3-29-12)
  - d.** The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. (4-9-09)
  - e.** If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1701

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, and 33-4303, Idaho Code.

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

This rule updates the Scholastic Aptitude Test (SAT) score to realign the indicator with the ACT score used for the same purpose and makes clarifications that will allow for an equitable distribution of scholarship awards to eligible students. Proposed amendments will make technical corrections, provide clarification regarding the verification of a student's expected family contribution, in addition to updating the college entrance exam requirements scores used for determining academic eligibility for scholarship applicants that have a GED score and no high school grade point average. College entrance exam score amendments are due to the recent changes in the Scholastic Aptitude Test (SAT) scoring.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 56-61](#).

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

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

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning & Policy Officer  
State Board of Education  
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Boise, Idaho 83720-0037  
Tel: (208) 332-1582  
Fax: (208) 334-2632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 31, 2017.

**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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, and 33-4303, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 rule updates the Scholastic Aptitude Test (SAT) score to realign the indicator with the ACT score used for the same purpose and make clarifications that will allow for an equitable distribution of scholarship awards to students. Proposed amendments will make technical corrections, provide clarification regarding the verification of a student's expected family contribution, in addition to updating the college entrance exam requirements scores used for determining academic eligibility for scholarship applicants that have a GED score and not high school grade point average. College entrance exam score amendments are due to the recent changes in the Scholastic Aptitude Test (SAT) scoring.

**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 meets the requirements of conferring a benefit by updating the SAT assessment score to realign the indicator with the score used for the ACT and make additional clarifications, the amendments will allow for an equitable distribution of scholarship awards to students.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 41](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This rule contains no documents incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, Tracie Bent 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 October 25, 2017.

DATED this 31st day of August, 2017.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0113-1701

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-105, ~~and 33-5605 4303, and 33-5606(2)(e)~~, Idaho Code, the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. ~~(4-2-08)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. ELIGIBILITY.**

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

**01. Undergraduate Student.** An eligible student must be pursuing their first undergraduate certificate or degree. 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. (3-20-14)

**02. Academic Eligibility.** ~~(4-2-08)~~

~~a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their cumulative GPA.~~ (3-20-14)

~~b.~~ To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: ~~(3-20-14)~~( )

~~a.~~ A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or ~~(3-9-16)~~( )

~~b.~~ A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a ~~nine hundred fifty (950)~~ one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or ~~(3-9-16)~~( )

~~c.~~ A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of three point zero (3.0) 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. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. ~~(3-20-14)~~( )

**03. Financial Eligibility.** Applicants for the opportunity scholarship are selected as recipients, in part,

~~on the basis~~ **based on** of demonstrated financial need. The tool used to determine financial need ~~will be~~ **is** the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the ~~validated~~ **verified** expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the March 1 application deadline. (3-20-14)( )

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

**a.** A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. (3-20-14)

**b.** If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (3-20-14)

**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.** Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director ~~or designee~~ has been made that there are extenuating circumstances and the student has a plan approved by the executive director ~~or designee~~ outlining the courses that will be taken and the completion date of the degree or certificate. (3-9-16)( )

**102. -- 201. (RESERVED)**

**202. APPLICATION PROCESS.**

**01. Initial Applications.** An eligible student must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than 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. All applicants must complete and submit the FAFSA on or prior to March 1. ~~An applicant without electronic capabilities may submit an application on the form established by the executive director through the United States Postal Service, which must be postmarked by March 1.~~ (3-9-16)( )

**02. Announcement of Award.** Announcement of the award of initial scholarships will be made no later than June 1 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcement may be made after this date based on the availability of funds and the acceptance rate of the initial awards. (3-9-16)

**03. Communication with State Officials.** Applicants must respond by the date specified to any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the ~~state board of education~~ executive director or designee. (3-20-14)( )

**203. -- 299. (RESERVED)**

**300. SELECTION OF SCHOLARSHIP RECIPIENTS.**

**01. Selection Process.** Scholarship awards will be based on the availability of scholarship program



funds. ~~In addition, e~~ Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (3-20-14)( )

a. Eligible students shall be selected based on ~~rating~~ **ranking** criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (3-20-14)( )

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an ~~previous~~ opportunity scholarship award ~~during the previous fiscal year~~, and have ~~met all of the~~ continuing eligibility ~~based upon financial need and other criteria~~ **requirements** 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 **annually** 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.~~ (3-20-14)( )

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 Student Aid Report (SAR) that is known at the time of award determination; (3-20-14)

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (3-20-14)

c. The amount of an opportunity scholarship award to an individual student shall not exceed the educational cost established by the Board annually, and shall not exceed the actual cost of tuition **and fees** at an Idaho public postsecondary educational institution, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year postsecondary educational institutions. (3-20-14)( )

**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 **may** covers up to four (4) educational years, or eight (8) semesters or equivalent for attendance at an eligible Idaho postsecondary educational institution. Awards are contingent on annual appropriations by the legislature and continued eligibility of the student. (3-20-14)( )

**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 and update and submit the FAFSA on or prior to March 1. (3-20-14)

**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 twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. (3-9-16)

**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 three point zero (3.0) 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 aid regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (3-20-14)( )

**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. (3-20-14)

**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 withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the 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. (3-9-16)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**501. APPEALS.**

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may file a written appeal ~~such adverse of the~~ decision ~~as follows. The opportunity scholarship applicant or recipient must appeal no later than~~ within thirty (30) days following notice of the decision, and the written statement must include the basis for the appeal. Decisions based on specific requirements established in Idaho Code or these rules may not be appealed. The appeal must be submitted to the executive director of the Board. The office of the board shall acknowledge receipt of the appeal within seven (7) days. The executive director of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (3-20-14)( )

**01. Transmittal to Subcommittee.** If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the executive director of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship applicant or

recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal.  
(3-20-14)

**02. Subcommittee Recommendations.** Following the subcommittee's decision, the executive director of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the executive director of the Board, be permitted to make a presentation to the Board.  
(3-20-14)

**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

## 08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1701

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1254 and 33-1258, 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 Professional Standards Commission (PSC) follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The following certificates and endorsements were reviewed by committees of content experts: Administrator, which includes School Principal, Superintendent, and Director of Special Education; Audiology; Bilingual; Career Technical areas, which include Agriculture Science and Technology, Business Technology, Family and Computer Sciences, Marketing Technology Education, and Technology Education; Computer Science; Engineering; English as a New Language; Speech Language-Pathology; and World Language. Additionally, the Core Teaching Standards, the basic standards which all specific teaching areas are required to meet, were reviewed.

The pending rule has been adopted with one minor change to Subsection 015.02. Additional language clarifies that the Occupational Therapist and Physical Therapist Pupil Personnel Services Certificates are optional as determined by the local educational agency.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 62-94](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Lisa Colón Durham, Director of Certification and Professional Standards, at (208) 332-6886 or [lcolondurham@sde.idaho.gov](mailto:lcolondurham@sde.idaho.gov).

DATED this 15th day of November, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1254 and 33-1258, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The Professional Standards Commission (PSC) follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The following certificates and endorsements were reviewed by committees of content experts: Administrator, which includes School Principal, Superintendent, and Director of Special Education; Audiology; Bilingual; Career Technical areas, which include Agriculture Science and Technology, Business Technology, Family and Computer Sciences, Marketing Technology Education, and Technology Education; Computer Science; Engineering; English as a New Language; Speech Language-Pathology; and World Language. Additionally, the Core Teaching Standards, the basic standards which all specific teaching areas are required to meet, were reviewed.

All standards and endorsements were revised to better align with national standards and best practices, including renaming the English as a New Language endorsement to English as a Second Language endorsement to match the language used by the majority of other states.

Three new Pupil Personnel Services Endorsements were added. The School Counselor – Basic (K-12) Endorsement will allow licensed social workers to serve as school counselors pursuant to Section 33-1212, Idaho Code, on a limited basis. Occupational Therapist and Physical Therapist endorsements for these licensed professionals will allow districts additional funding options for students to obtain these types of services.

Renewal requirements were updated to set a date by which current certificate holders must complete a mathematics in-service program, if the requirement applies to their endorsement areas. Language regarding the Idaho Comprehensive Literacy Course was removed as a renewal requirement, as the rule has been in existence a sufficient amount of time that it no longer applies to individuals renewing their existing certificates.

The requirements for reinstatement of an expired certificate were amended to ensure that the requirements to obtain full certification during the term of the interim certificate meet current rules and requirements.

An example was added to the Code of Ethics regarding educator compensation.

Section 075, regarding background information checks, was amended to comply with recent changes to Section 33-130, Idaho Code. Definitions were updated and requirements, fees, and processes were clarified.

Additionally, a number of minor, non-substantive changes were made by Department staff to ensure that language is clear, concise, and meets the intent of law and rule 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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 26-27](#).

**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:

Idaho Standards for the Initial Certification of Professional School Personnel is currently a document incorporated by reference. The Idaho State Board of Education approved amendments to the document on August 31, 2017. Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of Idaho Standards for the Initial Certification of Professional School Personnel can be found on the State Department of Education's website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, Lisa Colón Durham, Director of Certification and Professional Standards, at (208) 332-6886 or [icolondurham@sde.idaho.gov](mailto:icolondurham@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 25, 2017.

DATED this 31st day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

Italicized red text that is *double underscored* is new text that has been added to the pending rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1701

**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 ~~June 16, 2016~~ August 31, 2017.** Copies of this document can be found on the Office of the State Board of Education website at <https://boardofed.idaho.gov>. ~~(3-29-17)~~ ( )

**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 <https://boardofed.idaho.gov>. (3-29-12)

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-29-17)

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. 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. (3-25-16)

**01. Standard Instructional Certificate.** A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

**a.** Professional education requirements: (3-29-17)

i. Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)

ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)

**b.** Completed an approved teacher preparation program and have an institutional recommendation from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (3-29-17)

**c.** Individuals seeking endorsement in a secondary grade (pursuant to Section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; (3-29-17)

**d.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)

**e.** The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**02. Pupil Personnel Services Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. Persons who serve as an occupational Therapist of Physical therapist may be required, as determined by the local educational agency, to hold the Pupil Personnel Services Certificate with respective endorsements for which they qualify. (3-25-16)( )

**a.** School Counselor (K-12) Endorsement (K-12). To be eligible for a Pupil Personnel Services Certificate ~~Endorsed~~ School Counselor (K-12), a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a School Counselor (K-12) endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-25-16)( )

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

experience clock hour requirement; and

(3-25-16)

- ii. An institutional recommendation is required for a School Counselor (K-12) Endorsement.

~~(3-25-16)~~ ( )

**b.** School Counselor – Basic (K-12) Endorsement. Individuals serving as a school counselor pursuant to Section 33-1212, Idaho Code, shall be granted a Pupil Personnel Services Certificate with a School Counselor – Basic (K-12) endorsement. The endorsement is valid for five (5) years or until such time as the holder no longer meets the eligibility requirements pursuant to Section 33-1212, Idaho Code. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. ( )

**i.** Individuals who received their endorsement pursuant to Section 33-1212, Idaho Code, prior to July 1, 2018, will be transitioned into the School Counselor – Basic (K-12) endorsement. Renewal date will remain the same as the initial credential. ( )

**b.c.** School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-25-16)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

**ed.** School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. in addition to the requirement of Subsection 015.02.c.iii. (3-29-17)

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-29-17)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (3-25-16)

- (1) Health program management;

(3-25-16)



- (2) Child and adolescent health issues; (3-25-16)
- (3) Counseling, psychology, or social work; or (3-25-16)
- (4) Methods of instruction. (3-25-16)
- iii. Additionally, each candidate must have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (3-25-16)
- de.** Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)
- ef.** Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)
- fg.** Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)
- gh.** School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.: (3-29-17)
  - i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)
  - ii. An institution recommendation from an Idaho State Board of Education approved program; and (3-29-17)
  - iii. The successful completion of a school social work practicum in a kindergarten through grade twelve 12 (K-12) setting. Post-MSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a K-12 setting. (3-29-17)
  - iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54 and the rules of the State Board of Social Work Examiners. (3-29-17)
- hi.** Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)
- i.** Occupational Therapist Endorsement. A candidate with a current and valid Occupational Therapy license issued by the State of Idaho Bureau of Occupational Licenses shall be granted an Occupational Therapist endorsement. The Pupil Personnel Services Certificate with an Occupational Therapist endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. Candidate must maintain current and valid Occupational Therapy Licensure through the State of Idaho Bureau of Occupational Licenses for the endorsement to remain valid. ( )



k. Physical Therapist Endorsement. A candidate with a current and valid Physical Therapy license issued by the State of Idaho Bureau of Occupational Licenses shall be granted a Physical Therapist endorsement. The Pupil Personnel Services Certificate with a Physical Therapist endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. Candidate must maintain current and valid Physical Therapy Licensure through the State of Idaho Bureau of Occupational Licenses for the endorsement to remain valid. ( )

**03. Administrator Certificate.** Every person who serves as a superintendent, a director of special education, 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; to conduct the summative evaluation of certified staff~~ 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 School Principal endorsement. ~~Applicants for the Directors of Special Education and Related Services are required to hold the Director of Special Education 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: School Climate, Collaborative Leadership, and Instructional Leadership~~ Idaho Standards for School Principals. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)( )

**a. School Principal (Pre-K-12) 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: (3-25-16)( )

- i. Hold a master's degree from an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)
- iii. 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. (3-25-16)
- iv. 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: School Climate, Collaborative Leadership, and Instructional Leadership~~ Principals. (3-25-16)( )

v. An institutional recommendation is required for a School Principal (Pre-K-12) Endorsement. (3-25-16)( )

**b. Superintendent (Pre-K-12) Endorsement.** To be eligible for an Administrator Certificate with a Superintendent (Pre-K-12) endorsement, a candidate must have satisfied the following requirements: (3-25-16)( )

- i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)
- iii. 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. (3-25-16)

iv. 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: School Climate, Collaborative Leadership, and Instructional Leadership~~ Standards for School Principals. (3-25-16)( )

v. An institutional recommendation is required for a School Superintendent Endorsement (Pre-K-12). (3-25-16)( )

c. Director of Special Education ~~and Related Services~~ (Pre-K-12) 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: (3-25-16)( )

i. Hold a master's degree from an accredited college or university; (3-25-16)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)

iii. Obtain college or university verification of demonstrated the competencies of the Director of Special Education in Idaho ~~Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership~~ Standards for Initial Certification of Professional School Personnel; (3-25-16)( )

iv. 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~~ Principals: 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; (3-25-16)( )

v. Have completed an administrative internship/practicum in the area of administration of special education ~~and related services~~; and (3-25-16)( )

vi. An institutional recommendation is required for Director of Special Education ~~and Related Services Pre-K-12~~ (Pre-K-12) ~~E~~ndorsement. (3-25-16)( )

**04. Certification Standards For Career Technical Educators.** Teachers of career technical courses or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Standard Instructional Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Career Technical Education, and application processes are managed by the Division of Career Technical Education. (3-29-17)

**05. Degree Based Career Technical Certification.** (3-25-16)

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural and Natural Resources; Business Technology Education; Family and Consumer Sciences; Marketing Technology Education; Computer Science Technology and Engineering Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and

include experiences in the major field. Applicants shall have accumulated four thousand (4,000) clock hours of related work experience or shall have completed a Division of Career Technical Education approved practicum in their respective field of specialization. (3-29-17)

**b.** The Career Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of career technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the Division of Career Technical Education. (3-29-17)

i. Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate with an applicable endorsement; (3-29-17)

ii. Provide evidence of a minimum of four (4) years' teaching, three (3) of which must be in a career technical discipline; (3-29-17)

iii. Hold a master's degree; and (3-25-16)

iv. Complete at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of career technical education; administration of personnel; and legal aspects of career technical education, and statewide framework for teacher evaluations that includes a laboratory component. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-29-17)

v. To renew the Career Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for career technical instructional staff. (3-29-17)

**c.** Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-29-17)

**d.** Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate-Endorsed School Counselor K-12 and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice. ~~(3-25-16)~~ ( )

**06. Occupational Specialist Certificate.** The Occupational Specialist Certificates are industry based career technical certifications issued in lieu of a degree based career technical certificate. Certificate holders must meet the following eligibility requirements: (3-29-17)

**a.** Be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-29-17)

i. Have eight (8) years or sixteen thousand (16,000) hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the eight (8) years on a month-to-month basis for journeyman training or completed postsecondary training in a career technical education program; or (3-29-17)

ii. Have a baccalaureate degree in the specific occupation or related area, plus three (3) years or six

thousand (6,000) hours of recent, gainful employment in the occupation; or (3-29-17)

iii. Meet one (1) of the following: (3-25-16)

(1) Be a journeyman with two (2) years of recent, full-time, gainful, related work experience, or have completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved state apprenticeship agency; (3-29-17)

(2) Pass an approved state or national certification examination plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis); or (3-29-17)

(3) Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. (3-29-17)

**b.** Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in public schools. The certificate is valid for three (3) years and is non-renewable: (3-29-17)

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; (3-29-17)

ii. Complete a new-teacher induction workshop at the state or district level; (3-25-16)

iii. Within the three-year (3) period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation. (3-29-17)

**c.** Standard Occupational Specialist Certificate. This certificate is issued to individuals who have: (3-29-17)

i. Completed the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; and (3-29-17)

ii. Completed a new-teacher induction workshop at the state or district level; and (3-29-17)

iii. Can satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education; and (3-29-17)

iv. Can demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and (3-29-17)

v. The Standard Occupational Specialist Certificate is valid for five (5) years and must be renewed pursuant to Section 060 of these rules. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)

**d.** Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)

- i. Meet the requirements for the Standard Occupational Specialist Certificate; (3-29-17)
- ii. Can provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved education related course work, such as educational methodology in the content area, in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-29-17)
- iii. File a new professional development plan for the next certification period; and (3-25-16)
- iv. The Advanced Occupational Specialist Certificate is valid for five (5) years and must be renewed pursuant to Section 060. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)

**07. Postsecondary Specialist.** A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-29-17)

**a.** Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)

**b.** Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-25-16)

**c.** The candidate must meet the following qualifications: (3-25-16)

- i. Hold a master's degree or higher in the content area being taught; (3-25-16)
- ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-25-16)
- iii. Complete and pass a criminal history background check as required according to Section 33-130, Idaho Code. (3-25-16)

**08. American Indian Language.** Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

**a.** The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

**b.** Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a fee for undergoing a ~~criminal history check~~ background investigation check pursuant to Section 33-130, Idaho Code. (3-25-16)( )

c. The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

**09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors.** (3-25-16)

a. Each school district with a Junior ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools. (3-25-16)

b. Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (3-25-16)

c. Authorization Letter. Upon receiving the items identified in Subsections 015.09.a. and b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-29-17)

**10. Additional Renewal Requirements.** In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

a. 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. Teachers must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment prior to July 1, 2019. Any teacher successfully completing said course shall be deemed to have met the requirement of Subsection 060.02.c. of this rule as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education. Successful completion of a 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 must successfully complete the "Mathematical Thinking for Instruction" course or another State Department of Education approved alternative course in order to recertify: ~~(3-29-17)( )~~

i. Each teacher holding ~~an~~ Blended Early Childhood Education/Early Childhood Special Education Blended endorsement (Birth - Grade 3) endorsement who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; ~~(3-29-17)( )~~

ii. Each teacher holding ~~an~~ Standard Instructional Certificate All Subjects (K-8) endorsement who is employed by a school district or charter school as a K-6 multi-subject teacher; ~~(3-29-17)( )~~

iii. Each teacher holding ~~an~~ Standard Instructional Certificate (6-12) All Subjects (K-8) endorsement, Mathematics – Basic (5-9 or 6-12) endorsement, Mathematics (5-9 or 6-12) endorsement teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and ~~(3-29-17)( )~~

iv. Each teacher holding ~~an~~ Standard Exceptional Child Generalist Eendorsement who is employed by a school district or charter school as a special education teacher. ~~(3-29-17)( )~~

~~v. Each school administrator coming from out of state holding an Administrator Certificate who is employed by a school district or charter school. (3-29-17)~~

b. 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 living outside of the state of Idaho 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. (3-25-16)



~~c. 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 must successfully complete an Idaho Comprehensive Literacy course in order to recertify: (3-25-16)~~

~~i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Endorsement (Birth-Grade 3) who is employed by a school district or charter school; (3-29-17)~~

~~ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school; and (3-29-17)~~

~~iii. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school. (3-29-17)~~

~~d.~~ Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved teacher preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. (3-29-17)

#### 016. IDAHO INTERIM CERTIFICATE.

The State Department of Education or the Division of Career Technical Education, as applicable to the certificate, is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in an alternate route to certification as prescribed herein. (3-29-17)

**01. Interim Certificate Not Renewable.** Interim certification is only available on a one-time basis per individual except under extenuating circumstances approved by the State Department of Education. It will be the responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. (3-29-17)

**02. Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, (alternate authorizations, nontraditional routes, reinstatements or coming from out of the state), completion of a state approved Idaho Comprehensive Literacy course or assessment, or approved secondary equivalent shall be a one-time requirement for full certification. (3-25-16)( )

**a.** 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. (3-25-16)

**03. Mathematical Thinking for Instruction.** For all Idaho teachers or administrators working on interim certificates (alternate authorizations, nontraditional routes, reinstatements or coming from out of the state), with an All Subjects (K-8) endorsement, ~~or~~ any mathematics endorsement, Exceptional Child Generalist endorsement, Blended Early Childhood/Early Childhood Special Education endorsement, or Administrator certificate must complete a state approved Mathematical Thinking for Instruction, or another State Department of Education approved alternative course, as a one-time requirement to receive a standard instructional, standard occupational, or advanced occupational certificate for full certification. (3-29-17)( )

**04. Technology.** Out-of-state applicants ~~will~~ may be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve their technology skills. (4-7-11)( )

**05. Reinstatement of Expired Certificate.** An individual holding an expired Idaho certificate may be issued a nonrenewable three-year interim certificate. During the validity period of the interim certificate, the applicant must meet all current requirements listed for the specific certificate and endorsement(s) including the appropriate content, pedagogy, and performance assessments the following requirements to obtain a full certification

during the term of the interim certificate. (3-29-12)( )

- a. Two (2) years' successful evaluations as per Section 33-1001(14), Idaho Code. ( )
- b. Measured annual progress on specific goals identified on Individualized Professional Learning Plan. ( )
- c. Six (6) credit renewal requirement. ( )
- d. Any applicable requirement for Idaho Comprehensive Literacy Course or Mathematical Thinking for Instruction as indicated in Subsections 016.02 and 016.03. ( )

**06. Foreign Institutions.** An educator having graduated from a foreign institution ~~that is listed in the Accredited Degree Granting Institutions section of the "Accredited Institutions of Postsecondary Education" and having a valid current teaching certificate/license from the country or province in which the foreign institution is located,~~ may be issued a non-renewable, three-year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (4-2-08)( )

~~**017. INTERSTATE CERTIFICATION COMPACT.** Idaho participates in the Interstate Agreement of Qualification of Education Personnel. This agreement applies equally to teachers entering Idaho from another compact member state and to teachers entering another compact member state from Idaho. The compact applies to classroom teachers only. Trades and industries teachers are not covered by the agreement. (Section 33-4104, Idaho Code) (4-1-97)~~

#### **017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.**

**01. Assessments.** State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho's classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval. (4-2-08)

**02. Out-of-State Waivers.** An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate. (4-2-08)

**03. Idaho Comprehensive Literacy Assessment.** All applicants for initial Idaho certification (Kindergarten through grade twelve (12)) from an Idaho approved teacher education program must demonstrate competency in comprehensive literacy. Areas to be included as parts of the assessment are: phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and assessments and intervention strategies. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure teaching skills and knowledge congruent with current research on best literacy practices for elementary students or secondary students (adolescent literacy) dependent upon level of certification and English Language Learners. In addition, the assessment must measure understanding and the ability to apply strategies and beliefs about language, literacy instruction, and assessments based on current research and best practices congruent with International Reading Association/National Council of Teachers of English standards, National English Language Learner's Association professional teaching standards, National Council for Accreditation of Teacher Education standards, and state accreditation standards. (4-7-11)

~~**04. Technology Assessment.** All applicants for initial Idaho certification (Kindergarten through grade twelve (12)) from an Idaho approved teacher education program must demonstrate proficiency in relevant technology skills and practices to enhance classroom management and instruction. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure understanding and the ability to apply strategies and beliefs about the integration of technology based on current research and best practices congruent with the International Society for Technology in Education professional teaching standards, the National Council for Accreditation of Teacher Education standards, and state accreditation standards. (4-7-11)~~



0198. -- 020. (RESERVED)

021. ENDORSEMENTS.

Holders of a Standard Instructional Certificate, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement from the college of education of competency in a teaching area or field is acceptable in lieu of required credits if such statements originate are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (3-29-17)( )

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. (3-12-14)

02. **Alternative Authorization to Endorsement.** Candidates shall meet all requirements for the endorsement as provided herein. (3-29-17)

a. Option I -- An official statement from the college of education of competency in a teaching area or field is acceptable in lieu of courses for a teaching field if such statements originate are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. (3-29-17)( )

b. Option II -- National Board. By earning National Board Certification in content specific areas, teachers may gain endorsement in a corresponding subject area. (3-29-17)

c. Option III -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (3-29-17)

d. Option IV -- Testing and/or Assessment. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (3-29-17)

i. Pathway 1 -- Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally, requires the successful completion of a one (1)-year state-approved mentoring component. (3-25-16)

ii. Pathway 2 -- Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally, requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. (3-25-16)

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~~ Career Technical Student Organization Leadership; plant science; and occupational teacher preparation pursuant to Subsection 015.05.a.; or (3-29-17)( )

- b. Occupational teacher preparation pursuant to Section 015.04 through 015.06. (3-29-17)

**02. American Government /Political Science (5-9 or 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. All Subjects (K-8).** Allows one to teach in any educational setting (K-8). Twenty (20) semester credit hours, or thirty (30) quarter credit hours in the philosophical, psychological, methodological foundations, instructional technology, and professional subject matter must be in elementary education including at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading. This endorsement must be accompanied by at a minimum one (1) additional subject area endorsement allowing teaching of that subject through grade 9 or kindergarten through grade 12. (3-29-17)

**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 coursework~~ 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; ~~E~~SL/~~B~~bilingual ~~M~~ethods; linguistics, second language acquisition theory and practice; ~~F~~foundations of ~~E~~SL/~~B~~bilingual ~~E~~ducation, ~~Federal and State Law~~ legal foundations of ESL/ bilingual education, ~~Testing/~~identification and assessment of ~~Limited English Proficient Students~~ learners, biliteracy; at least ~~two (2) one (1) semester credit hours~~ in ~~B~~bilingual ~~P~~racticum; ~~and three (3) semester credit hours in a Bilingual Education related elective (ex: linguistics, critical pedagogy, parent involvement)~~ or field experience. (4-4-13)( )

**05. Biological Science (5-9 or 6-12).** Twenty (20) semester credit hours including coursework in each of the following areas: molecular and organismal biology, heredity, ecology and biological adaptation. (3-29-17)

**06. Blended ~~Early Childhood/Early Childhood~~ Elementary Education/Elementary Special Education ~~Pre-K through Grade Six (6) Endorsement (Grade 4 - Grade 6).~~** The ~~Pre-K through Grade Six (6) Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6)~~ endorsement allows one to teach in any ~~Pre-K grade four (4)~~ through grade six (6) education setting, except in a middle school setting. This endorsement may only be ~~added to~~ issued in conjunction with the Blended Early Childhood Education/Early Childhood Special Education (~~Birth - Grade 3~~) ~~endorsement-in conjunction with the Birth through Grade Three (3) endorsement~~. To be eligible for a Blended ~~Early Childhood Education/Early Childhood~~ Elementary Education/Elementary Special Education (~~Grade 4 - Grade 6~~) endorsement ~~with an Early Pre-K through Grade Six (6) endorsement~~, a candidate must have satisfied the following requirements: (3-29-17)( )

a. Completion of a program of a minimum of twenty (20) semester credit hours in ~~the area of~~ Elementary Education ~~to include~~ coursework ~~in each of the following areas~~ to include: methodology (literacy, mathematics, science, physical education, art); content knowledge (mathematics, literacy, science, health, art); technology; assessment; and, field experiences in grades four (4) through six (6). (3-29-17)( )

**07. Blended Early Childhood Education/Early Childhood Special Education (~~Birth through = Grade Three (3).~~** The Blended Early Childhood Education/Early Childhood Special Education (~~Birth through = Grade Three (3)~~) endorsement allows one to teach in any educational setting birth through grade three (3). To be eligible, a candidate must have satisfied the following requirements. (3-29-17)( )

a. A minimum of thirty (30) semester credit hours, or forty-five (45) quarter credit hours, in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter shall include course work specific to the child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies. (3-29-17)

- b. The required credit hours here in, shall include not less than six (6) semester credit hours, or nine

(9) quarter credit hours, of early childhood student teaching (K-3) and field experiences birth to age three (3) programs, and age three (3) to age five (5) programs, and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. (3-29-17)

c. Proficiency in areas noted above is measured by one (1) of the following options: (3-29-17)

i. Option I -- Demonstration of competency within the Idaho Standards for Blended Early Childhood Education/Early Childhood Special Education Teachers. Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. (3-29-17)

ii. Option II -- Completion of a CAEP accredited program in blended early childhood education/early childhood special education birth through grade three (3). Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. (3-29-17)

**08. 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; career guidance; Career Technical Student Organization leadership; business communication/writing; and office procedures. Additional competencies may be satisfied through the following: entrepreneurship; finance; marketing; business law; and/or career guidance business management; and occupational teacher preparation pursuant to Subsection 015.05.a.; or (3-29-17)( )

b. Occupational teacher preparation pursuant to Section 015.04 through 015.06. (3-29-17)

**09. Chemistry (5-9 or 6-12).** Twenty (20) semester credit hours in the area of chemistry, to include coursework in each of the following areas: inorganic and organic chemistry. (3-29-17)

**10. Communication (5-9 or 6-12).** Follow one (1) of the following options: (3-29-17)

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; Journalism/Mass Communications; and Drama/Theater Arts. (3-29-17)

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, Journalism/Mass Communications, and Methods of Teaching Speech/Communication. (3-29-17)

**11. Computer Science (5-9 or 6-12).** (3-29-17)

a. Twenty (20) semester credit hours of course work in Computer Science, including course work in the following areas: data representation and abstraction; design, development, and testing algorithms; software development process; digital devices systems network; and the role of computer science and its impact on the modern world; or (3-29-17)

b. Occupational teacher preparation pursuant to Section 015.04 through 015.06. (3-29-17)

**12. Consulting Teacher/Teacher Leader Endorsement.** Consulting teachers provide technical assistance to teachers and other staff in the school district with regard to the selection and implementation of appropriate teaching materials, instructional strategies, and procedures to improve the educational outcomes for students. Candidates who hold this endorsement are teacher leaders who will facilitate the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. This endorsement is valid for five (5) years and is renewable based upon successful completion and verification of an additional four (4) semester credits beyond those required for standard certification renewal. The additional credits shall be taken for university or college credit consistent with the Individual Professional Learning Plan (IPLP). (3-25-16)

a. Special Education Consulting Teacher - Eligibility for Endorsement. To be eligible for a Special Education Consulting Teacher endorsement on the ~~Standard Exceptional Child Certificate, the Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), the Standard Elementary Certificate or the Standard Secondary Teaching~~ **Standard Instructional** Certificate, a candidate must have satisfied the following requirements: (3-25-16)( )

i. Education Requirements. Qualify for or hold a Standard ~~Exceptional Child Certificate and qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3)~~ **Instructional Certificate**, and hold a master's degree or an approved fifth year program as defined by the Idaho State Board of Education, and have demonstrated content competencies in the following areas: (3-25-16)( )

- (1) Assessment of learning behaviors; (3-25-16)
- (2) Individualization of instructional programs based on educational diagnosis; (3-25-16)
- (3) Behavioral and/or classroom management techniques; (3-25-16)
- (4) Program implementation and supervision; (3-25-16)
- (5) Knowledge in use of current methods, materials and resources available and management and operation of media centers; (3-25-16)

(6) Ability in identifying and utilizing community or agency resources and support services; and (3-25-16)

(7) Counseling skills and guidance of professional staff. (3-25-16)

ii. Experience. Completion of a minimum of three (3) years' teaching experience, at least two (2) years of which must be in a special education classroom setting. (3-25-16)

iii. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (3-25-16)

(1) Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (3-25-16)

(2) The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (3-25-16)

- (a) Understanding Adults As Learners to Support Professional Learning Communities; (3-25-16)
- (b) Accessing and Using Research to Improve Practice and Student Achievement; (3-25-16)
- (c) Promoting Professional Learning for Continuous Improvement; (3-25-16)
- (d) Facilitating Improvements in Instruction and Student Learning; (3-25-16)
- (e) Using Assessments and Data for School and District Improvement; (3-25-16)
- (f) Improving Outreach and Collaboration with Families and Community; and (3-25-16)
- (g) Advocating for Student Learning and the Profession. (3-25-16)

iv. Not less than one (1) semester of successful experience as a special education teacher working with

classroom teachers in elementary or secondary schools. (3-25-16)

b. Mathematics Consulting Teacher - Eligibility for Endorsement. To be eligible for a Mathematics Consulting Teacher endorsement on the Standard ~~Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3)~~ Instructional Certificate, a candidate must have satisfied the following requirements: (3-25-16)( )

i. Education Requirements. Qualify for or hold a Standard ~~Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3)~~ Instructional Certificate and have demonstrated content competencies. Coursework and content domains required include the full series of Mathematics Thinking for Instruction (MTI), Number and Operation, Geometry, Algebraic Reasoning, Measurement and Data Analysis, and Statistics and Probability which are centered on the following emphases: (3-25-16)( )

(1) Structural Components of Mathematics; (3-25-16)

(2) Modeling, Justification, Proof and Generalization; (3-25-16)

(3) Mathematical Knowledge for Teaching (Ball, Thames, & Phelps, 2008). (3-25-16)

ii. Experience. Completion of a minimum of three (3) years' teaching experience. (3-25-16)

iii. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (3-25-16)

(1) Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (3-25-16)

(2) The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (3-25-16)

(a) Understanding Adults As Learners to Support Professional Learning Communities; (3-25-16)

(b) Accessing and Using Research to Improve Practice and Student Achievement; (3-25-16)

(c) Promoting Professional Learning for Continuous Improvement; (3-25-16)

(d) Facilitating Improvements in Instruction and Student Learning; (3-25-16)

(e) Using Assessments and Data for School and District Improvement; (3-25-16)

(f) Improving Outreach and Collaboration with Families and Community; and (3-25-16)

(g) Advocating for Student Learning and the Profession. (3-25-16)

iv. Not less than one (1) semester of successful experience as a mathematics teacher working with classroom teachers in elementary or secondary schools. (3-25-16)

**13. Deaf/Hard of Hearing (K-12).** Completion of a minimum of thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language. An institutional recommendation specific to this endorsement is required. To be eligible for a Deaf/Hard of Hearing endorsement, a candidate must have satisfied the following requirements: (3-29-17)

a. Completion of a baccalaureate degree from an accredited college or university; (3-29-17)

b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (3-29-17)

c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)

d. Completion of a program of a minimum of thirty-three (33) semester credit hours in the area of Deaf/Hard of Hearing and must receive an institutional recommendation specific to this endorsement from an accredited college or university. (3-29-17)

## 023. ENDORSEMENTS E - L.

01. **Early Childhood Special Education (Pre-K-3).** The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Exceptional Child Generalist (K-8 or K-12) endorsement. To be eligible a candidate must have satisfied the following requirements: (3-29-17)( )

a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); curriculum and program development for young children ages three to eight (3-8); methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); identifying and working with atypical young children ages three to eight (3-8) parent-teacher relations; and student teaching at the Pre-K - 3 grades. (3-29-17)

02. **Earth and Space Science (5-9 or 6-12).** Twenty (20) semester credit hours including course work in each of the following areas: earth science, astronomy, and geology. (3-29-17)

03. **Economics (5-9 or 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 business, economics, or finance course. (3-29-17)( )

04. **Engineering (5-9 or 6-12).** (3-29-17)

a. Twenty (20) semester credit hours of engineering course work; or (3-29-17)

b. Occupational teacher preparation pursuant to Section 015.04 through 015.06. (3-29-17)

05. **English (5-9 or 6-12).** Twenty (20) semester credit hours, including three (3) semester credit hours in Linguistics/Grammar, three (3) semester credit hours in American Literature, three (3) semester credit hours in English Literature, six (6) semester credit hours in Advanced Composition, excluding the introductory sequence designed to meet general education requirements. Remaining credits must be completed in the English Department, and must include some course work in Writing Methods for Teachers of Secondary Students. (3-29-17)

06. **English as a ~~New~~ Second Language (EASL) (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for EASL Teachers to include all of the following: ~~at least four (4) semester credit hours in~~ a modern language other than English; ~~C~~cultural ~~D~~iversity; EASL ~~M~~ethods; ~~L~~inguistics; second language acquisition theory and practice; ~~F~~oundations of EASL/~~B~~ilingual ~~E~~ducation, ~~Federal and State Law~~ legal foundations of ESL/bilingual education, ~~Testing/I~~dentification and assessment of ~~Limited~~ English ~~Proficient Students~~ learners; and at least one (1) semester credit in EASL ~~P~~racticum or ~~F~~ield ~~E~~xperience. (4-4-13)( )

07. **Exceptional Child Generalist (K-8, 6-12, or K-12).** The Exceptional Child Generalist



endorsement is non-categorical and allows one to teach in any special education setting, applicable to the grade range of the endorsement. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include student teaching in an elementary or secondary special education setting. To be eligible, a candidate must have satisfied the following requirements: (3-29-17)

a. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program; and (3-29-17)

b. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-29-17)

**08. Family and Consumer Sciences (5-9 or 6-12).** (3-29-17)

a. Thirty (30) semester credit hours to include coursework in each of the following areas: ~~C~~child/~~H~~human ~~D~~development; ~~H~~human/~~F~~family ~~R~~relations; ~~D~~irected ~~L~~aboratory ~~E~~xperience in ~~C~~childcare; ~~A~~pparel and ~~T~~extiles, ~~C~~cultural ~~D~~ress, ~~F~~fashion ~~d~~esign and ~~M~~erchandising-~~or~~ ~~D~~esign; ~~N~~utrition; ~~F~~ood ~~P~~reparation, ~~F~~ood ~~P~~roduction, or ~~C~~ulinary ~~A~~rts; ~~H~~ousing, ~~I~~nterior ~~D~~esign, ~~or~~ ~~H~~ome ~~M~~anagement-~~or~~ ~~E~~quipment; ~~C~~onsumer ~~E~~conomics or ~~F~~amily ~~R~~esource ~~M~~anagement; ~~I~~ntroduction to ~~F~~amily ~~C~~onsumer ~~S~~ciences; Career Technical Student Organization leadership; career guidance; and Integration of Family Consumer Sciences or Family Consumer Science Methods; and occupational teacher preparation pursuant to Subsection 015.05.a.; or ~~(3-29-17)( )~~

b. Occupational teacher preparation pursuant to Section 015.04 through 015.06. (3-29-17)

**09. Geography (5-9 or 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. The remaining semester credit hours must be selected from Geography. (3-29-17)

**10. Geology (5-9 or 6-12).** Twenty (20) semester credit hours in the area of Geology. (3-29-17)

**11. 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 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, 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. (3-12-14)

**12. Health (5-9, 6-12, or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Organization/Administration/Planning of a School Health Program; Health, Wellness, and Behavior Change; Secondary Methods of Teaching Health, to include field experience in a traditional classroom; 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. (3-29-17)

**13. History (5-9 or 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. (3-29-17)

**14. Humanities (5-9 or 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. (3-29-17)

**15. Journalism (5-9 or 6-12).** Follow one (1) of the following options: (3-29-17)

a. Option I -- Twenty (20) semester credit hours to include a minimum of fourteen (14) semester credit hours in Journalism and six (6) semester credit hours in English and/or Mass Communication. (3-29-17)

b. Option II -- Possess an English endorsement with a minimum of six (6) semester credit hours in Journalism. (3-16-04)

**16. Literacy (K-12).** Twenty-one (21) semester credit hours leading toward competency as defined by Idaho Standards for Literacy Teachers to include the following areas: Foundations of Literacy (including reading, writing, and New Literacies); Development and Diversity of Literacy Learners; Literacy in the Content Area; Literature for Youth; Language Development; Corrective/Diagnostic/Remedial Reading; and Writing Instruction. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. (3-12-14)

**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: ~~M~~arketing; ~~M~~anagement; ~~E~~conomics; ~~C~~oordination of ~~C~~ooperative ~~P~~rograms; ~~M~~erchandising/~~R~~etailing; ~~M~~ethods of ~~T~~eaching ~~M~~arketing ~~E~~ducation; and Career Technical Student Organization (~~CTSO~~) ~~L~~eadership, with remaining credit hours in ~~E~~ntrepreneurship; ~~H~~ospitality and ~~T~~ourism; ~~F~~inance; career guidance; or Accounting- and occupational teacher preparation pursuant to Subsection 015.05.a.; or ~~(4-13)( )~~

b. Occupational teacher preparation pursuant to Subsection 015.04 through 015.06. (3-29-17)

**02. Mathematics - Basic (5-9 or 6-12).** Twenty (20) semester credit hours in Mathematics content course work in algebraic thinking, functional reasoning, Euclidean and transformation geometry and statistical modeling and probabilistic reasoning. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in Mathematics content. (3-29-17)

**03. Mathematics (5-9 or 6-12).** Twenty (20) semester credit hours including course work in each of the following areas: Euclidean and transformational geometry, linear algebra, discrete mathematics, statistical modeling and probabilistic reasoning, and the first two (2) courses in a standard calculus sequence. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy. Statistics course work may be taken from a department other than the mathematics department. (3-29-17)

**04. Music (5-9 or 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. (3-29-17)

**05. Natural Science (5-9 or 6-12).** Follow one (1) of the following options: (3-29-17)

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. Eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. (3-29-17)

ii. Existing Physics Endorsement. Eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. (3-29-17)

iii. Existing Chemistry Endorsement. Eight (8) semester credit hours in each of the following areas:



Biology, Physics, and Earth Science or Geology. (3-29-17)

iv. Existing Earth Science or Geology Endorsement. Eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. (3-29-17)

b. Option II -- Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty-four (24) semester credit hours with at least six (6) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. (3-29-17)

**06. Online-Teacher ~~Endorsement~~ (Pre-K-12).** To be eligible for an Online-Teacher (K-12) ~~Endorsement (Pre-K-12)~~, a candidate must have satisfied the following requirements: (3-25-16)( )

a. Meets the states' professional teaching and/or licensure standards and is qualified to teach in his/her field of study. (3-25-16)

b. Provides evidence of online experience or course time both as a student and as a learner, and demonstrates online learning and teaching proficiency. (3-25-16)

c. Has completed an eight (8) week online teaching internship in a Pre-K-12 program, or has one (1) year of verifiable and successful experience as a teacher delivering curriculum online in grades Pre-K-12 within the past three (3) years. (3-25-16)

d. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study in online teaching and learning at an accredited college or university or a state-approved equivalent. (3-25-16)

e. Demonstrates proficiency in the Idaho Standards for Online Teachers including the following competencies: (3-25-16)

i. Knowledge of Online Education and Human Development; (3-25-16)

ii. Facilitate and Inspire Student Learning and Creativity; (3-25-16)

iii. Design and Develop Digital-Age Learning Experiences and Assessments Standards; (3-25-16)

iv. Model Digital-Age Work and Learning; Promote and Model Digital Citizenship and Responsibility Standards; and (3-25-16)

v. Engage in Professional Growth and Leadership. (3-25-16)

**07. Physics (5-9 or 6-12).** Twenty (20) semester credit hours in the area of Physics. (3-16-04)( )

**08. Physical Education (PE) (5-9 or 6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: personal and teaching competence in Sport, Movement, physical activity, and Outdoor Skills; Secondary PE Methods; administration and curriculum to include field experiences in physical education; Student Evaluation in PE; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise Physiology; Kinesiology/Biomechanics; Motor Behavior; and Current CPR and First Aid Certification. To obtain a PE K-12 endorsement, applicants must complete an elementary PE methods course. (3-29-17)

**09. Physical Science (5-9 or 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. (3-29-17)

**10. Psychology (5-9 or 6-12).** Twenty (20) semester credit hours in the area of Psychology. (3-29-17)

~~**11. Early Childhood Special Education Pre-K through Grade Six (6) Endorsement.** The Pre-K through Grade Six (6) endorsement allows one to teach in any Pre-K through grade six (6) education setting, except~~

~~in a middle school setting. This endorsement may only be added to the Blended Early Childhood Education/Early Childhood Special Education Certificate in conjunction with the Birth through Grade Three (3) endorsement. To be eligible for a Blended Early Childhood Education/Early Childhood Special Education Certificate with an Early Pre-K through Grade Six (6) endorsement, a candidate must have satisfied the following requirements: (3-29-17)~~

~~a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Elementary Education to include coursework in each of the following areas: methodology (literacy, mathematics, science, physical education, art); content knowledge (mathematics, literacy, science, health, art); technology; assessment; and, field experiences in grades four (4) through six (6). (3-29-17)~~

**121. Social Studies (5-9 or 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. (3-29-17)

**132. Sociology (5-9 or 6-12).** Twenty (20) semester credit hours in the area of Sociology. (3-29-17)

**143. Sociology/Anthropology (5-9 or 6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-29-17)

**154. 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. (3-12-14)

**165. Technology Education (5-9 or 6-12).** (3-29-17)( )

a. Twenty (20) semester credit hours to include course work in each of the following areas: ~~C~~ommunication ~~T~~echnology; ~~C~~omputer ~~A~~pplications; ~~C~~onstruction ~~T~~echnology; ~~E~~lectronics ~~T~~echnology; ~~M~~anufacturing ~~T~~echnology; ~~P~~ower, ~~E~~nergy and ~~T~~ransportation and other relevant emerging technologies; ~~Career Technical Student Organization leadership; and Principles of Engineering Design; and occupational teacher preparation pursuant to Subsection 015.05.a; or-~~ (4-4-13)( )

b. Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)

**176. Theater Arts (5-9 or 6-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Theater Arts Teacher, including coursework in each of the following areas: acting and directing, and a minimum of six (6) semester credits in technical theater/stagecraft. To obtain a Theater Arts (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theater. (3-29-17)

**187. Visual Arts (5-9, 6-12, or K-12).** Twenty (20) Semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers to include a minimum of nine (9) semester credit hours in: foundation art and design. Additional course work must include secondary arts methods, 2-dimensional and 3-dimensional studio areas. To obtain a Visual Arts (K-12) endorsement, applicants must complete an elementary art methods course. (3-29-17)

**198. Visual Impairment ~~Endorsement~~ (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for a Visually Impaired endorsement, a candidate must have satisfied the following requirements: (3-29-17)( )

a. Completion of a baccalaureate degree from an accredited college or university; (3-29-17)

b. Completion in an Idaho college or university of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion in an out-of-state college or

university of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (3-29-17)

c. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment and must receive an institutional recommendation specific to this endorsement from an accredited college or university; and (3-29-17)

d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-29-17)

**2019. World Language (5-9, 6-12 or K-12).** Twenty (20) semester credit hours to include a minimum of twelve (12) ~~upper division~~ **intermediate or higher** 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: ~~G~~grammar, ~~C~~conversation, ~~C~~composition, ~~C~~culture, ~~and~~ ~~or~~ ~~L~~iterature; and course work in ~~F~~foreign ~~L~~anguage ~~M~~ethods. To obtain an endorsement in a specific foreign language (K-12), applicants must complete an elementary methods course. To obtain an endorsement in a specific foreign language, applicants must complete the following: (3-29-17)( )

a. Score an intermediate high (as defined by the American Council on the Teaching of Foreign Languages or equivalent) on an oral proficiency assessment conducted by an objective second party; and ( )

b. A qualifying score on a state approved specific foreign language content assessment, or if a specific foreign language content assessment is not available, a qualifying score on a state approved world languages pedagogy assessment) ( )

**025. -- 041. (RESERVED)**

**042. ALTERNATE ROUTES TO CERTIFICATION.**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Paraprofessionals and, individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of an emergency endorsement in another area may obtain an endorsement through an alternate route as described in Subsection 021.02 of these rules. (3-29-17)

**01. Alternative Authorization -- Teacher To New Certification.** The purpose of this alternative authorization is to allow Idaho school districts to request additional certification when a professional position cannot be filled with someone who has the correct certification. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-29-17)

a. Prior to application, a candidate must hold a baccalaureate degree, and a valid Idaho instructional certificate. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (3-29-17)

b. A candidate must participate in an approved alternative route preparation program. (3-25-16)

i. The candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal; and (3-25-16)

ii. The participating college/university shall provide procedures to assess and credit equivalent

knowledge, dispositions, and relevant life/work experiences. (3-20-04)

**02. Alternative Authorization -- Content Specialist.** The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-25-16)

**a. Initial Qualifications.** (3-20-04)

i. A candidate must hold a baccalaureate degree or have completed all of the requirements of a baccalaureate degree except the student teaching or practicum portion; and (3-29-17)

ii. The hiring district shall ensure the candidate is qualified to teach in the area of identified need through demonstrated content knowledge. This may be accomplished through a combination of employment experience and education. (3-25-16)

**b. Alternative Route Preparation Program -- College/University Preparation or Other State Board Approved Certification Program.** (3-25-16)

i. At the time of authorization a consortium comprised of a designee from the college/university to be attended or other state board approved certification program, and a representative from the school district, and the candidate shall determine the preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This plan must include mentoring and a minimum of one (1) classroom observation by the mentor per month, which will include feedback and reflection, while teaching under the alternative authorization. The plan must include annual progress goals that must be met for annual renewal; (3-29-17)

ii. The candidate must complete a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required credits will be specified in the consortium developed plan; (3-29-17)

iii. At the time of authorization the candidate must enroll in and work toward completion of the alternative route preparation program through a participating college/university or other state board approved certification program, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions for annual renewal and to receive a recommendation for full certification; (3-25-16)

iv. The participating college/university or other state board approved certification program shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences; and (3-25-16)

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

**03. Non-Traditional Route to Teacher Certification.** An individual may acquire interim certification as found in Section 016 of these rules through an approved non-traditional route certification program. (3-25-16)

**a.** Individuals who possess a baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim Idaho Teacher Certification. (3-29-17)

**b.** To complete this non-traditional route, the individual must: (3-25-16)

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

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

iii. Complete the Idaho Department of Education ~~Criminal History Check~~ background investigation ~~(4-6-05)~~ ( ) check.

c. Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Certification and Professional Standards Department. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year 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 any Idaho certificate including an interim certificate. (3-29-17)

d. 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 a valid renewable Idaho Educator Credential during the three (3) year interim certification term. (3-25-16)

e. Types of Certificates and Endorsements. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. (3-20-14)

**04. Alternative Authorization - Pupil Personnel Services.** The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for these endorsements are defined in Subsection 015.02 of these rules. The alternate authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-29-17)

a. Initial Qualifications. The applicant must complete the following: (4-2-08)

i. Prior to application, a candidate must hold a master's degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and (3-25-16)

ii. The employing school district must provide supportive information attesting to the ability of the candidate to fill the position. (4-2-08)

b. Alternative Route Preparation Program. (4-2-08)

i. The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. The alternative route preparation program must include annual progress goals. (3-25-16)

ii. The candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (4-2-08)

iii. The participating college/university or the State Department of Education will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (4-2-08)

iv. The candidate must meet all requirements for the endorsement/certificate as provided herein. (4-2-08)

**05. Alternate Authorization Renewal.** Annual renewal will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements. (3-25-16)

**(BREAK IN CONTINUITY OF SECTIONS)**

**075. FINGERPRINTING AND ~~CRIMINAL HISTORY~~ BACKGROUND INVESTIGATION CHECKS (SECTIONS 33-130 AND 33-512, IDAHO CODE).**

All ~~certificated and non-certificated employees and other~~ individuals who are required by the provisions of Section 33-130, Idaho Code, must undergo a ~~criminal history~~ background investigation check. (4-9-09)( )

**01. Definitions. (4-9-09)**

**a.** Applicant. An individual ~~applying for Idaho Certification or a certificated or non-certificated individual applying for employment~~ completing a background investigation check as identified in Subsection 075.02 of these rules. (4-9-09)( )

**b.** Background Investigation Check. The submission of a completed applicant fingerprint card or scan by an authorized entity submitted under an enacted state statute/local ordinance or federal law, approved by the Attorney General of the United States allowing a search of the state and federal criminal history indices for non-criminal justice purposes including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances. ( )

**c.** Background Investigation Check Result. The response to a state and federal background investigation check initiated by a fingerprint submission from an authorized entity for non-criminal justice purposes. Results are returned to the submitting authorized entity by the state criminal history repository (Idaho State Police Bureau of Criminal Investigation). ( )

~~**d.**~~ Break-in-Service. A voluntary or involuntary termination in employment, including retirement. (4-9-09)

~~**e.**~~ Candidate. An individual attending a postsecondary program. (4-9-09)

~~**f.** Certificated Employee. An individual who holds an Idaho education certificate and is employed in a certificated position in a LEA. (4-9-09)~~

~~**g.**~~ Contractor. An agency, company/business, or individual that has signed a contract or agreement to provide services to an LEA and private or parochial school. (4-9-09)

~~**h.** Conviction. The final judgment on a verdict or finding of guilty; a plea of guilty; a plea of nolo contendere; or the sentence has been suspended, deferred, or withheld on a felony or misdemeanor as defined by Section 18-110 and Section 18-111, Idaho Code. (4-9-09)~~

~~**i.** Criminal History Check (CHC). A ten (10) finger fingerprint process to determine if an applicant has criminal arrests and convictions in Idaho, any other state, or applicable jurisdictions. (4-9-09)~~

~~**j.** Criminal History Check Result. Information resulting from processing fingerprints through the databases maintained by the Bureau of Criminal Identification (BCI), Federal Bureau of Investigation (FBI) and the Idaho Statewide Sex Offender Registry. (4-9-09)~~

~~**k.** Irregular Contact. Contact that is not on a daily or weekly basis, or has a regular scheduled interaction with students. (4-9-09)~~

~~**l.** Multiple Assignments. When an individual works in two or more LEAs or an LEA and private school simultaneously. (4-9-09)~~

~~**m.** Non-Certificated Employee. An individual employed in a non-certificated position. (4-9-09)~~

~~**n.** Open Date. The date a fingerprint card or scan is entered into the database as an electronic file. (4-9-09)~~

**g.** Employee. A person who is hired for a wage, salary, fee, or payment to perform work for an

employer. ( )

**h.** Fingerprint Card or Scan. The process for obtaining impressions of an individual's fingerprint images, both ten (10) individual finger impressions rolled from nail to nail and slap or flat impressions taken simultaneously without rolling. Fingerprints may be recorded utilizing either an inked standard fingerprint card or using a livescan device. Standard fingerprint cards may also be scanned for submission to the state repository for background investigation check purposes. ( )

**iii.** Rejected Fingerprint Cards or Scans. A fingerprint card or scan that has been returned by the ~~BCH, FBI or SDE~~ Idaho State Police Bureau of Criminal Identification or Federal Bureau of Investigation for poor quality prints, ~~lack of signature, card being older than six (6) months, or other incomplete information.~~ (4-9-09)( )

~~**iv.** Scan. The process of capturing an individual's fingerprints by an electronic process. (4-9-09)~~

**j.** Unsupervised Contact. Direct contact or interaction with students not under the direct supervision of an LEA school district employee on a continuing basis in a K-12 setting. This includes contact or interaction with students in scheduled school activities that occur outside of the school or outside of normal school hours. ~~This excludes extra-curricular trips of one day length starting during the school day.~~ (4-9-09)( )

**02. Individuals Required to Complete a Background Investigation Check. ( )**

**a.** All applicants for certificates; ( )

**b.** Certificated and noncertificated employees; ( )

**c.** Substitute teachers; ( )

**d.** Contractors who have unsupervised contact with students in a public K-12 setting, including contractors who are providing student services; ( )

**e.** Student teachers or any postsecondary candidates who have unsupervised contact with students in a public K-12 setting; ( )

**f.** Volunteers who have unsupervised contact with students in a public K-12 setting; ( )

**g.** Any individuals who have unsupervised contact with students in a public K-12 setting. ( )

**023.** Fee. The SDE shall charge a ~~forty dollars (\$40)~~ fee for undergoing a ~~criminal history~~ background investigation check pursuant to Section 33-130, Idaho Code. (4-9-09)( )

**034. Rejected Fingerprint Cards or Scans. (4-9-09)**

**a.** When a fingerprint card has been rejected a new completed fingerprint card is required. (4-9-09)

**b.** The rejected fingerprint card will be sent back to the originating LEA, private or parochial school, contractors, postsecondary program, or individual. (4-9-09)( )

**c.** A new fingerprint card must be completed by a law enforcement agency to ensure legible fingerprints. Both the rejected fingerprint card and the new fingerprint card must be returned to the SDE within ~~twenty (20)~~ thirty (30) calendar days. (4-9-09)( )

**d.** If the new fingerprint card and rejected fingerprint card are returned after ~~the twenty (20)~~ thirty (30) calendar days, ~~time period a forty dollar (\$40)~~ a fee pursuant to Subsection 075.03 of these rules is required to be paid. (4-9-09)( )

**045.** Secured ~~CHC~~ Background Investigation Check Website. The SDE will maintain a ~~CHC~~ background investigation check website listing the ~~CHC~~ background investigation check results. ~~The LEA, private or~~



~~parochial school, contractor or postsecondary program may view the results or status of an applicant, employee or candidate for review by the LEA, private or parochial school, contractor or postsecondary program. Each LEA, private or parochial school, contractor and postsecondary program will have access to the background investigation check secure site listing their employees, statewide substitute teacher list, and student teacher list.~~ (4-9-09)( )

~~a. Upon a signed agreement the SDE will issue a password to access the CHC website.~~ (4-9-09)

~~b. Each LEA, private or parochial school, contractor and postsecondary program will have access to the CHC secure site listing their employees, statewide substitute teacher list, newly certified list and student teacher list.~~ (4-9-09)

**056. ~~Fingerprinting & Criminal History~~ Background Investigation Checks for Certification.** (4-9-09)( )

~~a. The SDE will maintain a list of newly certificated educators. Educators stay on this list for one (1) year from their individual open date. Educators on this list may be employed by a LEA without a new CHC.~~ (4-9-09)

~~b.a.~~ The SDE will make the final determination if an applicant is eligible for Idaho certification. (4-9-09)

~~b.b.~~ If the SDE makes a determination that the applicant is not eligible for Idaho certification, the SDE may deny the applicant Idaho certification. Upon receiving the written denial, the applicant may request a hearing pursuant to Section 33-1209, Idaho Code. (4-9-09)

~~06. Non-Certificated Employees. Non-certificated employees are required to complete a CHC pursuant to Section 33-130, Idaho Code. The CHC results will be posted on the CHC website for their employer to review.~~ (4-9-09)

**07. Substitute Teachers.** Substitute teachers as defined in Section 33-512(15), Idaho Code, must undergo a ~~criminal history~~ background investigation check. The SDE shall maintain a statewide substitute teacher list. To remain on the list a substitute teacher shall undergo a ~~criminal history~~ background investigation check every five (5) years in accordance with Section 33-512, Idaho Code. ~~Substitute teachers on the list do not need to complete a multiple assignment form nor are subject to break in service provisions.~~ (4-9-09)( )

**08. Break In Service.** (4-9-09)

~~a.~~ When an employee returns to any LEA, ~~private or parochial school, or contractor~~ after a break in service, a new ~~criminal history~~ background investigation check must be completed pursuant to Section 33-130, Idaho Code. (4-9-09)( )

~~b.~~ When an employee changes employment between LEAs a new ~~CHC~~ background investigation check must be completed ~~regardless of the most recent CHC~~ pursuant to Section 33-130, Idaho Code. (4-9-09)( )

**09. Postsecondary.** (4-9-09)

~~a.~~ The postsecondary program will submit a completed fingerprint card or scan for all candidates who are applying for ~~unsupervised contact with students in a public K-12 setting including~~ student teaching, internships, ~~or~~ practicum, ~~or other types of candidate training.~~ (4-9-09)( )

~~b.~~ The SDE will make a preliminary determination based on the CHC result if the candidate is eligible for certification in Idaho. This decision will be forwarded to the postsecondary program concerning the eligibility of their candidate. (4-9-09)

~~c.~~ The SDE will move a candidate from the student teacher list to the newly certified list when an application for certification is approved. (4-9-09)

**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 goals and potential as an effective citizen. (3-20-14)

**c.** The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-20-14)

**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 shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code. (3-20-14)

**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: (3-20-14)

**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; (3-20-14)

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

g. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (4-11-15)

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; (3-20-14)

j. Conduct that is detrimental to the health or welfare of students; and (3-20-14)

k. Deliberately falsifying information presented to students. (3-20-14)

**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: (3-20-14)

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: (3-20-14)

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 of any crime violating the statutes or rules governing teacher certification; (3-20-14)

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; (3-20-14)

**h.** Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-14)

**i.** Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-20-14)

**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: (3-20-14)

**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, parents, or patrons; (3-20-14)

**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 property for private financial gain; (3-20-14)

**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: (3-20-14)

**a.** Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-20-14)

**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 financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-14)

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

**08. Principle VII - Confidentiality.** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-14)

**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: (3-20-14)

**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: (3-20-14)

**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: (3-20-14)

**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)

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

**d.** 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)

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

**f.** Taking or possessing images (digital, photographic or video) of colleagues of a harassing, confidential, or sexual nature. (4-11-15)

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.02 – RULES GOVERNING UNIFORMITY**

### **DOCKET NO. 08-0202-1702**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1006, 33-1506, 33-1508 and 33-1511 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 National School Transportation Specifications and Procedures were changed and approved at the 16th National Congress on School Transportation in May of 2015. The amendments to Standards for Idaho School Buses and Operations reflect both these national-level changes and other changes to provide clarification or to reflect manufacturing or operational procedures.

The pending rule has been adopted with changes to the Standards for Idaho School Buses and Operations, which were approved by the Idaho State Board of Education on November 15, 2017. The changes were made to provide additional clarity to users of the manual. Changes to the document include:

- Student Transportation Personnel File: Change of definition from “original physical examination form” to “Medical Examiner’s Certificate.”
- Administrative and Program Operations Costs: Mileage related to visits to colleges and universities is considered reimbursable field trip mileage if such visits are part of the school district college advising and mentoring plan. Mileage needs to be tracked as such.
- Administrative and Program Operations Costs: For all activities reimbursable under the transportation support program described above, any costs associated with the operation of non-SDE IBUS inventoried vehicles shall be removed from the total costs. Pursuant to 33-1006, Idaho Code, section 1, non-SDE IBUS inventoried vehicles are not subject to SDE transportation program safety inspections, and therefore cannot be covered under the transportation support program. Costs associated with non-SDE IBUS inventoried vehicles shall be removed by pro-rating the percentage of total student transportation miles on non-SDE IBUS inventoried vehicles to the total student transportation fleet miles.
- Administrative and Program Operations Costs: Shuttle trip mileage for educational programs are reimbursable miles, but shuttle trips between schools for extracurricular activities or at student request are not reimbursable. Activity buses that take students and/or athletes home after regular school hours are non-reimbursable.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 95-96](#).

**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:

According to the statement of purpose of 2017 Senate Bill 1123, the financial impact of the reinstatement of field trip mileage is estimated to be between \$2.25 million and \$2.5 million per year. The financial impact of the reinstatement of shuttle, training, and maintenance mileage is estimated to be approximately \$958,000.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Derek Newland, Director of Transportation, at (208) 332-6856 or [dnewland@sde.idaho.gov](mailto:dnewland@sde.idaho.gov).

DATED this 15th day of November, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1006, 33-1506, 33-1508, and 33-1511, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 rulemaking provides for the amendment of Standards for Idaho School Buses and Operations, incorporated by reference into IDAPA 08.02.03.004. The National School Transportation Specifications and Procedures were changed and approved at the 16th National Congress on School Transportation in May of 2015. The amendments to Standards for Idaho School Buses and Operations reflect the changes at the national level. Additional language has been added for clarification or to reflect manufacturing or operational procedures. Changes to Standards for Idaho School Buses and Operations include: the reformatting of school bus specifications from bus body and bus chassis standards to integrated bus standards as well as the actual specifications, alternative fuels, school bus inspections, general operations, disabilities-special health care, Idaho School Bus Withdrawal from Service Standards, and others. Furthermore, changes to the bus bidding process, general language revision, proration of non-conforming vehicles, and the reinstatement of field trip mileage, shuttle, training, and maintenance mileage was included.

**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:



According to the statement of purpose of 2017 Senate Bill 1123, the financial impact of the reinstatement of field trip mileage is estimated to be between \$2.25 million and \$2.5 million per year. The financial impact of the reinstatement of shuttle, training, and maintenance mileage is estimated to be approximately \$958,000.

**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 April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 28-29](#).

**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:

Standards for Idaho School Buses and Operations is currently a document incorporated by reference. The Idaho State Board of Education approved amendments to the document on August 10, 2017. Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of Standards for Idaho School Buses and Operations can be found on the State Department of Education's website at <https://sde.idaho.gov/topics/admin-rules/>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Doug Scott, Transportation Specialist, at (208) 490-1016 or [ddscott@sde.idaho.gov](mailto:ddscott@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 25, 2017.

DATED this 10th day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

Italicized red text that is *double underscored* is new text that has been added to the pending rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1702

**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 June 16, 2016.** Copies of this document can be found on the Office of the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

**02. Standards for Idaho School Buses and Operations as approved on ~~June 23, 2011~~ November 15, 2017.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (~~3-29-12~~) (      )

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-29-17)

## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.02 – RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1703**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-119, 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:

Proposed amendments update the reference to the Northwest Accreditation Commission to recognize it is now a part of AdvancEd, removes a reference to private and parochial schools that conflicts with language in Section 33-119, Idaho Code, and adds a reference to Residential Schools. Proposed references to residential schools applies to residential schools certified as accredited by the State Board of Education. Without the additional reference to residential schools all residential schools accredited by AdvancEd would be exempt from the health and safety requirement outlined in Section 39-1210, Idaho Code that all other non-accredited residential schools must follow. Academic accreditation reviews do not include health and safety reviews. This reference applies to schools with a residential facility pursuant to Section 39-1207, Idaho code and does not apply to home schooled students.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 97-98](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-119, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 amendments update the reference to the Northwest Accreditation Commission to recognize it is now a part of AdvancEd, removes a reference to private and parochial schools that conflicts with language in Section 33-119, Idaho Code, and adds a reference to Residential Schools. Proposed references to residential schools applies to residential schools certified as accredited by the State Board of Education. Without the additional reference to residential schools all residential schools accredited by AdvancEd would be exempt from the health and safety requirement outlined in Section 39-1210, Idaho Code that all other non-accredited residential schools must follow. This reference applies to schools with a residential facility pursuant to Section 39-1207, Idaho code and does not apply to home schooled students.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 47](#).

**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: No materials are being incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov). All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 29th day of August, 2017.

**LSO Rules Analysis Memo**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1703

**140. ACCREDITATION.**

All public secondary schools, serving any grade(s) 9-12, will be accredited pursuant to Section 33-119, Idaho Code. Accreditation is voluntary for elementary schools, grades K-8, ~~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) (3-20-14)( )~~

**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. (3-20-14)

**a.** School has an Average Daily Attendance greater than or equal to 36 students based on previous year's enrollment; (3-20-14)

**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; (3-20-14)

**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; (3-20-14)

**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 (3-20-14)

**e.** School receives its own accountability rating for federal reporting purposes. (3-20-14)

~~**02. Continuous School Improvement Plan.** Schools will develop continuous school improvement plans focused on the improvement of student performance. (4-2-08)~~

~~**032. Standards.** Schools will meet the accreditation standards of the Northwest Accreditation Commission, a division of AdvancED. (3-29-12)( )~~

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

**04. Reporting.** An annual accreditation report will be submitted to the State Board of Education identifying each accredited school and school district in the state and the status of their accreditation. (4-2-08)( )

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1705

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, and 33-1612, Idaho Code.

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

Proposed amendments make technical corrections to the existing definition of an institutional recommendation to differentiate between the institutional recommendation that is required for instructional staff and the one required for administrators and change existing references to professional development plans and professional learning plans to a single uniform term for consistency. Additional changes amend educator evaluation requirements to provide clarification to the existing requirements including, but not limited to, documentation requirements and school district evaluation policy requirements. Base proposed evaluation amendments are on areas identified during the annual evaluation review process. Additional technical corrections are based on areas identified during the negotiated rulemaking process. The proposed rule text has been amended to make additional technical corrections to terminology to align “pupil personnel services” to the defined term in Section 33-1001, Idaho Code “pupil service staff” and additional discrepancies in terminology identified during the public comment period. Two additional amendments requested during the public comment period were made to specify that the required credits earned for certificate renewal purposes must be earned during the validity period of the certificate being renewed (Subsection 060.01.a.iv.) and the restore Subsection 121.04.f. Communication of Results to make it consistent with the same language in Subsection 120.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, page 99-122](#).

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

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

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning & Policy Officer  
State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0037  
Tel: (208) 332-1582  
Fax: (208) 334-2632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 31, 2017.

**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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, and 33-1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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:

Proposed amendments make technical corrections to the existing definition of an institutional recommendation to differentiate between the institutional recommendation that is required for instructional staff and the one required for administrators and amend existing references to professional development plans and professional learning plans to a single uniform term for consistency. Additional amendments will amend educator evaluation requirements to provide clarification to the existing requirements including, but not limited to, documentation requirements and school district policy requirements. Proposed evaluation amendments were based on areas identified during the annual evaluation review process and additional technical corrections identified during the negotiated rulemaking process.

**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 meets the requirements of conferring a benefit as it will create clarification in the existing evaluation requirements allowing for more uniformity of implementation benefiting administrators and teachers alike and resulting in greater consistency in the application of summative scoring and movement on the Career Ladder.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 49](#).

**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 rule contains no documents incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, Tracie Bent 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 October 25, 2017.

DATED this 31st day of August, 2017.

LSO Rules Analysis Memo

Italicized red text that is double underscored is new text that has been added to the pending rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1705

007. DEFINITIONS.

01. **Active Teacher.** K-12 teacher with a valid Idaho certificate who is currently teaching in an Idaho K-12 classroom or school, either in person or online. (3-29-17)

02. **Alternative Routes.** Routes to teacher certification designed for candidates who want to enter the teaching profession from non-education professions or the paraprofessional profession, or for teachers lacking certification in a specific area defined as an emergency district need. (3-29-17)

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

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

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

06. **Individualized Professional Learning Plan.** An individualized professional development plan based on the Idaho framework for ~~teacher~~ teaching evaluation as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. ~~(3-25-16)~~ ( )

07. **Institutional Recommendation.** Signed form or written verification from an accredited institution with an state board approved ~~teacher~~ educator preparation program stating that an individual has completed the program, received a basic or higher rating in all ~~twenty-two (22)~~ components of the approved Idaho framework for ~~teacher~~ teaching evaluation, has an individualized professional learning plan, has demonstrated the ability to produce measurable student achievement or growth and student success, has the ability to create student learning objectives, and is now being recommended for state certification. Institutional recommendations must include statements of identified competency areas and grade ranges. Institutional Recommendation for administrators must additionally include a competency statement indicating proficiency in conducting accurate evaluations of instructional practice based upon the state's framework for evaluation as outlined in Section 120 of these rules. ~~(3-25-16)~~ ( )

08. **Local Education Agency (LEA).** An Idaho public school district or charter school pursuant to



Section 33-5203(8), Idaho Code.

(3-29-17)

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

**10. Paraprofessional.** A noncertificated individual who is employed by a school district or charter school to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. (3-29-17)

**a.** To qualify as a paraprofessional the individual must have a high school diploma or general equivalency diploma (GED) and: (3-29-17)

i. Demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or (3-29-17)

ii. Have completed at least two (2) years of study at an accredited postsecondary educational institution; or (3-29-17)

iii. Obtained an associate degree or higher level degree; demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in. (3-29-17)

**b.** Individuals who do not meet these requirements will be considered school or classroom aides. (3-29-17)

**c.** Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. (3-29-17)

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

**12. Student Learning Objective (SLO).** A measurable, long-term academic growth target that a teacher sets at the beginning of the year for all student or for subgroups of students. SLOs demonstrate a teacher's impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. (3-25-16)

**13. Teacher Leader.** A teacher who facilitates the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. (3-25-16)

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. 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. (3-25-16)

**01. Standard Instructional Certificate.** A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

- a. Professional education requirements: (3-29-17)
- i. Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)
- ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)
- b. Completed an approved teacher preparation program and have an institutional recommendation from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (3-29-17)
- c. Individuals seeking endorsement in a secondary grade (pursuant to section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; (3-29-17)
- d. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)
- e. The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)
- 02. Pupil ~~Personnel~~ Services Staff Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil ~~Personnel~~ Services Staff Certificate, with the respective endorsement(s) for which they qualify. ~~(3-25-16)~~( )
- a. Counselor Endorsement (K-12). To be eligible for a Pupil ~~Personnel~~ Services Staff Certificate-Endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil ~~Personnel~~ Services Staff Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. ~~(3-25-16)~~( )
- i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-25-16)
- ii. An institutional recommendation is required for a Counselor K-12 Endorsement. (3-25-16)
- b. School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-25-16)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

c. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. in addition to the requirement of Subsection 015.02.c.iii. (3-29-17)

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-29-17)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (3-25-16)

- (1) Health program management; (3-25-16)
- (2) Child and adolescent health issues; (3-25-16)
- (3) Counseling, psychology, or social work; or (3-25-16)
- (4) Methods of instruction. (3-25-16)

iii. Additionally, each candidate must have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (3-25-16)

d. Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

e. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

f. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required

every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university.

(3-25-16)

**g.** School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.:

(3-29-17)

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

(3-29-17)

ii. An institution recommendation from an Idaho State Board of Education approved program; and

(3-29-17)

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

(3-29-17)

iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54 and the rules of the State Board of Social Work Examiners.

(3-29-17)

**h.** Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the ~~P~~Pupil ~~Personnel~~ Services ~~Staff~~ e Certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable.

~~(3-25-16)~~ ( )

**03. 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: School Climate, Collaborative Leadership, and Instructional Leadership. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate.

(3-29-17)

**a.** 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:

(3-25-16)

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

(3-25-16)

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

(3-25-16)

iii. 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.

(3-25-16)

iv. 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: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)

v. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement. (3-25-16)

**b.** Superintendent Endorsement. To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-25-16)

i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)

ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)

iii. 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. (3-25-16)

iv. 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: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)

v. An institutional recommendation is required for a School Superintendent Endorsement. (3-25-16)

**c.** 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: (3-25-16)

i. Hold a master's degree from an accredited college or university; (3-25-16)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)

iii. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership; (3-25-16)

iv. 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; (3-25-16)

v. Have completed an administrative internship/practicum in the area of administration of special education and related services; and (3-25-16)

vi. An institutional recommendation is required for Director of Special Education and Related

Services Pre-K-12 Endorsement.

(3-25-16)

**04. Certification Standards For Career Technical Educators.** Teachers of career technical courses or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Standard Instructional Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Career Technical Education, and application processes are managed by the Division of Career Technical Education.

(3-29-17)

**05. Degree Based Career Technical Certification.**

(3-25-16)

**a.** Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural and Natural Resources; Business Technology Education; Family and Consumer Sciences; Marketing Technology Education; Computer Science Technology and Engineering Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated four thousand (4,000) clock hours of related work experience or shall have completed a Division of Career Technical Education approved practicum in their respective field of specialization.

(3-29-17)

**b.** The Career Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of career technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the Division of Career Technical Education.

(3-29-17)

**i.** Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate with an applicable endorsement;

(3-29-17)

**ii.** Provide evidence of a minimum of four (4) years' teaching, three (3) of which must be in a career technical discipline;

(3-29-17)

**iii.** Hold a master's degree; and

(3-25-16)

**iv.** Complete at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of career technical education; administration of personnel; and legal aspects of career technical education, and statewide framework for teacher evaluations that includes a laboratory component. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation.

(3-29-17)

**v.** To renew the Career Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for career technical instructional staff.

(3-29-17)

**c.** Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs.

(3-29-17)

**d.** Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil ~~Personnel~~ Services Staff Certificate-Endorsed Counselor K-12 and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/ Foundations of Career Technical Education; and Theories of Occupational Choice.

~~(3-25-16)~~ ( )

**06. Occupational Specialist Certificate.** The Occupational Specialist Certificates are industry based career technical certifications issued in lieu of a degree based career technical certificate. Certificate holders must meet the following eligibility requirements: (3-29-17)

**a.** Be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-29-17)

i. Have eight (8) years or sixteen thousand (16,000) hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the eight (8) years on a month-to-month basis for journeyman training or completed postsecondary training in a career technical education program; or (3-29-17)

ii. Have a baccalaureate degree in the specific occupation or related area, plus three (3) years or six thousand (6,000) hours of recent, gainful employment in the occupation; or (3-29-17)

iii. Meet one (1) of the following: (3-25-16)

(1) Be a journeyman with two (2) years of recent, full-time, gainful, related work experience, or have completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved state apprenticeship agency; (3-29-17)

(2) Pass an approved state or national certification examination plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis); or (3-29-17)

(3) Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. (3-29-17)

**b.** Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in public schools. The certificate is valid for three (3) years and is non-renewable: (3-29-17)

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; (3-29-17)

ii. Complete a new-teacher induction workshop at the state or district level; (3-25-16)

iii. Within the three-year (3) period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation. (3-29-17)

**c.** Standard Occupational Specialist Certificate. This certificate is issued to individuals who have: (3-29-17)

i. Completed the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; and (3-29-17)



- ii. Completed a new-teacher induction workshop at the state or district level; and (3-29-17)
  - iii. Can satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education; and (3-29-17)
  - iv. Can demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and (3-29-17)
  - v. The Standard Occupational Specialist Certificate is valid for five (5) years and must be renewed pursuant to Section 060 of these rules. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)
- d.** Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)
- i. Meet the requirements for the Standard Occupational Specialist Certificate; (3-29-17)
  - ii. Can provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved education related course work, such as educational methodology in the content area, in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-29-17)
  - iii. File a new professional development plan for the next certification period; and (3-25-16)
  - iv. The Advanced Occupational Specialist Certificate is valid for five (5) years and must be renewed pursuant to Section 060. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)
- 07. Postsecondary Specialist.** A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-29-17)
- a.** Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)
  - b.** Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-25-16)
  - c.** The candidate must meet the following qualifications: (3-25-16)
    - i. Hold a master's degree or higher in the content area being taught; (3-25-16)
    - ii. Be currently employed by the postsecondary institution in the content area to be taught; and

(3-25-16)

iii. Complete and pass a criminal history background check as required according to Section 33-130, Idaho Code. (3-25-16)

**08. American Indian Language.** Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

a. The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

b. Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a fee for undergoing a criminal history check pursuant to Section 33-130, Idaho Code. (3-25-16)

c. The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

**09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors.** (3-25-16)

a. Each school district with a Junior ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools. (3-25-16)

b. Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (3-25-16)

c. Authorization Letter. Upon receiving the items identified in Subsections 015.09.a. and b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-29-17)

**10. Additional Renewal Requirements.** In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

a. 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. Teachers must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment. Any teacher successfully completing said course shall be deemed to have met the requirement of Subsection 060.02.c. of this rule as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education. Successful completion of a 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 must successfully complete the "Mathematical Thinking for Instruction" course or another State Department of Education approved alternative course in order to recertify: (3-29-17)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended endorsement (Birth - Grade 3) who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school as a K-6 multi-subject teacher; (3-29-17)

iii. Each teacher holding a Standard Instructional Certificate (6-12) teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and (3-29-17)

iv. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school as a special education teacher. (3-29-17)

v. Each school administrator coming from out-of-state holding an Administrator Certificate who is employed by a school district or charter school. (3-29-17)

b. 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 living outside of the state of Idaho 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. (3-25-16)

c. 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 must successfully complete an Idaho Comprehensive Literacy course in order to recertify: (3-25-16)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Endorsement (Birth - Grade 3) who is employed by a school district or charter school; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school; and (3-29-17)

iii. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school. (3-29-17)

d. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved teacher educator preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-29-17)( )

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

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

#### **016. IDAHO INTERIM CERTIFICATE.**

The State Department of Education or the Division of Career Technical Education, as applicable to the certificate, is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in an alternate route to certification as prescribed herein. (3-29-17)

**01. Interim Certificate Not Renewable.** Interim certification is only available on a one-time basis per individual except under extenuating circumstances approved by the State Department of Education. It will be the

responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. (3-29-17)

**02. Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for full certification. (3-25-16)

**a.** 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. (3-25-16)

**03. Mathematical Thinking for Instruction.** For all Idaho teachers working on interim certificates (alternate authorizations, nontraditional routes, or coming from out of the state), with an All Subjects K-8 endorsement or any mathematics endorsement must complete a state approved Mathematical Thinking for Instruction, or another State Department of Education approved alternative course, as a one-time requirement to receive a standard instructional, standard occupational, or advanced occupational certificate. (3-29-17)

**04. Technology.** Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve their technology skills. (4-7-11)

**05. Reinstatement of Expired Certificate.** An individual holding an expired Idaho certificate may be issued a nonrenewable three-year interim certificate. During the validity period of the interim certificate, the applicant must meet all current requirements listed for the specific certificate and endorsement(s) including the appropriate content, pedagogy, and performance assessments. (3-29-12)

**06. Foreign Institutions.** An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the “Accredited Institutions of Postsecondary Education” and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three-year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (4-2-08)

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. ENDORSEMENTS.**

Holders of a Standard Instructional Certificate, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of required credits 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. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (3-29-17)

**01. Clinical Experience Requirement.** All endorsements require supervised teaching experience in the relevant content area, or a State Department of Education or Division of Career Technical Education approved alternative clinical experience as applicable to the area of endorsement. (3-12-14)( )

**02. Alternative Authorization to Endorsement.** Candidates shall meet all requirements of the chosen option for the endorsement as provided herein. ~~(3-29-17)~~( )

**a.** Option I -- An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching field 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. (3-29-17)

**b.** Option II -- National Board. By earning National Board Certification in content specific areas, teachers may gain endorsement in a corresponding subject area. (3-29-17)

**c.** Option III -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid instructional certificate. ~~(3-29-17)~~( )

**d.** Option IV -- Testing and/or Assessment. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (3-29-17)

**i.** Pathway 1 -- Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally, requires the successful completion of a one (1)-year state-approved mentoring component: or ~~(3-25-16)~~( )

**ii.** Pathway 2 -- Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally, requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. (3-25-16)

**(BREAK IN CONTINUITY OF SECTIONS)**

**042. ALTERNATE ROUTES TO CERTIFICATION.**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Paraprofessionals and, individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of an emergency endorsement in another area may obtain an endorsement through an alternate route as described in Subsection 021.02 of these rules. (3-29-17)

**01. Alternative Authorization -- Teacher To New Certification.** The purpose of this alternative authorization is to allow Idaho school districts to request additional certification when a professional position cannot be filled with someone who has the correct certification. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-29-17)

**a.** Prior to application, a candidate must hold a baccalaureate degree, and a valid Idaho instructional certificate. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (3-29-17)

**b.** A candidate must participate in an approved alternative route preparation program. (3-25-16)

**i.** The candidate will work toward completion of the alternative route preparation program through a

participating college/university, and the employing school district. The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal; and (3-25-16)

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

**02. Alternative Authorization -- Content Specialist.** The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-25-16)

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

i. A candidate must hold a baccalaureate degree or have completed all of the requirements of a baccalaureate degree except the student teaching or practicum portion; and (3-29-17)

ii. The hiring district shall ensure the candidate is qualified to teach in the area of identified need through demonstrated content knowledge. This may be accomplished through a combination of employment experience and education. (3-25-16)

b. Alternative Route Preparation Program -- College/University Preparation or Other State Board Approved Certification Program. (3-25-16)

i. At the time of authorization a consortium comprised of a designee from the college/university to be attended or other state board approved certification program, and a representative from the school district, and the candidate shall determine the preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This plan must include mentoring and a minimum of one (1) classroom observation by the mentor per month, which will include feedback and reflection, while teaching under the alternative authorization. The plan must include annual progress goals that must be met for annual renewal; (3-29-17)

ii. The candidate must complete a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required credits will be specified in the consortium developed plan; (3-29-17)

iii. At the time of authorization the candidate must enroll in and work toward completion of the alternative route preparation program through a participating college/university or other state board approved certification program, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions for annual renewal and to receive a recommendation for full certification; (3-25-16)

iv. The participating college/university or other state board approved certification program shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences; and (3-25-16)

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

**03. Non-Traditional Route to Teacher Certification.** An individual may acquire interim certification as found in Section 016 of these rules through an approved non-traditional route certification program. (3-25-16)

a. Individuals who possess a baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim Idaho Teacher Certification. (3-29-17)

b. To complete this non-traditional route, the individual must: (3-25-16)

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

c. Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Certification and Professional Standards Department. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year 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~~ standard instructional certificated teachers and pupil service staff with respect to conduct, discipline and professional standards shall apply to individuals teaching under any Idaho certificate including an interim certificate. (3-29-17)(    )

d. 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 a valid renewable Idaho Educator Credential during the three (3) year interim certification term. (3-25-16)

e. Types of Certificates and Endorsements. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. (3-20-14)

**04. Alternative Authorization - Pupil ~~Personnel~~ Services Staff.** The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a position requiring the Pupil ~~Personnel~~ Services Staff ~~e~~Certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for these endorsements are defined in Subsection 015.02 of these rules. The alternate authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-29-17)(    )

a. Initial Qualifications. The applicant must complete the following: (4-2-08)

- i. Prior to application, a candidate must hold a master's degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and (3-25-16)
- ii. The employing school district must provide supportive information attesting to the ability of the candidate to fill the position. (4-2-08)

b. Alternative Route Preparation Program. (4-2-08)

i. The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. The alternative route preparation program must include annual progress goals. (3-25-16)

ii. The candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (4-2-08)

iii. The participating college/university or the State Department of Education will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (4-2-08)

iv. The candidate must meet all requirements for the endorsement/certificate as provided herein. (4-2-08)



05. **Alternate Authorization Renewal.** Annual renewal will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements. (3-25-16)

043. -- 059. (RESERVED)

**060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.**

To obtain a new, renew, or reinstate an Idaho Educator Credential, the applicant must submit an application on a form supplied by the State Department of Education or the Division of Career Technical Education as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential. (3-29-17)

**01. State Board of Education Requirements for Professional Growth.** (4-1-97)

a. Credits taken for recertification must be educationally related to the ~~professional development~~ individualized professional learning plan or related to the professional practice of the applicant. ~~(4-1-97)~~ ( )

i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or (5-8-09)

ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or (4-2-08)

iii. Credits must be tied to a specific area of need designated by district administration. (4-2-08)

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

b. Graduate or undergraduate credit will be accepted for recertification. Credit must be ~~college transferable~~ transcribed and completed through an ~~accredited~~ college or university accredited by an entity recognized by the state board of education. ~~(4-1-97)~~ ( )

c. All requests for equivalent in-service training to apply toward recertification, except occupational specialist certificates, must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Occupational Specialist Certificates must be made through the Division of Career Technical Education. Applicants must receive prior approval of in-service training and course work prior to applying for renewal. All in-service training must be aligned with the individual's individualized professional learning plan or related to professional practice. ~~(3-29-17)~~ ( )

d. At least fifteen (15) hours of formal instruction must be given for each hour of in-service credit granted. (4-1-97)

e. Recertification credits may not be carried over from one (1) recertification period to the next. (4-1-97)

~~f. Certificated personnel teaching in subjects outside their major area of preparation will be encouraged to complete the courses required for major certification endorsement.~~ ~~(4-1-97)~~

~~g. All credits gained through coursework taken during the validity period of the certificate and commencing prior to September 1, 2008 shall be accepted toward recertification.~~ ~~(5-8-09)~~

~~h.~~ An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission or the Division of Career Technical Education, as applicable to the certificate type, shall be available to applicants whose credits submitted for recertification, in part or as a whole, are rejected for any reason if such denial prevents an applicant from renewing an Idaho certificate. An applicant whose credits submitted for recertification are rejected, in part or as a whole, within six (6) months of the expiration of the applicant's current certification shall be granted an automatic appeal and a temporary certification extension during the appeal or for one (1) year, whichever is greater. (3-29-17)

02. State Board of Education Professional Development Requirements. (4-1-97)
- a. Districts will have professional development plans. (4-1-97)
- b. All certificated personnel will be required to complete at least six (6) semester hours or the equivalent within the five (5) year period of validity of the certificate being renewed. (4-1-97)
- c. At least three (3) semester credits will be taken for university or college credit. Verification ~~will~~ may be by official or unofficial transcript. Individuals found to have intentionally altered transcripts used for verification who would have not otherwise met this renewal requirement will be investigated for violations of the Code of Ethics for Idaho Professional Educators, which may result in disciplinary action. ~~(4-1-97)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**120. LOCAL DISTRICT EVALUATION POLICY -- ~~TEACHER~~ INSTRUCTIONAL STAFF AND PUPIL PERSONNEL SERVICE STAFF CERTIFICATE HOLDERS.**

Each school district board of trustees will develop and adopt policies for ~~teacher~~ certified staff performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based. For pupil service staff, those standards shall be aligned with the profession's national standards. For instructional staff, those standards shall be ~~and~~ aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components ~~of instruction. Individual domain and component ratings~~ specified in Subsection 120.01 of this rule and must be determined based on ~~a combination of~~ professional practice ~~and student achievement~~ For all certification personnel, domain and or component ratings may be weighted based on the individual's individualized professional learning plan. The summative evaluation rating must be based on a combination of professional practice and student achievement as specified in Subsections 120.02 and 120.03. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. ~~(3-29-17)~~ ( )

**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 Outcomes; (3-20-14)
- 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. Professional Practice.** ~~For evaluations conducted on or after July 1, 2013, a~~ All certificated instructional employees must receive an evaluation in which at least a majority of the evaluation ratings must be based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition domains and components. Professional Practice shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. At least one (1) documented summative evaluation must include a rating for all components of the applicable professional standards used for evaluation of certified personnel. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of ~~all~~ each certificated instructional employee evaluations: (3-29-17)(    )

- a.** Parent/guardian input; (3-20-14)
- b.** Student input; and/or (3-20-14)
- c.** Portfolios. (3-20-14)

**03. Student Achievement.** Instructional staff evaluation ratings must in part be based on measurable student achievement, as defined in Section 33-1001, Idaho Code, as applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators, as defined in Section 33-1001, Idaho Code, as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) year or both years' data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-29-17)

**04. Participants.** Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 16. Evaluations shall be differentiated for certificated non-instructional employees and ~~p~~Pupil personnel Service Staff ~~e~~Certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible and aligned to the pupil service staff's applicable national standards. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (3-20-14)(    )

**05. 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.a.~~ Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated and rated. (4-1-97)(    )

~~b.b.~~ Evaluator -- identification of the individuals responsible for appraising observing or evaluating certificated instructional staff and pupil personnel service staff performance. The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five (5) years of conducting any evaluations 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. (3-20-14)(    )

~~d. Sources of data — description of the sources of data used in conducting certificated personnel evaluations. 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. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. Parent/guardian input, student input and/or portfolios shall be considered as sources of data to support professional practice.~~ (4-11-15)

~~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.d.~~ Personnel actions -- the action available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (3-20-14)

~~h.e.~~ 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.~~

~~(3-20-14)~~

**n.f.** Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time and be used to develop individualized professional learning plans. ~~No later than July 1, 2013, d~~Districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings ratings used to differentiate performance of teachers and pPupil personnel Service Staff eCertificate holders including: ~~(3-20-14)( )~~

i. Unsatisfactory being equal to “1”; (3-20-14)

ii. Basic being equal to “2”; and (3-20-14)

iii. Proficient being equal to “3”. (3-20-14)

iv. A fourth evaluation rating of Distinguished, being equal to “4,” may be used in addition to the three (3) minimum rankings ratings at the discretion of the school district or charter school. ~~(3-29-17)( )~~

**og.** A plan for including all stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their teacher evaluation plan. (3-20-14)

**06. Evaluation Policy – Frequency of Evaluation.** The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. (3-20-14)

**07. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee’s personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings ratings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings ratings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. ~~(3-29-17)( )~~

**08. Evaluation System Approval.** Each school district board of trustees will develop and adopt policies for teacher and pPupil personnel Service Staff 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 and national standards for pupil service staff as applicable. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. ~~(3-20-14)( )~~

**121. LOCAL DISTRICT EVALUATION POLICY – SCHOOL ~~PRINCIPAL~~ ADMINISTRATOR.**

All school and school district administrators must receive an annual evaluation. Individuals serving in the role of superintendent or its equivalent shall be evaluated by the local board of trustees. Individuals serving in the capacity of a school district superintendent shall be evaluated based on the school district evaluation policy for superintendents. For principal and other school level administrator evaluations 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 or other school level administrators are research based and aligned to the standards and requirements outlined in

Subsections 121.01 through 121.07 of this rule. ~~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. For Special Education Directors, standards aligned with the profession's national standards may replace those outlined in Subsection 121.01.~~ The process of developing criteria and procedures for ~~principal administrator~~ evaluations will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. (3-20-14)(    )

**01. Standards.** Each district principal ~~and school level administrator~~ evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state's ~~adopted model framework for evaluations~~, the Charlotte Danielson Framework for Teaching Second Edition. Proof of ~~proficiency training~~ in evaluating teacher performance shall be required of all individuals assigned the responsibility for ~~appraising, observing, or evaluating certificated personnel performance. Those responsible for measuring teacher performance are district leadership such as principals, assistant principals, special education directors, and superintendents. 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: (4-11-15)(    )

**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. (3-20-14)

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. (3-20-14)

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. (3-20-14)

iii. Advocacy - Principal advocates for education, the district and school, teachers, parents, and students that engenders school support and involvement. (3-20-14)

**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. (3-20-14)

i. Shared Leadership - Principal fosters shared leadership that takes advantage of individual expertise, strengths, and talents, and cultivates professional growth. (3-20-14)

ii. Priority Management - Principal organizes time and delegates responsibilities to balance administrative/managerial, educational, and community leadership priorities. (3-20-14)

iii. Transparency - Principal seeks input from stakeholders and takes all perspectives into consideration when making decisions. (3-20-14)

iv. Leadership Renewal - Principal strives to continuously improve leadership skills through, professional development, self-reflection, and utilization of input from others. (3-20-14)

v. Accountability - Principal establishes high standards for professional, legal, ethical, and fiscal accountability for self and others. (3-20-14)

**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. (3-20-14)

i. Innovation - Principal seeks and implements innovative and effective solutions that comply with general and special education law. (3-20-14)

ii. Instructional Vision - Principal insures that instruction is guided by a shared, research-based instructional vision that articulates what students do to effectively learn. (3-20-14)

iii. High Expectations - Principal sets high expectation for all students academically, behaviorally, and in all aspects of student well-being. (3-20-14)

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. (3-20-14)

v. Evaluation - Principal uses teacher/principal evaluation and other formative feedback mechanisms to continuously improve teacher/principal effectiveness. (3-20-14)

vi. Recruitment and Retention -Principal recruits and maintains a high quality staff. (3-20-14)

**02. Professional Practice.** ~~For evaluations conducted on or after July 1, 2014, a~~ All principals must receive an evaluation in which ~~sixty-seven percent (67%)~~ a majority of the summative evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Domains and Components listed in Subsection 121.01.a. through 121.01.c. of this rule. As a measure to inform the Professional Practice portion of ~~all principal~~ each evaluations, district evaluation models shall also include at least one (1) of the following: (3-20-14)(    )

a. Parent/guardian input; (3-20-14)

b. Teacher input; (3-20-14)

c. Student input; and/or (3-20-14)

d. Portfolios. (3-20-14)

**03. Student Achievement.** ~~For evaluations conducted on or after July 1, 2013, a~~ All ~~certificated instructional employees, principals and superintendents~~ administrators must receive an evaluation in which ~~at least thirty-three percent (33%)~~ part of the summative evaluation results are based ~~in part~~ 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~~ measurable student achievement, as defined in Section 33-1001, Idaho Code. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) or multiple both years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based ~~staff~~ administrators, as determined by the local board of trustees. (3-20-14)(    )

**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: (3-20-14)

~~a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional leadership, personnel decisions. (3-20-14)~~

~~b.a.~~ Evaluation criteria -- statements of the general criteria upon which principals administrators will



be evaluated.

(3-20-14)( )

**eb.** Evaluator -- identification of the individuals responsible for ~~appraising~~ observing or evaluating ~~principal~~ school level administrator performance. The individuals assigned this responsibility shall have received training in administrator evaluations based on the statewide framework for evaluations. (3-20-14)( )

~~**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.~~ (3-20-14)

~~**e.** Procedure -- description of the procedure used in the conduct of principal evaluations.~~ (3-20-14)

**fc.** Communication of results -- the method by which principals are informed of the results of evaluation. (3-20-14)

**gd.** 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. (3-20-14)

**he.** Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of an evaluations. (3-20-14)

~~**i.** Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action.~~ (3-20-14)

~~**j.** Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's principal evaluation system.~~ (3-20-14)

~~**k.** Professional development and training -- a plan for ongoing training and professional learning based upon the district's evaluation standards and process.~~ (3-20-14)

~~**l.** Funding -- a plan for funding ongoing training and professional development for evaluators of principals.~~ (3-20-14)

~~**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.~~ (3-20-14)

**nf.** 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, d~~Districts shall have established an individualized principal evaluation rating system with a minimum of three ~~rankings~~ ratings used to differentiate performance of principals including: (3-20-14)( )

i. Unsatisfactory being equal to "1"; (3-20-14)

ii. Basic being equal to "2"; and (3-20-14)

iii. Proficient being equal to "3". (3-20-14)

iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum ~~rankings~~ ratings at the discretion of the school district or charter school. (3-29-17)( )

**og.** 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. (3-20-14)

**05. Evaluation Policy - Frequency of Evaluation.** The evaluation policy should include a provision for evaluating all ~~principals~~ administrators on a fair and consistent basis. All ~~principals~~ administrators shall be evaluated at least once annually no later than June 1 of each year. (3-29-17)( )

**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~~ ratings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation ~~rankings~~ ratings in local school districts in accordance with the approved policies of the Idaho State Board of Education Data Management Council. ~~(3-29-17)~~ ( )

**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. (3-20-14)

## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.02 – RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1707**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1006, 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 08.02.02, Subsections 150 through 190, outline requirements for school district pupil transportation programs as authorized by Section 33-1006, Idaho Code, Transportation Support Program. Senate Bill 1123 (2017) amended Section 33-1006, Idaho Code, removing the prohibition that only allowed reimbursement for transporting students for the purposes of regular school attendance during regular days and hours and added language allowing for the cost of the program to be based on, in part, transportation to and from approved school activities as may be approved by the rules of the State Board of Education, the proposed rule would authorize reimbursement of allowable transportation costs for the purposes of transporting students as part of structured college or university visits.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 123-124](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 31, 2017.

**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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1006, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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:

IDAPA 08.02.02, Subsections 150 through 190, outline requirements for school district pupil transportation programs as authorized by Section 33-1006, Idaho Code, Transportation Support Program. Senate Bill 1123 (2017) amended Section 33-1006, Idaho Code, removing the prohibition that only allowed reimbursement for transporting students for the purposes of regular school attendance during regular days and hours and added language allowing for the cost of the program to be based on, in part, transportation to and from approved school activities as may be approved by the rules of the State Board of Education, the proposed rule would authorize reimbursement of allowable transportation costs for the purposes of transporting students as part of structured college or university visits.

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

The proposed amendments will bring this rule into compliance with the amendments to state law through Senate Bill 1123 (2017).

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 7, 2017 Idaho Administrative Bulletin, [Vol. 17-6, 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: This rule contains no documents incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent 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 October 25, 2017.

DATED this 31st day of August, 2017.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1707**

**190. PROGRAM OPERATIONS.**

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, program support and district waiver procedures shall be delineated in Standards for Idaho School Buses and Operations incorporated in Section 004 of these rules. Approved school activities shall include structured college/university visits when such visits are part of the school district college and career advising and mentoring plan. (Section 33-1006, Idaho Code) ~~(5-8-09)~~( )

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.02.02 – RULES GOVERNING UNIFORMITY

#### DOCKET NO. 08-0202-1708

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211, Idaho Code.

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

In addition to the standard instructional certificate, IDAPA 08.02.02.015, Educator Credential, outlines the provisions for career technical education instructors and administrators certification requirements. Three levels of occupational specialist certificates exist, Limited Occupational Specialist, Standard Occupational Specialist, and Advanced Occupational Specialist. Individuals entering the field of career technical teaching for the first time receive a Limited Occupational Specialist Certificate; this is a one-time, three-year certificate. At the conclusion of the term of this certificate, individuals may apply for either a Standard Occupational Specialist Certificate or an Advanced Occupational Specialist Certificate. The standard and advanced certificates are renewable five-year certificates.

Occupational certification may be earned either through a degree based program from one of the approved educator preparation programs in Idaho or through an industry experience based route. The proposed amendments provide clarification to the various certification requirements and provides for additional options to receive occupational specialist certification within the existing routes.

Specific amendments include:

Clarification that all occupational specialist certificates are approved through the Division of Career Technical Education and additional technical changes to allow for ease of understanding;

Add an additional option for individuals holding an Administrator Certificate with a Superintendent or Principal endorsement to earn a Career Technical Administrator certificate;

Increase the minimum age requirement to be eligible for an occupational specialist certificate from 18 to 21;

Reduce the minimum number of years and or hours of experience necessary to receive an occupational specialist certificate from eight years or 16,000 hours to six years or 12,000 hours; and

Add a second pathway using a cohort-training model for completing a limited occupational specialist certificate and earning a standard occupational specialist certificate.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 125-165](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

In addition to the standard instructional certificate, IDAPA 08.02.02.015, Educator Credential, outlines the provisions for career technical education instructors and administrators certification requirements. Three levels of occupational specialist certificates exist, Limited Occupational Specialist, Standard Occupational Specialist, and Advanced Occupational Specialist. Individuals entering the field of career technical teaching for the first time receive a Limited Occupational Specialist Certificate, this is a one-time, three-year certificate. At the conclusion of the term of this certificate individuals may apply for either a Standard Occupational Specialist Certificate or an Advanced Occupational Specialist Certificate. The standard and advanced certificates are renewable five-year certificates.

Occupational certification may be earned either through a degree based program from one of the approved educator preparation programs in Idaho or through an industry experience based route. The proposed amendments provide clarification to the various certification requirements and provides for additional options to receive occupational specialist certification within the existing routes.

Specific amendments include:

- Clarification that all occupational specialist certificates are approved through the Division of Career Technical Education and additional technical changes to allow for ease of understanding;
- Add an additional option for individuals holding an Administrator Certificate with a Superintendent or Principal endorsement to earn a Career Technical Administrator certificate;
- Increase the minimum age requirement to be eligible for a occupational specialist certificate from 18 to 21;



- Reduce the minimum number of years and or hours of experience necessary to receive an occupational specialist certificate from eight years or 16,000 hours to six years or 12,000 hours; and
- Add a second pathway using a cohort training model for completing a limited occupational specialist certificate and earning a standard occupational specialist certificate.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, 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: This rulemaking does not incorporate any documents by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov). All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1708**

**015. 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. (3-25-16)

**01. Standard Instructional Certificate.** A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

**a.** Professional education requirements: (3-29-17)

**i.** Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)

**ii.** The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)

**b.** Completed an approved teacher preparation program and have an institutional recommendation from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (3-29-17)

**c.** Individuals seeking endorsement in a secondary grade (pursuant to section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; (3-29-17)

**d.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)

**e.** The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**02. Pupil Personnel Services Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-25-16)

**a.** Counselor Endorsement (K-12). To be eligible for a Pupil Personnel Services Certificate-Endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-25-16)

**i.** Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-25-16)

**ii.** An institutional recommendation is required for a Counselor K-12 Endorsement. (3-25-16)

**b.** School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

**i.** Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

**ii.** Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-25-16)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

c. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. in addition to the requirement of Subsection 015.02.c.iii. (3-29-17)

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-29-17)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (3-25-16)

(1) Health program management; (3-25-16)

(2) Child and adolescent health issues; (3-25-16)

(3) Counseling, psychology, or social work; or (3-25-16)

(4) Methods of instruction. (3-25-16)

iii. Additionally, each candidate must have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (3-25-16)

d. Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

e. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

f. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

g. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.: (3-29-17)

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an

organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)

ii. An institution recommendation from an Idaho State Board of Education approved program; and (3-29-17)

iii. The successful completion of a school social work practicum in a kindergarten through grade twelve 12 (K-12) setting. Post-MSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a K-12 setting. (3-29-17)

iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54 and the rules of the State Board of Social Work Examiners. (3-29-17)

**h.** Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

**03. 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: School Climate, Collaborative Leadership, and Instructional Leadership. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**a.** 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: (3-25-16)

i. Hold a master's degree from an accredited college or university. (3-25-16)

ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)

iii. 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. (3-25-16)

iv. 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: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)

v. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement. (3-25-16)

**b.** Superintendent Endorsement. To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-25-16)

- i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)
- iii. 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. (3-25-16)
- iv. 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: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)
- v. An institutional recommendation is required for a School Superintendent Endorsement. (3-25-16)
- c. 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: (3-25-16)
  - i. Hold a master's degree from an accredited college or university; (3-25-16)
  - ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)
  - iii. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership; (3-25-16)
  - iv. 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; (3-25-16)
  - v. Have completed an administrative internship/practicum in the area of administration of special education and related services; and (3-25-16)
  - vi. An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. (3-25-16)

**04. Certification Standards For Career Technical Educators.** Teachers of career technical courses or programs in secondary ~~or postsecondary~~ schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. This endorsement may be held on a Standard Instructional Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Career Technical Education, and application processes are managed by the Division of Career Technical Education. All occupational certificates must be approved by the division of career technical education regardless of the route an individual is pursuing to receive the certificate. (3-29-17)( )

- 05. Degree Based Career Technical Certification.** (3-25-16)

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: ~~Agricultural science and Natural Resources technology; Business Technology Education; computer science technology; engineering; Family and Consumer Sciences; Marketing Technology Education; Computer Science Technology and Engineering Technology Education.~~ Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated ~~four one~~ thousand (41,000) clock hours of related work experience or ~~shall have completed a Division of Career Technical Education approved~~ practicum in their respective field of specialization, as approved by the division of career technical education. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules. (3-29-17)( )

b. The Career Technical Administrator certificate is required for an individual serving as an administrator, director, ~~or manager or coordinator~~ of career technical education programs at the state, ~~secondary or postsecondary level~~ division of career technical education or in Idaho public schools. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the Division of Career Technical Education. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. (3-29-17)( )

i. Qualify for or hold an Advanced Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate ~~with an applicable endorsement;~~ (3-29-17)

~~ii.~~ Provide evidence of a minimum of four (4) years' teaching, three (3) of which must be in a career technical discipline; (3-29-17)

~~iii.~~ Hold a master's degree; and (3-25-16)

~~iv.~~ Complete at least fifteen (15) semester credits of administrative course work. Applicants must have completed credits in: education finance, administration and supervision of personnel, legal aspects of career technical education; administration of personnel; and legal aspects of career technical education; and conducting evaluations using the statewide framework for teacher evaluations ~~that includes a laboratory component.~~ Additional course work ~~can~~ may be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-29-17)( )

~~v. To renew the Career Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for career technical instructional staff.~~ (3-29-17)

ii. Hold a superintendent or principal (pre-K-12) endorsement on a standard administrator certificate and provide evidence of a minimum of four (4) years' teaching, three (3) of which must be in a career technical discipline or successfully complete the division of career technical education twenty-seven (27) month Idaho career technical education leadership institute. ( )

c. Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-29-17)

d. Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate ~~Endorsed with a School~~ Counselor K-12 endorsement and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice. (3-25-16)( )

06. **Industry Based Occupational Specialist Certificate.** The industry based Occupational Specialist Certificates are industry based career technical certifications issued in lieu of a degree based career technical certificate. Certificate holders must meet the following eligibility requirements: (3-29-17)( )

a. Be ~~eighteen (18)~~ at least twenty-two (22) years of age; document ~~full-time, successful,~~ recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-29-17)( )

i. Have ~~eight (8)~~ six (6) years or ~~sixteen~~ twelve thousand (~~16~~,000) hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the ~~eight (8)~~ six (6) years or twelve thousand (12,000) hours on a month-to-month basis for journeyman training or completed postsecondary training in a career technical education program; or (3-29-17)( )

ii. Have a baccalaureate degree in the specific occupation or related area, plus ~~three (3)~~ two (2) years or ~~six~~ four thousand (~~6~~,000) hours of recent, gainful employment in the occupation for which certification is required, at least half of which must have been during the immediate previous five (5) years; or (3-29-17)( )

iii. Meet one (1) of the following: (3-25-16)

~~(1)iii. Be a journeyman with~~ Have completed a formal apprenticeship program in the occupation or related area for which certification is requested plus two (2) years or four thousand (4,000) hours of recent, ~~full-time,~~ gainful, related work experience, ~~or have completed a formal apprenticeship program in the occupation or related area for which certification is requested~~ at least half of which must have been completed in the immediate previous five (5) years. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved state apprenticeship agency; (3-29-17)( )

~~(2) Pass an approved state or national certification examination plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis); or~~ (3-29-17)

~~(3) Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence.~~ (3-29-17)

b. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in Subsection 015.06.a. of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate: (3-29-17)( )

i. ~~Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment;~~ (3-29-17)

ii. ~~Complete a new teacher induction workshop at the state or district level;~~ (3-25-16)

iii. Pathway I - Coursework: Within the three-year (3) period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the division of career technical education and demonstrate competencies in ~~P~~rinciples/~~F~~foundations of ~~O~~ccupational ~~E~~ducation and



~~M~~ethods of ~~T~~eaching ~~O~~ccupational ~~E~~ducation. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: ~~C~~areer ~~P~~athways and ~~G~~uidance; ~~A~~nalysis, ~~I~~ntegration, and ~~C~~urriculum ~~D~~evelopment; and ~~M~~easurement and ~~E~~valuation. (3-29-17)( )

ii. Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the division of career technical education sponsored two (2) year cohort training and complete the two (2) training within the three (3) year validity period of the interim certificate. ( )

c. Standard Occupational Specialist Certificate. This certificate is issued to individuals who have: held a limited occupational specialist certificate and completed one (1) of the pathways for completions. (3-29-17)( )

i. ~~Completed the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; and~~ (3-29-17)

ii. ~~Completed a new teacher induction workshop at the state or district level; and~~ (3-29-17)

iii. ~~Can satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education; and~~ (3-29-17)

iv. ~~Can demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and~~ (3-29-17)

v.i. The Standard Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years and must be renewed pursuant to Section 060 of these rules to renew. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. ~~Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit.~~ (3-29-17)( )

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)

i. ~~Meet the requirements~~ Are eligible for the Standard Occupational Specialist Certificate; (3-29-17)( )

ii. ~~Can p~~Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of division of career technical education approved education or content related course work, ~~such as educational methodology in the content area,~~ in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-29-17)( )

iii. Have on file a new professional development plan for the next certification period; and (3-25-16)( )

iv. The Advanced Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years and must be renewed pursuant to Section 060 of these rules to renew. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)( )

**07. Postsecondary Specialist.** A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-29-17)

**a.** Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)

**b.** Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-25-16)

**c.** The candidate must meet the following qualifications: (3-25-16)

**i.** Hold a master's degree or higher in the content area being taught; (3-25-16)

**ii.** Be currently employed by the postsecondary institution in the content area to be taught; and (3-25-16)

**iii.** Complete and pass a criminal history background check as required according to Section 33-130, Idaho Code. (3-25-16)

**08. American Indian Language.** Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

**a.** The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

**b.** Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a fee for undergoing a criminal history check pursuant to Section 33-130, Idaho Code. (3-25-16)

**c.** The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

**09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors.** (3-25-16)

**a.** Each school district with a Junior ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools. (3-25-16)

**b.** Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (3-25-16)

**c.** Authorization Letter. Upon receiving the items identified in Subsections 015.09.a. and b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-29-17)

**10. Additional Renewal Requirements.** In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

**a.** 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. Teachers must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment. Any teacher successfully completing said course shall be deemed to have met the requirement of Subsection 060.02.c. of this rule as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education. Successful completion of a 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 must successfully complete the “Mathematical Thinking for Instruction” course or another State Department of Education approved alternative course in order to recertify: (3-29-17)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended endorsement (Birth - Grade 3) who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school as a K-6 multi-subject teacher; (3-29-17)

iii. Each teacher holding a Standard Instructional Certificate (6-12) teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and (3-29-17)

iv. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school as a special education teacher. (3-29-17)

v. Each school administrator coming from out-of-state holding an Administrator Certificate who is employed by a school district or charter school. (3-29-17)

**b.** 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 living outside of the state of Idaho 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. (3-25-16)

**c.** 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 must successfully complete an Idaho Comprehensive Literacy course in order to recertify: (3-25-16)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Endorsement (Birth - Grade 3) who is employed by a school district or charter school; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school; and (3-29-17)

iii. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school. (3-29-17)

**d.** Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved teacher preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. (3-29-17)

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1702**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612 and 33-1617, Idaho Code.

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

The proposed rule amended College Entrance Exam requirements to allow students who took the Compass exam before the final November 2016 test administration to use the Compass to meet the college entrance exam graduation requirement. The proposed rule also adds language to update the college entrance exam graduation requirements for students on an Individualized Education Plan (IEP). Additionally, proposed rule language was added to give students another option if they were unable to participate in the ACT or the statewide test day administration of the SAT.

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 2, 2017 Idaho Administrative Bulletin, [Vol. 17-8, pages 14-18](#).

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

There is no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Karlynn Laraway, Director of Assessment and Accountability, at (208) 332-6976 or [klaraway@sde.idaho.gov](mailto:klaraway@sde.idaho.gov).

DATED this 18th Day of October, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1612 and 33-1617, 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 16, 2017.

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 rule amends College Entrance Exam requirements to allow students who took the Compass exam before the final November 2016 test administration to use the Compass to meet the college entrance exam graduation requirement. This rule will also add language to update the college entrance exam graduation requirements for students on an Individualized Learning Plan (IEP). Additionally, rule language will be added to give students another option if they were unable to participate in the ACT or the statewide test day administration of the SAT.

**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 is no fiscal impact.

**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 April 5, 2017, Idaho Administrative Bulletin, [Volume 17-4, pages 30-31](#).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Karlynn Laraway, Director of Assessment, at (208) 332-6976 or [klaraway@sde.idaho.gov](mailto:klaraway@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 August 23, 2017.

DATED this 15th Day of June, 2017.

[LSO Rules Analysis Memo](#)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1702

**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. (3-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

**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.** Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-17)

**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.** Six (6) 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. 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. (3-12-14)

**i. Students must complete secondary mathematics in the following areas:** (3-12-14)

(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)

(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)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

**ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate.** For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-12-14)

**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. (3-12-14)

e. Science. Six (6) credits are required, four (4) 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. (3-12-14)

i. 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. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (4-1-15)

**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 grade nine (9) in Fall 2012 or later.) (3-12-14)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students graduating who participated in the Compass assessment prior to 2017 its final administration may also use the Compass to meet this requirement. Students receiving special education services through a current Individualized Education Plan (IEP) may utilize the ACCUPLACER placement exam in lieu of the SAT or ACT. ( )

b. 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: (3-25-16)

i. Transferred to an Idaho school district during grade eleven (11) and has not previously participated in one of the allowed college entrance exams outlined in Subsection 03.a; (3-12-14)( )

ii. Was homeschooled during grade eleven (11) and is enrolled in an Idaho high school as a diploma seeking student; or (3-12-14)( )

iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)



~~b.c.~~ A student may elect an exemption in ~~grade eleven (11)~~ from the college entrance exam requirement if the student is: ~~(3-12-14)~~( )

i. ~~Enrolled in a special education program and has an~~ Receiving special education services through a ~~current~~ Individual Education Plan (IEP) that specifies ~~accommodations not allowed for a reportable score on the approved tests~~ the student meets the alternate assessment eligibility criteria; ~~(3-12-14)~~( )

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

iii. ~~Enrolled for the first time in grade twelve (12) at~~ Transferring from out of state to an Idaho high school ~~after the fall statewide administration of the college entrance exam in grade twelve (12).~~ (4-1-15)( )

d. A school district, on behalf of a student, on a form established by the State Department of Education, may submit an appeal application requesting the Superintendent of Public Instruction or their designee consider another college entrance exam or college placement exam to fulfill this requirement, or exempt the student due to extenuating circumstances. ( )

**04. Senior Project.** 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. (3-12-14)

**05. Civics and Government Proficiency.** Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. (3-29-17)

**06. Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met. (3-25-16)

a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

b. The course meets the same content standards that are required in high school for the same course; and (3-25-16)

c. The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule. (3-25-16)

**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. 08-0203-1703**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-2002, 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 Idaho Extended Content Standards, incorporated by reference into IDAPA 08.02.03.004, are amended, and a new incorporated document is added to IDAPA 08.02.03.004, the Idaho Content Standards Core Content Connectors. The pending rule replaces the English Language Arts (ELA) and Math Idaho Extended Content Standards with the Idaho Content Standards Core Content Connectors (Connectors), which identify the most salient core academic content in English Language Arts and Mathematics found in the Idaho Content Standards. The Connectors identify priorities for the instruction of students identified as having significant cognitive disabilities and align with the alternate assessment. They illustrate the necessary knowledge and skills students with significant cognitive disabilities need to reach the learning targets or critical big ideas within the state standard.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 136-139](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

DATED this 15th day of November, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-2002, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 rulemaking provides for the amendment of the Idaho Extended Content Standards, incorporated by reference into IDAPA 08.02.03, Section 004, and adds a new incorporated document to IDAPA 08.02.03.004, Idaho Content Standards Core Content Connectors. The Idaho Extended Content Standards, which are the standards aligned with the alternate assessment, were adopted in 2008 and are currently not aligned with the Idaho Content standards adopted in 2010 and updated in 2017. This proposed rule will replace the English Language Arts (ELA) and Math extended standards with the Idaho Content Standards Core Content Connectors (Connectors), which identify the most salient core academic content in English Language Arts and Mathematics found in the Idaho Content Standards. The Connectors identify priorities for the instruction of students identified as having significant cognitive disabilities and align with the alternate assessment. They illustrate the necessary knowledge and skills students with significant cognitive disabilities need to reach the learning targets or critical big ideas within the state standard. The Connectors are written to help promote how students with significant cognitive disabilities can engage in the Idaho Content Standards while following the learning progression. They have the following characteristics:

- Sequenced to help guide meaningful instruction for students with significant cognitive disabilities and lead to enduring skills in successive grades;
- Written as outcome based, which provides a description of what students should know and do;
- Written with high level of expectations for students with significant cognitive disabilities; and
- Align to grade-level standards to provide access to the general curriculum.
- Connectors are designed to contribute to a fully aligned system of content, instruction, and assessment.

**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 is no fiscal impact.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 4, 2017, Idaho Administrative Bulletin, [Vol. 17-4, pages 32-33](#).

**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:

The Idaho Extended Content Standards is a document incorporated by reference. The Extended Content Standards for ELA and Math are replaced by the Idaho Content Standards Core Content Connectors for ELA and Math. The Idaho State Board of Education approved amendments the Extended Content Standards and adopted the Idaho Content Standards Core Content Connectors for ELA and Math on August 10, 2017. Because of the number of pages within the documents, the republication of the text would be unduly cumbersome and expensive. Complete copies of Idaho Extended Content Standards and the Idaho Content Standards Core Content Connectors can be found on the State Department of Education's website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@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 25, 2017.

DATED this 10th Day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1703**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
  - i. Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii. Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv. Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v. Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)

- d. English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e. Health, as revised and adopted on August 11, 2016. (3-24-17)
- f. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h. Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i. Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j. Science, as revised and adopted on April 17, 2009. (3-29-10)
- k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l. Career Technical Education Categories: (3-29-17)
  - i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
  - ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
  - iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
  - iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
  - v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
  - vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Proficiency Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on ~~April 17, 2008~~ August 10, 2017. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. ~~(5-8-09)~~( )

**07. The Idaho Content Standards Core Content Connectors.** The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education on August 10, 2017. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. ( )

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

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

**~~078.~~** **The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-12)

**~~089.~~** **The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**~~0910.~~** **The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**~~101.~~** **The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1704**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612 and 33-2002, 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 Idaho State Board of Education approved amendments to the Idaho Special Education Manual, an incorporated document, on August 10, 2017. The updated manual replaces the outdated terms “deafness” and “hearing impairment” with “deaf or hard of hearing.” The definition of “deaf or hard of hearing” now includes language regarding the child’s access, comprehension, and/or use of linguistic information through hearing. In addition, state eligibility criteria for “deafness” and “hearing impairment” have been replaced by criteria for “deaf or hard of hearing.” The modified eligibility criteria, used by evaluation teams when determining the disability category for a student, compliment the updated definition of “deaf or hard of hearing.” Other changes to the manual include minor language corrections or deletions necessary to maintain document consistency and to align with Idaho’s Consolidated State Plan under the Every Student Succeeds Act, Idaho Code, or teacher certification standards.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 140-142](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

DATED this 15th day of November, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228



THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-2002, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 rulemaking amends the adoption date of the Idaho Special Education Manual, an incorporated document. The Idaho State Board of Education approved amendments to the Idaho Special Education Manual on August 10, 2017. The updated manual replaces the outdated terms “deafness” and “hearing impairment” with “deaf or hard of hearing.” The definition of “deaf or hard of hearing” now includes language regarding the child’s access, comprehension, and/or use of linguistic information through hearing. In addition, state eligibility criteria for “deafness” and “hearing impairment” have been replaced by criteria for “deaf or hard of hearing.” The modified eligibility criteria, used by evaluation teams when determining the disability category for a student, compliment the updated definition of “deaf or hard of hearing.” Other changes to the manual include minor language corrections or deletions necessary to maintain document consistency and to align with Idaho’s Consolidated State Plan under the Every Student Succeeds Act, Idaho Code, or teacher certification standards.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 34-35](#).

**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:

This document is currently incorporated by reference. Incorporation by reference is necessary to ensure compliance with state and federal regulations regarding the education of individuals with disabilities. Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the proposed changes to the Idaho Special Education Manual can be found on the State Department of Education’s website at <http://sde.idaho.gov/topics/admin-rules/>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@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 25, 2017.

DATED this 10th day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1704**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
  - i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii.** World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on April 17, 2009. (3-29-10)
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** Career Technical Education Categories: (3-29-17)

- i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
- ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
- iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
- iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
- v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
- vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Proficiency Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (5-8-09)

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

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**10. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on ~~November 28, 2016~~ August 10, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ~~(3-29-17)~~ ( )

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1705**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

Idaho Content Standards describe what Idaho students should know and be able to do at each grade level in certain content areas. Content standards are adopted statewide and reviewed approximately every six (6) years by teams of educators and stakeholders. These standards provide a consistent foundational level of academic content needed to be successful at each grade level and to graduate from Idaho's public schools. The changes in each of the content areas reflect the work of the review committees with input from Idaho stakeholders. The Idaho Content Standards reviewed include Science, Driver Education, and Information and Communication Technology. The Idaho State Board of Education (Board) approved these amended content standards on August 10, 2017. The content standards incorporated by reference will reflect the August 10, 2017, Board approval date.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 143-146](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Scott Cook, Director of Academics, at (208) 332-6927 or [scook@sde.idaho.gov](mailto:scook@sde.idaho.gov).

DATED this 15th day of November, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE
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**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 33-1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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:

Idaho Content Standards describe what Idaho students should know and be able to do at each grade level in certain content areas. These proposed rule changes reflect the standard practice and expectation that the Idaho State Department of Education (Department) convene a review committee of Idaho educators to review and make revisions when needed to the Idaho Content Standards on a rotating basis every six (6) years. This helps ensure that these standards remain the most effective and up-to-date available because they form common learning expectations. Instruction meeting these expectations as a minimum is the responsibility of each local public school district. The changes proposed in each of the content areas up for review reflect the work of the review committees with input from Idaho stakeholders.

The Idaho Content Standards reviewed include Science, Driver Education, and Information and Communication Technology. The changes in Driver Education Content Standards are few and minor, focusing on moving from a combination of alpha numeric numbering to wholly numeric numbering. Minor additions to the current standards include greater specificity in the mirror adjustment [to reduce blind spots and glare] and distracted driving sections, and new sections on rules for yielding in school zones and procedures for traffic stops by police officers. The changes in Information and Communication Technology encompass significant formatting changes, but little change in actual content.

The Science Content Standards changes are significant as they focus on students demonstrating deep knowledge of scientific principles and processes by engaging directly in ‘doing’ science. This emphasis on performance and learning by doing is a paradigm shift with direct implications for growing a scientifically literate citizenry and workforce. It also reflects the deep interest and profound concern in raising the bar in science education indicated by several years of public and legislative input. The revised standards as a foundation of an integrated educational system are the first step in a necessary and synchronous series of ongoing efforts involving professional learning for educators centered on supporting instructional shifts, curricular material review, and development of high cognitive demand, valid, and reliable assessments deeply aligned to the standards. The Idaho Legislature approved temporary Idaho Content Standards for Science in 2017 that encompassed these significant changes, with the exception of five (5) paragraphs dealing with human impacts on the environment. The Department received overwhelming public comment regarding the five (5) paragraphs, and revisions were made to address discussion of problems of human impacts and potential methods of mitigation.

The Idaho State Board of Education (Board) approved these amended content standards on August 10, 2017. The content standards incorporated by reference will reflect the August 10, 2017 Board approval date.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 36-37](#).

**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:

Because of the number of pages within the documents, republication of the Idaho Content Standards in Science, Driver Education and Information and Communication Technology would be unduly cumbersome and expensive. Complete copies of the proposed Idaho Content Standards for Science, Driver Education, and Information and Communication Technology can be found on the State Department of Education's website at <https://sde.idaho.gov/topics/admin-rules/>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Scott Cook, Director of Academics, 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 25, 2017.

DATED this 10th day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1705**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
  - i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)

- vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b. Computer Science, adopted on November 28, 2016. (3-24-17)
- c. Driver Education, as revised and adopted on August ~~21, 2008~~ 10, 2017. ~~(3-29-10)~~ ( )
- d. English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e. Health, as revised and adopted on August 11, 2016. (3-24-17)
2017. f. Information and Communication Technology, as revised and adopted on ~~April 22, 2010~~ August 10, 2017. ~~(4-7-11)~~ ( )
- g. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h. Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i. Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j. Science, as revised and adopted on ~~April 17, 2009~~ August 10, 2017. ~~(3-29-10)~~ ( )
- k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l. Career Technical Education Categories: (3-29-17)
- i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
- ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
- iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
- iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
- v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
- vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)
- 02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)
- 03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)
- 04. The Idaho English Language Proficiency Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-7-11)
- 05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)



**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (5-8-09)

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

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**10. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1707**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33-1612, Idaho Code.

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

IDAPA 08.02.03 includes minimum state graduation requirements and references the term diploma in reference to these graduation requirements. While the term is used, it is not defined. Proposed amendments clarify that school districts may award diplomas to individuals who may have attended the high school in the distant past and now would like to receive a diploma from the high school they attended in their youth. Additional amendments will provide a definition for the term diploma as it relates to students meeting the state and school district graduation requirements and clarify that school districts may determine the format of the diploma issued by the school district, including the recognition of emphasis areas a student may have excelled in or locally established pathways they may have taken to graduation. The definition will also specify which graduation requirements a diploma would be based on for students that may have attended the school in the past

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 147-150](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33- 1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 includes minimum state graduation requirements and references the term diploma in reference to these graduation requirements. While the term is used, it is not defined. Proposed amendments would clarify that school districts may award diplomas to individuals who may have attended the high school in the distant past and now would like to receive a diploma from the high school they attended in their youth. Additional amendments will provide a definition for the term diploma as it relates to students meeting the state and school district graduation requirements and clarify that school districts may determine the format of the diploma issued by the school district, including the recognition of emphasis areas a student may have excelled in or pathways they may have taken to graduation. The definition will also specify which graduation requirements a diploma would be based on for students that may have attended the school in the past.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: No changes are being made to the existing fee schedule.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 56](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The rules governing authority standards are incorporated by reference into administrative rule pursuant to Section 33-1258, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent 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 25, 2017.

DATED this 30th day of August, 2017.

**LSO Rules Analysis Memo**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1707

007. DEFINITIONS A - G.

**01. Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and level one (1) through level six (6) on Idaho’s English language assessment by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (3-29-17)

**02. Advanced Opportunities.** Are defined as Advanced Placement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. (3-25-16)

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

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

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

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

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

**08. Asynchronous Course.** An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school computer lab. (4-4-13)

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

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

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

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

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

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

**15. Cooperative Work Experience.** Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00)

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

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

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

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

~~19~~**20. Decode.** (4-5-00)

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

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

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

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

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

**~~234~~. Entry-Level Skills.** The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

**~~245~~. Evaluation (Student).** Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

**~~256~~. Experiential Education (Application).** Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

**~~267~~. Exploratory Experience (Similar to a Job Shadow).** An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

**~~278~~. Fluency.** The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (4-5-00)

**~~289~~. Genre (Types of Literature).** A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

**~~2930~~. Graphophonic/Graphophonemic.** One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1708**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is October 18, 2017. This pending rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-1617, 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:

This rule is needed to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The assessment was administered in the Spring of 2017 and the rule is necessary to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements. To score the assessments English Learner students took this year and to provide score reports, the State Department of Education must adopt the cut scores. The temporary rule allows for the proper and accurate identification of a student's proficiency and achievement levels.

Upon review of the proposed incorporated document during the comment period, State Department of Education staff determined that additional information would make the document easier for practitioners to use.

- Performance definitions have been added to the incorporated document.
- The full range of scores has been added to each of the Cut Scores & Proficiency Levels charts.

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 as previously adopted while the pending rule awaits legislative approval, the Idaho State Board of Education amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the June 7, 2017 Idaho Administrative Bulletin, [Vol. 17-6, pages 29-31](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Karlynn Laraway, Director of Assessment and Accountability, at (208) 332-6976 or [klaraway@sde.idaho.gov](mailto:klaraway@sde.idaho.gov).

DATED this 18th day of October, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228



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

**EFFECTIVE DATE:** The effective date of the temporary rule is April 20, 2017.

**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, 33-1612, and 33-1617, 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 21, 2017.

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 rule is needed to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The assessment was administered in the Spring of 2017. This rule is necessary to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.

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

To score the assessments English Learner students took this year and to provide score reports, the State Department of Education must adopt the cut scores. The temporary rule will allow for the proper and accurate identification of a student's proficiency and achievement levels.

**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:  
There is no fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is necessary to comply with the Every Student Succeeds Act (ESSA). The English Language Proficiency Assessment (ELPA) Achievement Standards were set by a consortium standards review committee on which Idaho educators served.

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

The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards must be incorporated by reference to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Karlynn Laraway at (208) 332-6976.

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 28, 2017.

DATED this 20th Day of April, 2017.

LSO Rules Analysis Memo

Italicized red text that is *double underscored* is new text that has been added to the pending rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1708

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
  - i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii.** World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on December 15, 2016. (12-15-16)T
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)

- I. Career Technical Education Categories: (3-29-17)
- i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
  - ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
  - iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
  - iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
  - v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
  - vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)
- 02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)
- 03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)
- 04. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards.** The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on *October 18, 2017*. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). ( )
- 045. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)
- 056. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)
- 067. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on September 3, 2015. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (10-20-16)T
- 078. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)
- 089. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)
- 109. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)

## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1709**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33-1612, Idaho Code.

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

Proposed amendments provide a uniform definition for college and career readiness and incorporate the approved college and career competencies students need to know by the time they graduate from high school. The proposed changes do not require credits be earned in this specific area and there is no state level assessment tied to these competencies. Additionally, many of the competencies identified are consistent with outcomes embedded in various existing subject area content standards (e.g. English Language Arts, Information and Communication Technology, etc.). Additional amendments include amendments to the state graduation requirements, which allow the completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program to be used to meet the existing senior project graduation requirement.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 151-159](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33- 1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The proposed changes would incorporate by reference new content standards for secondary students that address college and career readiness. These college and career readiness competencies were developed through a representative group from the Board and Department of Education, higher education, career technical education, labor, and commerce stakeholders. Additional amendments would add flexibility to the senior project graduation requirements allowing specific activities aimed and preparing students to be college and career ready to be used to add more value to the senior year.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: No changes are being made to the existing fee schedule.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, Page 31](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The college and career readiness competencies are being incorporated by reference into this section of rule. The competencies are tied to the Idaho Content Standards, incorporating the competencies into the content standards allows for consistency in how these types of standards are treated and referenced.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent 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 25, 2017.

DATED this 31th day of August, 2017.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1709

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
  - i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii.** World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on April 17, 2009. (3-29-10)
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** College and Career Readiness Competencies adopted on June 15, 2017. ( )
- m.** Career Technical Education Categories: (3-29-17)
  - i.** Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)

- ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
- iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
- iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
- v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
- vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Proficiency Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (5-8-09)

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

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**10. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

**(BREAK IN CONTINUITY OF SECTIONS)**

**007. DEFINITIONS A - G.**

- 01. Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced”



achievement levels on the Idaho Standards Achievement Tests (ISAT) and level one (1) through level six (6) on Idaho's English language assessment by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (3-29-17)

**02. Advanced Opportunities.** Are defined as Advanced Placement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. (3-25-16)

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

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

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

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

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

**08. Asynchronous Course.** An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school computer lab. (4-4-13)

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

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

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

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

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

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

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

communication skills. (4-5-00)

**156. Cooperative Work Experience.** Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00)

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

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

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

**1920. Decode.** (4-5-00)

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

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

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

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

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

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

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

**256. Experiential Education (Application).** Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

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

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

~~289~~<sup>293</sup>. **Genre (Types of Literature).** A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

~~293~~<sup>30</sup>. **Graphophonic/Graphophonemic.** One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**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) (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 student 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 state and school district's or LEA's graduation standards in preparation for postsecondary goals. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the 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.** A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (3-12-14)

**c.** Other required instruction for all middle school students:  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**d.** Other required offerings of the school:  
Family and Consumer Science  
Fine & Performing Arts  
Career Technical Education  
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

**03. High Schools.** (4-11-15)

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

~~(4-11-15)~~ ( )

b. High schools will annually review and update with the student the parent-approved student learning plans outlined in Subsection 104.02.a.. (4-11-15)

**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-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

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. Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-17)

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. Six (6) 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. 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. (3-12-14)

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(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)

(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)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

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

are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-12-14)

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. (3-12-14)

e. Science. Six (6) credits are required, four (4) 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. (3-12-14)

i. 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. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the ~~content standards for~~ Physical Education ~~Content Standards~~ in a format provided by the school district. (4-1-15)( )

**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 grade nine (9) in Fall 2012 or later.) (3-12-14)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students graduating prior to 2017 may also use the Compass to meet this requirement. 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: (3-25-16)

i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)

ii. Was homeschooled during grade eleven (11); or (3-12-14)

iii. Missed the spring statewide administration of the college entrance exam dates for documented

medical reasons. (3-12-14)

**b.** A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)

**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; (3-12-14)

**ii.** Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

**iii.** Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

**04. Senior Project.** 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. Completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program may be used to meet this requirement. (3-12-14)( )

**05. Civics and Government Proficiency.** Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. (3-29-17)

**06. Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met. (3-25-16)

**a.** The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

**b.** The course meets the same content standards that are required in high school for the same course; and (3-25-16)

**c.** The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)

**d.** The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule. (3-25-16)

**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 EDUCATION

### 08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1710

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Sections, 33-101, 33-105, 33-107, 33-116, 33-1612, and 33-2211, Idaho Code.

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

Prior to 2016, the career technical education content standards were standalone documents updated and maintained by the Division of Career Technical Education. During the 2016 rulemaking process the Division of Career Technical Education started the process of bringing the career technical content standards forward for incorporation into administrative code giving them the same weight as academic content standards. The standards being considered this year add the following subcategories into the current content standard areas, create a new area for Health Sciences, and updates the previously approved Early Childhood Education Standards:

- |  |   |
|--|---|
| • <b>Agriculture and Natural Resources</b><br>Plant and Soil Standards   | • <b>Health Sciences</b><br>Dental Assisting<br>Emergency Management Technicians<br>Nursing Assistant<br>Physical Therapy Assistant |
| • <b>Business and Marketing</b><br>Business Management<br>Digital Communications                                 |   |
| • <b>Engineering and Technology</b><br>Digital Media Production<br>Medial Technology –<br>Commercial Photography | • <b>Skilled and Technical Sciences</b><br>Cabinetry and Millwork<br>Industrial Mechanics<br>Law Enforcement<br>Small Engine Repair |

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 160-163](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent  
Chief Planning and Policy Officer  
Phone: (208) 332-1582  
Fax: (208) 334-2632

Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037



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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Sections, 33-101, 33-105, 33-107, 33-116, 33-1612, and 33-2211, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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:

Prior to 2016, the career technical education content standards were stand alone documents updated and maintained by the Division of Career Technical Education. During the 2016 rulemaking process the Division of Career Technical Education started the process of bringing the career technical content standards forward for incorporation into administrative code giving them the same weight as academic content standards. The standards being considered this year add the following subcategories into the current content standard areas, create a new area for Health Sciences, and updates the previously approved Early Childhood Education Standards:

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• <b>Agriculture and Natural Resources</b><br/>Plant and Soil Standards</li><li>• <b>Business and Marketing</b><br/>Business Management<br/>Digital Communications</li><li>• <b>Engineering and Technology</b><br/>Digital Media Production<br/>Medial Technology –<br/>Commercial Photography</li></ul> | <ul style="list-style-type: none"><li>• <b>Health Sciences</b><br/>Dental Assisting<br/>Emergency Management Technicians<br/>Nursing Assistant<br/>Physical Therapy Assistant</li><li>• <b>Skilled and Technical Sciences</b><br/>Cabinetry and Millwork<br/>Industrial Mechanics<br/>Law Enforcement<br/>Small Engine Repair</li></ul> |
|--|---|

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, 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: The career technical education content standards are being incorporated by reference due the length and complexity of content standards. This processes allows these content standards to be treated in the same fashion as academic content standards that are already incorporated by reference into Administrative Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent 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 25, 2017.

DATED this 31st day of August, 2017.

**LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1710**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
- i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
- ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
- iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
- iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
- v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
- vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
- vii.** World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)

- j. Science, as revised and adopted on April 17, 2009. (3-29-10)
- k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l. Career Technical Education Categories: (3-29-17)
- i. Agricultural and Natural Resources, as revised and adopted on ~~June 16, 2016~~ August 31, 2017.  
(3-29-17)( )
- ii. Business and Marketing Education, as revised and adopted on ~~June 16, 2016~~ August 31, 2017.  
(3-29-17)( )
- iii. Engineering and Technology Education, as revised and adopted on ~~June 16, 2016~~ August 31, 2017.  
(3-29-17)( )
- iv. Health Sciences, as adopted on August 31, 2017. ( )
- ~~iv.~~ Family and Consumer Sciences, as revised and adopted on ~~June 16, 2016~~ August 31, 2017.  
(3-29-17)( )
- ~~vi.~~ Skilled and Technical Sciences, as revised and adopted on ~~June 16, 2016~~ August 31, 2017.  
(3-29-17)( )
- ~~vi.~~ Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Proficiency Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (5-8-09)

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

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

**10. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1711**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-2002, Idaho Code.

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

In 2011, Idaho joined the National Center and State Collaborative (NCSC) to implement a new alternate assessment for special education students. The alternate assessment was developed to ensure that all students with significant cognitive disabilities are able to participate in an assessment that is a measure of what they know and can do in relation to the grade-level Idaho Content Standards. This rule maintains alternate assessment achievement levels and corresponding performance level descriptors established by the NCSC in a document incorporated by reference. The NCSC achievement levels 1, 2, 3, and 4 are the same as the achievement levels on the Idaho Standards Achievement Test authored by Smarter Balanced. This rule is necessary for compliance with the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act.

Upon review of the incorporated document during the public comment period, State Department of Education staff determined that the document would be of better use to practitioners with the addition of text regarding performance levels and the addition of the Performance-Level Scale Score Ranges table. The table shows the scale score ranges for performance levels for each grade and content area. Staff also found that NCSC Mathematics and English Language Arts tables were erroneously included in the document; the tables were removed.

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 2, 2017, Idaho Administrative Bulletin, [Vol. 17-8, pages 19-21](#).

**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:

There is no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

DATED this 18th day of October, 2017.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-2002, 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 16, 2017.

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

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

In 2011, Idaho joined the National Center and State Collaborative (NCSC) to implement a new alternate assessment for special education students. The alternate assessment was developed to ensure that all students with significant cognitive disabilities are able to participate in an assessment that is a measure of what they know and can do in relation to the grade-level Idaho Content Standards. This rule maintains alternate assessment achievement levels and corresponding performance level descriptors established by the NCSC. The NCSC achievement levels 1, 2, 3, and 4 are the same as the achievement levels on the Idaho Standards Achievement Test authored by Smarter Balanced. This rule is necessary to be in compliance with the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act. The Idaho State Board of Education approved this proposed rule on June 15, 2017.

**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 is no fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the standards were approved as a temporary rule in September 2015 and again in October 2016. The standards were developed by the National Center and State Collaborative, and the rule is necessary for compliance with the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act.

**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:

Changes to the old standards include new achievement levels in four reporting categories (Level 1, Level 2, Level 3 and Level 4) and new achievement level descriptors corresponding to the achievement levels for each grade level.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@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 August 23, 2017.

DATED this 15<sup>th</sup> Day of June, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

Italicized red text that is *double underscored* is new text that has been added to the pending rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1711

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
  - i. Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii. Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv. Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v. Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on December 15, 2016. (12-15-16)T



- k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l. Career Technical Education Categories: (3-29-17)
  - i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
  - ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
  - iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
  - iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
  - v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
  - vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)
- 02. **The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)
- 03. **The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)
- 04. **The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards.** The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on April 20, 2017. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-20-17)T
- 05. **The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)
- 06. **The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)
- 07. **The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on ~~May 8, 2011~~ October 18, 2017. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). ~~(3-29-12)~~ ( )
- 08. **The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)
- 09. **The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)
- 10. **The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1712

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-133 and 33-1626, 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:

Currently the State longitudinal data system for elementary and secondary data includes grade point average (GPA) on a provisional basis. GPA is used at the state level for determining acceptance at public postsecondary higher education institutions as part of the Board's Direct Admissions Initiative and in determining eligibility and ranking of students who apply for the Idaho Opportunity Scholarship. Currently, a predicted GPA is calculated for students participating in the Direct Admissions Initiative and school district counselors must verify the GPA for secondary students who apply for the Idaho Opportunity Scholarship. Allowing this data point to be collected on an ongoing basis will allow for a more consistent application of the Direct Admission requirements and streamline and speed up the process for verifying and awarding Idaho Opportunity Scholarships by eliminating the requirement that school counselors verify the GPA of all awardees.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 164-165](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**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 33-133 and 33-1626, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The proposed rule will amend the data elements collected as part of the statewide longitudinal data system to include grade point average (GPA) pursuant to Section 33-133, Idaho Code. Allowing this data point to be collected on an ongoing basis will allow for a more consistent application of the Direct Admission requirements and streamline the process for verifying and awarding Idaho Opportunity Scholarships.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted due to the simple nature of this rule and GPA already being a commonly defined term it was determined that negotiated rulemaking was not feasible.

**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: No documents are being incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent 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 25, 2017.

DATED this 18th day of August, 2017.

**LSO Rules Analysis Memo**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1712
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**115. DATA COLLECTION.**

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment collection will contain information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status. The collection will be done in mid-October, early February, and May (end of the testing window). Each participating school is required to verify and assure the accuracy of the data submitted in the files. (5-8-09)

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

**a. Grade Point Average (GPA).** ( )

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.04 – RULES GOVERNING PUBLIC CHARTER SCHOOLS**  
**DOCKET NO. 08-0204-1701**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1612, and 33-5203, 33-5205 and 33-5210, Idaho Code.

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

During the 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from and streamlining the timelines for review and approval of applications. These legislative changes require amendments to IDAPA 08.02.04, “Rules Governing Public Charter Schools.” The proposed amendments add a single application process that will apply to all charter school petitioners, regardless of the chartering entity, remove sections that are no longer required due to the legislative changes or duplicate provision specified in Idaho Code, and make technical changes.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 166-178](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 31, 2017.

**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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1612, and 33-5203, 33-5205 and 33-5210, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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:

During the 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from and streamlining the timelines for review and approval of applications. These legislative changes require amendments to IDAPA 08.02.04, "Rules Governing Public Charter Schools." The proposed amendments add a single application process that will apply to all charter school petitioners, regardless of the chartering entity, remove sections that are no longer required due to the legislative changes or duplicate provision specified in Idaho Code, and make technical changes.

**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 temporary and proposed rule brings this section of administrative code into compliance with amendments made by House Bill 279 (2017).

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 57](#).

**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 rulemaking does not incorporate any documents.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent 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 October 25, 2017.

DATED this 31st day of August, 2017.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0204-1701

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 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. (3-20-14)

~~**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. (3-20-14)

a. Petitions shall be submitted to the president of the institution or his designee. (3-20-14)

b. An institution may approve or deny a petition, ~~but cannot refer the petition to another authorized chartering entity.~~ (3-20-14) ( )

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. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

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

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



(4-11-06)

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

~~**03. Petition Sufficiency Reviews.** Prior to submitting a petition to an authorized chartering entity, petitioners shall submit one (1) copy of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with statutory requirements. (4-4-13)~~

**03. Petition Submittal.** A public charter school petition may be submitted to only one (1) authorized chartering entity at a time. A petitioner may submit a petition that has been denied by an authorized chartering entity to any other authorized chartering entity after an appeal process, if any, is complete and a final decision has been reached. ( )

(BREAK IN CONTINUITY OF SECTIONS)

~~**202. PETITION REQUIREMENTS.**~~

~~A petition to form a new or conversion public charter school shall be submitted in accordance with instructions, and in such format, as may be required by the Board. Notwithstanding, the petition must include, at a minimum, the information described in Section 33-5205, Idaho Code. (4-11-06)~~

**202. NEW PUBLIC CHARTER SCHOOL APPLICATION REQUIREMENTS.**

Pursuant to Section 33-5205, Idaho Code, petitioners seeking to establish a new public charter school must complete an application consisting of all of the following elements: ( )

**01. Introduction.** Briefly introduce the proposed public charter school by providing the following: ( )

**a.** Cover page with the proposed school's name, intended opening year, general location, and the contact information for one (1) petitioner who will serve as liaison with the authorizer during the petition process; ( )

**b.** Table of contents; ( )

**c.** One-page (1) executive summary describing the proposed school's organizational structure, educational program, and student outcome expectations; and ( )

**d.** Mission statement. ( )

**02. Educational Program.** Describe the proposed school's educational program by explaining the following: ( )

**a.** Educational philosophy; ( )

**b.** Student academic achievement standards and any additional goals and methods for measuring achievement; ( )

**c.** Key educational design elements, including curricula, tools and instructional methods identified to carry out the educational philosophy and meet academic and mission-specific goals, which may include evidence demonstrating efficacy of these elements; and ( )

**d.** Strategies for meeting the needs of specific student populations, including, but not limited to, at-risk students, special education students, English language learners, and gifted students. ( )

**03. Financial and Facilities Plan.** Demonstrate a sound understanding of public charter school finances and facilities needs. ( )

**a.** State whether the school intends to provide transportation or food service, and provide plans for provision of these services if they will be offered; ( )

**b.** Describe how the school's finances will be managed and monitored; ( )

**c.** Provide a working draft of the school's prospective facilities plan, including likely facilities needs and estimated costs; ( )

**d.** Provide a description of any potential facilities that have been identified and a timeline and process for securing appropriate space; and ( )

**e.** Attach the following to Appendix A: Pre-opening budget and three-year operating budget, including detailed assumptions for all revenue and expenditures for each year; year one (1), break-even budget demonstrating the minimum enrollment needed to achieve a zero (0) or marginal net income balance at the end of the year; cash flow projection for the first operational year, demonstrating an understanding of charter school monetary flow; evidence of existing and anticipated funds; and evidence that projected facilities costs are reasonable within the start-up and three-year budgets. ( )

**04. Board Capacity And Governance Structure.** Provide information about the legal entity and the individuals involved in opening the proposed school. ( )

**a.** Attach copies of the nonprofit corporation's Articles of Incorporation and Corporate Bylaws to Appendix B, though note that they will not be incorporated as part of the school's charter; ( )

**b.** Provide a description of the governance structure; ( )

**c.** List any already identified members of the board of directors, attach their professional resumes to Appendix C, and provide any additional information about their qualifications; ( )

**d.** Describe the board's plan for a smooth transition from initial founding members to subsequent members; and ( )

**e.** Describe the plan for board member recruitment and training. ( )

**05. Student Demand and Primary Attendance Area.** Demonstrate the need and community demand for the proposed public charter school in the selected location. ( )

**a.** Describe the primary attendance area and list the public school districts that overlap this area; ( )

**b.** Clearly articulate the need and demand for a school in the selected location, including demographics for the intended neighborhood. Need is the reason(s) existing schools are insufficient or inadequate and includes state performance data. Demand is evidence of desire from prospective families to attend the school; ( )

**c.** Describe the population of students the proposed school intends to serve and how the selected location supports serving such students; ( )

**d.** Provide the target enrollment by grade level and projected growth over five (5) years; ( )

**e.** Describe any community partnerships or other local support for the proposed school; and ( )

**f.** Describe strategies for informing under-served students and their families about the prospective school and the enrollment process. ( )

**06. School Leadership and Management.** Describe the proposed school's administrative leadership structure, and provide information about any potential education service providers. ( )

**a.** Attach an organizational chart to Appendix D illustrating the proposed school's leadership structure and indicating the reporting structures of school leaders to the board. If school leaders have already been identified, include their names, contact information, resumes, and any additional information about their qualifications in the appendices. ( )

**b.** Describe the responsibilities of and relationships among school leadership, the governing board, instructional leaders, and staff, and include a plan for evaluating school leaders. ( )

**c.** If the proposed school intends to work with an educational service provider, provide the name of the company, a contact within the company, and specify in detail the extent of the entity's participation in the management and operation of the school. Attach the following to Appendix E: ( )

**i.** A term sheet indicating the fees to be paid by the proposed school to the management company, the length of the proposed contract, the terms for the contracts renewal, and provisions for termination; ( )

**ii.** Copies of the two (2) most recent contracts that the entity has executed with operating charter schools; and ( )

**iii.** A detailed description of the education service provider's relationship to the school's board of directors; ( )

**iv.** A detailed description of how and why the management organization or educational service provider was selected, and evidence that the organization provides high-quality service to similarly situated schools, if applicable. ( )

**07. Supporting Documents.** ( )

**a.** Appendix A – Budgets, cash flow, additional funds. ( )

**b.** Appendix B – Articles of Incorporation and Bylaws. ( )

**c.** Appendix C – Board of Directors. ( )

**d.** Appendix D – School Administration. ( )

**e.** Appendix E – Education Service Provider. ( )

**f.** Appendix F – Optional additional supporting documents. ( )

## 203. ADMISSION PROCEDURES.

**01. Model Admission Procedures.** ~~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 33-5206(11), Idaho Code, and Section 203 of this rule. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (3-20-14)( )

**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~~ Charter holders shall ensure that citizens in the primary attendance area shall be made aware of the enrollment opportunities of the public charter school. ~~Such process shall include~~ the dissemination of enrollment information, taking into consideration the language demographics of the attendance area, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs. (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)(+)~~ 5206(11), Idaho Code. (3-20-14)( )

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

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

**08. Final Selection List.** The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. (4-11-06)

**09. 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)

10. **Subsequent School Years.** The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. (4-11-06)

204. (RESERVED)

205. REVIEW OF PETITIONS.

~~01. **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. (3-20-14)~~

~~02. **Timeframe for Sufficiency Review.** The Department shall complete the 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. (3-20-14)~~

~~03. **Notification of Findings After Sufficiency Review.** The Department shall notify the petitioners promptly in writing describing the results of the sufficiency review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (3-20-14)~~

~~04. **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. (3-20-14)~~

~~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)~~

~~061.~~ **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. (3-20-14)

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

~~01. **Referral of Petition by Local Board of Trustees.** A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(e)(iii), Idaho Code. If a~~

~~board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt written notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly notify the Commission of the referral decision, including all the reasons for referral. (4-4-13)~~

~~**02. Withdrawal by Charter Petitioners.** Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within seventy-five (75) days after the petition is received by the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the petition, after a reasonable and good faith effort. (4-4-13)~~

~~**03. Reasonable and Good Faith Effort.** For purposes of Subsection 206.02 of these rules, the authorized chartering entity shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the authorized chartering entity take at least all of the following actions: (4-4-13)~~

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

~~**b.** The authorized chartering entity posts public notice of a public hearing for the purpose of considering the petition, and such meeting is scheduled to occur not later than seventy-five (75) days after receipt of the petition and verification that there are thirty (30) signatures from qualified electors of the attendance area. (4-4-13)~~

~~**c.** Prior to the date the posted public hearing is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. (4-4-13)~~

~~**d.** Either prior to or at the posted public hearing, representatives from both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition. (4-4-13)~~

~~**04. Failure of Authorized Chartering Entity to Make a Good Faith Effort.** If the authorized chartering entity fails to make the good faith effort described in Subsection 206.03 of these rules, the petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration, provided the petitioner takes at least all of the following actions: (4-4-13)~~

~~**a.** The petitioners must provide the authorized chartering entity with a petition that is administratively complete and that has been reviewed by the Department in accordance with Section 205 of these rules. (4-4-13)~~

~~**b.** The petitioners must contact the authorized chartering entity, in writing, to ensure awareness of the timelines for petition review and the petitioners' request for a review of the petition and public hearing to consider the merits of the petition. (4-4-13)~~

~~**c.** In the event correspondence is sent to the petitioners identifying concerns with the petition, then the petitioners must respond in writing to the authorized chartering entity addressing the identified concerns. (4-4-13)~~

~~**d.** The petitioners must meet with the authorized chartering entity and engage in face to face discussions regarding the petition, if the authorized chartering entity provides an opportunity to do so. (4-4-13)~~

~~2076.~~ -- 299. (RESERVED)

### 300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.

**01. General.** The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as



all applicable state and federal laws, rules and regulations, and policies. (3-20-14)

**02. Compliance with Terms of Performance Certificate.** The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with the terms and conditions of the performance certificate approved executed in accordance with Section 33-5205B(1), Idaho Code. (3-20-14)

**03. Annual Reports.** The governing board of a public charter school must submit an annual audit of the fiscal operations as required in Section 33-5206(7), Idaho Code, ~~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 performance certificate. (3-20-14)( )

**04. Operational Issues.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its performance certificate. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. (3-20-14)

**05. Articles of Incorporation and Bylaws.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity of any revisions or amendments to the articles of incorporation or bylaws. ( )

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the performance certificate. (3-20-14)

**302. CHARTER REVISIONS.**

The governing board of a public charter school may reasonably request revisions to an approved charter or performance certificate, as authorized by Section 33-5206(8), Idaho Code. (3-20-14)

**01. Request for Revision of Charter or Performance Certificate.** The governing board of a public charter school that desires to revise its charter or performance certificate must submit a written request ~~describing and~~ the proposed revisions ~~with to~~ 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.~~ (3-20-14)( )

**02. 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.~~ (3-20-14)

**03. Procedure for Reviewing Request for Charter or Performance Certificate Revision.** The authorized chartering entity shall have seventy-five (75) days from the date of receipt of the written ~~notice from the Department~~ request and proposed revisions in which to issue its decision on the request for charter or performance certificate revision. The authorized chartering entity shall consider the request for charter or performance certificate revision at its next regular meeting following the date of receipt of the written ~~notice from the Department~~ request and proposed revisions, provided that the request ~~is~~ and proposed revisions are submitted no fewer than thirty (30) days ~~an~~ in advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter or performance certificate revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter or performance certificate revision. (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 in advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a 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.~~ (3-20-14)

**053. Approval of Proposed Charter or Performance Certificate Revision.** If the authorized chartering entity approves the proposed charter or performance certificate revision, a copy of such revision shall be executed by each of the parties to the charter or performance certificate and shall be treated as either a supplement to, or amendment of, the final approved ~~petition~~ charter or performance certificate, whatever the case may be. (3-20-14)( )

**064. 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. (3-20-14)

### **303. REVOCATION.**

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303 of this rule if a public charter school has failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of Section 33-5209B(1), Idaho Code, by the dates specified. (3-20-14)

**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~~ failed to meet any of the specific written conditions for necessary improvements established pursuant to the provisions of Section 33-520B(1), Idaho Code, by the dates specified, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. (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. (3-20-14)

**01. Submission of Appeal.** The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to non-renew or revoke a charter or to deny a charter or performance certificate revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board one (1) hard copy and one (1) electronic copy of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (3-20-14)

**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. (3-20-14)

~~**b.** 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.~~ (3-20-14)

**e.b.** Deny the appeal filed by the appellants. (4-11-06)

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.03.01 – RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**  
**DOCKET NO. 08-0301-1701**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1612, and 33-5203, 33-5205 and 33-5210, Idaho Code.

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

During the 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from. These legislative changes require amendments to IDAPA 08.02.04, “Rules Governing Public Charter Schools,” adding the application process that will apply to all charter school petitioners. These amendments are being brought forward under Docket 08-0204-1701, and make many of the provision in IDAPA 08.03.01 redundant or outdated. Proposed amendments will remove the now redundant and outdated petition format requirements and make other technical changes, bring IDAPA 08.03.01 into compliance with the new provisions set out in Chapter 52, Title 33.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 179-184](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 31, 2017.

**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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1612, and 33-5203, 33-5205 and 33-5210, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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:

During the 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from. These legislative changes require amendments to IDAPA 08.02.04," Rules Governing Public Charter Schools," adding the application process that will apply to all charter school petitioners. These amendments are being brought forward under Docket 08-0204-1701, and make many of the provision in IDAPA 08.03.01 redundant or outdated. Proposed amendments will remove the now redundant and outdated petition format requirements and make other technical changes, bring IDAPA 08.03.01 into compliance with the new provisions set out in Chapter 52, Title 33.

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

This temporary and proposed rule brings this section of administrative code into compliance with amendments made by House Bill 279 (2017).

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 58](#).

**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 rulemaking does not incorporate any documents.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent 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 October 25, 2017.

DATED this 31st day of August, 2017.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0301-1701**

**~~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, IDAPA 08.02.04, "Rules Governing Public Charter Schools", and IDAPA 08.03.01, "Rules of the Public Charter School Commission." (3-20-14)~~

~~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 at the time the petition is filed with the Commission. (3-20-14)~~

**~~301. COMPLIANCE MONITORING.~~**

The Commission shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the performance certificate, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (3-20-14)

- 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)~~
- 3021. 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 any notice from the public charter school's accreditation report as required by Section 33-5206(7), Idaho code, accrediting body that the public charter school has failed to meet or maintain full accreditation requirements must be submitted within five (5) business days of receipt; ~~(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. **Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission. (4-4-13)
- 3032. -- 399. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

~~**401. PETITION—FORMAT.**~~

~~All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)~~

- ~~01. **Cover Page.** The cover page must include the following information: (4-11-06)~~
- ~~a. **Name of proposed charter school;** (4-11-06)~~
- ~~b. **School year petitioning to open the school;** (4-11-06)~~

- ~~e. 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. 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)~~
- ~~f. 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)~~

4021. -- 999. (RESERVED)

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY**  
**DOCKET NO. 08-0401-1701**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-5504, 33-5505, and 33-5507, Idaho Code.

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

The proposed amendments will update the Idaho Digital Learning Academy's physical address and additional technical corrections will bring the accreditation requirement language into alignment with terminology used elsewhere in Idaho Code and Administrative Code and update provisions related to student work and ethical conduct.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 185-187](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE
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**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 33-5504, 33-5505, and 33-5507, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The proposed amendments will update the Idaho Digital Learning Academy's physical address and additional technical corrections will bring the accreditation requirement language into alignment with terminology used elsewhere in Idaho Code and Administrative Code and update provisions related to student work and ethical conduct.

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

No fees or charges are being imposed through this rulemaking.

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

There is no impact to the general fund as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 7, 2017 Idaho Administrative Bulletin, [Vol. 17-6, 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: This rulemaking does not incorporate any documents.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov). All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017

**LSO Rules Analysis Memo**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0401-1701

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The Idaho Digital Learning Academy is located in Boise, Idaho.

(3-30-07)

**01. Office Hours.** The Idaho Digital Learning Academy's offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (3-30-07)

**02. Street Address.** The offices of the Idaho Digital Learning Academy are located at ~~1303 E. Central Dr., Meridian, Idaho 83642~~ 300 West Fort Street, Boise, ID 83702. ~~(3-30-07)( )~~

**03. Mailing Address.** The mailing address of the Idaho Digital Learning Academy is ~~1303 E. Central Dr., Meridian, Idaho 83642~~ 300 West Fort Street, Boise, ID 83702. ~~(3-30-07)( )~~

**04. Telephone Number.** The telephone number of the Idaho Digital Learning Academy is 208-342-0207. (3-30-07)

**05. Facsimile.** The facsimile number of the Idaho Digital Learning Academy is 208-342-1031. (3-30-07)

**06. Website and E-Mail Address.** The electronic address of the Idaho Digital Learning Academy is <http://www.idahodigitalllearning.org/> and the e-mail address is [idla@IdahoDigitalLearning.org](mailto:idla@IdahoDigitalLearning.org). (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

**01. Idaho Digital Learning Academy (IDLA).** Idaho Digital Learning Academy is defined in Section 33-5505(3) and means an online educational program organized as a fully accredited secondary school with statewide capabilities for delivering accredited courses to Idaho resident students ~~in grades seven (7) through twelve (12)~~ at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the superintendent, and such funds shall be included in the budget and audit of the academy's fiscal records. ~~(3-30-07)( )~~

**02. Acceptable Use Policy (AUP).** An Acceptable Use Policy is a policy that governs behavior in a computer or online environment. An Acceptable Use Policy outlines appropriate and inappropriate behavior, including specific examples of inappropriate behavior as well as the consequences of violating the policy. Acceptable use guidelines include, but are not limited to, guidelines pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (either their own or someone else's), disrupting the use of a school network, or importation of sexually explicit, drug-related, and other offensive materials into the course environment. (3-30-07)

**03. Designee.** In the absence of the IDLA Director, a representative from the IDLA Board of Directors or an administrative staff member may be appointed by the IDLA Board of Directors to serve as designee. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**



**101. ACCREDITATION.**

IDLA must ~~submit proof of~~ **maintain** accreditation ~~that meets accreditation standards of the state of Idaho and the northwest accreditation association to~~ **by an organization recognized by** the State Board of Education ~~annually.~~  
(3-30-07)( )

**102. ACCOUNTABILITY.**

**01. Exams.** Each IDLA ~~semester~~ course will require the student to take a comprehensive final exam at an approved site under proctored conditions. (3-30-07)( )

**02. Student Work and Ethical Conduct.** (3-30-07)

**a.** IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out in ~~each class syllabus that each student receives~~ **the IDLA student handbook which is made available online at all times and is communicated to each student and parent** prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. (3-30-07)( )

**b.** Acceptable use and behavior in a distance-learning environment is determined by local school district's policies ~~and is covered by the district's AUP signed by the student and the student's parent.~~ **The IDLA students and parents will agree to abide by an be informed by the** IDLA AUP specifically governing behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. (3-30-07)( )

**c.** In a case of violation of the acceptable use policy or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. (3-30-07)

**d.** The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a ~~telephone conference~~ **special board meeting** to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the ~~telephone conference~~ **board meeting.** (3-30-07)( )

**03. Teacher Interaction.** IDLA faculty are required to contact students within the first ~~month~~ **twenty-four (24) hours** of class. Contact includes phone, ~~regular mail,~~ e-mail, **web conferencing,** or other technological means. IDLA ~~faculty are~~ **is** required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district **for transcription to the student's academic record.** (3-30-07)( )

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.05.01 – RULES GOVERNING SEED AND PLANT CERTIFICATION**  
**DOCKET NO. 08-0501-1701**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1504, 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:

Through the Idaho Crop Improvement Association (ICIA) annual review process, the ICIA identified the need for an amendment to the Grain Certification Standards and Potato Standards. The pending rule will update the grain certification standards and potato certifications standards as recommended by the ICIA. The proposed amendments would update the referenced document to the new standards for Idaho Grain Standards and Potato Certification Standards. Amendment to the Idaho Grain Certification Standards change “Land Requirements” to allow irrigated fields producing certified class seeds to be used if they have not produced small grain for the previous crop year unless the small grain was of an equal or higher class of the same variety being planted. The current standard restricts the land use to fields that have not produced visually indistinguishable grain for the two prior crop years unless the grain is of an equal or higher class of the same variety or unless a seedling inspection is conducted. Amendments to the Potato Certification Standards include removing “corky ring spot” from the Seed Lot Disqualifying Conditions and specifying that seed lots with a greater than 1.0% of “Well Defined Mosaic” are not eligible for re-certification.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 188-190](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE
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**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 22-1504, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The proposed rule would amend the Idaho Grain Certification Standards “Land Requirements” to allow irrigated fields producing certified class seeds to be used if they have not produced small grain for the previous crop year unless the small grain was of an equal or higher class of the same variety being planted. The current standard restricts the land use to fields that have not produced visually indistinguishable grain for the two prior crop years unless the grain is of an equal or higher class of the same variety or unless a seedling inspection is conducted. Additional changes would amend the Potato Certification Standards, removing “corky ring spot” from the Seed Lot Disqualifying Conditions and specifying that seed lots with a greater than 1.0% of “Well Defined Mosaic” are not eligible for re-certification.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, 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:

The seed and crop standards are incorporated by reference due to formatting that is not consistent with the standard administrative rule format, additionally incorporation by reference is consistent with how the University of Idaho Board of Regents treats other types of standards.

**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 25, 2017

DATED this 31st day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0501-1701

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (4-6-15)

**01. Prohibited Noxious Seed in Idaho Certified Seed.** The standard Prohibited Noxious Seed in Idaho Certified Seed of the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**02. Seed Certification Fee & Application Schedule.** The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on July 11, 2014. (4-6-15)

**03. Idaho Alfalfa Certification Standards.** The Idaho Alfalfa Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**04. Idaho Bean Certification Standards.** The Idaho Bean Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**05. Idaho Red Clover Certification Standards.** The Idaho Red Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**06. Idaho Chickpea Certification Standards.** The Idaho Chickpea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**07. Idaho Grain Certification Standards.** The Idaho Grain Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~March 17, 2015~~ February 28, 2017.  
(3-25-16)( )

**08. Idaho Grass Certification Standards.** The Idaho Grass Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**09. Idaho Rapeseed/Canola/Mustard Certification Standards.** The Idaho Rapeseed/Canola/Mustard Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 26, 2016. (3-29-17)

**10. Idaho Potato Certification Standards.** The Idaho Potato Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~March 17, 2015~~ February 28, 2017.  
(3-25-16)( )

**11. Pre-Variety Germplasm Certification Regulations in Idaho.** The Pre-variety Germplasm Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**12. Idaho Lentil Certification Standards.** The Idaho Lentil Certification Standards adopted by the

Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**13. Idaho Blue Flax Certification Standards.** The Idaho Blue Flax Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**14. Idaho Milkvetch Certification Standards.** The Idaho Milkvetch Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**15. Idaho Pea Certification Standards.** The Idaho Pea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**16. Idaho Sanfoin Certification Standards.** The Idaho Sanfoin Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**17. Idaho Birdsfoot Trefoil Certification Standards.** The Idaho Birdsfoot Trefoil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**18. Idaho White Clover Certification Standards.** The Idaho White Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**19. Idaho Penstemon Certification Standards.** The Idaho Penstemon Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

## IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION

### 47.01.01 – RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

#### DOCKET NO. 47-0101-1701

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to 33-2301 and 33-2303, Idaho Code, and the rehabilitation Act of 1973 and all subsequent amendments and the Workforce Innovation and Opportunity Act.

**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:

Proposed amendments make technical amendment and improvements to this section and amends the Division of Vocational Rehabilitation's Field Services Policy Manual, incorporated by reference, to further align the program's policies with the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128. Furthermore, the Division is proposing substantive changes specifically to the Supported Employment and Transition Services policies to be in alignment with WIOA. WIOA requires Vocational Rehabilitation to provide pre-employment transition services to students and youth with disabilities as well as extended services to youth with disabilities who do not immediately have funding for such services, up to a specified period of time. Comments received during the public comment period resulted in amendments to the Field Services Manual incorporated by reference. The pending rule has been amended to incorporate the new approval date of the Field Services Manual incorporated these amendments. Specific changes to the manual were to update requirements and references imposed by the Workforce Innovation and Opportunity Act (WIOA) and changes to policies supporting employment, pre-employment transition and transition services for students and youth, and services for individuals employed or seeking employment at sub-minimum wage were substantially modified/created to meet federal compliance and best practices.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, page 529](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**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 33-221 and 33-2303, Idaho Code, and the rehabilitation Act of 1973 and all subsequent amendments and the Workforce Innovation and Opportunity Act.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 amendments make technical amendment and improvements to this section and amends the Division of Vocational Rehabilitation's Field Services Policy Manual, incorporated by reference, to further align the program's policies with the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128. Furthermore, the Division is proposing substantive changes specifically to the Supported Employment and Transition Services policies to be in alignment with WIOA. WIOA requires Vocational Rehabilitation to provide pre-employment transition services to students and youth with disabilities as well as extended services to youth with disabilities who do not immediately have funding for such services, up to a specified period of time.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 80](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The Idaho Division of Vocational Rehabilitation Field Service Manual is incorporated by reference due to the size and complexity of the manual.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent 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 25, 2017.

DATED this 31st day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)



Italicized red text that is *double underscored* is new text that has been added to the pending rule.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 47-0101-1701**

**004. INCORPORATION BY REFERENCE.**

**01. General.** Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (3-30-01)

- a. All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)
- b. Idaho Division of Vocational Rehabilitation Field Services Policy Manual, approved ~~August~~ November 14, 2016, available for review on the website at <http://www.vr.idaho.gov/>. ~~(3-29-17)~~ ( )
- c. Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128. (3-29-17)
- d. Federal Register, Department of Education, 34 CFR Parts 361, 363, and 397. (3-29-17)
- e. The Rehabilitation Act of 1973, as amended. (2-17-09)

**03. Availability of Reference Material.** Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.02. (2-17-09)

## **IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION**

### **55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS**

#### **DOCKET NO. 55-0103-1701**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-2205, 33-2211 and 33- 1002G.

**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:

Proposed amendments will update the rule language with current terminology, remove outdated language that no longer conforms to Idaho Code, streamline requirements for more efficient administration and make technical changes, like alphabetizing the definition section. The proposed changes will also clarify the process for calculating and distributing funds to career technical schools.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 531-535](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**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 33-2205, 33-2211 and 33-1002G.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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

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

The purpose of the proposed amendments is to make technical corrections, such as alphabetizing the definition section, adding definitions to terms that were used and not defined and updating terminology. Additional amendments remove redundant language that is already contained in Section 33-1002G, Idaho Code, and provide additional clarification of career technical school program requirements and career technical school added cost unity funding eligibility requirements.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, Page 38](#).

**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 rulemaking does not incorporate any documents by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov). All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 55-0103-1701**

**005. DEFINITIONS.**

**01. Administrator.** A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. ( )

**02. Attendance Zones.** For purposes of Section 33-1002G, Idaho Code, each high school is classified as an attendance zone. The attendance zone requirement can be met by having students from at least two (2) high school zones within a district or at least two (2) high school zones in different districts participate in the career technical school. A minimum of fifteen percent (15%) of the total student body must reside in attendance zones apart from the attendance zone of the majority of students. Cooperative Service Agencies must meet the fifteen percent (15%) attendance criteria on a program-by-program basis. (3-30-01)

~~**02. Dual Credit.** Pursuant to Section 33-5109, Idaho Code, dual credit may be granted for Advanced Placement, College Level Examination Program, or Tech Prep class offerings that are approved through an accredited institution of higher education. This does not have to be a one (1) credit for one (1) credit articulation. Competencies from multiple classes can count toward postsecondary credit/credits. (3-30-01)~~

**03. Capstone Course.** A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. ( )

**04. Career Technical Schools.** Schools designed to provide high-end, state-of-the-art technical programs that foster quality technical education ~~at the secondary level~~ through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (3-30-01)( )

~~**035. Field Experience.** Paid or unpaid work experience such as business/industry internship, clinical experience, supervised occupational experience, job placement, school-based enterprise, or similar work experience setting. The field experience must be of sufficient duration and depth to add to the technical competencies of the student. (3-30-01)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. CAREER TECHNICAL SCHOOL GENERAL APPROVAL CRITERIA.**

For approval, applying career technical school's districts/~~consortiums~~ must meet at least four (4) of the five (5) criteria listed in Section 33-1002G, Idaho Code. Approval criteria: (3-30-01)( )

- |  |   |           |
|--|---|-----------|
| <b>01. High School Attendance Zones.</b> | Two (2) or more high school attendance zones. | (3-30-01) |
| <b>02. Dual Credit.</b>                  |   | (3-30-01) |
| <b>03. Field Experience.</b>             |   | (3-30-01) |
| <b>04. Funded as a Separate School.</b>  |   | (3-30-01) |

**05. Separate Site or Cooperative Service Agency.** Located at a separate site or approved by the State Board of Education as a cooperative service agency. (3-30-01)

**102. CAREER TECHNICAL COMPONENT CRITERIA.**

**01. Program Criteria.** Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. The lab should be appropriately designed for the type of program and the number of students enrolled. The program should have state-of-the-art equipment, current technology and strong links to business and industry. (3-30-01)

**02. Career Technical School Program.** Each program of a career technical school shall: (3-30-01)

- ~~a. Be based on industry standards that are measurable using a competency-based evaluation system. (3-30-01)~~
- ~~b. Demonstrate a responsiveness to students' needs and to labor market needs. (3-30-01)~~
- ~~c. Contain a sequence of instruction that follows a set of industry competencies. (3-30-01)~~
- ~~d. Reinforce basic and advanced academic skills. (3-30-01)~~
- ~~e. Have at least one (1) dual credit technical course or be approved for postsecondary credit as part of a Tech Prep agreement. (3-30-01)~~
- ~~f. Promote access and equity for all students and school personnel. (3-30-01)~~
- ~~g. Incorporate active input from an appropriately qualified business/industry technical advisory committee. (3-30-01)~~
- a. Deliver a sequence of career technical education courses that culminate in a capstone course. ( )**
- b. Meet all of the required technical competency credit standards established by the state board of education. ( )**
- c. Develop and maintain business and industry partnerships in addition to the technical advisory committee. ( )**
- ~~d. Ensure that all programs i~~**Implement instructional delivery methods that** ~~use current teaching and industry technologies~~ **integrate advances in industry technologies. (3-30-01)( )**
- e. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the division of career technical education. (3-30-01)( )**
- f. Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the division of career technical education. ( )**
- g. Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. ( )**
- ~~h. Promote the development of leadership, interpersonal and other cross-functional workplace skills through career technical student organizations or other appropriate means. (3-30-01)( )~~
- ~~i. Ensure that the instructional setting is appropriate and effective regarding: (3-30-01)~~

- ~~i. Student teacher ratios. (3-30-01)~~
- ~~ii. Number of lab work stations. (3-30-01)~~
- ~~iii. Number of quality work experience sites. (3-30-01)~~
- ~~iv. Safety. (3-30-01)~~
- ~~v. Work experience agreements. (3-30-01)~~
- ~~vi. Facility maintenance. (3-30-01)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**104. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUNDING AND ELIGIBILITY.**

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is based on the average daily attendance (ADA) of students enrolled in the career technical school. If any approved program within a career technical school does not enroll students from more than one (1) high school during the reporting period, the enrolled students may not be counted as part of the school's average daily attendance for that reporting period. If the overall enrollment exceeds more than eighty-five percent (85%) of students from any single high school during the school year, the division of career technical education may withhold all or part of the career technical school's funding. (3-30-01)( )

**105. CAREER TECHNICAL SCHOOL AVERAGE DAILY ATTENDANCE.**

The Division of Career Technical Education shall use the enrollment ~~reports sent to the State Department of Education~~ and attendance submitted to the division of career technical education by the school district to calculate career technical school average daily attendance (ADA) in accordance with applicable laws and rules (Section 33-1002, Idaho Code). Students in attendance at a qualifying career technical school shall be reported as aggregate hours and/or aggregate attendance. The aggregate hours and aggregate attendance will be combined to calculate the ADA for the career technical school. (3-30-01)( )

**01. Aggregate Hours.** The daily hours of all students enrolled in approved intermediate and capstone courses who attend less than two and one-half (2.5) hours per day shall be added together and reported as weekly aggregate hours. (3-30-01)( )

**02. Aggregate Attendance.** Students attending enrolled in approved intermediate and capstone courses who attend more than two and one-half (2.5) hours per day are to be reported as aggregate attendance. (3-30-01)( )

**106. CAREER TECHNICAL SCHOOL ADDED COST UNIT CALCULATION.**

The Division of Career Technical Education shall use the career technical school average daily attendance (ADA) as the basis for added cost unit funding. (3-30-01)

**01. State Support Unit Value.** The added cost support unit value shall be based on state salary-based apportionment, state paid employee benefits (less state unemployment), base support, and safe environment distribution factors found in the Public School Support Program. (3-30-01)

**02. Support Unit Divisor.** Added cost support units for career technical schools shall be calculated by using the secondary support unit attendance divisor of eighteen and one-half (18.5) as shown in Section 33-1002(6), Idaho Code. (3-30-01)

**03. Added Cost Support Factor.** The added cost support factor for career technical schools shall be

calculated by multiplying point thirty-three (.33) times the added cost support units generated in the career technical school. (3-30-01)

**04. Estimated ~~Reimbursement~~ Distribution.** The estimated ~~reimbursement~~ distribution shall be calculated by multiplying the state support unit value by the added cost support factor. ~~(3-30-01)~~( )

**107. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUND DISTRIBUTION.**

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. (3-30-01)

**01. Payment Distribution.** Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (3-30-01)

**a.** Seventy percent (70%) of the total estimated funds for which ~~a~~ career technical schools ~~are is~~ eligible shall be distributed each year following receipt of first-period ~~enrollment~~ attendance data from the ~~Department of Education~~ approved career technical schools. Funding will not be distributed until reports have been received and approved by the division of career technical education from each approved schools. ~~(3-30-01)~~( )

**b.** Based on actual support units generated during the year, the balance shall be distributed each year by July 15th. (3-30-01)

~~**02. Reduced Funding.** In the event that the legislature does not appropriate enough funds to cover at least ninety percent (90%) of the calculated per unit value, preference will be given to existing schools and funding will not be reduced to less than ninety percent (90%) of the previous year's level. (3-30-01)~~

~~**03. Adjusted Distribution.** In the event that program growth exceeds the amount of the requested appropriation on a given year, the distribution of funds to each career technical school will be based on the projected ADA from the Annual Application or the actual ADA from the enrollment reports, whichever is smallest. (3-30-01)~~

**108. ACCOUNTABILITY.**

**01. Assessment Process.** The Division of Career Technical Education shall develop an assessment process that includes measures and standards for career technical school programs. (3-30-01)

**02. Reporting.** No later than October 15 of each year, career technical schools will submit a report to the division of career technical education, detailing their enrollment at the program level by high school. ( )

**023. Administrator Responsibility.** The administrator of each career technical school shall be responsible to provide ~~a complete report for each program on the measures and standards at the end of each fiscal year~~ onsite administration of the career technical school. The administrator will submit all required career technical school reports requested by the division of career technical education. ~~(3-30-01)~~( )

**034. Accreditation.** Each career technical school shall be accredited following Department of Education guidelines. This accreditation shall be appropriate for the individual type of career technical school that is developed. (3-30-01)

**045. School Improvement Plan.** The administration, faculty and staff at each career technical school shall be responsible to develop and implement a local school improvement plan based on the assessment process developed by the division of career technical education. ~~(3-30-01)~~( )



## IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

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

DOCKET NO. 55-0104-1701

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1629, Idaho Code.

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

Proposed amendments will create a “carry forward” function within the incentive grant program that will allow qualified teachers priority consideration for a subsequent grant cycle, in the event that a qualified teacher does not receive funds in the first year they are eligible. In years that the number of qualified teachers exceeds available funds, those teachers would be placed at the top of the consideration list the following year. The second amendment expands the window of time that a new career technical education program is eligible for the start-up grant from one year to three years. Additional amendments will change the disbursement of grant funds structure, rather than using a reimbursement process, districts will receive their entire grant award in October of each year and then file an annual report with the Division of Career Technical Education documenting the appropriate use of funds at the end of the award cycle.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 536-540](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending 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).

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

<p><b>THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE</b></p>
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**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 33-1629, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

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 amendments will create a “carry forward” function within the incentive grant that will allow qualified teachers priority consideration for a subsequent grant cycle, in the event that a qualified teacher does not receive funds in the year they are eligible. In years that the number of qualified teachers exceeds available funds, those teachers would be placed at the top of the consideration list the following year. The second amendment expands the window of time that a new program is eligible for the start-up grant from one year to three years of program approval. Additional amendments will change the disbursement of grant funds structure, rather than using a reimbursement process, districts will receive their entire grant award in October of each year and then file an annual report with the Division of Career Technical Education documenting the appropriate use of funds at the end of the award cycle.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, Page 39](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This rulemaking does not incorporate any documents by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov). All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 55-0104-1701**

**100. INCENTIVE GRANT.**

**01. Eligibility Requirements.** Eligible applicants must meet quality program and instructor requirements as approved by the board. Applicants may re-apply each year regardless of whether they have received a previous grant award. (4-11-15)

**a.** An agricultural and natural resources program in any grade nine (9) through twelve (12) must first meet the minimum program-specific quality program standards as approved by the board. (4-11-15)

**b.** Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program must meet each of the program quality indicators at the level of “basic” or higher. Programs must also have an overall average rating of no less than “distinguished” for all program-specific quality standards. This average will be calculated using the quality indicators within each standard. Programs that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. Programs will be assessed by the division. (4-11-15)

**c.** Instructors must teach in an agricultural and natural resources program that meets the quality program standards and must also meet the instructor-specific quality program standard as approved by the board. (4-11-15)

**d.** Instructors will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the instructor must meet each of the program quality indicators at the level of “basic” or higher. Instructors must also have an average rating of no less than “distinguished” for all instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. All instructors of agricultural and natural resources programs in grades nine (9) through twelve (12) are eligible to apply for the grant. (4-11-15)

**e.** Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program. (4-11-15)

**f.** Should the division request additional information from a school district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. (4-11-15)

**02. Application Process.** The application process consists of a formal application and assessment. (4-11-15)

**a.** To be considered for the grant, a school district must first complete and submit a formal application and supporting documentation on behalf of an instructor for an approved program according to the timeline established by the administrator. Applications may be submitted electronically to the division. In the event of a mailed application, applications must be postmarked no later than the timeline specified by the division. Instructors may not apply on their own behalf. (4-11-15)

**b.** Following the receipt of an application, the division will conduct an assessment of the program and instructor to ensure they both meet the minimum eligibility requirements, as outlined in the quality program standards. At the administrator’s discretion, the division may partner with additional subject-matter experts to assist in the evaluation. Assessments will be conducted each school year the instructor and program participate in the grant program. Districts will only be eligible to apply for the grant during the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications. (4-11-15)

**03. Selection of Grant Recipients.** Grants will be awarded annually based on the availability of grant funds and the number of qualified applicants. Grants will be awarded to applicants based on ranking in accordance with the following criteria: (4-11-15)

of: **a.** Applicants will be ranked according to their overall score. Scores will be calculated using the sum (4-11-15)

i. The average score of the program quality indicators; and (4-11-15)

ii. The average score of the instructor-specific program quality indicators. (4-11-15)

**04. Incentive Grant Award.** (4-11-15)

**a.** Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. Prior to the distribution of the letter, the division will verify that the grant recipient continues to teach at the same school, in the same agricultural and natural resources program, and at the same FTE level as indicated on the formal application. (4-11-15)

**b.** The total number of recipients will vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of ten thousand dollars (\$10,000) until available funds are exhausted or all qualified recipients have been awarded the grant. In the event that funds are exhausted and a qualified teacher does not receive the grant in the year he or she applies, that teacher will receive priority consideration for the grant the following year. If the teacher(s) reapplies and continues to meet the minimum qualifications the following year, he or she will be eligible to receive the grant regardless of where he or she ranks. Once the prioritized teacher(s) has been awarded funds, the remaining teachers will be ranked and funds will be awarded until the remaining funds have been exhausted. This cycle of prioritization may continue for multiple years; once a qualified teacher receives funds, he or she automatically moves back into the pool of teachers whose applications will be ranked in the following application cycle. Grants may be less than ten thousand dollars (\$10,000) when certain conditions exist: (4-11-15)( )

i. Tied ranking. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded evenly among those recipients with a tied score. (4-11-15)

ii. Less than full-time employment in an approved program. Grants will be awarded using FTE to calculate the percent of time an instructor spends teaching within an approved agricultural and natural resources program. In the event an instructor teaches in an approved program in less than a full-time capacity, grants will be pro-rated according to the percent of time the instructor spends teaching in the approved program. (4-11-15)

**c.** Grants are awarded on an annual basis and are not renewable or transferable. (4-11-15)

**d.** The use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. (4-11-15)

**e.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (4-11-15)

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; (4-11-15)

ii. Purchase or repair equipment; or (4-11-15)

iii. Purchase educational supplies/curricula. (4-11-15)

**f.** Grant funds may not be used to: (4-11-15)

i. Cover the costs of either salaries or benefits, including extended contracts; (4-11-15)

- ii. Offset expenses associated with the FFA organization or other student organizations; or (4-11-15)
- iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (4-11-15)

**101. -- 199. (RESERVED)**

**200. START-UP GRANT.**

**01. Eligibility Requirements.** A school district may apply for a start-up grant for a newly-approved agricultural and natural resources program or to re-establish an agricultural and natural resources program in any grade nine (9) through twelve (12) when specific eligibility requirements are met. Districts are ~~only~~ eligible to apply for the grant ~~in the~~ within the first three (3) fiscal years their program is approved or re-established. If a district applies for the grant but does not receive it, the district may reapply the following year(s). However, the district may only receive the grant once and may not apply beyond the three-year window. (4-11-15)( )

**a.** To start a new program, districts are required to first complete a request for new secondary program of study form for a new agricultural and natural resources program in one (1) of the specified grades. The new agricultural and natural resources program must then be approved by the division prior to application for the grant. Expansions of existing programs, including the addition of new career pathways or additional staff, do not qualify as a new program. (4-11-15)

**b.** To re-start a program, districts are required to first complete a Request for New Secondary Program of Study form to re-establish an agricultural and natural resources program in any grade nine (9) through twelve (12). The re-established agricultural and natural resources program must then be approved by the division prior to application for the grant. The re-established program must have been inactive for at least two (2) academic years to qualify for the grant. (4-11-15)

**02. Application Process.** A school district may submit an application for a new or re-established program. Completed applications, which must be authorized by the district superintendent, must be submitted to the division according to the timeline established by the administrator. In the event of a mailed application, the application must be postmarked no later than the timeline specified in the request. (4-11-15)( )

**a.** Applications must include all required information outlined in the grant application, including specific documents detailing the district's proposed budget and long-term strategy for sustaining the program. (4-11-15)

**b.** Communication with state officials. Should the division request additional information from a district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. (4-11-15)

**03. Selection of Grant Recipients.** Grants will be awarded annually by the division based on the availability of grant funds and the number of qualified programs. Grants will be awarded to districts based on ranking and priority that considers factors including but not limited to: the strength of the budget proposal, sustainability potential of the proposed program, and the history of prior grant awards. (4-11-15)

**04. Start-up Grant Award.** Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. The total number of recipients will not exceed four awards annually, and may vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of twenty-five thousand dollars (\$25,000) until available funds are exhausted or all qualified recipients have been awarded the grant. (4-11-15)

**a.** Grants are awarded on a one-time basis and are not renewable or transferable. If a district is awarded the grant for a new program, the program is ineligible for future awards should the program terminate and then be re-established. (4-11-15)

**b.** Use of grant funds must be in accordance with division guidelines and must be clearly linked to the

agricultural and natural resources program identified on the formal application. If a district fails to spend the entire award amount, those funds may not be carried forward to the next fiscal year. (4-11-15)

**c.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (4-11-15)

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; (4-11-15)

ii. Purchase or repair equipment; (4-11-15)

iii. Purchase educational supplies/curricula; or (4-11-15)

iv. Start-up costs, up to one thousand dollars (\$1,000,) associated with establishing a new chapter of FFA or other relevant student organization. (4-11-15)

**d.** Grant funds may not be used to: (4-11-15)

i. Cover the costs of salaries and/or benefits, including extended contracts; (4-11-15)

ii. Offset ongoing expenses associated with the FFA organization or other student organizations; or (4-11-15)

iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (4-11-15)

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

**300. PAYMENTS.**

Payment of grant funds will be made to the district ~~using a reimbursement process~~ once the final award determinations are made. For grants awarded under Section 100, funds will be made to the district on behalf of the instructor. ~~To receive reimbursement for eligible expenses, school districts must submit a reimbursement request no later than July 15 each year for the preceding school year, but may request reimbursement as costs are incurred~~ No later than June 30 of the fiscal year the grant was received, the district must submit a detailed expenditure report to the Division. Each report is subject to review and verification by the Division and must detail that all expenditures were allowable under the grant and that all funds were spent within the fiscal year. Any unspent grant funds must be returned to the Division. (4-11-15)( )