

# IDAHO ADMINISTRATIVE BULLETIN

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# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Rulemaking Notice published in the Bulletin. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 02-1 refers to the first Bulletin issued in calendar year 2002; Bulletin 03-1 refers to the first Bulletin issued in calendar year 2003. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 02-1 refers to January 2002; Volume No. 03-2 refers to February 2003; and so forth. Example: The Bulletin published in January of 2003 is cited as Volume 03-1. The December 2002 Bulletin is cited as Volume 02-12.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative RuleMaking**, printed in each Bulletin.*

## **TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULEMAKING**

*Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is*

*feasible to do so. Publication of a “Notice of Intent to Promulgate” a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.*

### **PROPOSED RULEMAKING**

*A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Proposed Rulemaking” in the Bulletin. This notice must include:*

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and*
- g) the deadline for public (written) comments on the proposed rule.*

*As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.*

### **TEMPORARY RULEMAKING**

*Temporary rules may be adopted only when the governor finds that it is necessary for:*

- a) protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit;*

*If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.*

*A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*State law required that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.*

*An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.*

### **PENDING RULEMAKING**

*A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it become a final, enforceable rule.*

*When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Pending Rulemaking". This includes:*

- a) a statement giving the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective;*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

*Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Pending Rulemaking" is published.*

### **FINAL RULEMAKING**

*A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.*

*No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.*

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

*The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls, Twin Falls, Lewiston and East Bonner County Library.*

## **SUBSCRIPTIONS AND DISTRIBUTION**

*For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-00306, telephone (208) 332-1820.*

*The **Idaho Administrative Bulletin** is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.*

*The **Idaho Administrative Code**, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.*

***Individual Rule Chapters** and **Individual Rule Making Dockets**, are specific portions of the Bulletin and Administrative Code produced on demand.*

***Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:*

*<http://www2.state.id.us/adm/adminrules/>*

## **HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN**

*Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering system. Each state agency has a two-digit identification code number known as the "**IDAPA**" number. (The "**IDAPA**" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "**TITLE**" number is assigned. There are "**CHAPTER**" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:*

### **IDAPA 38.07.01.200.02.c.ii.**

*"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.*

*"IDAPA 38" refers to the Idaho Department of Administration*

*"05." refers to Title 05, which is the Department of Administrations's Division of Purchasing*

*"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing"*

*"200." refers to Major Section 200, "Content of the Invitation to Bid"*

*"02." refers to Subsection 200.02.*

*"c." refers to Subsection 200.02.c.*

*"ii." refers to Subsection 200.02.c.ii.*



## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER." The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0401). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

### "DOCKET NO. 38-0501-0401"

"38-" denotes the agency's **IDAPA** number; in this case the Department of Administration.

"0501-" refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

"0401" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2004.

Within each Docket, only the affected sections of chapters are printed. (see **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

"(BREAK IN CONTINUITY OF SECTIONS)"

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

The citation may also include the IDAPA, Title, or Chapter number, as follows"

"...in accordance with IDAPA 38.05.01.201..."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the rule.

"01" denotes the Chapter number of the rule.

: "201" references the main Section number of the rule that the citation refers to.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.041, "Rules Governing Capitol Mall Parking."

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2004

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
04-1	January, 2004	<b>*November 19, 2003</b>	January 7, 2004	January 28, 2004
04-2	February, 2004	January 7, 2004	February 4, 2004	February 25, 2004
04-3	March, 2004	February 4, 2004	March 3, 2004	March 24, 2004
04-4	April, 2004	March 3, 2004	April 7, 2004	April 25, 2004
04-5	May, 2004	March 31, 2004	May 5, 2004	May 26, 2004
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04-7	July, 2004	June 2, 2004	July 7, 2004	July 28, 2004
04-8	August, 2004	June 30, 2004	August 4, 2004	August 25, 2004
04-9	September, 2004	July 28, 2004	September 1, 2004	September 22, 2004
04-10	October, 2004	<b>**August 25, 2004</b>	October 6, 2004	October 27, 2004
04-11	November, 2004	October 6, 2004	November 3, 2004	November 24, 2004
04-12	December, 2004	November 3, 2004	December 1, 2004	December 22, 2004

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2005

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
05-1	January, 2005	<b>*November 17, 2004</b>	January 5, 2005	January 26, 2005
05-2	February, 2005	December 31, 2004	February 2, 2005	February 23, 2005
05-3	March, 2005	February 4, 2005	March 2, 2005	March 23, 2005
05-4	April, 2005	March 4, 2005	April 6, 2005	April 27, 2005
05-5	May, 2005	April 1, 2005	May 4, 2005	May 25, 2005
05-6	June, 2005	April 29, 2005	June 1, 2005	June 22, 2005
05-7	July, 2005	June 3, 2005	July 6, 2005	July 27, 2005
05-8	August, 2005	July 1, 2005	August 3, 2005	August 24, 2005
05-9	September, 2005	July 29, 2005	September 7, 2005	September 28, 2005
05-10	October, 2005	<b>**August 24, 2005</b>	October 5, 2005	October 26, 2005
05-11	November, 2005	September 30, 2005	November 2, 2005	November 23, 2005
05-12	December, 2005	October 28, 2005	December 7, 2005	December 28, 2004

***\*Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rule to be reviewed by the legislature.***

***\*\* Last day to submit proposed rule in order to complete rulemaking for review by legislature.***

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**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2004-03**

**CONTINUATION OF THE IDAHO RURAL PARTNERSHIP  
REPEALING AND REPLACING EXECUTIVE ORDER 2003-01**

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*WHEREAS, Idaho is among the most rural states in the nation; and*

*WHEREAS, Idaho's tremendous geography and sparse population create problems of distance and isolation; and*

*WHEREAS, the most rural counties in Idaho consistently have lower per capita incomes, higher unemployment rates, lower rates of population growth, higher poverty levels, and less new construction, and job growth; and*

*WHEREAS, the most rural residents of Idaho have less access to health care services, employment training, business assistance, library service, and diverse educational and cultural opportunities; and*

*WHEREAS, the most rural communities have disproportionately large infrastructure needs for transportation, utility services, and education; and*

*WHEREAS, the multitude of public and private organizations with an interest in helping rural Idaho need a mechanism for coordination and collaboration; and*

*WHEREAS, there are critical areas of need in rural Idaho including increased leadership and governance, connectivity to telecommunication and broad bandwidth, excellent and relevant education and workforce development at all levels, funding for the creation, maintenance, and improvement of infrastructure, and the development of active local economic development teams;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of this state, do hereby order that:*

- 1. The Idaho Rural Partnership (IRP) shall be authorized as an organization with an open membership for institutions, including all local, tribal, state, and federal governments, as well as for-profit and not-for-profit private organizations, that have an interest in or some responsibility for Idaho's rural development.*
- 2. The IRPs responsibilities will be to:*
  - a. Assess conditions of rural Idaho;*
  - b. Advise the Governor and the Legislature on public policy and strategies to improve the quality of life in rural Idaho;*
  - c. Act as a clearinghouse of information and as a referral center on rural programs and policies;*
  - d. Conduct outreach to rural communities and facilitate communication between rural residents and public and private organizations that provide services to rural communities;*
  - e. Identify organizations, authorities, and resources to address various aspects of rural development;*
  - f. Serve as a nonpartisan forum for identifying and understanding rural issues from all perspectives;*
  - g. Develop better intergovernmental and private/public coordination and to seek out opportunities for new partnerships to achieve rural development goals within the existing structure;*
  - h. Foster coordinated approaches to rural development that support local initiatives, not to usurp the individual missions of any of its member organizations or duplicate effort.*

- i. *Seek solutions to unnecessary impediments to rural development, first within Idaho and then through the National Rural Development Partnership; and*
        - j. *Work cooperatively with the National Rural Development Partnership and other state rural development councils.*
3. *The IRP shall be managed by a Board of Directors that shall include the following members:*
  - a. *A representative from the Governor's office;*
  - b. *The Directors of the Idaho Departments of Agriculture, Commerce and Labor, Environmental Quality, and Transportation;*
  - c. *The Director of the Cooperative Extension System;*
  - d. *A representative from each of the following federal agencies: USDA-Rural Development, Bureau of Land Management, Economic Development Administration, Environmental Protection Agency, Farm Services Agency, US Forest Service, and Housing & Urban Development;*
  - e. *Four state legislators (Two Senators and Two Representatives) selected by their respective leadership;*
  - f. *A Representative chosen by [each of the federally-recognized] Indian Tribes in the State of Idaho;*
  - g. *A representative from each of the following local government organizations: Association of Idaho Cities, Idaho Association of Counties, Economic Development Districts, and Resource Conservation & Development organizations;*
  - h. *A representative chosen by each of the following entities: IRP Business Development Committee, the primary contractor at the Idaho National Engineering and Environmental Laboratory, and the Idaho Association of Commerce & Industry.*
  - i. *Five rural leaders chosen by the Governor representing private for-profit businesses (including agribusiness), private nonprofit organizations, Chambers of Commerce, and Community Based Organizations, who live and/or work in rural Idaho and represent a geographic balance across the state; and*
  - j. *Non-voting, ad-hoc members may be included on the Board to assist with specific issues and projects as necessary.*
4. *Except for their initial appointment, which shall be from the time Executive Order 2003 – 01 was enacted on January 23, 2003, those IRP Board members appointed by the Governor (see paragraphs 3 a, b, and g above) shall serve four-year terms concurrent with the Governor's term, though lagging behind by three months, the Governor's term. The difference of three months will allow the Governor time to make appointments to the Board after his or her inauguration, and to ease the transition for new members.*
5. *The IRP shall be led by two Co-Chairs, both of whom shall be elected by the IRP Board of Directors from among their membership, with one elected from the State Agency Directors serving on the Board and the other from all other categories of board membership. The Co-Chairs shall serve for a two--year term, with the possibility of one additional term if re-elected, the term(s) to be synonymous with the Governor's term. The responsibilities of the Co-Chairs shall be to:*
  - a. *Set operating policies with approval from the full Board;*
  - b. *Review and respond to issues in the interim between Board meetings; and*
  - c. *Manage the IRP budget and staff, including the hiring and dismissal of the IRP Executive Director.*
6. *The IRP Executive Director shall be:*
  - a. *Responsible for managing the day-to-day operations of the IRP as directed by the IRP Co-Chairs;*
  - b. *An exempt, full-time position of the Idaho Department of Commerce and Labor as set forth in Idaho Code 67-4702;*
  - c. *A person with the skills necessary to manage a diverse public organization effectively and with broad experience in building and sustaining networks and partnerships; and*
  - d. *Hired through an open and competitive process when a vacancy occurs, after a broad, statewide advertising campaign without any pre-selection.*
7. *The IRP Board of Directors shall meet no less than once a quarter.*

*This Executive Order repeals and replaces Executive Order No. 2003-01.*

*This Executive Order shall cease to be effective on December 31, 2006.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twenty-third day of June in the year of our Lord two thousand and four and of the Independence of the United States of America the two hundred twenty-eighth and of the Statehood of Idaho the one hundred fourteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*



**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.02.14 - RULES FOR WEIGHTS AND MEASURES**

**DOCKET NO. 02-0214-0401**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111, 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 18, 2004.

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:

To adopt by reference the 2005 edition of the National Institute of Standards and Technology Handbook 44, Specifications Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. To amend the mailing address for ISDA Bureau of Weights and Measures.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted because of the simple nature of the proposed amendments.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tom Schafer at 332-8690.

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 25, 2004.

DATED this 14th day of June, 2004.

Patrick A Takasugi  
Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
PO Box 790  
Boise, ID 83701  
(208)332-8500 Phone  
(208)334-2170 Fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0214-0401**

**004. INCORPORATION BY REFERENCE.**

**01. Required Reference Materials.** The 2004<sup>5</sup> edition of Handbook No. 44 of the National Institute

of Standards and Technology, United States Department of Commerce, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (2-13-04)( )

**02. Required Reference Materials for Checking Prepackaged Commodities.** The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, "Checking the Net Contents of Packaged Goods," hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

**03. Local Availability.** Copies of Handbook No. 44 and Handbook No. 133 are on file with the State. Law Library and the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho, 83712, or may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies are available for downloading on the internet by going to <http://nist.gov>. (2-13-04)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Office.** The Idaho State Department of Agriculture, Bureau of Weights and Measures. (2-13-04)

**02. Office Hours.** Office hours are from 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays as designated by the state of Idaho. (2-13-04)

**03. ~~Mailing and~~ Street Address.** ISDA Bureau of Weights and Measures, 2216 Kellogg Lane, Boise, ID 83712. (2-13-04)( )

**04. Mailing Address.** ISDA Bureau of Weights and Measures, PO BOX 790, Boise, ID 83701. ( )

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.06.05 - RULES GOVERNING DISEASES OF HOPS (*Humulus lupulus*)**

**DOCKET NO. 02-0605-0301**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 22, Chapter 20, 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 18, 2004.

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:

A request was made by the Idaho Hop Commission to remove Boundary County from IDAPA 02.06.05 Section 100. Control Area for the purpose of allowing imported hops planting material into Boundary County without the requirement for a two-year evaluation of disease freedom outside of the control area.

In April 2003, the Department of Agriculture adopted this rule as a temporary rule with an effective date of February 21, 2003. The temporary rule was published in the Idaho Administrative Bulletin, Volume 03-4, April 2, 2003, page 11. With this publication the Department is initiating proposed rulemaking.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted due to the nature of the proposed amendments.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Acting Administrator, at (208) 332-8620.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 11th day of June, 2004.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8503  
Fax: (208) 334-2170

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**Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.**

**This docket has been previously published as a Temporary Rule.  
The temporary effective date is February 21, 2003.**

**The original text of the Temporary Rule was published in the Idaho  
Administrative Bulletin, Volume 03-4, April 2, 2003, page 11.**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0605-0301**

**100. CONTROL AREA.**

Except as stated in Subsection 350.03 of this rule, the control area is Bonner, ~~Boundary,~~ and Kootenai Counties, State of Idaho. ~~(3-19-99)~~(\_\_\_\_\_)

## **IDAPA 03 - STATE ATHLETIC COMMISSION**

### **03.01.01 - RULES GOVERNING THE STATE ATHLETIC COMMISSION**

#### **DOCKET NO. 03-0101-0401**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2004.

**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 Section 54-406, 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 18, 2004.

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 the supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendments of the Athletic Commission's statutes by the 2004 Legislature limit unsupervised fighting contests and exhibitions in an effort to protect public health, safety, and welfare. In order to preclude unsupervised fighting contests and exhibitions, all martial arts were included within the definition of boxing. As a result of the new legislation, all activities conducted by martial arts schools located in Idaho will be regulated unless exempted by the Commission. This rule is necessary to ensure that as of July 1, 2004, martial arts schools and martial arts students are able to continue their activities without regulation by the Commission in those areas where public health, safety, and welfare has not historically been subject to abuse or concern. This rule clarifies which martial arts activities are to be regulated (exhibitions and contests which involve combative contact between the contestants and participants) and which martial arts activities are to be deemed exempt from regulation (practices, belt promotion testing and non-combative demonstrations).

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

Adoption of the rule as a temporary rule with immediate effect is necessary for compliance with deadlines in amendments to governing law.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule needs to be effective July 1, 2004 to comply with the effective date of amendments made to Title 54, Chapter 4, Idaho Code, by the 2004 Legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tom Katsilometes, Commissioner, at (208) 221-6534.

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 25, 2004.

DATED this 25th day of June 2004.

Tom Katsilometes  
Commissioner  
Idaho State Athletic Commission  
C/O Mutual Insurance Associates, Inc.  
1575 Baldy Ave.  
Pocatello, ID 83201  
Phone: (208) 221-6534  
Fax: (208) 237-9697

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 03-0101-0401**

**732. MARTIAL ARTS ~~INVOLVING FULL CONTACT.~~**

**01. ~~Full Contact.~~ Martial Arts Regulated as Boxing. ~~All full contact martial arts are forms of boxing. Martial arts exhibitions and contests involving combative contact between contestants or between participants, such as body-to-body blows, holds, kicks, or throws, and full-contact martial arts exhibitions and contests, are subject to and must comply with all provisions of Title 54, Chapter 4, Idaho Code, relating to boxing, and all commission rules relating to boxing, except to the extent specifically exempted by statute or rule.~~ (3-3-94)(7-1-04)T**

**02. ~~Applicable Provisions.~~ Practices, Belt Promotions, and Non-Contact Demonstrations. ~~The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and rules on boxing apply to exhibitions of such martial arts. Martial arts practices, belt promotion testing and demonstrations (as used herein the term demonstrations means exhibitions that do not involve combative contact between contestants or between participants) conducted by martial arts schools are not considered to be boxing and are exempt from the licensing requirements of Title 54, Chapter 4, Idaho Code.~~ (3-3-94)(7-1-04)T**

**03. Licensing Exemption. ~~Martial arts schools that meet the conditions set forth within Section 54-406(2)(b), Idaho Code, may apply to the commission for exemption from licensing and sanctioning permit requirements relating to exhibitions and contests.~~ (7-1-04)T**

**034. Use of Official Rules for Art. ~~A Martial arts contests ~~or~~ and exhibitions ~~of such martial art~~ must be conducted pursuant to the official rules ~~for~~ of the particular art. The sponsoring organization or promoter must file a copy of the official rules with the commission before ~~it~~ the commission will ~~approve~~ issue a sanctioning permit for the contest ~~of~~ or exhibition.~~ (3-3-94)(7-1-04)T**

**05. Boxing Gloves. ~~The requirement set forth in Section 54-414, Idaho Code, of wearing boxing gloves applies to kickboxing but shall not apply to any other form of martial art unless the use of boxing gloves is required by the official rules of that particular art.~~ (7-1-04)T**

**06. Other Requirements and Limitations. ~~Except to the extent set forth in Rule 732, all requirements and the limitations relating to boxing (as set forth within Title 54, Chapter 4, Idaho Code, and in the remaining rules of the commission) shall apply to all martial arts contests and exhibitions. Notwithstanding the foregoing, at its sole discretion, the commission may (by specific reference in the sanctioning permit) allow the use of other requirements and limitations during a particular martial arts contest or exhibition.~~ (7-1-04)T**

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL**

**DOCKET NO. 07-0103-0401**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, pages 14 and 15.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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### **IDAPA 07, TITLE 01, CHAPTER 03**

#### **RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 04-6, June 2, 2004, pages 14 and 15.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.**

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION – GENERAL**

**DOCKET NO. 07-0103-0402**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, page 16.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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### **IDAPA 07, TITLE 01, CHAPTER 03**

#### **RULES OF ELECTRICAL LICENSING AND REGISTRATION – GENERAL**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 04-6, June 2, 2004, page 16.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.**



## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL**

**DOCKET NO. 07-0103-0403**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1006, Idaho Code.

**HEARING SCHEDULE:** Public hearings on the negotiated rulemaking will be held as follows:

**August 11, 2004 - 7:30 a.m. to 8:30 a.m.**  
**Division of Building Safety**  
**Board Conference Room**  
**1090 E. Watertower St.**  
**Meridian, Idaho 83642**

**November 18, 2004 - 7:30 a.m. to 8:30 a.m.**  
**Division of Building Safety**  
**Board Conference Room**  
**1090 E. Watertower St.**  
**Meridian, Idaho 83642**

Additional hearings will be scheduled to take place in 2005. The schedule will be available after November 18, 2004 and may be accessed on the Internet at <http://www2.state.id.us/dbs/electrical/board.html>. For information regarding dates, times and locations contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

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

**METHOD OF PARTICIPATION:** Persons wishing to participate in the informal negotiated rulemaking must do the following:

Individuals may present oral comments at the time of the hearings. If it becomes necessary, the time available to each individual may be limited and repetitive comments may be restricted. Anyone may submit written comments during this negotiated rulemaking. Written comments may be submitted at the hearings, or must be directed to the undersigned and delivered to the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642, within five days immediately following the final scheduled hearing of 2005.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Idaho Electrical Board wishes to solicit public and industry input on changing the requirements for an electrical contractor's license. Currently, the rules require the applicant to be a supervising journeyman electrician; the proposed change would require the applicant to be a supervising master electrician.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING**  
**DOCKET NO. 07-0104-0401**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006, 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 August 18, 2004.

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:

Currently, administrative rule does not allow Well Driller/Pump Installer Specialty Electricians to install effluent pumps even though the pump installations are similar to the scope of work that is provided under the administrative rule. The proposed change will allow Specialty Electrical Licensees in the Well Driller/Pump Installer category to install residential effluent pumps under certain conditions.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Electrical Board discussed the issue at a publicly held Board meeting.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

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 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0104-0401**

**014. ELECTRICAL SPECIALTIES REQUIRING A SPECIAL LICENSE.**

The following shall be considered as electrical specialties, the practice of which shall require a special license:  
(4-9-79)

**01. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical.** Any person qualifying for and having in his possession a current elevator electrical license may install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the

operation and control thereof when located in the elevator shaft and machine room. He shall be employed by a licensed elevator electrical contractor and his installation shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising journeyman except for work within his specialty. (4-9-79)

**02. Sign Electrical.** Any person qualifying for and having in his possession a current sign electrical license may install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; providing the disconnecting means is located on the sign or within sight therefrom. He shall be employed by a licensed sign electrical contractor whose installations shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising journeyman except for work within his specialty. (3-15-02)

**03. Manufacturing or Assembling Equipment.** (4-5-00)

**a.** A licensed specialty manufacturing or assembling equipment electrician must be employed by a licensed specialty manufacturing or assembling equipment contractor in order to work in this category. The holder of a specialty license in this category may not countersign a contractor's license application as supervising journeyman except for work within this specialty. (4-5-00)

**b.** Any person licensed pursuant to Subsection 014.03.a. may install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. All wiring completed shall meet all requirements of Title 54, Chapter 10, Idaho Code, all rules promulgated pursuant thereto, and the most current edition of the National Electrical Code. (7-1-94)

**04. Limited Energy Electrical License.** (9-17-85)

**a.** Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. (7-1-99)

**b.** Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. (7-1-99)

**c.** Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy electrical license and must be employed by a licensed limited energy specialty electrical contractor or electrical contractor. The holder of a specialty license may only countersign a contractor's application as a supervising journeyman for work within his specialty. (7-1-98)

**05. Irrigation Sprinkler Electrical.** Any person qualifying for and having in his possession, an irrigation system electrical license may install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. All such installations performed by individuals under this section shall be done in accordance with the applicable provisions of the National Electrical Code. He shall be employed by a licensed electrical contractor whose license is contingent upon the granting of a specialty electrical license to an employee and whose installations shall be limited to this category. The holder of a specialty license may not countersign a contractor's license application as supervising specialty journeyman except for work in his specialty. (1-1-92)

**06. Well Driller and Water Pump Installer Electrical Licenses.** All such installations performed by individuals under this section shall be done in accordance with the applicable provisions of the approved National Electrical Code. He shall be employed by a licensed well driller and water pump installer electrical contractor whose installations shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising specialty journeyman except for work in his specialty. Any person currently licensed in this category may perform the following types of installations: (1-14-87)

**a.** Single or three (3) phase ~~well~~ water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device installed by others. (~~7-1-98~~)(      )

**b.** Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. (7-1-98)

**c.** Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. (1-14-87)

**d.** Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one (1) or two (2) family residential installations. (      )

**07. Refrigeration, Heating, and Air-Conditioning Electrical Installer.** All such installation, maintenance, and repair performed by individuals under this section shall be done in accordance with applicable provisions of the National Electrical Code. He shall be employed by a licensed electrical contractor whose license shall be covered by this category. The holder of such specialty license may not countersign a contractor's license application as a supervising specialty journeyman except for work in his specialty. Any person currently licensed in this category may perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: (9-17-85)

**a.** Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

**b.** Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

**c.** Refrigeration, Air-Conditioning and Heating Systems (three-phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.01.05 - RULES GOVERNING EXAMINATIONS**

**DOCKET NO. 07-0105-0401**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006, 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 August 18, 2004.

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:

Currently, applicants failing an examination for a third time must wait a year before they may test again. Also, a year must pass after each subsequent failure before an applicant may test again.

The proposed rule change will provide applicants who have failed an examination for the third time with an alternative allowing them to test again when they have provided proof, satisfactory to the board, of completion of twenty-four (24) hours of board-approved, related electrical training or continuing education since the date of the failed third examination. For those applicants who have failed an examination four (4) or more times the proposed rule change provides the alternative of allowing the applicant to provide proof, satisfactory to the board, of completion of thirty-two (32) hours of board-approved, related electrical training or continuing education since the date of the most recently failed examination.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Electrical Board discussed the proposed rule change at several Board meetings and the industry has been supportive of the proposed change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

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 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0105-0401**

**011. EXAMINATIONS.**

The Electrical Board shall review and approve all versions of examinations prior to administration. (4-5-00)

**01. Frequency of Conducting of Examinations.** Examinations for all classifications under the Electrical Laws and Rules will be given a minimum of four (4) times each year in at least three (3) locations: One (1) to be in northern Idaho, one (1) to be in central Idaho, and one (1) to be in southern Idaho. The applicant will be notified in writing of the date, time, and location at which the examination will be given, following approval of the application. (4-5-00)

**02. Professional Testing Services.** In lieu of the administration by the Idaho Electrical Board of the examination for licenses pursuant to this rule, the Board may contract with a professional testing service, to administer the examination, and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. After taking such examination, the applicant shall provide the board with an official copy of his or her test score, before the license will be granted. If the examination is conducted in this fashion, the Board may charge and retain the application fee provided for by Section 54-1014 of the Idaho Code to cover the cost of reviewing the applicant's application. (4-5-00)

**03. Required Scores.** The following scores are considered minimum for passing and are required to be achieved by the applicant prior to issuance of the appropriate license or certification.

Journeyman Electrician - 70%
Specialty Journeyman Electrician - 70%
Electrical Contractor - 70%
Specialty Electrical Contractor - 70%
Electrical Inspector - 70%
Master Electrician - 75%

( )

**04. Failed Examinations.**

( )

**a.** An applicant receiving less than a passing score on a first or second examination may be reexamined at the expiration of thirty (30) days ~~from~~ after the date of the failed examination. ( )

**b.** ~~After a~~ Before being reexamined after failing an examination the third failure time, an applicant ~~may not be tested before~~ must:

**i.** Wait until the expiration of one (1) year from the date of the failed third examination; or ( )

**ii.** Provide proof, satisfactory to the board, of completion of a minimum of twenty-four (24) hours of board-approved, related electrical training or continuing education since the date of the failed third examination. ( )

**c.** ~~Subsequent~~ Before being reexamined after any further failures will require, an applicant for reexamination must: ( )

**i.** Wait until the expiration of an additional one (1) year ~~restriction from testing-~~ the date of the failed examination; or ~~(4-5-00)~~( )

**ii.** Provide proof, satisfactory to the board, of completion of thirty-two (32) hours of board-approved, related electrical training or continuing education since the date of the failed examination. ( )

**012. -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.07 - RULES GOVERNING THE USE OF THE INTERNATIONAL**  
**ENERGY CONSERVATION CODE**

**DOCKET NO. 07-0307-0401 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4107(1), 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 18, 2004.

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 change repeals IDAPA 07.03.07, "Rules Governing the Use of the International Energy Conservation Code". This rule change is necessary to eliminate redundant and unnecessary language that makes reference to an energy conservation code that is adopted in Section 39-4109, Idaho Code.

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

There are no fees being charged or imposed in this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted. Recent changes to Idaho Code (adopting the energy conservation code) necessitated the repeal of this chapter of rules; consequently, no negotiated rulemaking was conducted.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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**IDAPA 07.03.07 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.08 - RULES GOVERNING COMMERCIAL COACHES**  
**DOCKET NO. 07-0308-0401 (FEE RULE)**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 39-4113(2), 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 18, 2004.

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

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

This proposed rule change is housekeeping in nature. The hourly rate charged for "systems" plan reviews for commercial coaches pursuant to IDAPA 07.03.01, "Rules of Building Safety -- General," Section 015 is \$36 per hour; the rule is being updated to accurately reflect the current language in IDAPA 07.03.01, "Rules of Building Safety -- General," Section 015.

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

In accordance with Section 39-4113(2), Idaho Code the hourly rate charged to perform "systems" plan reviews for commercial coaches will be corrected to read \$36.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the fee is already set in rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

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 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0308-0401**

**018. FEE SCHEDULE.**

**01. Commercial Coaches.** Other than as herein specified in this section, the fee schedule for



commercial coaches shall be as provided by IDAPA 07.03.06, "Rules Governing the Use of the International Building Code," and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (5-3-03)

**02. Plan Review Fee.** For all systems, approvals of such fees shall be charged as specified in IDAPA 07.03.01, "Rules of Building Safety - General," Section 015: ~~Twenty~~ Thirty-six dollars (~~\$20~~36) per hour. (5-3-03)( )

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.10 - RULES GOVERNING USE OF THE INTERNATIONAL RESIDENTIAL CODE**

**DOCKET NO. 07-0310-0401 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4107(1), 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 18, 2004.

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 change repeals IDAPA 07.03.10, "Rules Governing Use of the International Residential Code". This rule change is necessary to eliminate redundant and unnecessary language. The referenced residential code is already adopted in Section 39-4109, Idaho Code.

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

There are no fees being charged or imposed in this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Idaho Code adopts the residential code, which necessitates the repeal of the chapter.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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**IDAPA 07.03.10 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS**

**DOCKET NO. 07-0402-0401**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-8605, 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 18, 2004.

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:

The temporary and proposed rule change is necessary to implement HB 569 in which the responsibility for elevator regulation has been moved from the Industrial Commission to the Division of Building Safety.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate due to the effective date of HB 569.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes in Idaho Code require the new administrative rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Bob Brewton, Program Manager, 208-332-8967.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0402-0401**

**IDAPA 07  
TITLE 04  
CHAPTER 02**

**07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS**

**000. LEGAL AUTHORITY.**

This chapter is adopted by the administrator of the Division of Building Safety in accordance with Section 39-8605, Idaho Code. (7-1-04)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.04.02, "Safety Rules for Elevators, Escalators, and Moving Walks". (7-1-04)T

**02. Scope.** These rules govern the design, construction, installation, operation, inspection, testing, maintenance, alteration, or repair of elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters. (7-1-04)T

**002. WRITTEN INTERPRETATIONS.**

There are no written statements which pertain to the interpretation of these rules. (7-1-04)T

**003. ADMINISTRATIVE APPEALS.**

There are no administrative appeals provided for herein. (7-1-04)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. (7-1-04)T

**005. DIVISION OFFICE INFORMATION.**

**01. Office Hours.** The office is open from 8 a.m. until 5 p.m. daily, except Saturday, Sunday, and legal holidays. (7-1-04)T

**02. Street Address.** The office is located at 1090 E. Watertower Street, Meridian, Idaho. (7-1-04)T

**03. Mailing Address.** The office mailing address is Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. (7-1-04)T

**04. Telephone Number.** The office telephone number is (208) 334-3950. (7-1-04)T

**05. Facsimile Number.** The office facsimile number is (208) 855-9494. (7-1-04)T

**06. Internet Address.** The Division's Internet website address is <http://www2.state.id.us/dbs/>. (7-1-04)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

Division records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (7-1-04)T

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Act.** The Elevator Safety Code Act, Title 39, Chapter 86, Idaho Code. (7-1-04)T

**02. Administrator.** The administrator of the Division of Building Safety. (7-1-04)T

**03. Division.** The Division of Building Safety. (7-1-04)T

**011. INSPECTION REQUIREMENTS.**

Before a required inspection may take place: (7-1-04)T

**01. Access.** All machine rooms and spaces shall be free of dirt and debris and any obstacles to access must be removed. (7-1-04)T

**02. Technician on Site.** An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (7-1-04)T

**03. Installation.** The elevator installation must be complete and safe for inspection. (7-1-04)T

**012. APPROVAL OF NEW OR ALTERNATIVE TECHNOLOGY.**

**01. Administrator Approval Required.** If, due to construction or technological impediments, an elevator or conveyance cannot comply with applicable code requirements, approval of new or alternative construction or technology may be requested from the administrator. (7-1-04)T

**02. Approval Required Prior to Construction.** Approval of new or alternative technology must be obtained from the administrator before construction is commenced. (7-1-04)T

**03. Submission Deadline.** Details of the proposed construction or technology, including design, material specifications and calculations, and such other information as may be requested, shall be submitted to the administrator at least thirty (30) days in advance of the anticipated construction start date. (7-1-04)T

**a.** The manufacturer of the new product or system shall provide the administrator with engineering and test data demonstrating that the proposed technology is safe for the intended purpose. (7-1-04)T

**b.** The owner of the new product or system shall provide the administrator with a document in which the owner acknowledges that the proposed technology is not governed by the applicable safety code and assures the administrator that, at such time as the code is revised to include the product or system, the owner shall modify the product or system to bring it into compliance. The owner shall assure the administrator that if the product or system cannot be modified or altered to bring it into compliance with the applicable code it will be removed and replaced with code-compliant equipment. (7-1-04)T

**c.** The manufacturer of the new product or system shall provide Division personnel with training about the proposed technology and any related products or systems at no cost to the Division. (7-1-04)T

**04. Engineer Approval.** The information provided in compliance with the foregoing requirements shall be approved by a registered professional engineer experienced in elevator or conveyance design prior to submission to the administrator. (7-1-04)T

**013. -- 099. (RESERVED.)**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS BOARD**

**DOCKET NO. 07-0501-0401**

**NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1904 and 54-1907, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, pages 17 through 28.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Nancy Michael, Program Manager, 208-332-8968.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100/Fax: 208-855-2164

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**IDAPA 07, TITLE 05, CHAPTER 01**

**RULES OF THE PUBLIC WORKS CONTRACTORS BOARD**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 04-6, June 2, 2004, pages 17 through 28.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.**

## IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

### 08.01.01 - RULES OF THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO - ADMINISTRATIVE PROCEDURES AND RECORDS

DOCKET NO. 08-0101-0401

#### NOTICE OF RULEMAKING - PROPOSED RULE

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

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:

There is a waiver allowance in Board rule that allows for waivers of K-12 rules. The current rules that govern higher education issues do not allow for any waivers to Board rules that deal with higher education and need to be clarified. The changes will allow the State Board of Education to grant a waiver of compliance with any rule as long as it is not otherwise required by state or federal law.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the noncontroversial nature of the amendment.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Karen Echeverria, (208) 332-1567.

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 25, 2004.

DATED this 28th day of June, 2004.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208)332-1567  
fax: (208) 334-2632

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0101-0401

~~000.---049.~~     ~~(RESERVED).~~

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-2804, 33-3104, 33-3006, 33-4005, and 33-2211, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be known as IDAPA 08.01.01, "Rules of the State Board of Education and Board of Regents of the University of Idaho – Administrative Procedures and Records". ( )

**02. Scope.** These rules govern the rulemaking and contested case procedures as well as procedures for responding to public records requests. ( )

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 64-5201(10)(b)(iv), Idaho Code, any written interpretation of the rules of this chapter are available at the Office of the State Board of Education. ( )

**003. ADMINISTRATIVE APPEAL.**

Unless otherwise provided for in the rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the State Board of Education is in Boise, Idaho. ( )

**01. Mailing Address.** The mailing address is PO Box 83720, Boise, Idaho, 83720-0037. ( )

**02. Street Address.** The State Board of Education's street address is 650 West State Street, Room 307, Boise, Idaho, 83702. ( )

**03. Office Hours.** The office hours are from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. ( )

**007. WAIVERS.**

The State Board of Education may grant a waiver of compliance with any rule promulgated by the State Board of Education to the extent that compliance with such rule is not otherwise required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations. ( )

**008. -- 049. (RESERVED).**



# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.01.08 - MISCELLANEOUS RULES

DOCKET NO. 08-0108-0301

### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105, 33-107, 33-2804, 33-3104, 33-3006, 33-4005, 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:

Exceptions to the prohibition of the possession, consumption or sale of alcoholic beverages at college or university-owned, leased or operated facilities and on campus grounds will be as provided for in the Board's Governing Policies and Procedures.

Pursuant to Section 67-5228, Idaho Code, based on public comment, amendments have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10 on pages 56 and 57.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Karen Echeverria, (208) 332-1567.

DATED this 28th day of June, 2004.

Karen Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208) 332-1567  
FAX (208) 334-2632

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IDAPA 08, TITLE 01, CHAPTER 08

MISCELLANEOUS RULES

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, **Volume 03-10, October 1, 2003, pages 56 and 57.**

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

All sections have some changes, therefore,  
the entire docket is being reprinted.

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**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority of the State board of education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-2804, 33-3104, 33-3006, 33-4005, and 33-2211, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be known as IDAPA 08.01.08, "Miscellaneous Rules of the State Board of Education". ( )

**02. Scope.** These rules constitute the requirements for miscellaneous rules for public, postsecondary institutions in Idaho. ( )

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretation of the rules of this chapter are available at the Board office. ( )

**003. ADMINISTRATIVE APPEAL.**

Unless otherwise provided for in the rules of the Board or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the State Board of Education is in Boise, Idaho. ( )

**01. Mailing Address.** The mailing address is PO Box 83720, Boise, Idaho, 83720-0037. ( )

**02. Street Address.** The State Board of Education's street address is 650 West State Street, Room 307, Boise, Idaho, 83702. ( )

**03. Office Hours.** The office hours are from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. ( )

~~0007.~~ -- 099. (RESERVED).

**100. POSSESSION, CONSUMPTION, AND SALE OF ALCOHOLIC BEVERAGES AT PUBLIC HIGHER EDUCATION INSTITUTIONS.**

Illegal possession or consumption of alcoholic beverages is prohibited in college or university-owned, leased, or operated facilities and on campus grounds. (7-1-93)

**01. General Use Areas.** Except as provided in the State Board of Education Governing Policies and Procedures, Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to and most commonly used by the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of college or university-owned buildings or grounds. (7-1-93)(      )

**02. Sale.** Except as provided in the State Board of Education Governing Policies and Procedures, Sale of alcoholic beverages is prohibited in college or university-owned, leased, or operated facilities and on campus grounds. (7-1-93)(      )

**03. Sanctions.** Students who violate this policy will be subject to sanctions established by institutional administration. (7-1-93)

**04. Guests and Visitors.** Guests or visitors must observe these regulations while on campus or other college or university property. Non-compliance may subject a person to sanctions imposed by the college or university, as well as to the provisions of local and state law. (7-1-93)

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0404

### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Section 33-105, Idaho Code.

**HEARING SCHEDULE:** Public hearings on the negotiated rulemaking will be held as follows:

**August 25, 2004, 12:00p.m. to 5:00 p.m.**  
**Idaho State Department of Education,**  
**LBJ Building - 2<sup>nd</sup> Floor Conference Room**  
**650 State St., Boise, ID 83720-0027**

The meeting site will be accessible to persons with disabilities. Requests for accommodations must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 332-6811.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking process must do the following:

Interested persons may submit written comments through August 25, 2004. Requests to give oral presentation during the August 25, 2004 public hearing must be submitted prior to August 25, 2004. Interested individuals will have an additional opportunity to participate during the proposed rulemaking phase.

Copies of the preliminary draft of the text of the proposed rule have been provided to superintendents and other interested parties during regional superintendents meetings during May 2004 with ongoing discussion opportunities during June and July. In addition, it may be accessed on the State Department of Education website at <http://www.sde.state.id.us/SpecialEd/>.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Current administrative rules related to Idaho's personnel standards became effective secondary to State Board of Education and legislative review on April 1, 1997. These standards set class size ratio goals or teacher load goals for instructional personnel and student to personnel ratios for pupil personnel. The proposed rule change would expand these goals to include special education teachers and speech-language pathologists.

The goal of the State Department of Education is to support the retention of qualified special education teachers and speech-language pathologists and to ensure the provision of a free appropriate public education to students with disabilities.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Russell Hammond, State Department of Education, Bureau of Special Education, P.O. Box 83720, Boise, Idaho, (208) 332-6919 or fax to (208) 334-4664.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 18th day of June, 2004.

Dr. Marilyn Howard,  
Superintendent of Public Instruction  
State Department of Education

650 West State Street - P.O. Box 83720  
Boise, Idaho 83720-0027  
(208) 332-6811 - (208) 332-6836 fax

# IDAPA 08 - STATE BOARD OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0402

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is June 17, 2004.

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

**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 18, 2004.

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:

The rule change provides further clarification between school and district/LEA sanctions for failing to meet Adequate Yearly Progress (AYP) under the federal "No Child Left Behind" Act (NCLB).

Specifically changes were made to rename School Improvement to distinguish between the plans required for all Idaho schools and that are required for failing to meet AYP. Also, Alternate Governance was renamed "Restructuring". Under the federal law, restructuring includes two phases: creating a plan for alternative governance and the actual restructuring of a school. This rulemaking clarifies that difference.

The rules create a separate District/Local Education Agency (LEA) section to more clearly outline the sanctions that apply only to districts/LEAs and outline the previous sanctions that continue to be applicable with increasing sanctions and years missing AYP.

**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:

Compliance with deadlines in amendments to governing law or federal programs.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted, because this is for clarification purposes.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Carissa Miller, Assessment Program Manager, at (208) 332-1573.

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 25, 2004.

DATED this 30th day of June, 2004.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
State Board of Education  
650 West State Street, 3<sup>rd</sup> Floor  
PO Box 83720  
Boise, ID 83720-0037  
(208) 332-1567 phone  
(208) 334-2632 fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0402**

**114. FAILURE TO MEET ADEQUATE YEARLY PROGRESS (AYP).**

The State Department of Education shall develop procedures for a Technical Assistance Plan, School Improvement Plan, School Choice, Supplemental Education Services, Corrective Action, and ~~an Alternate Governance Plan~~ Restructuring for approval by the State Board of Education. All schools and districts/Local Education Agencies (LEAs) will comply with applicable federal laws governing specific federal grants. ~~(3-20-04)~~(6-17-04)T

**01. School Sanctions.** (6-17-04)T

~~01a.~~ Technical assistance plan. Schools ~~and districts~~ that fail to achieve AYP for two (2) consecutive years will be provided with technical assistance from the ~~State Department of Education~~ District/LEA. ~~(3-20-04)~~(6-17-04)T

~~02b.~~ School improvement plan. Schools ~~and districts~~ that fail to achieve AYP for two (2) consecutive years must be placed on School Improvement; and develop an two-year (2) Intervention School Improvement Plan and offer school choice the following year (ISIP). ~~(3-20-04)~~(6-17-04)T

~~03c.~~ School choice. Schools ~~and districts~~ that fail to achieve AYP for two (2) consecutive years must inform all parents of the School Improvement Status and offer students the option to choose another school within the District/LEA. This School Choice is at the expense of the school/district that did not meet AYP. ~~(3-20-04)~~(6-17-04)T

~~04d.~~ Supplemental education services in reading and math. Schools/~~Districts~~ that fail to meet AYP for three (3) consecutive years must offer ~~school choice and~~ supplemental services in reading and math to eligible students. The school must continue to offer School Choice and the district/LEA must continue to provide technical assistance. ~~(3-20-04)~~(6-17-04)T

~~05e.~~ Corrective action. Schools/~~Districts~~ that fail to meet AYP for four (4) consecutive years must be placed on corrective action. The school must continue to offer School Choice and Supplemental Education Services and the district/LEA must continue to provide Technical Assistance. ~~(3-20-04)~~(6-17-04)T

~~06f.~~ ~~Alternate Governance Plan~~ Restructuring. (6-17-04)T

i. Schools/~~Districts~~ that fail to meet AYP for five (5) consecutive years ~~may become governed by the State~~ should plan to restructure the operation and governance of the school by the following school year. All previous years' sanctions still apply: School Choice, Supplemental Education Services, Corrective Action and the district/LEA must continue to provide Technical Assistance. ~~(3-20-04)~~(6-17-04)T

ii. Districts/LEAs will implement an Alternative Governance Plan for schools that fail to meet AYP for six (6) consecutive years. The school must continue to offer School Choice and Supplemental Education Services and the district/LEA must continue to provide Technical Assistance. (6-17-04)T

**02. District/LEA Sanctions.** (6-17-04)T

**a.** Technical assistance plan. Districts/LEAs that fail to achieve AYP for two (2) and three (3) consecutive years will be provided with technical assistance from the State Department of Education. (6-17-04)T

**b.** LEA improvement plan. Districts/LEAs that fail to achieve AYP for two (2) and three (3) consecutive years will be placed on District/LEA Improvement, and develop a two (2) year Intervention LEA Improvement Plan (ILIP). (6-17-04)T

**c.** Corrective action. Districts/LEAs that fail to meet AYP for four (4) consecutive years must be placed on corrective action. The State must continue to offer Technical Assistance. (6-17-04)T

**073. “Safe Harbor” Provision.** If any subgroup(s) does not meet or exceed Idaho baseline (see Section 112), the public school or district/LEA may be considered to have achieved AYP if any one (1) of the following conditions are met: (3-20-04)(6-17-04)T

**a.** The subgroup(s) that did not meet or exceed Idaho’s baseline reduces by ten percent (10%) the percentage of nonproficient students, and the ~~school/district~~ or District/LEA as a whole achieves the state baseline for proficiency for the additional academic indicator. (3-20-04)(6-17-04)T

**b.** The subgroup(s) that did not meet or exceed Idaho's baseline for the additional academic indicator maintains or makes progress towards the baseline for the additional academic indicator or graduation rate. (3-20-04)

**084. Appeals Process.** (3-20-04)

**a.** The State Department of Education determines preliminary identification of all schools and districts/LEAs that have not met AYP according to the state criteria. (3-20-04)(6-17-04)T

**b.** Within thirty (30) days of preliminary identification, the agency (~~district/school~~ or District/LEA) reviews its data and may challenge its identification. The agency (~~district/school~~ or District/LEA) not meeting AYP may appeal its status and provide evidence to support the challenge to the State Department of Education. (3-20-04)(6-17-04)T

**c.** No later than thirty (30) days after preliminary identification, the identifying agency reviews the appeal and makes a final determination ~~of identification for school improvement~~. (3-20-04)(6-17-04)T

**IDAPA 08 - STATE BOARD OF EDUCATION**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0403**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 17, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105, Idaho Code, and Title III-Section 3113.b.(2).

**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 18, 2004.

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:

Establishment and implementation of English Language Proficiency (ELP) Standards are required for all states under the No Child Left Behind Act of 2001 (PL 107-110), Title III: Language Instruction for Limited English Proficient and Immigrant Students (Sec 3113b.2).

**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:

Compliance with deadlines in amendments to governing law or federal programs.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The State Board of Education (Board) appointed a Limited English Proficiency (LEP) subcommittee, that met four times to negotiate the rule. The LEP subcommittee then submitted a proposed rule to the Board at its regular meeting on June 17, 2004.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Wendy Verity, Limited English Proficiency (LEP) Program Manager, at (208) 332-1586.

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 25, 2004.

DATED this 30th day of June, 2004.

Karen I. Echeverria, Policy and Governmental Affairs Officer  
State Board of Education  
650 West State Street, 3<sup>rd</sup> Floor  
PO Box 83720, Boise, ID 83720-0037  
(208) 332-1567 phone / (208) 334-2632 fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0403**



(THE FOLLOWING TABLES ARE NOT THE COMPLETE TABLES FOR THESE SECTIONS AS THEY APPEAR IN THE CURRENT ADMINISTRATIVE CODE. THESE WILL BE ADDED TO THE EXISTING TABLES WHEN CODIFIED.)

**670. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - KINDERGARTEN, SECTIONS 671 THROUGH 675.**

**671. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Read a variety of traditional and electronic materials for information and understanding.	<b>a.</b> Use decoding and word-recognition strategies to fluently read kindergarten materials.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Use beginning letter sounds and pictures to identify words in order to cross check. Read for information, understanding, appreciation, and enjoyment using a variety of types of text. iii. <b>Intermediate:</b> Read for information, understanding, appreciation, and enjoyment using a variety of types of text. iv. <b>Early Fluent</b>
<b>Phonics/Phonemic Awareness</b>		
	<b>b.</b> Using various techniques, identify and/or name two or more words that rhyme: - complete phrases and sentences with rhyming words; - produce a word that rhymes with a given word; - recognize if two or more one-syllable words rhyme.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Complete phrases and sentences with rhyming words. Identify and produce one syllable rhyming words. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Using varied techniques, orally segment: - sentences into words; - syllables into sounds; - words into syllables and sounds.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b> - Count the number of sounds in a syllable, sentences into words.
	<b>d.</b> Orally blend phonemes into words.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> - Orally blend phonemes into words. iii. <b>intermediate</b> iv. <b>Early Fluent</b>
<b>Phonics</b>		
	<b>e.</b> Recognize names of upper and lower case letters.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Recognize names of upper and lower case letters iii. <b>Intermediate</b> iv. <b>Early Fluent.</b>
	<b>f.</b> Associate letters to letter sounds.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Recognize sounds/symbol relationships for all single consonants. iii. <b>Intermediate</b> iv. <b>Early Fluent.</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>g. Identify beginning, middle, and ending letters in a word.</u>	<u>i. Pre-Emergent:</u> Distinguish initial and final sounds in one-syllable words <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent</u>
<b>Concepts about Print (CAP)</b>		
	<u>h. Identify front of book:</u> <u>- attend to print:</u> <u>- use picture clues to support text:</u> <u>- use story language:</u> <u>- know where to start reading:</u> <u>- move left to right across print:</u> <u>- make return sweep to next line of print:</u> <u>- match word by word:</u> <u>- understand first and last of text, top and bottom of page, and order of pages for turning:</u> <u>- read left page before right page:</u> <u>- identify one or two letters, first and last letter, and capital letters: point to specific letter when requested:</u> <u>- match upper and lower case letters:</u> <u>- use beginning sounds and final letters.</u>	<u>i. Pre-Emergent:</u> Identify text features (e.g., front and back cover, title, and author). Recognize that print carries meaning. Recognize own names in print. Demonstrate awareness of left-right directionality. <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent</u>
<b>Reading Strategies</b>		
	<u>i. Draw on prior knowledge, discuss, and generate questions to predict text:</u> <u>- prior to reading, preview illustrations and opening pages of a text, title page, and table of contents.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use basic reading strategies to make text comprehensible and meaningful (e.g., prior knowledge, previewing, asking questions, predicting, and self-correction), with instructional support.
<b>Context Clues</b>		
	<u>i. Use pictures and follow patterns to group meaning from print.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use both illustrations and text to derive meaning.
<b>Word Analysis</b>		
	<u>k. Use beginning letter sounds and pictures to identify words in order to cross check.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning:</u> Use beginning letter sounds and pictures to identify words in order to cross check. <u>iii. Intermediate</u> <u>iv. Early Fluent</u>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.	<b>a.</b> Offer relevant background information during pre-reading discussion.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Offer relevant background information during pre-reading discussion. <b>iv. Early Fluent</b>
	<b>b.</b> Demonstrate understanding of vocabulary of story during post-discussion or story response.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Demonstrate understanding of vocabulary of story during post-discussion or story response.
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Retell a story that includes setting, plot, and characters.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Retell a story that includes setting, plot, and characters. <b>iv. Early Fluent</b>
	<b>b.</b> Identify the following story elements within a literary text: - character; - setting; - simple sequence of events, including clear beginning, middle, and end; - problems and solutions.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify the following story elements within a literary text: - character; - setting; - simple sequence of events, including clear beginning, middle, and end; - problems and solutions.
	<b>c.</b> Determine cause and effect relationships by responding to “why,” “how” and “what if” questions.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Determine cause and effect relationships by responding to “why,” “how” and “what if” questions.
	<b>d.</b> Distinguish between fiction and nonfiction and real and pretend.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Distinguish between fiction and nonfiction and real and pretend. <b>iv. Early Fluent</b>
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Locate resources for finding words in the classroom: - word wall; - color word chart; - number word chart; - familiar books; - children’s name labels and name tags; - Pictionary; - computer; - title page; - dictionary.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Locate resources for finding words in the classroom: - word wall; - color word chart; - number word chart; - familiar books; - children’s name labels and name tags; - Pictionary; - computer; - title page; - dictionary. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
<b>10.</b> Read for technical information.	<b>a.</b> Identify five software icons located in the classroom and school.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify five software icons located in the classroom and school. <b>iv. Early Fluent</b>

~~(5-3-03)~~(6-17-04)T

672. WRITING.

Rationale: Write to demonstrate skill and conventions according to purpose and audience.

~~(3-15-02)~~

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> <u>Understand and use the writing process.</u>	<b>a.</b> <u>Demonstrate understanding and application of steps of writing process:</u> - brainstorm; - draft; - teacher conference; - revise; - edit; - publish; - share.	<b>i.</b> <b>Pre Emergent:</b> Communicate through pictures, drawings, and text by using letters, numbers, and symbols. <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate</b> <b>iv.</b> <b>Early Fluent</b>
	<b>b.</b> <u>Write legibly.</u>	<b>i.</b> Pre Emergent <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate</b> <b>iv.</b> <b>Early Fluent</b>
	<b>c.</b> <u>Use technology to create a piece for publication.</u>	<b>i.</b> Pre Emergent <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate</b> <b>iv.</b> <b>Early Fluent</b>
<b>05.</b> <u>Write and edit for correctness and clarity.</u>	<b>a.</b> <u>Apply rules and conventions for the following:</u> - Grammar; - Punctuation; - Capitalization; - Spelling.	<b>i.</b> Pre Emergent <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate:</b> Use periods and question marks at the end of sentences. <b>iv.</b> <b>Early Fluent</b>
<b>06.</b> <u>Write a narrative that aligns with the Direct Writing Assessment.</u>	<b>a.</b> <u>Write a narrative composition with a picture and at least one simple sentence that establishes and supports a central idea.</u>	<b>i.</b> Pre Emergent <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate</b> <b>iv.</b> <b>Early Fluent</b>

~~(5-3-03)~~(6-17-04)T

673. LISTENING.

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> Listen for information and understanding.	<b>a.</b> Listen and respond to a variety of electronic and live presentations.	<p><b>i.</b> Pre Emergent: Use nonverbal responses in social and academic settings to demonstrate understanding of key words and phrases.</p> <p><b>ii.</b> <b>Beginning:</b> Respond to greetings and requests in one to one situations either nonverbally or in a short phrase. Respond to simple questions in one to one situations (e.g., yes/no questions, either/or questions, and questions that ask for personal information) with one or two words. Recognize patterns of sound in oral language (rhyming).</p> <p><b>iii.</b> <b>Intermediate:</b> Respond appropriately in words and gestures to familiar social language in one to one situations and in small groups.</p> <p><b>iv.</b> <b>Early Fluent:</b> Respond appropriately when working in pairs, in small groups, in whole class discussions on personal, social, or grade-level academic topics.</p>
	<b>b.</b> Listen to gain enrichment and information about various cultures.	<p><b>i.</b> Pre Emergent</p> <p><b>ii.</b> <b>Beginning:</b> Hear and discriminate among some phonemes representing sounds specific to the English language.</p> <p><b>iii.</b> <b>Intermediate</b></p> <p><b>iv.</b> <b>Early Fluent</b></p>
<b>06.</b> Listen for literary response and expression.	<b>a.</b> Listen to literature presented using a variety of media such as teacher reading, computer, tape, or video.	<p><b>i.</b> Pre Emergent</p> <p><b>ii.</b> <b>Beginning:</b> Attend to short, linguistically and academically appropriate, audio-visual materials.</p> <p><b>iii.</b> <b>Intermediate:</b> Demonstrate comprehension of stories (main Idea and supporting details), key concepts of content area information and oral presentations that have contextual support (e.g., graphic organizers, posters, diagrams, and charts), by both verbal and nonverbal responses.</p> <p><b>iv.</b> <b>Early Fluent</b></p>
<b>07.</b> Listen for critical analysis.	<b>a.</b> Listen for specific information.	<p><b>i.</b> Pre Emergent</p> <p><b>ii.</b> <b>Beginning:</b> Demonstrate comprehension of stories/information by pointing, moving, matching, drawing, and making appropriate gestures.</p> <p><b>iii.</b> <b>Intermediate:</b> Demonstrate comprehension of stories and information by responding with one or two words or a short phrase.</p> <p><b>iv.</b> <b>Early Fluent:</b> Demonstrate comprehension of stories (grade appropriate readability), new content area information, and oral presentations (including graphics) by paraphrasing, summarizing, explaining, expressing opinions, etc.</p>
<b>08.</b> Listen to and follow directions.	<b>a.</b> Frequently provide opportunities for students to follow verbal directions.	<p><b>i.</b> Pre Emergent: Respond nonverbally to simple directions and questions by matching objects, pointing to an answer, and drawing pictures.</p> <p><b>ii.</b> <b>Beginning:</b> Understand key words and common phrases in both social and classroom settings (e.g., "Sit in your seat.")</p> <p><b>iii.</b> <b>Intermediate:</b> Follow clear two- or three-step directions in one to one situations. Follow multiple-step (3 or more) directions. Demonstrates understanding of some idiomatic expressions by responding appropriately to expressions (e.g., "Give me your hand.")</p> <p><b>iv.</b> <b>Early Fluent</b></p>

**674. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> <u>Speak to share understanding of information.</u>	<b>a.</b> <u>Develop awareness of speaker behaviors, such as posture, articulation, volume, and use of complete sentences and organization.</u>	<p><b>i. Pre Emergent:</b> Minimal verbal response in English expected. Repeat simple sounds, words, and phrases.</p> <p><b>ii. Beginning:</b> State basic personal information. Use gestures, single words, and simple phrases in greetings and in routine conversations.</p> <p><b>iii. Intermediate:</b> Develop awareness of speaker behaviors such as posture, articulation, and volume. Use simple, complete sentences and organization.</p> <p><b>iv. Early Fluent:</b> Develop awareness of speaker behaviors, such as posture, articulation, volume. Use complete sentences and organization with some linguistic inaccuracies.</p>
<b>05.</b> <u>Speak for literary response and expression.</u>	<b>a.</b> <u>Orally share known literature through various presentation and activities.</u>	<p><b>i. Pre Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities). Respond to stories read aloud, using one or two words or short phrases.</p> <p><b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding stories and personal experiences.</p> <p><b>iii. Intermediate:</b> Use simple sentences to retell stories and relate experiences with linguistic inaccuracies. Contribute to classroom and small group discussions by responding to and asking simple questions.</p> <p><b>iv. Early Fluent:</b> Relate stories about personal experience using descriptive detail with some linguistic inaccuracies. Retell and paraphrase stories he/she has read or heard, using descriptive detail about characters and setting.</p>
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Express opinions and solve problems.</u>	<p><b>i. Pre Emergent:</b> Minimal verbal response in English expected</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and solve problems.</p> <p><b>iii. Intermediate:</b> Use simple sentences with some linguistic inaccuracies to express opinions and solve problems.</p> <p><b>iv. Early Fluent:</b> Express opinions and solve problems with some linguistic inaccuracies.</p>
	<b>b.</b> <u>Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions.</u>	<p><b>i. Pre Emergent:</b> Exhibit courteous, attentive, and appropriate behavior during discussions. Respond with appropriate gestures.</p> <p><b>ii. Beginning:</b> Exhibit courteous, attentive, and appropriate behavior during discussions. Respond with appropriate gestures or single words.</p> <p><b>iii. Intermediate:</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions.</p> <p><b>iv. Early Fluent</b></p>

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**(BREAK IN CONTINUITY OF SECTIONS)**

**679. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 1, SECTIONS 680 THROUGH 684.**

**680. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Read a variety of traditional and electronic materials for information and understanding.	<b>a.</b> Use decoding and word recognition strategies to fluently read first-grade materials.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Read for information, understanding, appreciation, and enjoyment using a variety of types of text. iii. <b>Intermediate:</b> Independently read and understand the meaning of words, phrases, and short sentences in very simple text (e.g., pre-primer level). iv. <b>Early Fluent</b>
<b>Phonics/Phonemic Awareness</b>		
	<b>b.</b> Identify words within a sentence.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Identify words within a sentence. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Distinguish syllables within words.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Distinguish syllables within words. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>d.</b> Recognize two or more rhyming words.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Identify and produce one syllable rhyming words. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>e.</b> Complete and produce a rhyming word.	i. <b>Pre-Emergent:</b> Discriminate between two sounds. ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>f.</b> Discriminate between two sounds.	i. <b>Pre-Emergent:</b> Discriminate between two sounds. ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>g.</b> Imitate sounds.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Imitate sounds. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>h.</b> Identify isolated initial and final sounds.	i. <b>Pre-Emergent:</b> Distinguish initial and final sounds in one-syllable words. ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>i.</b> Blend phonemes to make a word.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Blend phonemes to make a word. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>j.</b> Transposition - segment a word into phonemes: - deletion; - addition; - substitution.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Transposition: segment a word into phonemes by deletions, additions, and/or substitutions. iv. <b>Early Fluent</b>
<b>Phonics</b>		

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>k. Recognize and use regular letter-sound correspondences and determine regularly spelled one- and two-syllable words, consonant blends/digraphs, short/long vowels, and letter/sound correspondences.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Recognize and use regular letter-sound correspondences and determine regularly spelled one- and two-syllable words, consonant blends/digraphs, short/long vowels, and letter/sound correspondences.</u> iv. <b>Early Fluent</b>
	<u>l. Use onset and rhymes to create and decode new words that include blends and digraphs.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Use onset and rhymes to create and decode new words that include blends and digraphs.</u> iv. <b>Early Fluent</b>
	<u>m. Use knowledge of common prefixes, suffixes, and root words to determine meanings of unknown words within a passage.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Use knowledge of common prefixes, suffixes, and root words to determine meanings of unknown words within a passage.</u> iv. <b>Early Fluent</b>
	<u>n. Automatically read 150 high-frequency or sight words.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Recognize a limited number of sight words that have been taught in context (e.g., highest frequency words on Dolch list).</u> iv. <b>Early Fluent</b>
	<u>o. Apply knowledge of reading strategies.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> <u>Use basic reading strategies to make text comprehensible and meaningful (e.g., prior knowledge, previewing, reviewing, asking questions, predicting, and self-corrections), with instructional support.</u>
<b>Before Reading Strategies</b>		
	<u>p. Draw on prior knowledge and discuss to generate questions to predict text.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> <u>Demonstrate comprehension of content area text by restating facts, identifying main idea and important details, recognizing cause and effect.</u>
	<u>q. In order to predict text, preview illustrations, title page, and other text pages.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> <u>Use resources in text (e.g., illustrations, diagrams) to draw conclusions and make inferences and generalizations.</u>
<b>During Reading Strategies</b>		
	<u>r. Integrate visual, structural, and meaning clues to gain understanding of text.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> <u>Demonstrate comprehension of content area text by restating facts, identifying main idea and important details, recognizing cause and effect.</u>



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>s. Monitor own reading comprehension by self-correcting and rereading as needed to confirm text.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent: Identify basic text structures such as sequencing/chronological order, cause/effect, and comparison/contrast. Monitor own reading comprehension by self-correcting and rereading as needed to confirm text.</b>
	<u>t. To guide in meaning, use such conventions of print as punctuation, commas, periods, question marks, and quotation marks.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent: Use knowledge of standard English conventions to construct meaning (e.g., periods, questions marks).</b>
	<u>u. To gain oral fluency and expression, use proper phrasing and rereading.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate: Use a variety of reading strategies to gain information from text.</b> iv. <b>Early Fluent: To gain oral fluency and expression, use proper phrasing and rereading.</b>
	<u>v. To determine word meanings and phrases, apply knowledge of compound words, contractions, and homophones.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent: Read aloud near grade-level material with confidence, accuracy, and fluency. To determine word meanings and phrases, apply knowledge of compound words, contractions, and homophones.</b>
<b>Reading Comprehension Strategies</b>		
	<u>w. Identify main idea.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate: Use reading strategies to gain information and to make text comprehensible (e.g., predicting, questioning, summarizing, self-correcting, evaluating, comparing/contrasting, using print and media resources). Identify main idea.</b> iv. <b>Early Fluent</b>
	<u>x. Sequence events of a story.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning: Sequence events of a story.</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<u>y. Read beyond text to make inferences and draw conclusions.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate: Read compound words and contractions.</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.	<b>a.</b> Read and evaluate grade-level literature: identify vocabulary, genres, and text features: - identify and compare plots, settings, and characters of two stories; - retell basic plots/main ideas of fiction and nonfiction.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read and evaluate grade-level literature: identify vocabulary, genres, and text features: - identify and compare plots, settings, and characters of two stories; - retell basic plots/main ideas of fiction and nonfiction.
	<b>b.</b> Identify and compare own experiences and knowledge to that of characters, events, and situations within a story.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify and compare own experiences and knowledge to that of characters, events, and situations within a story. <b>iv. Early Fluent</b>
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Distinguish between fiction and nonfiction, real and imaginary, and fact and opinion.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Distinguish between fiction and nonfiction, real and imaginary, and fact and opinion. <b>iv. Early Fluent</b>
	<b>b.</b> Sequentially retell story; include details related to setting, plot, and characters.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Sequentially retell story; include details related to setting, plot, and characters. <b>iv. Early Fluent</b>
	<b>c.</b> To demonstrate critical listening, recall details by responding to questions asking “who,” “what,” “where,” and “when.”	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> To demonstrate critical listening, recall details by responding to questions asking “who,” “what,” “where,” and “when.” <b>iv. Early Fluent</b>
	<b>d.</b> Determine cause and effect relationships by responding to “why,” “how,” and “what if” questions.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Determine cause and effect relationships by responding to “why,” “how,” and “what if” questions. <b>iv. Early Fluent</b>
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Locate information using the following informational text and resources: - alphabetical order; - book parts: title page, table of contents, and glossary. Locate information using the following informational text and resources: - alphabetical order; - book parts: title page, table of contents, and glossary.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Locate information using the following informational text and resources: - alphabetical order; - book parts: title page, table of contents, and glossary. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>

ENGLISH LANGUAGE PROFICIENCY STANDARDS		
Standard – The student will:	Content Knowledge and Skills	Proficiency Level
10. Read for technical information.	a. Use organizational features of text.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Use organizational features of text. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	b. Use signs, labels, and instructions to follow hard copies of directions as well as those from technological sources. Use signs, labels, and instructions to follow hard copies of directions as well as those from technological sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use signs, labels, and instructions to follow hard copies of directions as well as those from technological sources. iv. <b>Early Fluent</b>

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681. WRITING.

Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

ENGLISH LANGUAGE PROFICIENCY STANDARDS		
Standard – The student will:	Content Knowledge and Skills	Proficiency Level
04. Understand and use the writing process.	a. Fluently write upper and lower case letters using appropriate space and letter size.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Label familiar objects and pictures, including key parts of content area objects. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	b. Develop story fluency.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Write about personal experiences using pictures, letters, words, and numbers. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
05. Write and edit for correctness and clarity.	c. Demonstrate basic understanding of the writing process: - pre-write; - first draft; - revise and edit; - publish; - share.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Dictate, copy, or write a simple sentence about a picture or experience. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	d. Write for various audiences: - self; - teacher; - other personally-known audiences.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Write a phrase or simple sentence about an event or character from text read aloud, with instructional support or a model. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	a. Develop and organize sentences that incorporate central idea and supporting details.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Write pattern sentences with assistance. iii. <b>Intermediate:</b> Write a simple sentence about a picture or experience. iv. <b>Early Fluent:</b> Write simple sentences and short paragraphs (3-4 sentences) to demonstrate content area learning.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> <u>Develop descriptive vocabulary to enhance writing.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Correctly use familiar words presented and emphasized in content (e.g., literature, math, science lessons); <u>spelling approximations are acceptable.</u> iii. <b>Intermediate:</b> Write simple phrases/sentences about a group or shared activity with assistance, <u>using spelling approximations and accurate end punctuation (periods and question marks).</u> iv. <b>Early Fluent:</b> Demonstrate effective use of transitional words: first, then, last.
	<b>c.</b> <u>Apply rules and conventions for the following:</u> - <u>grammar;</u> - <u>punctuation;</u> - <u>capitalization.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use periods and question marks at the end of sentences. <u>Use capital letters in proper nouns and to begin sentences.</u> iv. <b>Early Fluent</b>
	<b>d.</b> <u>Demonstrate appropriate spelling:</u> - <u>correctly spell words by writing sounds in sequence;</u> - <u>accurately spell high frequency words;</u> - <u>engage in such problem-solving strategies analogies, environmental print, and resources.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Spell three- and four-letter words and grade level <u>appropriate sight words correctly.</u>
	<b>e.</b> <u>Frequently reread to clarify, revise, and edit.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Edit own writing for end punctuation (periods and question marks) and capitalization (proper nouns and beginning of sentence).
<b>06.</b> <u>Write a narrative essay that aligns with the Direct Writing Assessment.</u>	<b>a.</b> <u>Using personal experiences and knowledge as a source for writing, create a narrative account.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Write stories based on pictures that include sequence and details. <u>Write simple stories that include elements of setting, character, and events.</u>

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**682. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> Listen for information and understanding.	<b>a.</b> Demonstrate effective and appropriate listening skills using the following: - eye contact; - taking turns in conversation; - maintaining attention.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Recognize patterns of sound in oral language (e.g., rhyming). iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Listen to gain enrichment and information about various cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Participate in retelling and asking questions for clarification.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for literary response and expression.	<b>a.</b> Interpret and respond to a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Respond to complex content-related questions about newly learned information by making comparisons.
	<b>b.</b> Discuss similarities and differences between and among a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>07.</b> Listen for critical analysis and evaluation.	<b>a.</b> Listen for specific answers in order to respond with appropriate feedback.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>08.</b> Listen to and follow directions.	<b>a.</b> Follow three-step oral directions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**683. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> <u>Speak to share understanding of information.</u>	<b>a.</b> <u>Clearly communicate to a range of audience for various purposes:</u> - <u>speak in grammatically correct sentences with clarity and detail;</u> - <u>use vocabulary appropriate for the age group.</u>	<b>i. Pre-Emergent:</b> <u>Minimal verbal response in English expected. Repeat simple sounds, words, and phrases.</u> <b>ii. Beginning:</b> <u>Use both social and academic vocabulary in familiar, restricted contexts (with support). Use set phrases (formulaic language) in simple sentences to interact in both social and academic settings.</u> <b>iii. Intermediate:</b> <u>Use simple sentences and phrases with linguistic inaccuracies to express needs and ideas about familiar topics in social and academic contexts.</u> <b>iv. Early Fluent:</b> <u>Make him/herself understood when speaking by using generally appropriate English grammatical forms with some linguistic inaccuracies. Contribute to classroom discussions by asking and answering questions.</u>
<b>05.</b> <u>Speak for literary response and expression.</u>	<b>a.</b> <u>Participate in oral interpretation, memorization, presentation, and dramatic reading to share personal and literary works.</u>	<b>i. Pre-Emergent:</b> <u>Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases.</u> <b>ii. Beginning:</b> <u>Use key words and phrases to respond to simple questions regarding personal experiences and literary works.</u> <b>iii. Intermediate:</b> <u>Use simple sentences with linguistic inaccuracies to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions.</u> <b>iv. Early Fluent:</b> <u>Participate in oral interpretation, memorization, presentation, and dramatic reading to share personal and literary works with some linguistic inaccuracies.</u>
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Express opinions and solve problems.</u>	<b>i. Pre-Emergent:</b> <u>Minimal verbal response in English expected.</u> <b>ii. Beginning:</b> <u>Use gestures, single words, and simple phrases to express opinions and solve problems.</u> <b>iii. Intermediate:</b> <u>Use simple sentences to express opinions and solve problems.</u> <b>iv. Early Fluent:</b> <u>Express opinions and solve problems.</u>
	<b>b.</b> <u>Use causes and effects and similarities and differences to demonstrate a key point.</u>	<b>i. Pre-Emergent:</b> <u>Minimal verbal response in English expected.</u> <b>ii. Beginning:</b> <u>Use graphic organizers, gestures, single words, and simple phrases to express similarities and differences and key points.</u> <b>iii. Intermediate:</b> <u>Use simple sentences to show causes and effects and similarities and differences and key points.</u> <b>iv. Early Fluent:</b> <u>Use causes and effects and similarities and differences to demonstrate a key point with some linguistic inaccuracies.</u>
	<b>c.</b> <u>Use speaking skills to express opinions in a courteous and attentive manner.</u>	<b>i. Pre-Emergent:</b> <u>Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed.</u> <b>ii. Beginning:</b> <u>Use gestures, single words, and simple phrases to express opinions in a courteous and attentive manner.</u> <b>iii. Intermediate:</b> <u>Use simple sentences to express opinions in a courteous and attentive manner.</u> <b>iv. Early Fluent:</b> <u>Use speaking skills to express opinions in a courteous and attentive manner.</u>

(5-3-03)(6-17-04)T

**(BREAK IN CONTINUITY OF SECTIONS)**

688. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 2, SECTIONS 689 THROUGH 693.

689. READING.

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> Read a variety of traditional and electronic materials for information and understanding.	<b>a.</b> Use decoding and word recognition strategies to fluently read second-grade materials.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read aloud near grade-level material with confidence, accuracy, and fluency.
<b>Phonics/Phonemic Awareness</b>		
	<b>b.</b> Identify and name two or more words that rhyme.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Identify and name two or more words that rhyme. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c.</b> Distinguish syllables within words.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Distinguish syllables within words. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>d.</b> Recognize and use the following to decode words: - beginning, middle, and ending sounds; - consonant blends and digraphs; - short and long vowels; - r-controlled vowels; - similarities among word structures such as word families, and syllabication rules.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Recognize and use the following to decode words: beginning, middle and ending sounds; consonant blends and digraphs; short and long vowels, r-controlled vowels. <b>iv. Early Fluent</b>
	<b>e.</b> Use knowledge of common prefixes, suffixes, and root words to determine meanings of unknown words within a passage.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Read common root words with inflectional endings (e.g., -s, -ed, -ing). <b>iv. Early Fluent:</b> Use illustrations, word-attack skills, and context to determine the meaning of unknown words. Apply knowledge of common morphemes (e.g., common root words, prefixes, suffixes) to derive meaning from text.
	<b>f.</b> Automatically read a bank of 150-200 high-frequency words.	<b>i. Pre-Emergent</b> Recognize high frequency words (e.g., Dolch words) designated as early first grade words. <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Automatically read a bank of 150-200 high-frequency words.
<b>Pre-Reading Strategies</b>		
	<b>g.</b> Draw on prior knowledge, discussion, and generating of questions to predict text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use basic reading strategies to make text comprehensible and meaningful (e.g., knowledge, previewing, reviewing, asking questions, predicting, and self-correction), with instructional support.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>h. Prior to reading text, preview illustrations and such opening pages of text as the title page, table of contents, and other introductory pages.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Read and identify basic text features (e.g., title page, table of contents, chapter titles, headings). iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>Context Clues</b>		
	<u>i. Use context clues to choose correct meanings of identified words within a reading passage.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use illustrations, word-attack skills, and context to determine the meaning of unknown words. iv. <b>Early Fluent</b>
	<u>j. Monitor own reading comprehension by self-correcting and rereading.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<u>k. Recognize words that signal transitions to determine sequence as well as contribute to text's meaning.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Recognize words that signal transitions to determine sequence as well as contribute to text's meaning. iv. <b>Early Fluent</b>
	<u>l. Use the following punctuation clues: commas, periods, question marks, apostrophes, and quotation marks to guide meaning and oral fluently reading aloud.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use the following punctuation clues: commas, periods, question marks, apostrophes, and quotation marks to guide meaning and oral fluently reading aloud. Read aloud near grade level text with confidence, accuracy, intonations, and fluency.
<b>Word Analysis Skills</b>		
	<u>m. Apply knowledge of compound words, contractions, and homophones to determine word meanings and phrases.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Read compound words and contractions and homophones. iv. <b>Early Fluent</b>
<b>06. Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.</b>	<u>a. Read and evaluate grade-level literature and recognize and analyze literary elements, vocabulary, and genres:                      - identify and compare plots, settings, and characters of two stories;                      - retell basic plots of folktales, legends, fables, and fairy tales.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Gather, organize, read, analyze, interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks, internet media presentations).



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Retell a story and include setting, plot, and characters.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Retell a story and include setting, plot, and characters. iv. <b>Early Fluent</b>
	<b>b.</b> Identify the following story elements within a literary text: - characters and their traits and motivations which determine causes and actions; - setting; - sequential events of a plot, including a clear beginning, middle, and end; - problems and solutions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify the following story elements within a literary text: - characters and their traits and motivations which determine causes and actions; - setting; - sequential events of a plot, including a clear beginning, middle, and end; - problems and solutions.
	<b>c.</b> Recall and recognize relevant details in a passage by responding to questions asking "who," "what," "where," and "when."	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Recall and recognize relevant details in a passage by responding to questions asking "who," "what," "where," and "when." iv. <b>Early Fluent</b>
	<b>d.</b> Determine cause and effect relationships by responding to "why" "how," and "what if" questions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Determine cause and effect relationships by responding to "why" "how," and "what if" questions.
	<b>e.</b> Draw logical conclusions based on information read.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Draw logical conclusions based on information read. iv. <b>Early Fluent</b>
	<b>f.</b> Distinguish between fiction and nonfiction, real and imaginary, and fact and opinion.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Distinguish between fiction and nonfiction, real and imaginary, and fact and opinion.
<b>08.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Locate information using dictionaries, encyclopedias, and informational books: - recognize alphabetical order; - name and use the following parts – title page, table of contents, and glossary.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Locate information using dictionaries, encyclopedias, and informational books: - recognize alphabetical order; - name and use the following parts – title page, table of contents, and glossary. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**690. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04. Understand and use the writing process.</b>	<b>a. Demonstrate understanding and application of writing process steps:</b> - brainstorm; - draft; - teacher conference; - revise; - edit; - publish; - share.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Supply missing words in familiar or framed patterns. Use pre-writing strategies (e.g., time lines, web, maps, pictures) with assistance. <b>iv. Early Fluent</b>
	<b>b. Legibly write in a variety of formats to record, generate, and reflect ideas.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Write in a variety of forms (e.g., lists, letters, stories, short reports).
	<b>c. Use technology to create a piece for publication.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>d. Identify and use appropriate style for audience and purpose of writing.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>e. Develop a writing vocabulary and skills for using words.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
<b>05. Write and edit for correctness and clarity.</b>	<b>a. Apply rules and conventions for the following:</b> - grammar; - punctuation; - capitalization; - spelling.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>b. Develop sentences that incorporate a clear and focused main idea; incorporate supportive details and examples that are appropriate to topic, audience, and purpose:</b> - use appropriate word choices, sentence structure, transitions, and organizational techniques; - write for personal and practical needs.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Write simple sentences appropriate for language arts and other content areas (e.g., math, science, social studies). <b>iv. Early Fluent:</b> Write statements (declarative sentences) and questions using standard word order, with some inconsistent grammar forms (e.g., subject-verb agreement).  Write simple paragraphs (3-4 sentences) based on classroom activities and experiences (e.g., field trips).

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Write a narrative essay that aligns with the Direct Writing Assessment.	<b>a.</b> Create a narrative composition that provides an introduction, middle, and end sequence; establish and support a central idea and include simple facts and details.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write a simple narrative with beginning, middle and end that includes elements of setting and character. iv. <b>Early Fluent:</b> Write stories based on pictures that include sequence and details.  Write simple stories that include elements of setting, character, and events.
	<b>b.</b> Write and publish original and creative works which incorporate descriptive language.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**691. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> Listen for information and understanding.	<b>a.</b> Listen and respond to a variety of electronic and live presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Listen to gain enrichment and information about various cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Use such responsive listening skills as retelling and asking questions for elaboration and clarification.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for literary response and expression.	<b>a.</b> Listen to and record information from oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Note similarities and differences between and among a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>07.</b> Listen for critical analysis and evaluation.	<b>a.</b> Listen for answers to specific questions and for specific purposes in response to nonfiction.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Determine rhyming words that have been logically omitted from an orally-presented poem or rhyming book.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>08.</b> Listen to and follow directions.	<b>a.</b> Frequently provide opportunities for students to follow verbal directions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**692. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Speak to share understanding of information.	<b>a.</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary as well as effective use of illustrations and pictures.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations and pictures. ii. <b>Beginning:</b> Plan and deliver a nonverbal presentation using gestures, single words, and simple phrases as well as illustrations and pictures. iii. <b>Intermediate:</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary in simple sentences as well as effective use of illustrations and pictures. iv. <b>Early Fluent:</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary with some linguistic inaccuracies. Incorporate effective use of illustrations and pictures.
	<b>b.</b> Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, and physical gestures.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. ii. <b>Beginning:</b> Use gestures, single words, and simple phrases to for various purposes with a developing sense of audience that incorporates appropriate volume, limited word choices, and physical gestures. iii. <b>Intermediate:</b> Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, and physical gestures. iv. <b>Early Fluent:</b>
<b>05.</b> Speak for literary response and expression.	<b>a.</b> Use oral interpretation, memorization, presentation, and dramatic readings to share personal and literary works.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (e.g., chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases. ii. <b>Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works. iii. <b>Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions. iv. <b>Early Fluent:</b> Participate in oral interpretation, memorization, presentation, and dramatic readings to share personal and literary works with some linguistic inaccuracies.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Express opinions and solve problems.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and solve problems. <b>iii. Intermediate:</b> Use simple sentences to express opinions and solve problems. <b>iv. Early Fluent:</b> Express opinions and solve problems.
	<b>b.</b> <u>Use causes and effects and similarities and differences to demonstrate a key point.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Use graphic organizers, gestures, single words, and simple phrases to express similarities and differences and key points. <b>iii. Intermediate:</b> Use simple sentences to show causes and effects and similarities and differences and key points. <b>iv. Early Fluent:</b> Use causes and effects and similarities and differences to demonstrate a key point with some linguistic inaccuracies.
	<b>c.</b> <u>Encourage others' participation while exhibiting courteous, attentive, and appropriate behaviors during discussions.</u>	<b>i. Pre-Emergent:</b> Exhibit courteous, attentive, and appropriate behavior during discussions. <b>ii. Beginning:</b> <b>iii. Intermediate:</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions. <b>iv. Early Fluent:</b>

(5-3-03)(6-17-04)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**697. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 3, SECTIONS 698 THROUGH 702.**

**698. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> <u>Read a variety of traditional and electronic materials for information and understanding.</u>	<b>a.</b> <u>Use decoding strategies to fluently read third-grade materials.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read for information, understanding, appreciation, and enjoyment, using a variety of types of text.
		<b>Phonics</b>
	<b>b.</b> <u>Employ multiple strategies to identify words using spelling patterns and syllabication.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Employ multiple strategies to identify words using spelling patterns and syllabication. <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>c.</b> Use phonics clues to automatically decode words and cueing strategies to fluently read third-grade text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>Context Clues</b>		
	<b>d.</b> Use context clues to determine correct meanings of identified words within a reading passage.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use context clues to determine correct meanings of identified words within a reading passage. iv. <b>Early Fluent</b>
	<b>e.</b> Recognize words that signal transitions to determine sequence and meaning of text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Recognize words that signal transitions to determine sequence and meaning of text. iv. <b>Early Fluent</b>
	<b>f.</b> Recognize the relationship between a pronoun and its referent.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Recognize the relationship between a pronoun and its referent.
<b>Word Analysis Clues</b>		
	<b>g.</b> Apply knowledge of contractions, synonyms, antonyms, homonyms, and multiple meaning to determine meaning of words and phrases.	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Apply knowledge of contractions, synonyms, antonyms, homonyms, and multiple meaning to determine meaning of words and phrases. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>h.</b> Use knowledge of root words to determine meanings of unknown words within a passage.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use knowledge of root words to determine meanings of unknown words within a passage.
<b>Syntax Cues</b>		
	<b>i.</b> Use knowledge of written language to anticipate words when reading.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use knowledge of written language to anticipate words when reading.
	<b>j.</b> Before, during, and after reading, locate information to clarify text structure and content.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Before, during, and after reading, locate information to clarify text structure and content.
	<b>k.</b> Locate and gather information for a variety of purposes.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Read and identify text features including glossaries and indexes.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>l.</b> Paraphrase and summarize text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Paraphrase and summarize text.
	<b>m.</b> Distinguish between cause and effect and fact and opinion within expository text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Distinguish between cause and effect and fact and opinion within expository text.
	<b>n.</b> Identify language and literary devices: - mood; - tone; - style; - figurative language.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify language and literary devices: - mood; - tone; - style; - figurative language.
	<b>o.</b> Identify main idea within a text and identify relevant details and facts.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify main idea within a text and identify relevant details and facts. <b>iv. Early Fluent</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.	<b>a.</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fairy tales, poems, and plays.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fairy tales, poems, and plays.
	<b>b.</b> Evaluate new information and relate to known information and ideas.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Evaluate new information and relate to known information and ideas.
	<b>c.</b> Compare and contrast information about same topic after reading two or more passages or articles.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Compare and contrast information about same topic after reading two or more passages or articles. <b>iv. Early Fluent</b>
	<b>d.</b> Demonstrate understanding of the role of reading to enrich, inform, and serve as a tool for lifelong learning.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Demonstrate understanding of the role of reading to enrich, inform, and serve as a tool for lifelong learning.
	<b>e.</b> Identify cause and effect and statements of fact and opinion.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify cause and effect and statements of fact and opinion.
	<b>f.</b> Determine main idea of text and identify relevant and supporting details and facts: arrange in chronological order.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Determine main idea of text and identify relevant and supporting details and facts: arrange in chronological order. <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.
	<b>b.</b> Identify the following story elements within a literary text: - characters and their traits; - setting; - sequencing of main events; - problems and solutions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify the following story elements within a literary text: - characters and their traits; - setting; - sequencing of main events; - problems and solutions.
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Use appropriate strategies when reading for the following purposes: - comprehension; - locating information; - personal enjoyment.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use appropriate strategies when reading for the following purposes: - comprehension; - locating information; - personal enjoyment. iv. <b>Early Fluent</b>
	<b>b.</b> Generate questions about important and interesting issues.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Generate questions about important and interesting issues. iv. <b>Early Fluent</b>
	<b>c.</b> Organize and interpret information to draw a logical conclusion based on an investigation.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Organize and interpret information to draw a logical conclusion based on an investigation.
<b>10.</b> Read for technical information.	<b>a.</b> Identify and use such traditional sources as reference books, library materials, experts, and electronically stored sources to locate and acquire information.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use multiple grade level resources to identify and use such traditional sources as reference books, library materials, experts, and electronically stored sources to locate and acquire information. iv. <b>Early Fluent</b>
	<b>b.</b> Identify use of graphics, graphs, tables and diagrams, parentheses, italics, and bold print.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Identify use of graphics, graphs, tables and diagrams, parentheses, italics, and bold print. iv. <b>Early Fluent</b>
	<b>c.</b> Identify text structure.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify text structure.
	<b>d.</b> Locate and demonstrate understanding sequence words.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Locate and demonstrate understanding sequence words. iv. <b>Early Fluent</b>

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699. WRITING.

Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04. Understand and use the writing process.</b>	<b>a. Demonstrate understanding and application of the writing process:</b> - brainstorm; - draft; - teacher conference; - revise; - edit; - publish; - share.	<b>i. Pre-Emergent:</b> Briefly write about personal experience by using illustrations and one or two words. Create simple sentences and phrases with some assistance. <b>ii. Beginning:</b> Use simple pre-writing strategies. <b>iii. Intermediate:</b> Use phrases and simple sentences to respond to written prompts. <b>iv. Early Fluent</b>
	<b>b. Legibly write in a variety of formats to record, generate, and reflect upon idea.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Use models to write short narratives. Communicate information through a combination of drawings, picture stories, and some words. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c. Identify and use appropriate style and vocabulary for audience and purpose.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Produce independent writing that is understood when read. Incorporate key content area vocabulary in writing. <b>iv. Early Fluent</b>
<b>05. Write and edit for correctness and clarity.</b>	<b>a. Apply rules and conventions of the following:</b> - grammar; - punctuation; - capitalization; - spelling.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use mainly conventional spelling, capitalization, punctuation, grammar, and sentence structure. Edit for conventions of writing and revise for appropriate word choice and organization (e.g., spelling, capitalization, punctuation).
	<b>b. Develop a paragraph that incorporates a clear and focused main idea that is supported by details and examples that are appropriate to topic, audience, and purpose:</b> - use topic sentences, appropriate word choices and sentence structure, transitions, paragraphing, indentation, and organization; - write for personal and practical needs.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use print for social communication (e.g., notes, invitations, e-mail, diary entries). Use a variety of sentence patterns with mostly appropriate tenses and conventions. Consistently use complete sentences and correct word order.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Write a narrative essay that aligns with the Direct Writing Assessment.	<b>a.</b> Create a multiple-paragraph narrative composition that provides an introductory paragraph that establishes and supports a central idea. Include supporting paragraphs with thoughtful transitions, simple facts, details, and explanations. Conclude with a paragraph that summarizes key points. Properly indent.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Describe characters and settings and summarize events in a literature selection. iv. <b>Early Fluent:</b> Use informational writing in content areas (e.g., recording a math problem-solving process, summarizing a social studies concept).
	<b>b.</b> Write and publish original creative works that incorporate figurative and descriptive language.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

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**700. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Listen and respond to a variety of electronic and live presentations.	i. <b>Pre-Emergent:</b> Attend to short, linguistically and academically appropriate audio-visual materials. Linguistically these materials would be nearly identical to those at the K-2 range, but academically the content would be slightly more advanced. ii. <b>Beginning</b> iii. <b>Intermediate:</b> Respond to simple and complex questions (e.g., who/how, either/or, and some open-ended questions) with words and phrases. iv. <b>Early Fluent</b>
	<b>b.</b> Listen to gain enrichment and information about various cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Demonstrate effective interpersonal listening skills.	i. <b>Pre-Emergent:</b> Use nonverbal responses in social and academic settings to demonstrate understanding of key words and phrases. These words, common phrases, and familiar language would be very similar to those at the K-2 range for this earliest level of proficiency. ii. <b>Beginning:</b> Follow clear one-step directions in one to one situations. Built on previous grades. iii. <b>Intermediate:</b> Follow clear multiple-step (3 or more) directions in one to one and small group situations. Directions may be more cognitively demanding at 3-5 than at K-2. iv. <b>Early Fluent:</b> Follow multiple-step (3 or more) directions in both one to one and group situations.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> Listen for literary response and expression.	<b>a.</b> Listen to and record information from oral presentations.	<p><b>i. Pre-Emergent:</b> Demonstrate comprehension of stories/information by pointing, moving, matching, drawing, and making appropriate classroom gestures. Stories and information at the 3-5 grade level might be slightly more cognitively demanding than at the K-2 level.</p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate:</b> Respond nonverbally to more complex stories (e.g., matching objects, pointing to an answer, or drawing picture).</p> <p><b>iv. Early Fluent:</b></p>
	<b>b.</b> Note similarities and differences between and among a variety of oral presentations.	<p><b>i. Pre-Emergent:</b></p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate</b></p> <p><b>iv. Early Fluent:</b> Demonstrate understanding of increasingly complex content-related questions about newly learned information (e.g., makes comparisons).</p>
<b>06.</b> Listen for critical analysis and evaluation.	<b>a.</b> Identify the purpose, content, organization, and delivery of verbal communication and nonverbal cues.	<p><b>i. Pre-Emergent:</b> Respond nonverbally to simple directions and questions (e.g., by matching objects, pointing to an answer, drawing picture). Directions and questions at the 3-5 grade range would be very similar to those at the K-2 range for this earliest level of proficiency.</p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate</b></p> <p><b>iv. Early Fluent</b></p>

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**701. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Speak to share understanding of information.	<b>a.</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary as well as effective use of illustrations, pictures, and charts.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations, pictures, and charts.</p> <p><b>ii. Beginning:</b> Plan and deliver a nonverbal presentation using gestures, single words, and simple phrases as well as illustrations, pictures, and charts.</p> <p><b>iii. Intermediate:</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary in simple sentences. Incorporate effective use of illustrations, pictures, and charts.</p> <p><b>iv. Early Fluent:</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary with some linguistic inaccuracies. Incorporate effective use of illustrations, pictures, and charts.</p>
	<b>b.</b> Use oral communication for various purposes and audiences that incorporate a variety of word choices, inflection, volume, phrasing, physical gestures, and eye contact.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to for various purposes with a developing sense of audience that incorporates appropriate volume, limited word choices, and physical gestures.</p> <p><b>iii. Intermediate:</b> Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, physical gestures, and some eye contact.</p> <p><b>iv. Early Fluent:</b> Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, physical gestures, and eye contact.</p>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> <u>Speak for literary response and expression.</u>	<b>a.</b> <u>Use oral interpretation, memorization, presentation, and dramatic readings to share personal or literary works.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases. <b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works. <b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions. <b>iv. Early Fluent:</b> Participate in oral interpretation, memorization, presentation, and dramatic readings to share personal and literary works with some linguistic inaccuracies.
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Express opinions and solve problems.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and solve problems. <b>iii. Intermediate:</b> Use simple sentences to express opinions and solve problems. <b>iv. Early Fluent:</b> Express opinions and solve problems.
	<b>b.</b> <u>Use causes/effects and similarities/differences to demonstrate a key point.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Use graphic organizers, gestures, single words, and simple phrases to express similarities and differences and key points. <b>iii. Intermediate:</b> Use simple sentences to show causes and effects and similarities and differences and key points. <b>iv. Early Fluent:</b> Use causes and effects and similarities and differences to demonstrate a key point with some linguistic inaccuracies.
	<b>c.</b> <u>Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions:</u> - <u>listen well and verify understanding;</u> - <u>avoid monopolizing conversations;</u> - <u>raise pertinent questions;</u> - <u>exhibit cultural sensitivity.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed. <b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions in a courteous and attentive manner. <b>iii. Intermediate:</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - <u>listen well and verify understanding;</u> - <u>avoid monopolizing conversations;</u> - <u>raise pertinent questions;</u> - <u>exhibit cultural sensitivity.</u> <b>iv. Early Fluent:</b>
	<b>d.</b> <u>Demonstrate ability to critique own oral presentation.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Demonstrate ability to critique own oral presentation by using prompts and rubrics reflecting the intermediate proficiency level.</u> <b>iv. Early Fluent:</b>

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**(BREAK IN CONTINUITY OF SECTIONS)**

**706. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 4, SECTIONS 707 THROUGH 711.**

**707. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations. Content

knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Read a variety of traditional and electronic materials for information and understanding.	<b>a.</b> Use decoding strategies to fluently read fourth-grade materials.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read aloud near grade-level material with confidence, accuracy, and fluency.
<b>Phonics</b>		
	<b>b.</b> Use spelling pattern syllabication and other strategies to identify words.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use spelling pattern syllabication and other strategies to identify words. <b>iv. Early Fluent</b>
	<b>c.</b> Use phonics clues to automatically and accurately identify and pronounce words.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use knowledge of English phonics and syntax to interpret the meaning of unfamiliar words in the simple sentences. <b>iv. Early Fluent</b>
<b>Word Analysis</b>		
	<b>d.</b> Apply knowledge of derivations, synonyms, antonyms, homonyms, multiple meanings, and idioms to determine meanings of words and phrases.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Apply knowledge of derivations, synonyms, antonyms, homonyms, multiple meanings, and idioms to determine meanings of words and phrases. Recognize and use correctly some multiple-meaning words (e.g., “product” in math vs. “product” in social studies) and homographs (e.g., You “live” here vs. This is a “live” animal.)
	<b>e.</b> Use knowledge of root words to determine meanings of unknown words within a passage.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Apply knowledge of common morphemes (e.g., common root words, prefixes, suffixes) to derive meaning from text.
<b>Context Clues</b>		
	<b>f.</b> Use context clues to choose correct meanings of identified words within a reading passage.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use illustrations, word-attack skills, and context to determine the meaning of unknown words. <b>iv. Early Fluent</b>
	<b>g.</b> Recognize the relationship between a pronoun and its referent.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Recognize the relationship between a pronoun and its referent. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>h.</b> Recognize words that signal transitions to determine sequences as well as contribution to text’s meaning.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Recognize words that signal transitions to determine sequences as well as contribution to text’s meaning. <b>iv. Early Fluent</b>
<b>Sentence Structure</b>		

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>i. Use knowledge of written language to anticipate words when reading.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use knowledge of written language to anticipate words when reading.
	<u>j. Use knowledge of written language to comprehend text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use knowledge of written language to comprehend text.
	<u>k. Before, during, and after reading, locate information to clarify text structure and content.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Read and identify text features including glossaries and indexes.
	<u>l. Identify and begin to use analytic processes for understanding and remembering words, phrases, and information from reading material.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Use reading strategies to gain information and to make text comprehensible (e.g., predicting, questioning, summarizing, self-correcting, evaluating, comparing/contrasting, using print and media resources). <u>iv. Early Fluent</u>
	<u>m. Locate and gather information for a variety of purposes.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Gather, organize, read, analyze, and interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks, internet media presentations).
	<u>n. Paraphrase and summarize text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Paraphrase and summarize text.
	<u>o. Draw inferences and conclusions from text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use multiple grade-level resources to make inferences, conclusions and generalizations (e.g., glossaries, indexes, graphs, illustrations, headings).
	<u>p. Identify language and literary devices:</u> - mood; - tone; - style; - figurative language; - format; - structure.	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Identify language and literary devices: - mood; - tone; - style; - figurative language; - format; - structure.
	<u>q. Determine main idea or essential message within a text and identify relevant details and facts.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Determine main idea or essential message within a text and identify relevant details and facts. <u>iv. Early Fluent</u>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.	<b>a.</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fairy tales, fables, myths, poems, and plays.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fairy tales, fables, myths, poems, and plays. iv. <b>Early Fluent</b>
	<b>b.</b> Evaluate new information and hypotheses by testing against known information and ideas.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Evaluate new information and hypotheses by testing against known information and ideas.
	<b>c.</b> Compare and contrast information about same topic after reading two or more passages or articles.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Compare and contrast information about same topic after reading two or more passages or articles. iv. <b>Early Fluent</b>
	<b>d.</b> Demonstrate understanding of the role of reading to enrich, inform, and serve as a tool for lifelong learning.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Demonstrate understanding of the role of reading to enrich, inform, and serve as a tool for lifelong learning. iv. <b>Early Fluent</b>
	<b>e.</b> Distinguish between cause and effect and fact and opinion within expository text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Distinguish between cause and effect and fact and opinion within expository text.
	<b>f.</b> Determine main idea of text and identify relevant and supporting details and facts; arrange in chronological order.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Determine main idea of text and identify relevant and supporting details and facts; arrange in chronological order. iv. <b>Early Fluent</b>
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.
	<b>b.</b> Identify the following story elements within a literary text: - characters and their traits and motivation to determine causes for actions; - setting; - main events of plot; - point of view; - problems and solutions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify the following story elements within a literary text: - characters and their traits and motivation to determine causes for actions; - setting; - main events of plot; - point of view; - problems and solutions.
	<b>c.</b> Compare and contrast information from multiple sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Compare and contrast information from multiple sources.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>d.</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - decide meanings; - form opinions; - make judgments.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - decide meanings; - form opinions; - make judgments.
	<b>e.</b> Distinguish between statements of fact and opinion and identify cause and effect relationships within narrative and expository text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Distinguish between statements of fact and opinion and identify cause and effect relationships within narrative and expository text.
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Use appropriate strategies when reading for the following purposes: - full comprehension; - locating information; - personal enjoyment.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use appropriate strategies when reading for the following purposes: - full comprehension; - locating information; - personal enjoyment.
	<b>b.</b> Generate questions about important and interesting issues; use discussion to narrow research.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Generate questions about important and interesting issues; use discussion to narrow research.
	<b>c.</b> Organize and interpret information to draw logical conclusions based on investigation.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Organize and interpret information to draw logical conclusions based on investigation.
	<b>d.</b> Present acquired information in the form of a letter, report, story, and poster.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Present acquired information in the form of a letter, report, story, and poster. <b>iv. Early Fluent</b>
<b>10.</b> Read for technical information.	<b>a.</b> Identify and use such traditional sources as reference books, library materials, experts, and electronically-stored sources to locate and acquire information.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify and use such traditional sources as reference books, library materials, experts, and electronically-stored sources to locate and acquire information. <b>iv. Early Fluent</b>
	<b>b.</b> Identify use of graphics, graphs, tables, diagrams, parentheses, italics, and bold print.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Identify use of graphics, graphs, tables, diagrams, parentheses, italics, and bold print. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c.</b> Identify format of various technical and reference texts.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify format of various technical and reference texts. <b>iv. Early Fluent</b>



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>d.</b> <u>Locate and understand sequence words.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Locate and understand sequence words.</u> iv. <b>Early Fluent</b>

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**708. WRITING.**

Rationale: Students write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> <u>Understand and use the writing process.</u>	<b>a.</b> <u>Demonstrate understanding and application of writing process:</u> - brainstorm; - draft; - revise; - edit; - publish.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Correctly use punctuation (end marks) and capitalization in basic sentence patterns.</u> iv. <b>Early Fluent:</b> <u>Gather and organize information related to academic content areas from various sources in written reports.</u>
	<b>b.</b> <u>Write in a variety of formats to record, generate, and reflect upon ideas.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Incorporate key content area vocabulary in writing. Use transition words to organize writing (e.g., first, after that, in the beginning, later). Use pre-writing strategies (e.g., time lines, web, maps, pictures).</u> iv. <b>Early Fluent</b>
	<b>c.</b> <u>Identify and use appropriate style and vocabulary for audience and purpose.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> <u>Write to express preferences and opinions (e.g., letters, responses to prompts).</u> iv. <b>Early Fluent</b>
<b>05.</b> <u>Write and edit for correctness and clarity.</u>	<b>a.</b> <u>Apply rules and conventions of the following:</u> - grammar; - punctuation; - capitalization; - spelling; - legibility.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<p><b>b.</b> Develop a paragraph that incorporates a clear and focused main idea and is supported by details and examples that are appropriate to topic, audience, and purpose:                      - incorporate topic sentences, appropriate word choice, sentence structure, transitions, paragraphing, indentation, and organization;                      - write for personal and practical needs: messages, diaries, journals, thank-you notes, friendly letters, and step-by-step directions.</p>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning</b>  <b>iii. Intermediate:</b> Write short, descriptive and narrative paragraphs that develop a central idea.                      Write to express preferences and opinions (e.g., letters, responses to prompts).  <b>iv. Early Fluent:</b> Utilize topic sentences, supporting details, transitions, and conclusions in paragraphs.</p>
<p><b>06.</b> Write a narrative essay that aligns with the fourth grade Direct Writing Assessment.</p>	<p><b>a.</b> Create a multiple-paragraph narrative composition that provides an introductory paragraph and establishes and supports a central idea. Include supporting paragraphs with thoughtful transitions, simple facts, details, and explanations. Conclude with a paragraph that summarizes key points. Properly indent.</p>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning</b>  <b>iii. Intermediate:</b> Describe characters and settings and summarize events in a literature selection.                      Access classroom resources, including electronic media, to support independent writing.  <b>iv. Early Fluent:</b> Create multi-paragraphed narrative compositions that have a clear focus.                      Use informational writing in content areas (e.g., recording a math problem-solving process, summarizing a social studies concept).</p>
	<p><b>b.</b> Write and publish original creative works that incorporate figurative and descriptive language.</p>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning</b>  <b>iii. Intermediate</b>  <b>iv. Early Fluent</b></p>

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**709. LISTENING**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Listen and respond to a variety of electronic and live presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Respond nonverbally to more complex stories (e.g., matching objects, pointing to an answer, or drawing pictures). iv. <b>Early Fluent</b>
	<b>b.</b> Listen to gain enrichment and information about a variety of cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Use such responsive listening skills as paraphrasing, summarizing, and asking questions for elaboration and clarification.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>05.</b> Listen for literary response and expression.	<b>a.</b> Respond in a variety of ways to oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Note similarities and differences between and among a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for critical analysis and evaluation.	<b>a.</b> Identify the purpose, content, organization, and delivery of verbal communication and nonverbal cues.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

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**710. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Speak to share understanding of information.	<b>a.</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary as well as effective use of illustrations, pictures, and charts.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations and pictures. ii. <b>Beginning:</b> Plan and deliver a nonverbal presentation using gestures, single words, and simple phrases as well as illustrations and pictures. iii. <b>Intermediate:</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary in simple sentences. Incorporate effective use of illustrations and pictures. iv. <b>Early Fluent:</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary with some linguistic inaccuracies. Incorporate effective use of illustrations, pictures, and charts.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Use oral communication for various purposes and audiences that incorporate a variety of word choices, inflection, volume, phrasing, physical gestures, and eye contact.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to for various purposes with a developing sense of audience that incorporates appropriate volume, limited word choices, and physical gestures.</p> <p><b>iii. Intermediate:</b> Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, and physical gestures.</p> <p><b>iv. Early Fluent:</b></p>
<b>05.</b> Speak for literary response and expression.	<b>a.</b> Use oral interpretation, memorization, presentation, and dramatic readings to share personal or literary works.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (e.g., chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases.</p> <p><b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works.</p> <p><b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contributes to classroom and small group discussions by responding to and asking simple questions.</p> <p><b>iv. Early Fluent:</b> Participate in oral interpretation, memorization, presentation, and dramatic reading to share personal and literary works with some linguistic inaccuracies.</p>
	<b>b.</b> Orally read or recite a poem.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Orally read or recite simple poems, rhymes, and chants.</p> <p><b>iii. Intermediate:</b> Orally read or recite a poem.</p> <p><b>iv. Early Fluent:</b></p>
<b>06.</b> Speak for critical analysis and evaluation.	<b>a.</b> Express opinions and solutions to problems.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and solutions to problems.</p> <p><b>iii. Intermediate:</b> Use simple sentences to express opinions and solutions to problems/</p> <p><b>iv. Early Fluent:</b> With some linguistic inaccuracies, express opinions and solutions to problems.</p>
	<b>b.</b> Use causes and effects and similarities and differences to demonstrate a key point.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>ii. Beginning:</b> Use graphic organizers, gestures, single words, and simple phrases to express similarities and differences and key points.</p> <p><b>iii. Intermediate:</b> Use simple sentences to show causes and effects and similarities and differences and key points.</p> <p><b>iv. Early Fluent:</b> Use causes and effects and similarities and differences to demonstrate a key point with some linguistic inaccuracies.</p>
	<b>c.</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - listen well and verify understanding; - avoid monopolizing conversations; - raise pertinent questions; - exhibit cultural sensitivity.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions in a courteous and attentive manner.</p> <p><b>iii. Intermediate:</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions:                      - listen well and verify understanding;                      - avoid monopolizing conversations;                      - raise pertinent questions;                      exhibit cultural sensitivity.</p> <p><b>iv. Early Fluent:</b></p>

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(BREAK IN CONTINUITY OF SECTIONS)

715. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 5, SECTIONS 716 THROUGH 720.

716. READING.

Rationale: Students read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Read a variety of traditional and electronic materials for information and understanding.	<b>a.</b> Use decoding strategies to fluently read fifth-grade materials.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read aloud near grade-level material with confidence, accuracy, and fluency.
<b>Phonics</b>		
	<b>b.</b> Use spelling patterns, syllabication, and other strategies to identify words.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use spelling patterns, syllabication, and other strategies to identify words. <b>iv. Early Fluent</b>
	<b>c.</b> Use phonics clues to automatically and accurately identify and pronounce words and increase fluency.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use knowledge of English phonics and syntax to interpret the meaning of unfamiliar words in simple sentences. <b>iv. Early Fluent</b>
<b>Word Analysis</b>		
	<b>d.</b> Apply knowledge of root words, derivations, affixes, synonyms, antonyms, homonyms, multiple meanings, and idioms to determine meanings of words and phrases.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Recognize and use correctly some multiple-meaning words (e.g., “product” in math vs. “product” in social studies) and homographs (e.g., You “live” here vs. This is a “live” animal.). Apply knowledge of root words, derivations, affixes, synonyms, antonyms, homonyms, multiple meanings, and idioms to determine meanings of words and phrases.
<b>Context Clues</b>		
	<b>e.</b> Use context clues to choose correct meanings of identified words within a passage.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use knowledge of English phonics and syntax to interpret the meaning of unfamiliar words in simple sentences. <b>iv. Early Fluent</b>
	<b>f.</b> Recognize words that signal transitions to determine sequence as well as contribute to text’s meaning.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Recognize words that signal transitions to determine sequence as well as contribute to text’s meaning. <b>iv. Early Fluent</b>
<b>Sentence Structure</b>		
	<b>g.</b> Use knowledge of written language to anticipate words when reading.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use knowledge of written language to anticipate words when reading.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>h. Use knowledge of written language to comprehend text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use background knowledge of written language to comprehend text.
	<u>i. Before, during, and after reading, locate information to clarify text structure and content. Use the following text elements to predict and categorize information: table of contents, index, headings, captions, illustrations, and graphics.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning:</u> Before, during, and after reading, locate information to clarify text structure and content. Use the following text elements to predict and categorize information: table of contents, index, headings, captions, illustrations, and graphics. <u>iii. Intermediate</u> <u>iv. Early Fluent</u>
	<u>j. Use analytic processes for understanding and remembering vocabulary, phrases, and information from reading material.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Use reading strategies to gain information and to make text comprehensible (e.g., predicting, questioning, summarizing, self-correcting, evaluating, comparing/contrasting, using print and media resources. <u>iv. Early Fluent</u>
	<u>k. Locate, gather, and synthesize information for a variety of purposes.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Read and identify text features including glossaries and indexes. <u>iv. Early Fluent:</u> Gather, organize, read, analyze, and interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks, internet media presentations).
	<u>l. Paraphrase and summarize text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Paraphrase and summarize text.
	<u>m. Draw inferences and conclusions from text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Use multiple grade-level resources to make inferences, conclusions, and generalizations (e.g., glossaries, indexes, graphs, illustrations, headings, subheadings, key vocabulary).
	<u>n. Identify language and literary devices:</u> - mood; - tone; - style; - figurative language; - format; - structure.	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Identify language and literary devices: - mood; - tone; - style; - figurative language; - format; - structure.
	<u>o. Determine main idea or essential message within a text and identify relevant details and facts.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Determine main idea or essential message within a text and identify relevant details and facts. <u>iv. Early Fluent</u>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.	<b>a.</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fantasy, legend, and historical fiction.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fantasy, legend, and historical fiction. iv. <b>Early Fluent</b>
	<b>b.</b> Activate and draw upon prior experiences to connect to reading selections.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Activate and draw upon prior experiences to connect to reading selections. iv. <b>Early Fluent</b>
	<b>c.</b> Compare and contrast information about same topic after reading two or more passages or articles.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Compare and contrast information about same topic after reading two or more passages or articles. iv. <b>Early Fluent</b>
	<b>d.</b> Demonstrate understanding of reading's role to enrich, inform, and serve as a tool for lifelong learning.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Demonstrate understanding of reading's role to enrich, inform, and serve as a tool for lifelong learning. iv. <b>Early Fluent</b>
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.
	<b>b.</b> Explain literary text according to the following elements: - characters and their traits and motivations to determine causes and actions; - settings; - main events of plot and relevant causes and effects; - point of view; - plot structure; - theme; - conflict and resolution.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Explain literary text according to the following elements: - characters and their traits and motivations to determine causes and actions; - settings; - main events of plot and relevant causes and effects; - point of view; - plot structure; - theme; - conflict and resolution.
	<b>c.</b> Compare and contrast information from multiple sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Compare and contrast information from multiple sources. iv. <b>Early Fluent</b>
	<b>d.</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - decide meanings; - form opinions; - make judgments.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - decide meanings; - form opinions; - make judgments.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>e.</b> Distinguish between statements of fact and opinion and identify cause and effect relationships within narrative and expository text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Distinguish between statements of fact and opinion and identify cause and effect relationships within narrative and expository text.
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Use appropriate strategies when reading for the following purposes: - full comprehension; - locating information; - personal enjoyment.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use appropriate strategies when reading for the following purposes: - full comprehension; - locating information; - personal enjoyment. <b>iv. Early Fluent</b>
	<b>b.</b> Generate questions about important and interesting issues to narrow topic(s) for research.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Generate questions about important and interesting issues to narrow topic(s) for research. <b>iv. Early Fluent</b>
	<b>c.</b> Organize and interpret information to draw logical conclusions based on investigation.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Organize and interpret information to draw logical conclusions based on investigation.
	<b>d.</b> Combine acquired information for presentation.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Combine acquired information for presentation. <b>iv. Early Fluent</b>
<b>10.</b> Read for technical information.	<b>a.</b> Identify and use such traditional sources as reference books, library materials, experts, and electronically-stored sources to locate and acquire information.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify and use such traditional sources as reference books, library materials, experts, and electronically-stored sources to locate and acquire information. <b>iv. Early Fluent</b>
	<b>b.</b> Identify uses of graphics, graphs, tables and diagrams, parentheses, italics, and bold print.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Identify uses of graphics, graphs, tables and diagrams, parentheses, italics, and bold print. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c.</b> Describe format of various technical and reference texts.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Describe format of various technical and reference texts.
	<b>d.</b> Read, understand, and apply technical information.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read, understand, and apply technical information.

(5-3-03)(6-17-04)T

**717. WRITING.**

Rationale: Students write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04. Understand and use the writing process.</b>	<b>a. Understand and apply steps of the writing process:</b> - brainstorm; - draft; - revise; - proof/edit; - publish.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Gather and organize information related to academic content areas from various sources in written reports.
	<b>b. Write in a variety of formats to record, generate, and reflect upon ideas.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c. Identify and use appropriate style and vocabulary for audience and purpose.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
<b>05. Write and edit for correctness and clarity.</b>	<b>a. Apply rules and conventions of the following:</b> - grammar; - punctuation; - capitalization; - spelling; - legibility.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>b. With support, incorporate a variety of elements of writing:</b> - alliteration; - figurative language; - personification; - vocabulary.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c. Develop a paragraph:</b> - incorporate a clear and focused main idea; - support main ideas with details and examples that are appropriate to topic, audience, and purpose; - use topic sentences, appropriate word choice, sentence structure, transitions, indentation, and organization.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> Write a narrative essay that aligns with the Direct Writing Assessment.	<b>a.</b> Create a multiple-paragraph narrative composition that includes the following: - an introduction paragraph to establish and support a central idea; - supporting paragraphs with thoughtful transitions, simple facts, details, and explanations; - a concluding paragraph that summarizes key points; - proper indentation.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Write short narrative stories that include the elements of setting, characters, and events. <b>iv. Early Fluent:</b> Write descriptions and comparisons that include use of figurative language (e.g., metaphor).
	<b>b.</b> Write and publish original creative works that incorporate figurative and descriptive language.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>

(5-3-03)(6-17-04)T

**718. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Listen and respond to a variety of electronic and live presentations.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>b.</b> Listen to gain enrichment and information about a variety of cultures.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>c.</b> Use such responsive listening skills as paraphrasing, summarizing, and asking questions for elaboration and clarification.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
<b>05.</b> Listen for literary response and expression.	<b>a.</b> Respond in a variety of ways to oral presentations.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Identify similarities and differences between and among a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for critical analysis and evaluation.	<b>a.</b> Identify the purpose, content, organization, and delivery of verbal communication and nonverbal cues.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**719. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analyses or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Speak to share understanding of information.	<b>a.</b> Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary as well as effective use of illustrations, pictures, and charts.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations, pictures, and charts. ii. <b>Beginning:</b> Plan and deliver a nonverbal presentation using gestures, single words, and simple phrases as well as illustrations, pictures, and charts. iii. <b>Intermediate:</b> Plan and deliver an oral presentation with substantial linguistic inaccuracies that incorporates appropriate grammar and vocabulary in simple sentences. Incorporate effective use of illustrations, pictures, and charts. iv. <b>Early Fluent:</b> Plan and deliver an oral presentation with substantial linguistic inaccuracies that incorporates appropriate grammar and vocabulary in simple sentences. Incorporate effective use of illustrations, pictures, and charts.
	<b>b.</b> Use oral communication for various purposes and audiences that incorporate a variety of word choices, inflection, volume, phrasing, physical gestures, and eye contact.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. ii. <b>Beginning:</b> Use gestures, single words, and simple phrases to for various purposes with a developing sense of audience that incorporates appropriate volume, limited word choices, and physical gestures. iii. <b>Intermediate:</b> Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, physical gestures, and some eye contact. iv. <b>Early Fluent:</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> <u>Speak for literary response and expression.</u>	<b>a.</b> <u>Use oral interpretation, presentation, and dramatic reading to share personal and/or literary works.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases. <b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works. <b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions. <b>iv. Early Fluent:</b> Participate in oral interpretation, memorization, presentation, and dramatic reading to share personal and literary works with some linguistic inaccuracies.
	<b>b.</b> <u>Read orally or recite poems.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Read orally or recite simple poems, rhymes, and chants. <b>iii. Intermediate:</b> Read orally or recite poems. <b>iv. Early Fluent:</b>
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Express opinions and solutions to problems.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and solutions to problems. <b>iii. Intermediate:</b> Use simple sentences to express opinions and solutions to problems. <b>iv. Early Fluent:</b> Express opinions and solutions to problems.
	<b>b.</b> <u>Use causes and effects and similarities and differences to demonstrate a key point.</u>	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. <b>ii. Beginning:</b> Use graphic organizers, gestures, single words, and simple phrases to express similarities and differences and key points. <b>iii. Intermediate:</b> Use simple sentences to show causes and effects and similarities and differences and key points. <b>iv. Early Fluent:</b> Use causes and effects and similarities and differences to demonstrate a key point with some linguistic inaccuracies.
	<b>c.</b> <u>Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions:</u> - listen carefully and verify understanding; - avoid monopolizing conversations; - raise pertinent questions; - exhibit cultural sensitivity.	<b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed. <b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions in a courteous and attentive manner. <b>iii. Intermediate:</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - listen well and verify understanding; - avoid monopolizing conversations; - raise pertinent questions; exhibit cultural sensitivity. <b>iv. Early Fluent:</b>

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**(BREAK IN CONTINUITY OF SECTIONS)**

**724. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 6, SECTIONS 725 THROUGH 729.**

**725. READING.**

Rationale: Students read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06.</b> <u>Read a variety of traditional and electronic materials for information and understanding.</u>	<b>a.</b> <u>Use decoding strategies and other visual information to construct sense of grade-level text:</u> - <u>graphophonic sources (letter/sound);</u> - <u>semantic sources (meaning/association);</u> - <u>lexical sources (word analysis);</u> - <u>syntactic sources (structure of written language);</u> - <u>text elements (graphic elements, illustrations, and titles/subtitles).</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> <u>Read for information, understanding, appreciation, and enjoyment, using a variety of types of text. Use a variety of reading strategies to make text comprehensible (e.g., illustrations, graphic organizers, text features, pacing, word-analysis skills, picture/bilingual dictionaries).</u> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Use decoding strategies and other visual information to construct sense of grade-level text;</u> - <u>graphophonic sources (letter/sound);</u> - <u>semantic sources (meaning/association);</u> - <u>lexical sources (word analysis);</u> - <u>syntactic sources (structure of written language);</u> - <u>text elements (graphic elements, illustrations, and titles/subtitles).</u>
	<b>b.</b> <u>Search purposefully for particular information:</u> - <u>identify literal and inferential meanings;</u> - <u>search own background information to make meaning of text passages;</u> - <u>based on purpose for reading, search for most important information;</u> - <u>in order to understand plot development in narratives, search for information about characters and setting;</u> - <u>in order to understand text, search for such expository text structures as cause/effect, chronological, problem/solution, classification.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> <u>Identify examples of fact/opinion and cause/effect in simple texts.</u> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Gather, organize, read, analyze, and interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks, internet media presentations). Compare and contrast the motivations and reactions of characters in a text.</u>
	<b>c.</b> <u>On basis of prior knowledge and information in text, predict alternatives or probabilities in text:</u> - <u>synthesize information from text to anticipate outcomes.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Use basis of prior knowledge and information in text to predict alternatives or probabilities in text. Synthesize information from text to anticipate outcome.</u>
	<b>d.</b> <u>Reconsider a response against more than one source of information from grade-level text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Reconsider a response against more than one source of information from grade-level text.</u>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>e.</b> <u>Confirm or self-correct predictions to grade level text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Use reading strategies to gain information and to make text comprehensible (e.g., predicting, questioning, summarizing, self-correcting, evaluating, comparing/contrasting, using print and media resources).</u> <u>Confirm or self-correct predictions to grade level text.</u> <b>iv. Early Fluent</b>
	<b>f.</b> <u>Draw inferences and conclusions from text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Draw inferences and conclusions from text.</u> <u>Use multiple grade-level resources to make inferences, conclusions, and generalizations (e.g., glossaries, indexes, graphs, illustrations, headings, subheadings, and key vocabulary).</u>
	<b>g.</b> <u>Identify literary devices:</u> <u>- mood;</u> <u>- tone;</u> <u>- style;</u> <u>- figurative language.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Identify literary devices:</u> <u>- mood;</u> <u>- tone;</u> <u>- style;</u> <u>- figurative language.</u>
	<b>h.</b> <u>Determine main idea or essential message within a text and identify relevant details and facts.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Identify and explain implied main idea in text.</u>
<b>07.</b> <u>Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</u>	<b>a.</b> <u>Describe characteristics of the following genres: fiction, nonfiction, poetry, biography/autobiography, legend, fable, and myth.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Describe characteristics of the following genres: fiction, nonfiction, poetry, biography/autobiography, legend, fable, and myth.</u> <b>iv. Early Fluent</b>
	<b>b.</b> <u>Activate and draw upon own experiences to connect to reading selections.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Activate and draw upon own experiences to connect to reading selections.</u> <b>iv. Early Fluent</b>
<b>08.</b> <u>Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</u>	<b>a.</b> <u>Identify author's purpose and describe how language, setting, and information support purpose within literary text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Identify author's purpose and describe how language, setting, and information support purpose within literary text.</u>
	<b>b.</b> <u>Analyze literary text for following story elements:</u> <u>- characters;</u> <u>- setting;</u> <u>- point of view;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- conflict;</u> <u>- resolution.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Analyze literary text for following story elements:</u> <u>- characters;</u> <u>- setting;</u> <u>- point of view;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- conflict;</u> <u>- resolution.</u>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>c.</b> Compare and contrast information from multiple sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Compare and contrast information from multiple sources.
	<b>d.</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - determine meanings; - form opinions; - make judgments.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - determine meanings; - form opinions; - make judgments.
	<b>e.</b> Distinguish between fact and opinion and identify cause and effect relationships within expository text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Distinguish between fact and opinion and identify cause and effect relationships within expository text.
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Use questions to guide reading: - identify type of information required to answer a specific question; - use reasonable resources for answering questions; - read for purpose of answering specific questions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use questions to guide reading: - identify type of information required to answer a specific question; - use reasonable resources for answering questions; - read for purpose of answering specific questions.
	<b>b.</b> Systematically organize new information from expository text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Systematically organize new information from expository text.
	<b>c.</b> Synthesize what has been read: - Identify main idea and supporting details; - identify important information patterns, and themes; - connect new information with prior knowledge to enhance understanding and memory; - ask new questions; - use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Synthesize what has been read: - Identify main idea and supporting details; - identify important information patterns, and themes; - connect new information with prior knowledge to enhance understanding and memory; - ask new questions; - use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>10.</b> Read for technical information.	<b>a.</b> Read, understand, and apply technical information.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Read, understand, and apply technical information.
	<b>b.</b> Identify and use comprehension strategies to understand technical text.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify and use comprehension strategies to understand technical text.
	<b>c.</b> Apply knowledge of the following elements to understand text: - graphics; - highlighting techniques; - organizers.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Apply knowledge of the following elements to understand text: - graphics; - highlighting techniques; - organizers.
	<b>d.</b> Identify organization of technical texts.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Identify organization of technical texts.
	<b>e.</b> Apply technical information to complete tasks.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Apply technical information to complete tasks.

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**726. WRITING.**

Rationale: Students write to demonstrate skills and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>08.</b> Understand and use the writing process.	<b>a.</b> Understand and use steps of the writing process: - brainstorm; - draft; - revise; - edit; - publish.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Write in a variety of formats to record, generate, and reflect upon ideas.	i. <b>Pre-Emergent:</b> Write basic personal information using correct capitalization (e.g., name, address, telephone number). Write simple phrases and sentences about group experiences, with some assistance. ii. <b>Beginning:</b> Incorporate content area vocabulary into writing. Use webs, maps, and time lines to plan writing. iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use the strategies of note taking, outlining, and summarizing in content areas. Use writing format appropriate to assigned genre, audience, and purpose (e.g., narrative, expository).



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>c. Identify and use appropriate style and vocabulary for a particular audience.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use vocabulary related to key concepts in content areas. This expectation will differ from 3-5 in terms of the concepts and vocabulary being addressed. iv. <b>Early Fluent:</b> Use complex sentence structures with grade-appropriate vocabulary, syntax, and conventions (e.g., spelling, capitalization, punctuation).
<b>09. Write and edit for correctness and clarity.</b>	<u>a. Determine and apply rules and conventions for the following:</u> - grammar; - punctuation; - capitalization; - spelling; - legibility.	i. <b>Pre-Emergent:</b> Use capitalization and end marks correctly. ii. <b>Beginning:</b> Appropriately format text (e.g., correctly use margins, dates, indenting). Correctly spell high frequency words (e.g., Dolch list) and some sight words in the context of writing. iii. <b>Intermediate:</b> Use simple and compound sentence patterns with mostly conventional spelling, capitalization, and punctuation. Edit for basic conventions of spelling, punctuation (including commas), and capitalization and make simple word choice revisions. iv. <b>Early Fluent:</b> Revise writing for appropriate word choice, organization, consistent point of view, and transitions.
	<u>b. Incorporate a variety of elements of writing:</u> - alliteration; - figurative language; - simile; - metaphor; - personification; - vocabulary.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Correctly use common verbs, nouns, and high frequency modifiers. Use figurative language (e.g., simile, metaphor, personification). iv. <b>Early Fluent:</b> Write clear and accurate descriptions and comparisons that include figurative language.
	<u>c. Convey clear and focused main ideas that are appropriately supported by details and examples for selected topic, audience, and purpose:</u> - use topic sentences, appropriate word choices, variety of sentence structures, transitions, paragraphing, indentation, organization, and documentation of sources; - choose tone, voice, style, mood, and persona that are appropriate for various purpose, disciplines, and audiences.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>10. Write to inform and explain.</b>	<u>a. Use facts, data, and processes from technical and non-technical materials to inform through writing.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write narrative stories with a strong story line that include the elements of setting and characters. iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Produce documents in appropriate format to inform and explain.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use and cite various resources, including electronic media, in content area reports. Create coherent, multi-paragraph compositions through effective transitions, mostly accurate grammar, and syntax.
<b>11.</b> Write for literary response and expression.	<b>a.</b> Compose a response using ideas and techniques from a variety of literature and fine arts that represent many cultures and perspectives.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write brief responses to literature, demonstrating factual understanding of the text. iv. <b>Early Fluent:</b> Connect literature to personal experience.
	<b>b.</b> Appropriately use a thesis and supporting evidence.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Write and publish original creative works that include figurative and descriptive language.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>12.</b> Write to critically analyze and evaluate.	<b>a.</b> Analyze for the following elements: - purpose; - ideas; - style; - structure; - effectiveness.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Use a thesis/main idea and appropriate supporting evidence to persuade and inform a specific audience.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Record and organize classroom procedures and other such "how-to" pieces (e.g., science experiments, solving math problems, directions). iv. <b>Early Fluent:</b> Respond appropriately to a writing prompt asking for narrative, expository writing. Select a focus and a point of view for written presentations and use this point of view effectively.
	<b>c.</b> Use writing to persuade.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>13.</b> Write to gather, synthesize, and communicate research findings.	<b>a.</b> With teacher support, incorporate a variety of technological and informational resources to do the following: - appropriately paraphrase, quote, and cite to avoid plagiarism; - formulate thesis of focus and relevant support; - formulate and support main idea with evidence.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write in a variety of forms (e.g., narratives, content area reports, letters, poetry, autobiography). Gather and organize information from a variety of resources when writing reports. iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Present research findings.	<b>i.</b> <b>Pre-Emergent</b> <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate</b> <b>iv.</b> <b>Early Fluent</b>
<b>14.</b> Write technical information.	<b>a.</b> Produce a technical document.	<b>i.</b> <b>Pre-Emergent</b> <b>ii.</b> <b>Beginning</b> <b>iii.</b> <b>Intermediate</b> <b>iv.</b> <b>Early Fluent</b>

(5-3-03)(6-17-04)T

727. LISTENING.

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Acquire and summarize information from a variety of electronic or live resources.	<b>i.</b> <b>Pre-Emergent:</b> Follow simple directions, respond nonverbally to requests and questions in one to one and small group situations when modeling and visual support are provided. <b>ii.</b> <b>Beginning:</b> Respond to simple questions in one to one situations (e.g., answers yes/no, open-ended, and either/or as well as questions that ask for personal information) with one or two words. Content of the questions would be more difficult at the 6-8 grade range than at earlier ranges. <b>iii.</b> <b>Intermediate:</b> Demonstrate comprehension of stories/information and respond nonverbally by pointing, moving, matching, drawing, labeling, classifying, categorizing, gesturing and using pictures or objects. Stories and information at this level would be more cognitively demanding (more age-appropriate topics) than at the lower grade ranges. Follow clear multiple-step (3 or more) directions in one to one and small group situations. Directions may be more cognitively demanding at 6-8 than at 3-5. Respond to questions requiring applications or classification of information. <b>iv.</b> <b>Early Fluent:</b> Follow complex directions involving multiple options and choices. Demonstrate understanding of stories, content area information, and oral presentations (including graphics and other forms of support) by analyzing, evaluating, and examining. Respond to questions requiring inference, comparison, summarization, point of view, debate, or discussion. Demonstrate understanding of some language subtleties (e.g., understand some common idioms, recognize that language use varies according to audience [register]).
	<b>b.</b> Develop listening skills to gain enrichment and information about various cultures.	<b>i.</b> <b>Pre-Emergent</b> <b>ii.</b> <b>Beginning:</b> Hear and discriminate among a larger number of more complex phonemes representing sounds specific to the English language (e.g., digraphs). <b>iii.</b> <b>Intermediate:</b> Demonstrate comprehension of complex stories, key concepts of new content area information, and oral presentations that have contextual support (e.g., graphic organizers posters, diagrams, and charts) by both verbal and nonverbal responses. This would be differentiated from the other grade ranges in terms of the difficulty of the content presented. <b>iv.</b> <b>Early Fluent</b>

ENGLISH LANGUAGE PROFICIENCY STANDARDS		
Standard – The student will:	Content Knowledge and Skills	Proficiency Level
	<u>c. Develop use of effective interpersonal listening skills.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Respond to social and familiar academic language. The academic language at this level would be age-appropriate content terms and language. iv. <b>Early Fluent</b>
<u>05. Listen for literary response and expression.</u>	<u>a. Respond in a variety of ways to oral presentations.</u>	i. <b>Pre-Emergent:</b> Attend to short, linguistically and academically appropriate audio-visual materials. Again, content would be tailored to fit the age and grade range in terms of cognitive demand and topics. ii. <b>Beginning:</b> Demonstrate comprehension of stories, information, and academic content by responding in one or two words or short phrases. Academic content would be grade-appropriate, which would distinguish this from the 3-5 expectation. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<u>b. Locate similarities and differences within a variety of oral presentations.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<u>06. Listen for critical analysis and evaluation.</u>	<u>a. Make informed decisions about the purpose, content, organization, and delivery of verbal and auditory communications and nonverbal cues.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<u>b. Listen for sequencing.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

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728. **SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analyses or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

ENGLISH LANGUAGE PROFICIENCY STANDARDS		
Standard – The student will:	Content Knowledge and Skills	Proficiency Level
<u>04. Speak to share an understanding of information.</u>	<u>a. Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates the following:</u> - word choice; - pronunciation; - inflection/modulation; - physical gestures; - eye contact; - posture.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. ii. <b>Beginning:</b> Use physical gestures, single words, and simple phrases for various purposes with a developing sense of audience that incorporates limited word choices, approximate pronunciation, and appropriate posture. iii. <b>Intermediate:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates broader word choice, improved pronunciation, approximate inflection, physical gestures, eye contact, and appropriate posture. iv. <b>Early Fluent:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates word choice, comprehensible pronunciation, inflection, modulation, physical gestures, eye contact, and appropriate posture.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<p><b>b.</b> Plan and deliver oral presentations that effectively incorporate the following:</p> <ul style="list-style-type: none"> <li>- transitions;</li> <li>- organization;</li> <li>- support of main ideas;</li> <li>- examples;</li> <li>- response to questions and feedback;</li> <li>- visual aids and appropriate technology.</li> </ul>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations and pictures.</p> <p><b>ii. Beginning:</b> Plan and deliver oral presentations using gestures, single words, and simple phrases as well as illustrations and pictures.</p> <p><b>iii. Intermediate:</b> Plan and deliver oral presentations with substantial linguistic inaccuracies that effectively incorporate the following:</p> <ul style="list-style-type: none"> <li>- transitions;</li> <li>- organization;</li> <li>- support of main ideas;</li> <li>- examples;</li> <li>- response to questions and feedback;</li> <li>- visual aids and appropriate technology.</li> </ul> <p><b>iv. Early Fluent:</b></p>
<p><b>05.</b> Speak for literary response and expression.</p>	<p><b>a.</b> Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings.</p>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases.</p> <p><b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works.</p> <p><b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions.</p> <p><b>iv. Early Fluent:</b> Participate in oral interpretation, memorization, presentation, and dramatic reading to share personal and literary works with some linguistic inaccuracies.</p>
	<p><b>b.</b> Memorize and present a selected poem.</p>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Memorize and present simple poems, rhymes, and chants.</p> <p><b>iii. Intermediate:</b> Memorize and present a selected poem.</p> <p><b>iv. Early Fluent:</b></p>
<p><b>06.</b> Speak for critical analysis and evaluation.</p>	<p><b>a.</b> Clearly express opinions and judgments.</p>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and judgments.</p> <p><b>iii. Intermediate:</b> Use simple sentences to express opinions and judgments.</p> <p><b>iv. Early Fluent:</b> With some linguistic inaccuracies, express opinions and judgments.</p>
	<p><b>b.</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior.</p>	<p><b>i. Pre-Emergent:</b> Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>ii. Beginning:</b> Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>iii. Intermediate:</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior.</p> <p><b>iv. Early Fluent:</b></p>

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**(BREAK IN CONTINUITY OF SECTIONS)**

733. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 7, SECTIONS 734 THROUGH 738.

734. READING.

Rationale: Students read a variety of grade-level materials and apply strategies appropriate to various situations.

Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<p><b>06.</b> Read a variety of traditional and electronic materials for information and understanding.</p>	<p><b>a.</b> Use decoding strategies and other visual information to fluently read grade-level text:</p> <ul style="list-style-type: none"> <li>- graphophonic sources (letter/sound);</li> <li>- semantic sources (meaning/associations);</li> <li>- lexical sources (word knowledge);</li> <li>- syntactic sources (structure of written language);</li> <li>- text elements (graphic elements, illustrations, and titles/subtitles).</li> </ul>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning:</b> Use a variety of reading strategies to make text comprehensible (e.g., illustrations, graphic organizers, text features, pacing, word-analysis skills, picture/bilingual dictionaries).  <b>iii. Intermediate</b>  <b>iv. Early Fluent:</b> Use decoding strategies and other visual information to fluently read grade-level text:</p> <ul style="list-style-type: none"> <li>- graphophonic sources (letter/sound);</li> <li>- semantic sources (meaning/associations);</li> <li>- lexical sources (word knowledge);</li> <li>- syntactic sources (structure of written language);</li> <li>- text elements (graphic elements, illustrations, and titles/subtitles).</li> </ul>
	<p><b>b.</b> Search purposefully for particular information:</p> <ul style="list-style-type: none"> <li>- identify literal and inferential meanings;</li> <li>- search own background information to make meaning of text passages;</li> <li>- based on purpose for reading, search for most important information;</li> <li>- in order to understand plot development in narratives, search for information about characters and setting;</li> <li>- in order to understand text, search for such expository text structures as cause/effect, chronological, problem/solution, and classification.</li> </ul>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning:</b> Understand and follow multi-step written directions for common classroom.  <b>iii. Intermediate:</b> Gather, organize, read, analyze, interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks).  <b>iv. Early Fluent:</b> Compare and contrast the motivations and reactions of characters in a text.                      Search purposefully for particular information:</p> <ul style="list-style-type: none"> <li>- identify literal and inferential meanings;</li> <li>- search own background information to make meaning of text passages;</li> <li>- based on purpose for reading, search for most important information;</li> <li>- in order to understand plot development in narratives, search for information about characters and setting;</li> <li>- in order to understand text, search for such expository text structures as cause/effect, chronological, problem/solution, and</li> </ul>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>c.</b> On the basis of prior knowledge and information in text, predict alternatives or probabilities in text: - synthesize information from the text to anticipate outcomes: - use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> On the basis of prior knowledge and information in text, predict alternatives or probabilities in text; synthesize information from the text to anticipate outcome, use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.
	<b>d.</b> Reconsider a response against more than one source of information from grade-level text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Reconsider a response against more than one source of information from grade-level text.
	<b>e.</b> Confirm or self-correct predictions in response to grade-level text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Confirm or self-correct predictions in response to grade-level text. Use reading strategies to gain information and to make text comprehensible (e.g., predicting, questioning, summarizing, self-correcting, evaluating, comparing/contrasting, using print and media resources).
	<b>f.</b> Draw inferences and conclusions from grade-level text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Draw inferences and conclusions from grade-level text. Gather, organize, read, analyze, and interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks, internet media presentations).
	<b>g.</b> Identify literary devices: - mood; - tone; - style; - figurative language.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify literary devices: mood, tone, style, figurative language. Identify and explain main idea in text.
	<b>h.</b> Determine main idea or essential message within a text and identify relevant details and facts.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Determine main idea or essential message within a text and identify relevant details and facts. <b>iv. Early Fluent</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.	<b>a.</b> Describe characteristics of the following genres: fiction, nonfiction, poetry, biography/autobiography, legend, fable, myth, and reference materials.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Describe characteristics of the following genres: fiction, nonfiction, poetry, biography/autobiography, legend, fable, myth, and reference materials. <b>iv. Early Fluent</b>
	<b>b.</b> Activate and draw upon own experiences to connect to reading selections.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Activate and draw upon own experiences to connect to reading selections. <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>c. Relate social, cultural, and historical aspects of literature to reader's personal experience.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate: Relate social, cultural, and historical aspects of literature to reader's personal experience.</u> <u>iv. Early Fluent</u>
	<u>d. Analyze narrative literature according to the following text elements:</u> <u>- character;</u> <u>- setting;</u> <u>- conflict;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- point of view.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Analyze narrative literature according to the following text elements:</u> <u>- character;</u> <u>- setting;</u> <u>- conflict;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- point of view.</u>
	<u>e. Demonstrate understanding of how reading can provide enrichment, information, and serve as a tool for lifelong learning.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate: Demonstrate understanding of how reading can provide enrichment, information, and serve as a tool for lifelong learning.</u> <u>iv. Early Fluent</u>
<b>08. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</b>	<u>a. Identify author's purpose and describe how language, setting, and information support purpose within literary text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Identify author's purpose and describe how language, setting, and information support purpose within literary text.</u>
	<u>b. Analyze literary text for story elements:</u> <u>- characters;</u> <u>- setting;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- conflict;</u> <u>- resolution.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Analyze literary text for story elements:</u> <u>- characters;</u> <u>- setting;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- conflict;</u> <u>- resolution.</u>
	<u>c. Compare and contrast information from multiple sources.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate: Compare and contrast information from multiple sources.</u> <u>iv. Early Fluent</u>
	<u>d. Use personal or objective criteria to do the following:</u> <u>- draw conclusions;</u> <u>- make interventions;</u> <u>- determine meanings;</u> <u>- form opinions;</u> <u>- make judgments.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Use personal or objective criteria to do the following:</u> <u>- draw conclusions;</u> <u>- make interventions;</u> <u>- determine meanings;</u> <u>- form opinions;</u> <u>- make judgments.</u>
	<u>e. Distinguish between fact and opinion and identify cause and effect relationships within expository text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate: Distinguish between fact and opinion and identify cause and effect relationships within expository text.</u> <u>iv. Early Fluent</u>



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>09.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>a.</b> Use questions to guide reading: - identify type of information required to answer a specific question; - use reasonable resources for answering questions; - read for purpose of answering questions.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Use questions to guide reading: - identify type of information required to answer a specific question; - use reasonable resources for answering questions; - read for purpose of answering questions. <b>iv. Early Fluent</b>
	<b>b.</b> Systematically organize new information from an expository text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Systematically organize new information from an expository text.
	<b>c.</b> Synthesize what has been read: - identify main idea and supporting details; - identify important information, patterns, and themes; - connect new information with prior knowledge to enhance understanding and memory; - ask new questions; - use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Synthesize what has been read: - identify main idea and supporting details; - identify important information, patterns, and themes; - connect new information with prior knowledge to enhance understanding and memory; - ask new questions; - use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.
<b>10.</b> Read for technical information.	<b>a.</b> Read, understand, and apply technical information.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Read, understand, and apply technical information.
	<b>b.</b> Identify and use comprehension strategies to understand technical text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify and use comprehension strategies to understand technical text. <b>iv. Early Fluent</b>
	<b>c.</b> Apply knowledge of graphic elements to understand text: - graphics; - highlighting techniques; - organizers.	<b>i. Pre-Emergent</b> <b>ii. Beginning:</b> Apply knowledge of graphic elements to understand text: - graphics; - highlighting techniques; - organizers. <b>iii. Intermediate</b> <b>iv. Early Fluent</b>
	<b>d.</b> Identify organization of technical texts.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Identify organization of technical texts. <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>e. Apply technical information to complete tasks.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Apply technical information to complete tasks.</u>
	<u>f. Relate social, cultural, and historical aspects of literature to reader's personal experience.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate: Relate social, cultural, and historical aspects of literature to reader's personal experience.</u> <u>iv. Early Fluent</u>
	<u>g. Analyze narrative literature according to the following text elements:</u> <u>- character;</u> <u>- setting;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- point of view.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Analyze narrative literature according to the following text elements:</u> <u>- character;</u> <u>- setting;</u> <u>- plot structure;</u> <u>- theme;</u> <u>- point of view.</u>
	<u>h. Demonstrate an understanding of how reading can provide enrichment and information as well as serve as a tool for lifelong learning.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate: Demonstrate an understanding of how reading can provide enrichment and information as well as serve as a tool for lifelong learning.</u> <u>iv. Early Fluent</u>
<b>11. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</b>	<u>a. Identify author's purpose and describe how language, setting, and information support purpose within literary text.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Identify author's purpose and describe how language, setting, and information support purpose within literary text.</u>
	<u>b. Analyze literary text for following story elements:</u> <u>- characters;</u> <u>- setting;</u> <u>- point of view;</u> <u>- plot structure;</u> <u>- theme.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent: Analyze literary text for following story elements:</u> <u>- characters;</u> <u>- setting;</u> <u>- point of view;</u> <u>- plot structure;</u> <u>- theme.</u>

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**735. WRITING.**

Rationale: Students write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>08. Understand and use the writing process.</b>	<b>a. Understand and use steps of writing process:</b> - brainstorm; - draft; - revise; - edit; - publish.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b. Write in a variety of formats to record, generate, and reflect upon ideas.</b>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c. Identify and use appropriate style and vocabulary for particular audience.</b>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>09. Write and edit for correctness and clarity.</b>	<b>a. Determine and apply rules and conventions for the following:</b> - eight parts of speech, dependent and independent clauses, and common phrases to include prepositional participle and appositives; - punctuation; - capitalization; - spelling; - legibility.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b. Incorporate a variety of elements of writing:</b> - alliterations; - figurative language; - hyperbole; - metaphor; - personification; - vocabulary.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<p><b>c.</b> <u>Convey clear and focused main ideas that are appropriately supported by details and examples for selected topic, audience, and purpose:</u>            - use topic sentences, appropriate word choices, variety of sentence structures, parallelism, transitions, paragraphing, indentation, organization, and documentation of sources;            - choose tone, voice, style, mood, and persona appropriate for various purposes, disciplines, and audiences.</p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent</b></p>
<b>10.</b> <u>Write to inform and explain.</u>	<p><b>a.</b> <u>Use facts, data, and processes from technical and non-technical materials to inform through writing.</u></p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent:</b> Develop a clear thesis and support it with analogies, quotations, facts, statistics, and/or comparisons.</p>
	<p><b>b.</b> <u>Produce documents in appropriate format to inform and explain.</u></p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent</b></p>
<b>11.</b> <u>Write for literary response and expression.</u>	<p><b>a.</b> <u>Compose a response using ideas and techniques from a variety of literature and fine arts that represent many cultures and perspectives.</u></p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent</b></p>
	<p><b>b.</b> <u>Appropriately use a thesis statement and supporting evidence.</u></p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent</b></p>
	<p><b>c.</b> <u>Write and publish original creative works that include figurative and descriptive language.</u></p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent</b></p>
<b>12.</b> <u>Write to critically analyze and evaluate.</u>	<p><b>a.</b> <u>Analyze for the following elements:</u>            - purpose;            - ideas;            - style;            - structure;            - effectiveness.</p>	<p>i. <b>Pre-Emergent</b>            ii. <b>Beginning</b>            iii. <b>Intermediate</b>            iv. <b>Early Fluent</b></p>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Use a thesis and appropriate supporting evidence to persuade and inform a specific audience.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Use writing to persuade.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>13.</b> Write to gather, synthesize, and communicate research findings.	<b>a.</b> With teacher support, incorporate a variety of informational and technological resources to perform the following: - appropriately paraphrase, quote, and cite to avoid plagiarism; - consider motives, credibility, and perspective of authors when selecting resource materials; - formulate thesis or focus and provide relevant support.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write short expository compositions on content area topics (e.g., compare/contrast). iv. <b>Early Fluent</b>
<b>14.</b> Write technical information.	<b>a.</b> Produce technical document.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**736. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Acquire and summarize information from a variety of electronic or live sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Develop listening skills to gain enrichment and information about various cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Develop use of effective interpersonal listening skills.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> Listen for literary response and expression.	<b>a.</b> Respond to a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Locate similarities and differences within a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for critical analysis and evaluation.	<b>a.</b> Make informed decisions about the purpose, content, organization, and delivery of verbal and auditory communication and nonverbal cues.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Listen for sequencing.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**737. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Speak to share an understanding of information.	<b>a.</b> Use age-appropriate oral communication for various purposes and audiences which appropriately incorporates the following: - word choice; - pronunciation; - inflection/modulation; - physical gestures; - eye contact; - posture.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. ii. <b>Beginning:</b> Use physical gestures, single words, and simple phrases for various purposes with a developing sense of audience that incorporates limited word choices, approximate pronunciation, and appropriate posture. iii. <b>Intermediate:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates broader word choice, improved pronunciation, approximate inflection, physical gestures, eye contact, and appropriate posture. iv. <b>Early Fluent:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates word choice, comprehensible pronunciation, inflection, modulation, physical gestures, eye contact, and appropriate posture.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<p><b>b.</b> Plan and deliver oral presentations that include the following:</p> <ul style="list-style-type: none"> <li>- transitions;</li> <li>- organization;</li> <li>- support of main ideas;</li> <li>- examples;</li> <li>- response to questions and feedback;</li> <li>- visual aids and appropriate technology.</li> </ul>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations, pictures, and charts.</p> <p><b>ii. Beginning:</b> Plan and deliver oral presentations using gestures, single words, and simple phrases as well as illustrations, pictures, and charts.</p> <p><b>iii. Intermediate:</b> Plan and deliver oral presentations with substantial linguistic inaccuracies that effectively incorporate the following:</p> <ul style="list-style-type: none"> <li>- transitions;</li> <li>- organization;</li> <li>- support of main ideas;</li> <li>- examples;</li> <li>- response to questions and feedback;</li> <li>- visual aids and appropriate technology.</li> </ul> <p><b>iv. Early Fluent:</b> Plan and deliver oral presentations with some linguistic inaccuracies that effectively incorporate the following:</p> <ul style="list-style-type: none"> <li>- transitions;</li> <li>- organization;</li> <li>- support of main ideas;</li> <li>- examples;</li> <li>- response to questions and feedback;</li> <li>- visual aids and appropriate technology.</li> </ul>
<p><b>05.</b> Speak for literary response and expression.</p>	<p><b>a.</b> Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings.</p>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities).</p> <p>Respond to literary works read aloud, using one or two words or short phrases.</p> <p><b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works.</p> <p><b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions.</p> <p><b>iv. Early Fluent:</b> Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings with some linguistic inaccuracies.</p>
	<p><b>b.</b> Memorize and present a selected poem.</p>	<p><b>i. Pre-Emergent:</b> Memorize and present a simple selected poem.</p> <p><b>ii. Beginning:</b> Memorize and present simple poems, rhymes, and chants.</p> <p><b>iii. Intermediate:</b> Memorize and present a selected poem.</p> <p><b>iv. Early Fluent:</b></p>
<p><b>06.</b> Speak for critical analysis and evaluation.</p>	<p><b>a.</b> Clearly express opinions and judgments.</p>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and judgments.</p> <p><b>iii. Intermediate:</b> Use simple sentences to express opinions and judgments.</p> <p><b>iv. Early Fluent:</b> With some linguistic inaccuracies, express opinions and judgments.</p>
	<p><b>b.</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior:</p> <ul style="list-style-type: none"> <li>- listen well and verify understanding;</li> <li>- avoid monopolizing conversations;</li> <li>- raise pertinent questions;</li> <li>- exhibit cultural sensitivity.</li> </ul>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>ii. Beginning:</b> Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>iii. Intermediate:</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior:</p> <ul style="list-style-type: none"> <li>- listen well and verify understanding;</li> <li>- avoid monopolizing conversations;</li> <li>- raise pertinent questions.</li> </ul> <p><b>iv. Early Fluent:</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior:</p> <ul style="list-style-type: none"> <li>- listen well and verify understanding;</li> <li>- avoid monopolizing conversations;</li> <li>- raise pertinent questions;</li> <li>- exhibit cultural sensitivity.</li> </ul>

(5-3-03)(6-17-04)T

(BREAK IN CONTINUITY OF SECTIONS)

742. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 8, SECTIONS 743 THROUGH 747.

743. READING.

Rationale: Students read a variety of grade level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

ENGLISH LANGUAGE PROFICIENCY STANDARDS		
Standard – The student will:	Content Knowledge and Skills	Proficiency Level
06. Read a variety of traditional and electronic materials for information and understanding.	<p><b>a.</b> Use decoding strategies and other visual information to fluently read grade-level text:</p> <ul style="list-style-type: none"> <li>- graphophonic sources (letter/sound);</li> <li>- semantic sources (meaning/association);</li> <li>- lexical sources (word knowledge);</li> <li>- syntactic sources (structure of written language);</li> <li>- text elements (graphic elements, illustrations, titles/subtitles).</li> </ul>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning:</b> Use a variety of reading strategies to make text comprehensible (e.g., illustrations, graphic organizers, text features, pacing, word-analysis skills, picture/bilingual dictionaries).  <b>iii. Intermediate</b>  <b>iv. Early Fluent:</b> Use decoding strategies and other visual information to fluently read grade-level text:</p> <ul style="list-style-type: none"> <li>- graphophonic sources (letter/sound);</li> <li>- semantic sources (meaning/association);</li> <li>- lexical sources (word knowledge);</li> <li>- syntactic sources (structure of written language);</li> <li>- text elements (graphic elements, illustrations, titles/subtitles).</li> </ul>
	<p><b>b.</b> Search purposefully for particular information:</p> <ul style="list-style-type: none"> <li>- identify literal and inferential meanings;</li> <li>- search own background information to make meaning of text passages;</li> <li>- search for most important information based on purpose for reading;</li> <li>- search for information about characters and setting to understand plot;</li> <li>- development in narratives;</li> <li>- search for expository text structures such as cause/effect, chronological, problem/solution, and classification to understand text.</li> </ul>	<p><b>i. Pre-Emergent</b>  <b>ii. Beginning</b>  <b>iii. Intermediate:</b> Gather, organize, read, analyze, and interpret information related to academic content areas from various sources (e.g., reference books, magazines, textbooks, internet media presentations). Compare and contrast the motivations and reactions of characters in a text.  <b>iv. Early Fluent:</b> Search purposefully for particular information:</p> <ul style="list-style-type: none"> <li>- identify literal and inferential meanings;</li> <li>- search own background information to make meaning of text passages;</li> <li>- search for most important information based on purpose for reading;</li> <li>- search for information about characters and setting to understand plot;</li> <li>- development in narratives;</li> <li>- search for expository text structures such as cause/effect, chronological, problem/solution, and classification to understand text.</li> </ul>



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>c.</b> <u>Predict alternatives or probabilities in text on basis of prior knowledge and information within text:</u> - <u>synthesize information from text to anticipate outcomes:</u> - <u>use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Predict alternatives or probabilities in text on basis of prior knowledge and information within text:</u> - <u>synthesize information from text to anticipate outcomes:</u> - <u>use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.</u> <b>iv. Early Fluent</b>
	<b>d.</b> <u>Reconsider a response against more than one source of information of grade-level text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Reconsider a response against more than one source of information of grade-level text.</u> <b>iv. Early Fluent</b>
	<b>e.</b> <u>Confirm or self-correct predictions in response to grade-level text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Use reading strategies to gain information and to make text comprehensible (e.g., predicting, questioning, summarizing, self-correcting, evaluating, comparing/contrasting, using print and media resources).</u> <b>iv. Early Fluent:</b> <u>Confirm or self-correct predictions in response to grade-level text.</u>
	<b>f.</b> <u>Identify literary devices:</u> - <u>mood:</u> - <u>tone:</u> - <u>style:</u> - <u>figurative language.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> <u>Identify literary devices</u> - <u>mood:</u> - <u>tone:</u> - <u>style:</u> - <u>figurative language.</u>
<b>07.</b> <u>Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</u>	<b>a.</b> <u>Define characteristics of the following literary forms and genres: fiction and nonfiction, including novel, short story, poetry, biography, plays, essays, and reference materials.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Define characteristics of the following literary forms and genres: fiction and nonfiction, including novel, short story, poetry, biography, plays, essays, and reference materials.</u> <b>iv. Early Fluent</b>
	<b>b.</b> <u>Activate and draw upon own experiences to connect to reading selections.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Activate and draw upon own experiences to connect to reading selections.</u> <b>iv. Early Fluent</b>
	<b>c.</b> <u>Identify social, cultural, and historical significances of various types of text.</u>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> <u>Identify social, cultural, and historical significances of various types of text.</u> <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>d.</b> Identify how an author uses language and literary devices to evoke a response in a reader: - style; - format; - structure; - point of view.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify how an author uses language and literary devices to evoke a response in a reader: - style; - format; - structure; - point of view.
	<b>e.</b> Explain how reading can provide enrichment and information as well as serve as a tool for lifelong learning.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Explain how reading can provide enrichment and information as well as serve as a tool for lifelong learning. <b>iv. Early Fluent</b>
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Identify author's purpose and describe how language, setting, and information support that purpose in literary text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Identify author's purpose and describe how language, setting, and information support that purpose in literary text.
	<b>b.</b> Analyze literary text for the following elements: - characters; - setting; - plot structure; - theme; - conflict; - resolution; - symbolism.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Analyze literary text for the following elements: - characters; - setting; - plot structure; - theme; - conflict; - resolution; - symbolism. <b>iv. Early Fluent</b>
	<b>c.</b> Compare and contrast information from multiple sources.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Compare and contrast information from multiple sources. <b>iv. Early Fluent</b>
	<b>d.</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - determine meanings; - form opinions; - make judgments.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use personal or objective criteria to do the following: - draw conclusions; - make inferences; - determine meanings; - form opinions; - make judgments.
	<b>e.</b> Distinguish between fact and opinion and identify cause and effect relationships within expository text.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Distinguish between fact and opinion and identify cause and effect relationships within expository text. <b>iv. Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>09.</b> Read to locate information from a variety of traditional, technical and electronic sources.	<p><b>a.</b> Use questions to guide reading:</p> <ul style="list-style-type: none"> <li>- identify type of information required to answer a specific question;</li> <li>- independently select resources for answering questions;</li> <li>- read for purpose of answering specific questions.</li> </ul>	<p><b>i. Pre-Emergent</b></p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate:</b> Use questions to guide reading:</p> <ul style="list-style-type: none"> <li>- identify type of information required to answer a specific question;</li> <li>- independently select resources for answering questions;</li> <li>- read for purpose of answering specific questions.</li> </ul> <p><b>iv. Early Fluent</b></p>
	<p><b>b.</b> Use knowledge of common patterns of factual texts to enhance comprehension:</p> <ul style="list-style-type: none"> <li>- description;</li> <li>- main idea/supporting details;</li> <li>- comparison/contrast;</li> <li>- chronological order;</li> <li>- cause/effect;</li> <li>- process.</li> </ul>	<p><b>i. Pre-Emergent</b></p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate:</b> Use knowledge of common patterns of factual texts to enhance comprehension:</p> <ul style="list-style-type: none"> <li>- description;</li> <li>- main idea/supporting details;</li> <li>- comparison/contrast;</li> <li>- chronological order;</li> <li>- cause/effect;</li> <li>- process.</li> </ul> <p><b>iv. Early Fluent</b></p>
	<p><b>c.</b> Synthesize what has been read:</p> <ul style="list-style-type: none"> <li>- identify main idea and supporting details;</li> <li>- identify important information, patterns, and themes;</li> <li>- connect new information with prior knowledge to enhance understanding and memory;</li> <li>- ask new questions;</li> <li>- use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.</li> </ul>	<p><b>i. Pre-Emergent</b></p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate</b></p> <p><b>iv. Early Fluent:</b> Synthesize what has been read:</p> <ul style="list-style-type: none"> <li>- identify main idea and supporting details;</li> <li>- identify important information, patterns, and themes;</li> <li>- connect new information with prior knowledge to enhance understanding and memory;</li> <li>- ask new questions;</li> <li>- use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.</li> </ul>
<b>10.</b> Read for technical information.	<p><b>a.</b> Identify and use comprehension strategies to understand technical text.</p>	<p><b>i. Pre-Emergent</b></p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate:</b> Identify and use comprehension strategies to understand technical text.</p> <p><b>iv. Early Fluent</b></p>
	<p><b>b.</b> Explain use of graphics, layout, white space, italics, parentheses, and other visual aids.</p>	<p><b>i. Pre-Emergent</b></p> <p><b>ii. Beginning:</b> Explain use of graphics, layout, white space, italics, parentheses, and other visual aids.</p> <p><b>iii. Intermediate</b></p> <p><b>iv. Early Fluent</b></p>
	<p><b>c.</b> Identify organization of technical texts.</p>	<p><b>i. Pre-Emergent</b></p> <p><b>ii. Beginning</b></p> <p><b>iii. Intermediate:</b> Identify organization of technical texts.</p> <p><b>iv. Early Fluent</b></p>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>d.</b> Use technical information to complete tasks.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use technical information to complete tasks.

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**744. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>08.</b> Understand and use the writing process.	<b>a.</b> Understand and use steps of the writing process: - brainstorm; - draft; - revise; - edit; - publish.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Write in a variety of formats to specifically record, generate, and reflect upon ideas.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Identify and use appropriate style and vocabulary for a particular audience, voice, and purpose.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>09.</b> Write and edit for correctness and clarity.	<b>a.</b> Determine and apply rules and conventions for the following: - eight parts of speech, dependent and independent clauses, and common phrases to include prepositional participle, infinitives, gerunds, and appositives; - punctuation; - capitalization; - spelling; - legibility.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>10.</b> Write an expository essay that aligns with the eighth-grade assessment to inform and explain.	<b>a.</b> Use facts, data, and processes from technical and non-technical materials to inform through writing.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Produce documents in appropriate format to inform and explain.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>11.</b> Write for literary response and expression.	<b>a.</b> Compose a response using ideas and techniques from a variety of literature and fine arts that represent many cultures and perspectives.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write brief responses to literature demonstrating factual understanding of the text. iv. <b>Early Fluent</b>
	<b>b.</b> Appropriately use a thesis and supporting evidence.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Write and publish original creative works that include figurative and descriptive language.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>12.</b> Write to critically analyze and evaluate within the confines of grade-level science and social studies curricula.	<b>a.</b> Analyze for the following: - purpose; - ideas; - style; - structure; - effectiveness.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Use thesis and appropriate supporting evidence to persuade or inform a specific audience.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Use writing to persuade.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>13.</b> Write to gather, synthesize, and communicate research findings.	<b>a.</b> With teacher support, incorporate a variety of informational and technological resources to perform the following: - avoid plagiarism through proper use of paraphrasing, quoting, and citing; - when selecting source materials, consider motives, credibility, and perspectives of authors; - formulate thesis or focus and provide relevant support.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Present research findings.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>14.</b> Write technical information.	<b>a.</b> Locate sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Produce technical documents.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**745. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Acquire and summarize information from a variety of electronic or live sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Develop listening skills to gain enrichment and information about various cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b> : Demonstrate understanding of some language subtleties (e.g., understand some common idioms, recognize that language use varies according to audience [register]).
	<b>c.</b> Develop effective interpersonal listening skills.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>05.</b> Listen for literary response and expression.	<b>a.</b> Respond to a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Find similarities and differences within a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for critical analysis and evaluation.	<b>a.</b> Make informed decisions about the purpose, content, organization, and delivery of verbal communications and nonverbal cues.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Listen for sequencing.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**746. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written and viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Speak to share an understanding of information.	<b>a.</b> Use age-appropriate oral communication for various purposes and audiences that correctly and effectively incorporates the following: - word choices; - pronunciation; - inflection/modulation; - physical gestures; - eye contact; - posture.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. ii. <b>Beginning:</b> Use physical gestures, single words, and simple phrases for various purposes with a developing sense of audience that incorporates limited word choices, approximate pronunciation, and appropriate posture. iii. <b>Intermediate:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates broader word choice, improved pronunciation, approximate inflection, physical gestures, some eye contact, and appropriate posture. iv. <b>Early Fluent:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates word choice, comprehensible pronunciation, inflection, modulation, physical gestures, eye contact, and appropriate posture.
	<b>b.</b> Plan and deliver oral presentations that incorporate the following: - effective transitions; - logical organization; - support for main ideas; - appropriate examples; - response to questions and feedback; - visual aids and appropriate technology; - proper English.	i. <b>Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations, pictures, and charts. ii. <b>Beginning:</b> Plan and deliver oral presentations using gestures, single words, and simple phrases as well as illustrations, pictures, and charts. iii. <b>Intermediate:</b> Plan and deliver oral presentations with substantial linguistic inaccuracies that effectively incorporate the following: - transitions; - organization; - support of main ideas; - examples; - response to questions and feedback; - visual aids and appropriate technology. iv. <b>Early Fluent:</b> Plan and deliver oral presentations with some linguistic inaccuracies that effectively incorporate the following: - transitions; - organization; - support of main ideas; - examples; - response to questions and feedback; - visual aids and appropriate technology.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>05.</b> <u>Speak for literary response and expression.</u>	<b>a.</b> <u>Share interpretations of personal and literary works through oral interpretation and dramatic readings.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (chants, songs, choral readings, TPR activities). Respond to literary works read aloud, using one or two words or short phrases.</p> <p><b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works.</p> <p><b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works and dramatic readings. Contribute to classroom and small group discussions by responding to and asking simple questions.</p> <p><b>iv. Early Fluent:</b> Share interpretations of personal and literary works through oral interpretation and dramatic readings with some linguistic inaccuracies.</p>
	<b>b.</b> <u>Memorize and present a selected poem.</u>	<p><b>i. Pre-Emergent:</b> Memorize and present a simple selected poem.</p> <p><b>ii. Beginning:</b> Memorize and present simple poems, rhymes, and chants.</p> <p><b>iii. Intermediate:</b> Memorize and present a selected poem.</p> <p><b>iv. Early Fluent:</b></p>
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Clearly express opinions and judgments.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and judgments.</p> <p><b>iii. Intermediate:</b> Use simple sentences to express opinions and judgments.</p> <p><b>iv. Early Fluent:</b> With some linguistic inaccuracies, express opinions and judgments.</p>
	<b>b.</b> <u>Defend opinion.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to defend opinion.</p> <p><b>iii. Intermediate:</b> Use simple sentences to defend opinion.</p> <p><b>iv. Early Fluent:</b> Defend opinion with some linguistic inaccuracies.</p>
	<b>c.</b> <u>Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions:</u> <u>- listen well and verify understanding;</u> <u>- avoid monopolizing conversations;</u> <u>- raise pertinent questions;</u> <u>- exhibit cultural sensitivity.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>ii. Beginning:</b> Exhibit courteous, attentive, and appropriate behavior when directed.</p> <p><b>iii. Intermediate:</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior:  <u>- listen well and verify understanding;</u>  <u>- avoid monopolizing conversations;</u>  <u>- raise pertinent questions;</u>  <u>- exhibit cultural sensitivity.</u></p> <p><b>iv. Early Fluent:</b></p>

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**(BREAK IN CONTINUITY OF SECTIONS)**

**751. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADES 9 THROUGH 12, SECTIONS 752 THROUGH 756.**

**752. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>06. Read a variety of traditional and electronic materials for information and understanding.</b>	<b>a. Decode unfamiliar words using a comprehensive set of reading strategies:</b> - phonics; - context clues; - word analysis skills.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate:</b> Decode unfamiliar words using a comprehensive set of reading strategies: - phonics; - context clues; - word analysis skills. <b>iv. Early Fluent</b>
	<b>b. Preview materials to understand structure and anticipate content.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Preview materials to understand structure and anticipate content.
	<b>c. Develop analytic processes for understanding and remembering words, phrases, and information from reading material.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Develop analytic processes for understanding and remembering words, phrases, and information from reading material.
	<b>d. Identify, collect, and/or select, and relate pertinent information to given situations.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Verify and clarify facts from informational text.
	<b>e. Synthesize and organize information.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Synthesize and organize information.
	<b>f. Apply and extend information.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Apply and extend information.
	<b>g. Explain how an author uses language and literary devices:</b> - mood; - tone; - style; - figurative language; - format; - structure.	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Explain how an author uses language and literary devices: - mood; - tone; - style; - figurative language; - format; - structure.
	<b>h. Use reading strategies to determine main ideas and to collect data, facts, and ideas.</b>	<b>i. Pre-Emergent</b> <b>ii. Beginning</b> <b>iii. Intermediate</b> <b>iv. Early Fluent:</b> Use reading strategies to determine main ideas and to collect data, facts, and ideas.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.	<b>a.</b> Know defining characteristics of literary forms and genres (fiction, nonfiction, myths, poems, biographies, autobiographies, science fiction, parodies, satires, and plays).	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Know defining characteristics of literary forms and genres (fiction, nonfiction, myths, poems, biographies, autobiographies, science fiction, parodies, satires, and plays).
	<b>b.</b> Identify and compare own experiences to those of others in situations, events, and cultures within reading selections.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Identify and compare own experiences to those of others in situations, events, and cultures within reading selections. iv. <b>Early Fluent</b>
	<b>c.</b> Interpret the social, cultural, and historical significance of a text: - Ancient Literature; - British Literature; - American Literature; - World Literature.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Interpret the social, cultural, and historical significance of a text: - Ancient Literature; - British Literature; - American Literature; - World Literature.
	<b>d.</b> Evaluate how an author uses language and literary devices to evoke a response in a reader: - style; - format; - structure.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Evaluate how an author uses language and literary devices to evoke a response in a reader: - style; - format; - structure.
	<b>e.</b> Demonstrate how reading can provide enrichment, information, and serve as a tool for lifelong learning.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Demonstrate how reading can provide enrichment, information, and serve as a tool for lifelong learning. iv. <b>Early Fluent</b>
<b>08.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Evaluate the validity and accuracy of information.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Evaluate the validity and accuracy of information.
	<b>b.</b> Analyze author's purpose within a literary text: - characterization; - setting; - plot structure; - theme; - point of view; - organization and form.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Analyze author's purpose within a literary text: - characterization; - setting; - plot structure; - theme; - point of view; - organization and form.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>c. Compare and contrast selections within text.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Compare and contrast selections within text.
	<u>d. Form opinions and make judgments about fiction and nonfiction.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Form opinions and make judgments about fiction and nonfiction.
	<u>e. In response to technical materials, use personal or objective criteria to:</u> - draw conclusions; - make inferences; - decide meanings; - form opinions; - make judgments.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> In response to technical materials, use personal or objective criteria to: - draw conclusions; - make inferences; - decide meanings; - form opinions; - make judgments.
<b>09. Read to locate information from a variety of traditional, technical, and electronic sources.</b>	<u>a. Generate relevant and researchable questions.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Generate relevant and researchable questions. iv. <b>Early Fluent</b>
	<u>b. Systematically organize and record information.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Systematically organize and record information. iv. <b>Early Fluent</b>
	<u>c. Produce research projects and reports.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Produce research projects and reports.
<b>10. Read for technical information.</b>	<u>a. Comprehend technical text.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Comprehend technical text.
	<u>b. Demonstrate understanding of graphics, layout, white space, italics, parentheses, and other visual aids.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning:</b> Demonstrate understanding of graphics, layout, white space, italics, parentheses, and other visual aids. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<u>c. Identify the organization and nature of technical texts; ascertain that such texts require precise understanding rather than interpretation.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Identify the organization and nature of technical texts; ascertain that such texts require precise understanding rather than interpretation. iv. <b>Early Fluent</b>
	<u>d. Apply technical text information to daily situations.</u>	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Apply technical text information to daily situations.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	e. Follow written directions.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Follow written directions.

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**753. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>07. Understand and use the writing process.</b>	a. <u>Demonstrate steps of the writing process:</u> - brainstorm; - draft; - revise; - edit; - publish.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Use varied sentence patterns. iv. <b>Early Fluent:</b> Use the strategies of note taking, outlining, and summarizing in grade-appropriate content areas. This expectation will differ from 6-8 in terms of cognitive demand and topics.
	b. <u>Write in order to generate, record, and reflect upon ideas.</u>	i. <b>Pre-Emergent:</b> Organize and record content area information on pictures, lists, charts, and tables. ii. <b>Beginning:</b> Use key words presented and emphasized in content (e.g., literature, math, science lessons). This expectation will differ from 6-8 in terms of the concepts and vocabulary being addressed. iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	c. <u>Evaluate and choose appropriate style and vocabulary for particular audience.</u>	i. <b>Pre-Emergent:</b> Identify basic vocabulary, mechanics, and sentence structures in a piece of writing. ii. <b>Beginning:</b> Use a variety of sources and strategies to plan writing. iii. <b>Intermediate:</b> Use technical vocabulary related to key concepts in content areas. iv. <b>Early Fluent</b>
<b>08. Write and edit for correctness and clarity.</b>	a. <u>Apply rules and conventions of the following:</u> - grammar; - punctuation; - capitalization; - spelling.	i. <b>Pre-Emergent:</b> Use conventions with some assistance. ii. <b>Beginning:</b> Spell high frequency words in the context of writing. iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Use conventional spelling, capitalization, punctuation, grammar, and syntax.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<u>b. Formulate purpose, thesis, relevant support, and focused paragraphs: - use topic sentences, appropriate word choices and sentence structure, parallelism, transitions, paragraphing, indentation, organization of sources: - choose tone, voice, style, mood, and persona appropriate for different purposes, disciplines, and audiences.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Use figurative language (e.g., simile, metaphor, personification, hyperbole). Use clauses and phrases with accurate mechanics and consistent variations in grammatical forms. <u>iv. Early Fluent:</u> Use appropriate tone and voice based on purpose, audience, and subject matter.
<u>09. Write to inform and explain.</u>	<u>a. Incorporate facts, data, and processes from technical and non-technical materials into writing.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning:</u> Use simple sentences to write a brief narrative. <u>iii. Intermediate:</u> Fill out job applications and provide all needed information, with some support. <u>iv. Early Fluent:</u> Summarize plot of a literary selection. Write detailed biographies/autobiographies. Use and cite various resources in content area report, including use of bibliography and standard format for quotations.
	<u>b. Choose appropriate format to inform and explain.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning:</u> Complete forms that ask for basic personal information (e.g., job applications). <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Fill out applications and complete essays required to apply for jobs and colleges, with assistance.
<u>10. Write for literary response and expression.</u>	<u>a. Compare, contrast, and synthesize ideas and techniques from a variety of literatures and fine arts that represent many cultures and perspectives.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate:</u> Summarize the main ideas, details, and sequence of events in a literature selection with support. Apply elements of characterization in writing. Write responses to selected literature, exhibiting detailed understanding of text. <u>iv. Early Fluent:</u> Critique literature by analyzing theme, plot, setting, and/or characterization. Summarize plot of a literary selection.
	<u>b. Formulate a thesis and supporting evidence as appropriate.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent:</u> Develop a clear thesis supported with evidence, analogies, quotations, facts, statistics, and/or comparisons. This expectation will differ from 6-8 in terms of cognitive demand and topic.
	<u>c. Write and publish original creative works using figurative and descriptive language.</u>	<u>i. Pre-Emergent</u> <u>ii. Beginning</u> <u>iii. Intermediate</u> <u>iv. Early Fluent</u>

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>11.</b> Write to critically analyze and evaluate.	<b>a.</b> Analyze and evaluate for the following: - purpose; - ideas; - style; - structure; - effectiveness.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>b.</b> Formulate thesis and select appropriate supporting evidence to persuade or inform a specific audience.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Present an effective argument using the principles of persuasion (appeals to authority, logic, or emotion).	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Present and justify a point of view and develop persuasive arguments using clear justification, explanation, and interpretation.
<b>12.</b> Write to gather, synthesize, and communicate research findings.	<b>a.</b> Use and document a variety of technological and informational resources: - avoid plagiarism through proper paraphrasing, quoting, and citation; - consider motives, credibility, and perspectives of authors when selecting source materials; - formulate thesis or focus and relevant support.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent:</b> Gather, organize, interpret, and analyze information related to academic content areas from various sources by writing and elaborating on gathered information.
	<b>b.</b> Present research findings.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write brief expository compositions and reports that include a thesis and supporting information and provide information from a variety of sources. iv. <b>Early Fluent</b>
	<b>c.</b> Generate clear, concise, and informative technical documents.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Write reports that incorporate information using charts and graphs. iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**754. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> Listen for information and understanding.	<b>a.</b> Acquire, interpret, and apply information from a variety of electronic or live sources.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Follow clear multiple-step (3 or more) directions in one to one and small group situations. Directions may be more cognitively demanding at 9-12 than at 6-8. iv. <b>Early Fluent</b>
	<b>b.</b> Use listening skills to gain enrichment and information about various cultures.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
	<b>c.</b> Demonstrate effective interpersonal listening skills.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Respond to age appropriate social and academic language. Respond to questions requiring classification or application of information. Content of the questions would be age-appropriate in terms of cognitive demands and topics. iv. <b>Early Fluent</b>
<b>05.</b> Listen for literary response and expression.	<b>a.</b> Interpret and respond to a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate:</b> Comprehend extended classroom discourses in the content areas with support (e.g., short lecture, demonstrations). iv. <b>Early Fluent:</b> Respond to increasingly complex content-related questions about newly learned information (e.g., inference, comparison, summarization, point of view, debate, or discussion). Independently comprehend extended classroom discourse (e.g., short lectures, demonstrations) in the content areas.
	<b>b.</b> Compare and contrast a variety of oral presentations.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>
<b>06.</b> Listen for critical analysis and evaluation.	<b>a.</b> Make informed judgments about the purpose, content, organization, and delivery of verbal communications and nonverbal cues.	i. <b>Pre-Emergent</b> ii. <b>Beginning</b> iii. <b>Intermediate</b> iv. <b>Early Fluent</b>

(5-3-03)(6-17-04)T

**755. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level.

<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
<b>04.</b> <u>Speak to share an understanding of information.</u>	<b>a.</b> <u>Adjust oral language to audience. Appropriately apply rules of standard English.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Minimal verbal response in English expected. Developing an awareness of audience and basic rules of standard English.</p> <p><b>iii. Intermediate:</b> Adjust oral language to audience and appropriately apply rules of standard English with substantial linguistic inaccuracies.</p> <p><b>iv. Early Fluent:</b> Adjust oral language to audience. Appropriately apply rules of standard English with some linguistic inaccuracies.</p>
	<b>b.</b> <u>Create oral presentations that include the following:</u> - transitions; - organization; - support of main ideas; - examples; - response to questions and feedback; - visual aids and appropriate technology.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Plan and deliver a nonverbal presentation that incorporates illustrations, pictures, and charts.</p> <p><b>ii. Beginning:</b> Plan and deliver oral presentations using gestures, single words, and simple phrases as well as illustrations, pictures, and charts.</p> <p><b>iii. Intermediate:</b> Plan and deliver oral presentations with substantial linguistic inaccuracies that effectively incorporate the following:                      - transitions;                      - organization;                      - support of main ideas;                      - examples;                      - response to questions and feedback;                      - visual aids and appropriate technology.</p> <p><b>iv. Early Fluent:</b> Plan and deliver oral presentations with some linguistic inaccuracies that effectively incorporate the following:                      - transitions;                      - organization;                      - support of main ideas;                      - examples;                      - response to questions and feedback;                      - visual aids and appropriate technology.</p>
	<b>c.</b> <u>Use oral communication for various purposes and audiences which appropriately incorporates the following:</u> - word choice; - pronunciation; - inflection/modulation; - physical gestures; - eye contact; - posture.	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use physical gestures, single words, and simple phrases for various purposes with a developing sense of audience that incorporates limited word choices, approximate pronunciation, and appropriate posture.</p> <p><b>iii. Intermediate:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates broader word choice, improved pronunciation, approximate inflection, physical gestures, eye contact, and appropriate posture.</p> <p><b>iv. Early Fluent:</b> Use age-appropriate oral communications for various purposes and audiences that appropriately incorporates word choice, comprehensible pronunciation, inflection, modulation, physical gestures, eye contact, and appropriate posture.</p>
<b>05.</b> <u>Speak for literary response and expression.</u>	<b>a.</b> <u>Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected. Participate in classroom group-response activities (e.g., chants, songs, choral readings, TPR activities).</p> <p>Respond to literary works read aloud, using one or two words or short phrases.</p> <p><b>ii. Beginning:</b> Use key words and phrases to respond to simple questions regarding personal experiences and literary works.</p> <p><b>iii. Intermediate:</b> Use simple sentences to retell stories and relate personal experiences and literary works. Contribute to classroom and small group discussions by responding to and asking simple questions.</p> <p><b>iv. Early Fluent:</b> Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings with some linguistic inaccuracies.</p>
<b>06.</b> <u>Speak for critical analysis and evaluation.</u>	<b>a.</b> <u>Clearly express opinions and judgments.</u>	<p><b>i. Pre-Emergent:</b> Minimal verbal response in English expected.</p> <p><b>ii. Beginning:</b> Use gestures, single words, and simple phrases to express opinions and judgments.</p> <p><b>iii. Intermediate:</b> Use simple sentences to express opinions and judgments.</p> <p><b>iv. Early Fluent:</b> With some linguistic inaccuracies, express opinions and judgments.</p>



<b>ENGLISH LANGUAGE PROFICIENCY STANDARDS</b>		
<b>Standard – The student will:</b>	<b>Content Knowledge and Skills</b>	<b>Proficiency Level</b>
	<b>b.</b> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - listen well and verify understanding; - avoid monopolizing conversations; - raise pertinent questions; - exhibit cultural sensitivity.	<b>i. Pre-Emergent:</b> Exhibit courteous, attentive, and appropriate behavior when directed. <b>ii. Beginning:</b> Exhibit courteous, attentive, and appropriate behavior when directed. <b>iii. Intermediate:</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior: - listen well and verify understanding; - avoid monopolizing conversations; - raise pertinent questions. <b>iv. Early Fluent:</b> During discussions, encourage others' participation while exhibiting courteous, attentive, and appropriate behavior: - listen well and verify understanding; - avoid monopolizing conversations; - raise pertinent questions; - exhibit cultural sensitivity.

(5-3-03)(6-17-04)T

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**DOCKET NO. 09-0000-0401**

**NOTICE OF LEGISLATIVE ACTION RELATING TO THE CREATION OF THE  
DEPARTMENT OF COMMERCE AND LABOR - HOUSE BILL 607**

**EFFECTIVE DATE:** The effective date of this action is July 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-Seventh Legislature in the Second Regular Session - 2004, passed House Bill 607 and that said bill was signed into law by Governor Dirk Kempthorne, Session Law Chapter 346, thereby creating the Department of Commerce and Labor.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice and the legislative action:

House Bill 607 amended, added to, and repealed existing law to merge two existing Departments into a single Department. This bill merged the Department of Commerce and the Department of Labor into a single Department named the Department of Commerce and Labor. This merger formalized a long-standing partnership between these two Departments and ensures that the functions of economic development and workforce development are directly linked. The new Department will more effectively promote economic and community development and a stable, well-trained workforce. Additionally, the merger strengthens support for Idaho businesses and communities, enhances the Department's ability to create higher-wage jobs with benefits and will increase tourism and international trade opportunities.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of House Bill 607 by transferring the authority of the affected chapters of rules currently indexed under IDAPA 48, Department of Commerce to IDAPA 09, the Department of Labor, hereafter the Department of Commerce and Labor. These rules are hereby assigned to the Department of Commerce and Labor under the agency rule designation number, IDAPA 09, and the affected chapters are now indexed under IDAPA 09, Title 02.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill 607, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Department of Commerce and Labor and include, but are not limited to, the following:

All citations and references to IDAPA 48 relating to the affected chapters under Title 01 now mean IDAPA 09, and are hereby redesignated and renumbered as follows:

IDAPA 48.01.01, "Idaho Community Development Block Grant Program (ICDB)" is now IDAPA 09.02.01;  
IDAPA 48.01.03, "Rules of the Idaho Regional Travel and Convention Grant Program" is now IDAPA 09.02.03;  
IDAPA 48.01.04, "Idaho Gem Community Implementation Grant Program" is now IDAPA 09.02.04; and  
IDAPA 48.01.05, "Rural Community Block Grant Program (RCBGP)" is now IDAPA 09.02.05.

Citations and references to the Department of Labor rules under IDAPA 09 relating to the affected chapters under Title 01, Title 02 and Title 05, now refer to the IDAPA 09, Department of Commerce and Labor.

The applicable references to Department of Labor and to the Department of Commerce now mean the "Department of Commerce and Labor". This includes references to "Commerce" and to "Labor" used to define or refer to the "Department".

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code.

**ASSISTANCE ON QUESTIONS:** For assistance on questions concerning this notice, contact Marlene Klein at the Department of Commerce and Labor at (208) 332-3570 ext. 3190, or Dennis Stevenson, Rules Coordinator at the Office of the Administrative Rules Coordinator at (208) 332-1820.

DATED this 5th day of May, 2000.

Dennis R. Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0306  
Phone: (208) 332-1820  
Fax: (208) 334-2395

**IDAPA 10 - IDAHO BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY**

**DOCKET NO. 10-0102-0401**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-1208, 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 18, 2004.

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 amendment would require that registrants be complete, objective and truthful in all communications with clients.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Board received only one comment which was a letter from the American Council of Engineering Companies of Idaho and it stated support for the proposed new rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact David L. Curtis at (208) 334-3860.

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 25, 2004.

DATED this 26th day of June, 2004.

David L. Curtis, P.E., Executive Director  
Board of Registration of Professional Engineers and Professional Land Surveyors  
600 S. Orchard, Suite A  
Boise, Idaho 83705-1242  
Telephone (208) 334-3860  
Fax (208) 334-2008

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 10-0102-0401**

**005. RESPONSIBILITY TO THE PUBLIC.**

**01. Primary Obligation.** All Registrants and Certificate Holders shall at all times recognize their

primary obligation is to protect the safety, health and welfare of the public in the performance of their professional duties. (7-1-93)

**02. Standard of Care.** Each Registrant and Certificate Holder shall perform in accordance with the standard of care for the profession and is under duty to the party for whom the service is to be performed to exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances. (7-1-93)

**03. Professional Judgement.** If any Registrant's or Certificate Holder's professional judgement is overruled under circumstances where the safety, health and welfare of the public are endangered, the Registrant or Certificate Holder shall inform the employer or client of the possible consequences and, where appropriate, notify the Board or such other authority of the situation. (7-1-93)

**04. Obligation to Communicate Discovery of Discrepancy.** If a Registrant or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Registrant or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the Registrant or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Registrant or Certificate Holder whose work is believed to contain the discrepancy shall respond in writing within sixty (60) calendar days to any question about his work raised by another Registrant or Certificate Holder. Failure to respond on the part of the Registrant or Certificate Holder whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Registrant or Certificate Holder to disciplinary action by the Board. The discoverer shall notify the Board in the event a response satisfactory to the discoverer is not obtained within sixty (60) days. (3-30-01)

**05. Obligation to Comply with Rules of Continuing Professional Development.** All Registrants licensed to practice professional land surveying shall comply with the requirements contained in IDAPA 10.01.04, "Rules of Continuing Professional Development". (7-1-99)

**06. Obligation to Communicate with Clients.** A Registrant shall be complete, objective and truthful in all communications with clients. ( )

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR  
FOOD ESTABLISHMENTS (UNICODE)**

**DOCKET NO. 16-0219-0401 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - 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 37-121 and 39-1603, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

<b>Tuesday, August 17, 2004</b> <b>7:00 - 9:00 p.m.</b> <b>Holiday Inn Boise</b> <b>3300 Vista Ave</b> <b>Boise, ID</b>	<b>Wednesday, August 18, 2004</b> <b>7:00 - 9:00 p.m.</b> <b>Shilo Inn Coeur d'Alene</b> <b>702 Appleway</b> <b>Coeur d'Alene, ID</b>	<b>Tuesday, August 24, 2004</b> <b>7:00 - 9:00 p.m.</b> <b>Holiday Inn Pocatello</b> <b>1399 Bench Road</b> <b>Pocatello, ID</b>
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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 non-technical explanation of the substance and purpose of the proposed rule making:

This entire chapter of rules, IDAPA 16.02.19, "Rules Governing Food Safety and Sanitation Standards for Food Establishments (UNICODE)," is being repealed and rewritten under Docket 16-0219-0402. The current standards for the State of Idaho are being repealed to set Idaho standards to be more consistent with current scientific practices on food safety.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted by the Department of Health and Welfare by holding meetings and receiving input and agreement from the Idaho Food Safety Advisory Committee. The committee was comprised of representatives of the food industry, academic representatives and regulatory representatives.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Patrick Guzzle at (208) 334-5936.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before August 25, 2004.

DATED this 8th day of June, 2004.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW – Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720, Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

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**IDAPA 16.02.19 IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS**

**DOCKET NO. 16-0219-0402 (CHAPTER REWRITE)**

**NOTICE OF RULEMAKING - 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 37-121 and 39-1603, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this rulemaking will be held as follows:

<b>Date:</b> Tuesday, August 17, 2004	<b>Wednesday, August 18, 2004</b>	<b>Tuesday, August 24, 2004</b>
<b>Time:</b> 7:00 - 9:00 p.m.	<b>7:00 - 9:00 p.m.</b>	<b>7:00 - 9:00 p.m.</b>
<b>Place:</b> Holiday Inn Boise 3300 Vista Ave Boise, ID	<b>Shilo Inn Coeur d'Alene 702 Appleway Coeur d'Alene, ID</b>	<b>Holiday Inn Pocatello 1399 Bench Road Pocatello, ID</b>

The hearing sites 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 non-technical explanation of the substance and purpose of the proposed rule making:

This chapter of rules is being rewritten to update Idaho's food safety standards that apply to commercial food establishments. The current standards for the State of Idaho are being repealed in Docket 16-0219-0401. This new chapter will set standards to be more consistent with current scientific practices. These rules incorporate the "Food Code, 2001 Recommendations of the United States Public Health Service Food and Drug Administration," with modifications and additions made to meet specific adaptations for Idaho.

The text of the 2001 Food Code may be viewed on line at "<http://www.cfsan.fda.gov>". It is published by the National Technical Information Service, Publication PB 2002-100819. A certified copy of this publication may be reviewed at the main office of the Department of Health and Welfare.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted by the Department of Health and Welfare by holding meetings and receiving input and agreement from the Idaho Food Safety Advisory Committee. The committee was comprised of representatives of the food industry, assisted living facilities representatives, academic representatives, correctional and jail representatives, and regulatory representatives.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Patrick Guzzle at (208) 334-5936.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before August 25, 2004.

DATED this 8th day of June, 2004.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW – Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720, Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0219-0402**

**IDAPA 16**  
**TITLE 02**  
**CHAPTER 19**

**16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS**

**000. LEGAL AUTHORITY.**

The State of Idaho Board of Health and Welfare is authorized under Sections 37-121 and 39-1603, Idaho Code, to adopt rules for the regulation of food establishments to protect public health.. ( )

**001. TITLE, SCOPE AND APPLICABILITY.**

**01. Title.** The title of this chapter is IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments," and may also be known as the Idaho Food Code. ( )

**02. Scope.** The purpose of these rules is to establish standards for the provision of safe, unadulterated and honestly presented food for consumption by the public. These rules provide requirements for licensing, inspections, review of plans, employee restriction, and license suspensions for food establishments and food processing plants. Also included are definitions and set standards for management, personnel, food operations, equipment and facilities. ( )

**03. These Rules Apply to Food Establishments.** Food establishments as defined in Section 39-1602, Idaho Code must follow these rules. Those facilities include but are not limited to the following: ( )

**a.** Restaurants, catering facilities, taverns, kiosks, vending facilities, commissaries, cafeterias, mobile food facilities, temporary food facilities; and ( )

**b.** Schools, senior centers, hospitals, residential care and treatment facilities, nursing homes, correctional facilities, camps, food banks, and church facilities; and ( )

**c.** Retail markets, meat, fish, delicatessen, bakery and supermarkets, convenience stores, health food stores, and neighborhood markets; and ( )

**d.** Food, water and beverage processing and bottling facilities that manufacture, process and distribute food, water and beverages within the state of Idaho, and are not inspected for food safety by a federal agency. ( )

**04. These Rules Do Not Apply to These Establishments.** These rules do not apply to the following establishments as exempted in Idaho Code. ( )

**a.** Agricultural markets as exempted in Section 39-1602, Idaho Code. ( )

**b.** Bed-and-breakfast operations that prepare and offer food for breakfast only to guests. The number of guest beds must not exceed ten (10) beds as defined in Section 39-1602, Idaho Code. ( )

**c.** Day care facilities regulated by Sections 39-1101 through 39-1119, Idaho Code. ( )

**d.** Licensed outfitters and guides regulated by Sections 36-2101 through 36-2119, Idaho Code. ( )

**e.** Low-risk food establishments, as exempted in Section 39-1602, Idaho Code, which offer only non-potentially hazardous foods. ( )



**f.** Non-profit charitable, fraternal, or benevolent organizations that do not prepare or serve food on a regular basis as exempted in Section 39-1602, Idaho Code. Food is not considered to be served on a regular basis if it is not served for more than five (5) consecutive days on no more than three (3) occasions per year for foods which are not potentially hazardous. For all other food, it must not be served more than one (1) meal per week. ( )

**g.** Private homes where food is prepared or served for family consumption or receives catered or home-delivered food as exempted by Section 39-1602, Idaho Code. ( )

**05. How to Use This Chapter of Rules.** The rules in this chapter are modifications, additions or deletions made to the federal publication incorporated by reference in Section 004 of these rules. In order to follow these rules the publication is required. Changes to those standards are listed in this chapter of rules by listing which section of the publication is being modified at the beginning of each section of rule. ( )

**002. WRITTEN INTERPRETATIONS.**  
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department has no written interpretations that apply to rules of this chapter. ( )

**003. ADMINISTRATIVE APPEALS AND CONTESTED CASES.**

**01. Administrative Appeals.** Administrative appeals including compliance conferences are handled by the regulatory authority. See Sections 860 and 861 of these rules for compliance and revocation issues. ( )

**02. Contested Cases.** Department contested cases and appeals are governed by provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ( )

**004. INCORPORATION BY REFERENCE.**  
The Department is adopting by reference the "Food Code, 2001 Recommendations of the United States Public Health Service Food and Drug Administration," published by National Technical Information Service, Publication PB2002-100819. A certified copy of this publication may be reviewed at the main office of the Department of Health and Welfare. It is also available online at "<http://www.cfsan.fda.gov>". This publication is being adopted with modifications and additions as follows: ( )

**01. Chapter 1, Purpose and Definitions.** Additions and modifications have been made to this chapter. See Sections 100 - 199 of these rules. ( )

**02. Chapter 2, Management and Personnel.** Modifications have been made to this chapter. See Sections 200- 299 of these rules. ( )

**03. Chapter 3, Food.** Modifications have been made to this chapter. See Sections 300-399 of these rules. ( )

**04. Chapter 4, Equipment, Utensils, and Linens.** This chapter has been adopted with no modifications. ( )

**05. Chapter 5, Water, Plumbing and Waste.** This chapter has been adopted with no modifications. ( )

**06. Chapter 6, Physical Facilities.** This chapter has been adopted with no modifications. ( )

**07. Chapter 7, Poisonous or Toxic Materials.** Modifications have been made in this chapter. See Sections 700 - 799 of these rules. ( )

**08. Chapter 8, Compliance and Enforcement.** Modifications have been made in this chapter. See Sections 800-899 of these rules. ( )

**09. Annexes 1 Through 7 are Excluded.** These sections have not been adopted. ( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- INTERNET WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. ( )

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. ( )

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ( )

**04. Telephone.** (208) 334-5500. ( )

**05. Internet Website.** The Department's Internet website is found at "http://www2.state.id.us/dhw/". ( )

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**

Any disclosure of information obtained by the Department is subject to the restrictions in Title 9, Chapter 3, Idaho Code. Restrictions contained in Section 39-610, Idaho Code, and the Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records," must also be followed. ( )

**01. Contested Hearing and Appeal Records.** All contested case hearings are open to the public, unless ordered closed at the discretion of the hearing officer based on compelling circumstances. A party to a hearing must maintain confidentiality of discussions that warrant closing the hearing to the public. ( )

**02. Inspection Report.** A completed inspection report is a public document and is available for public disclosure to any person who requests the report as provided in Idaho's Public Records Law, Title 9, Chapter 3, Idaho Code. ( )

**03. Medical Records.** Medical information given to the Department or regulatory authority will be confidential and must follow IDAPA 16.05.01 "Use And Disclosure Of Department Records". ( )

**04. Plans and Specifications.** Plans and specifications submitted to the regulatory authority as required in Chapter 8 of the 2001 Food Code referenced in Section 004 of these rules, must be treated as confidential or trade secret information under Section 9-340D, Idaho Code. ( )

**007. -- 049. (RESERVED).**

**050. TRAINING AND INFORMATIONAL MATERIALS.**

The Department is authorized under Section 56-1007, Idaho Code, to establish a reasonable charge for training and informational materials that are provided to the public. ( )

**051. -- 099. (RESERVED).**

**100. PURPOSES AND DEFINITIONS.**

Sections 100 through 199 of these rules will be used for modifications and additions to Chapter 1 of the 2001 Food Code as incorporated in Section 004 of these rules. ( )

**101. -- 109. (RESERVED).**

**110. DEFINITIONS AND ABBREVIATIONS - A THROUGH K.**

The definitions defined in this section are modifications or additions to the definitions given in the 2001 Food Code. ( )

**01. Agricultural Market.** Any fixed or mobile retail food establishment engaged in the sale of raw or fresh fruits, vegetables and nuts in the shell. It may also include the sale of factory-sealed non-potentially hazardous

foods. ( )

**02. Board.** The State of Idaho Board of Health and Welfare as established in Section 56-1005, Idaho Code. ( )

**03. Consent Order.** A consent order is an enforceable agreement between the regulatory authority and the license holder to correct violations that caused the actions taken by the regulatory authority. ( )

**04. Department.** The Idaho Department of Health and Welfare as established in Section 56-1002, Idaho Code. ( )

**05. Director.** The Director of the Idaho Department of Health and Welfare as established in Section 56-1003, Idaho Code. ( )

**06. Embargo.** An action taken by the regulatory authority that places a food product or equipment used in food production on hold until a determination is made on the product's safety. ( )

**07. Enforcement Inspection.** An inspection conducted by the regulatory authority when compliance with these rules by a food establishment is lacking and violations remain uncorrected after the first follow-up inspection to a routine inspection. ( )

**08. Food Establishment.** Modifications to Section 1-201.10(36) by deleting Section 1-201.10(36)(c)(iii) amends the definition of food establishment. ( )

**09. Food Processing Plant.** Modification to Section 1-201.10(37) by deleting Section 1-201.10(37)(b) amends the definition of food processing plant. ( )

**10. High-Risk Food Establishment.** A high-risk food establishment does the following operations: ( )

**a.** Extensive handling of raw ingredients; ( )

**b.** Preparation processes that include the cooking, cooling and reheating of potentially hazardous foods. ( )

**c.** A variety of processes requiring hot and cold holding of potentially hazardous food. ( )

**111. DEFINITIONS AND ABBREVIATIONS - L THROUGH Z.**

The definitions defined in this section are modifications or additions to the definitions given in the 2001 Food Code. ( )

**01. License.** The term "license" is used in these rules the same as the term "permit" is used in the 2001 Food Code. ( )

**02. License Holder.** The term "license holder" is used in these rules the same as the term "permit holder" is used in the 2001 Food Code. ( )

**03. Low-Risk Food Establishment.** A low-risk food establishment provides factory-sealed pre-packaged non-potentially hazardous foods. The establishment may have limited preparation of non-potentially hazardous foods only. ( )

**04. Medium-Risk Food Establishment.** A medium-risk food establishment includes the following: ( )

**a.** A limited menu of one (1) or two (2) items; or ( )

**b.** Pre-packaged raw ingredients cooked or prepared to order; or ( )

- c. Raw ingredients requiring minimal assembly; or ( )
- d. Most products are cooked or prepared and served immediately; or ( )
- e. Hot and cold holding of potentially hazardous foods is restricted to single meal service. ( )

**05. Regulatory Authority.** The Department or its designee is the regulatory authority authorized to enforce compliance of these rules. ( )

a. The Department is responsible for preparing the rules, rule amendments, standards, policy statements, operational procedures, program assessments and guidelines. ( )

b. The seven (7) Public Health Districts and the Bureau of Facility Standards have been designated by the Director as the regulatory authority for the purpose of issuing licenses, collecting fees, conducting inspections, reviewing plans, determining compliance with the rules, investigating complaints and illnesses, examining food, embargoing food and enforcing these rules. ( )

**06. Risk Control Plan.** Is a document describing the specific actions to be taken by the license holder to address and correct a continuing hazard or risk within the food establishment. ( )

**112. -- 199. (RESERVED).**

**200. MANAGEMENT AND PERSONNEL.**

Sections 200 through 299 of these rules will be used for modifications and additions to Chapter 2 of the 2001 Food Code as incorporated in Section 004 of these rules. ( )

**201. ASSIGNMENT OF PERSON IN CHARGE.**

Modification to Section 2-101.11. The license holder will be the person in charge or will designate a person in charge and will ensure that a person in charge is present at the food establishment during all hours of food preparation and service. ( )

**202. -- 209. (RESERVED).**

**210. DEMONSTRATION OF KNOWLEDGE.**

Modification to Section 2-102.11. The person in charge of a food establishment may demonstrate knowledge on the risks of foodborne illness or health hazards by one (1) of the following. ( )

**01. No Critical Violations.** Complying with the 2001 Food Code by not having any critical violations at the time of inspection; or ( )

**02. Certification.** Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; or ( )

**03. Time of Inspection Interview.** Responding correctly to the inspector's questions as they relate to the specific food operations as listed in Section 2-102.11(C) of the 2001 Food Code as incorporated in Section 004 of these rules; or ( )

**04. Approved Courses.** Completion of the Idaho Food Safety and Sanitation Course, or an equivalent course designed to meet the same training as the Idaho Food Safety and Sanitation Course. ( )

**211. -- 219. (RESERVED).**

**220. EMPLOYEE HEALTH.**

Addition to Section 2-201.12. The person in charge of a food establishment must notify the regulatory authority to obtain guidance on proper actions needed to protect the public if there is reason to suspect that any employee has a disease that is communicable through food as listed in IDAPA 16.02.10. "Idaho Reportable Diseases," Subsection

025.02. ( )

**221. -- 299. (RESERVED).**

**300. FOOD.**

Sections 300 through 399 of these rules will be used for modifications and additions to Chapter 3 of the 2001 Food Code as incorporated in Section 004 of these rules. ( )

**301. -- 319. (RESERVED).**

**320. MEAT AND POULTRY.**

**01. Custom Meat.** Meat that is processed for individual owner(s) by a custom butcher, under the custom exemption in 9 CFR 303.1 “Mandatory Meat Inspection Exemptions,” must be marked “Not For Sale” and may not be sold, served or given away to any member of the public. This meat must be for the use in the household of such owner(s), their families, non-paying guest and employees only. ( )

**02. Poultry Exemption.** Poultry that is exempt in 9 CFR 381.10, Subpart C “Mandatory Poultry Products Inspection Exemptions” may be sold, served or given away in Idaho, if it is processed in a licensed food processing facility and is labeled “Exempt from USDA Inspection per PL 492”. ( )

**321. -- 324. (RESERVED).**

**325. GAME ANIMALS.**

Modification to Section 3-201.17(A)(4), is made by deleting Section 3-201.17(A)(4) and replacing it with Subsections 325.01 through 325.03 of these rules. ( )

**01. Field Dressed Game Animals.** Uninspected wild game animals and wild poultry may be custom processed or prepared and served upon request by an individual having ownership of the animal, and must be processed for or served to that owner and for the family or guests of that individual animal owner only. ( )

**02. Processing Game Animals.** Game animals and birds are to be completely separated from other food during storage, processing, preparation and service with the use of separate equipment or areas or by scheduling and cleaning, providing there is compliance with the following: ( )

**a.** Slaughtering and cleaning of game animals or birds can not be done in the food establishment, except for meat processing establishments with kill floors; and ( )

**b.** Game animals and other animal carcasses are free of any visible dirt, filth, fecal matter or hair before such carcasses enter the food establishment, except for meat processing establishments with kill floors; and ( )

**c.** An identifying tag with the owner's name must be on each carcass or divided parts and packaged or wrapped parts; and ( )

**d.** Each carcass or divided parts and packaged or wrapped parts are marked or tagged with a “Not for sale” label. These may not be sold, given away, or served to any members of the public. ( )

**03. Un-Inspected Game Animals.** Any un-inspected game animals prepared and served in a food establishment may only be prepared and served at the request of the owner of the animals for the owner and invited family or friends at a private dinner. These animals may not be served, sold, or given away to any members of the public. ( )

**326. -- 349. (RESERVED).**

**350. TEMPERATURE REQUIREMENTS.**

Modifications are being made to the temperature guidelines in the following sections of the 2001 Food Code. ( )

**01. Specifications for Receiving Potentially Hazardous Food.** Modification to Section 3-202.11(D). Food that is cooked to a temperature and for a time specified under Sections 3-401.11 through 3-401.13 and received hot, must be at a temperature of 57°C (135°F) or above. ( )

**02. Preventing Contamination from In-Use Utensils, Between Use Storage.** Modification to Section 3-304.12(F). In a container of water, if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7). ( )

**03. Plant Food Cooking for Hot Holding.** Modification to Section 3-401.13. Fruits and vegetables that are cooked for hot holding must be cooked to a temperature of 57°C (135°F). ( )

**04. Reheating for Hot Holding Ready to Eat Food.** Modification to Section 3-403.11(C). Food taken from a commercially processed hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction of the plant, must be heated to a temperature of at least 57°C (135°F) for hot holding. ( )

**05. Cooling Cooked Potentially Hazardous Food.** Modification to Section 3-501.14(A). Cooked potentially hazardous food must be cooled: ( )

**a.** Within two (2) hours from 57°C (135°F) to 21°C (70°F); and ( )

**b.** Within six (6) hours from 57°C (135°F) to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under 3-501.16(A)(2)(b) provided the food is cooled from 57°C (135°F) to 21°C (70°F) within the first two (2) hours. ( )

**06. Potentially Hazardous Food, Hot and Cold Holding.** Modification to Section 3-501.16(A)(1). Potentially hazardous food must be maintained at 57°C (135°F) or above, except that roasts cooked to a temperature and for a time specified under Section 3-401.11(B) or reheated as specified in Section 3-403.11(E) may be held at a temperature of 54°C (130°F). ( )

**351. VARIANCE REQUIREMENTS FOR FOOD ESTABLISHMENTS.** Modifications to Section 3-502.11. Sections 3-502.11(E) and (F), are not adopted. ( )

**352. -- 354. (RESERVED).**

**355. FOOD PROCESSING PLANTS.**

Food processing plants, establishments, canning factories or operations must meet the requirements in Chapters 1 through 8 of the 2001 Food Code, and Subsections 355.01 through 355.05 of these rules. ( )

**01. Thermal Processing of Low-Acid Foods.** Low-acid food products processed using thermal methods for canning must meet the requirements of 21 CFR 113. ( )

**02. Bottled Water Processing.** Bottled drinking water processed in Idaho must be from a licensed processing facility that meets the requirements of 21 CFR 129. Bottled drinking water must also meet the quality and monitoring requirements in 21 CFR 165. ( )

**03. Approval of Process Methods.** A variance by the regulatory authority must be approved and granted for specialized processing methods for products listed in Section 3-502.11. ( )

**04. Labels.** Proposed labels must be submitted to the regulatory authority for review and approval before printing. ( )

**05. Testing.** The license holder is responsible for chemical, microbiological or extraneous material testing procedures to identify failures or food contamination of food products being processed or manufactured by the license holder. ( )

**06. Quality Assurance Program.** The license holder or his designated person must develop and submit to the regulatory authority for review and approval a quality assurance program or HACCP plan which covers the food processing operation. The program must include the following: ( )

**a.** An organization chart identifying the person responsible for quality control operations; ( )

**b.** A process flow diagram outlining the processing steps from the receipt of the raw materials to the production and packaging of the finished product(s) or group of related products; ( )

**c.** A list of specific points in the process which are critical control points that must have scheduled monitoring; ( )

**d.** Product codes that establish and identify the production date and batch; ( )

**e.** A manual covering sanitary maintenance of the facility and hygienic practices to be followed by the employees; and ( )

**f.** A records system allowing for review and evaluation of all operations including the quality assurance program results. These records must be kept for a period of time that exceeds the shelf life of the product by six (6) months or for two (2) years, whichever is less. ( )

**356. -- 359. (RESERVED).**

**360. ADVISING CONSUMERS OF HEALTH RISK OF RAW OR UNDERCOOKED FOODS.**  
Modification to Section 3-603.11. ( )

**01. Consumption of Animal Foods That are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.** Except as specified in Section 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under Section 3-801.11(D), if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the license holder must inform the consumers of health risks. ( )

**02. How to Inform Consumers of Health Risk.** The license holder must use any effective means to inform consumers of potential health risks. Some effective ways that may be used to inform consumers are: brochures, deli case placards, signs or verbal warnings, that state, "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions". ( )

**361. -- 369. (RESERVED).**

**370. ADULTERATED OR MISBRANDED FOOD.**  
The regulatory authority may order the license holder or other person who has custody of misbranded food to destroy, denature or recondition adulterated or misbranded food according to Section 37-118, Idaho Code. See Section 851 of these rules for embargo, tagging, storage and release of adulterated or misbranded food. ( )

**371. -- 599. (RESERVED).**

**600. PHYSICAL FACILITIES.**  
Sections 600 through 699 of these rules will be used for modifications and additions to Chapter 6 of the 2001 Food Code as incorporated in Section 004 of these rules. ( )

**601. -- 619. (RESERVED).**

**620. PRIVATE HOMES AND LIVING OR SLEEPING QUARTERS, USE PROHIBITION.**  
Modifications to Section 6-202.111. A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment

operations. Residential care or assisted living facilities designed to be a homelike environment, are exempted from Section 6-202.111. ( )

**621. -- 699. (RESERVED).**

**700. POISONOUS OR TOXIC MATERIALS.**

Sections 700 through 799 of these rules will be used for modifications and additions to Chapter 7 of the 2001 Food Code as incorporated in Section 004 of these rules. ( )

**701. -- 719. (RESERVED).**

**720. RESTRICTION AND STORAGE OF MEDICINES.**

Modifications to Section 7-207.11. ( )

**01. Medicines Allowed in a Food Establishment.** Only those medicines that are necessary for the health of employees, patients or residents in a care facility are allowed in a food establishment. Subsection 720.01 does not apply to medicines that are stored or displayed for retail sale. ( )

**02. Labeling of Medicines.** Medicines that are in a food establishment for the employees, patients or residents use must be labeled as specified under Section 7-101.11 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles. ( )

**721. REFRIGERATED STORAGE OF MEDICINES.**

Modification to Section 7-207.12. Medicines belonging to employees, patients or residents in a care facility that require refrigeration may be stored in a food refrigerator using the following criteria: ( )

**01. Medicines Stored in a Leak Proof Container.** Medicines must be stored in a package or container and kept inside a covered, leak proof container that is identified as a container for the storage of medicines. ( )

**02. Accessibility of Stored Medicines.** Medicines will be stored to permit access to self-medicating patients or residents to their individual medication. Authorized staff in a care facility also have access to these medications. ( )

**722. -- 799. (RESERVED).**

**800. COMPLIANCE AND ENFORCEMENT.**

Sections 800 through 899 of these rules will be used for modifications and additions to Chapter 8 of the 2001 Food Code as incorporated in Section 004 of these rules. ( )

**801. -- 829. (RESERVED).**

**830. APPLICATION FOR A LICENSE.**

**01. To Apply for a Food License.** To apply for an Idaho food license the application and fee is submitted to the "regulatory authority" as defined in Section 111 of these rules. ( )

**02. Food License Expiration.** The license for an Idaho food establishment expires on December 31st of each year. ( )

**03. Renewal of License.** A renewal application and a license fee must be submitted to the regulatory authority by December 1st of each year for the next calendar year starting January 1st. ( )

**04. Summary Suspension of License.** A license may be immediately suspended under Section 831 of these rules. Reinstatement of a license after a summary suspension does not require a new application or fee unless the license is revoked. ( )

**05. Revocation of License.** When corrections have been made to a food establishment whose license



has been revoked under Section 860 of these rules, a new application and fee must be submitted to the regulatory authority. ( )

**06. License is Non-Transferable.** A license may not be transferred when ownership changes according to Section 8-304.20, of the 2001 Food Code. The new owner must apply for his own license. ( )

**831. SUMMARY SUSPENSION OF LICENSE.**

The regulatory authority may summarily suspend a license to operate a food establishment when it determines an imminent health hazard exists. ( )

**01. Reasons a Summary Suspension may be Issued.** When a food establishment does not follow the principles of food safety, or a foodborne illness is found, or an environmental health hazard exists and public safety cannot be assured by the continued operation of the food establishment, a summary suspension may be issued. The following are some reasons the regulatory authority may determine a summary suspension is necessary: ( )

- a. Inspection of the food establishment shows uncorrected critical violations; ( )
- b. Examination of food shows the food is unsafe; ( )
- c. Review of records shows that proper steps for food safety have not been met; ( )
- d. An employee working with food is suspected of having a disease that is communicable through food; or ( )
- e. An imminent health hazard exists. ( )

**02. Prior Notification is not Required for a Summary Suspension.** Upon providing a written notice of summary suspension to the license holder or person in charge, the regulatory authority may suspend a food establishment's license without prior warning, notice of hearing, or hearing. ( )

**03. Written Notice of Summary Suspension.** The regulatory authority must give the license holder or person in charge a written notice when suspending a license. The notice must include the following: ( )

- a. The specific reasons or violations the summary suspension is issued for with reference to the specific section of the 2001 Food Code which is in violation; ( )
- b. A statement notifying the food establishment its license is suspended and all food operations are to cease immediately; ( )
- c. The name and address of the regulatory authority representative to whom a written request for re-inspection can be made and who can certify the reasons for the suspension have been eliminated; ( )
- d. A statement notifying the food establishment of its right to an informal hearing with the regulatory authority upon submission of a written request within fifteen (15) days of receiving the summary suspension notice; and ( )
- e. A statement informing the food establishment that proceedings for revocation of its license will be initiated by the regulatory authority, if violations are not corrected. ( )
- f. The right to appeal to the Department as provided in Section 861 of these rules. ( )

**04. Length of Summary Suspension.** The suspension will remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the regulatory authority during a re-inspection. ( )

**05. Re-Inspection of Food Establishment.** The regulatory authority will conduct a re-inspection of the food establishment within two (2) working days of receiving a written request stating the condition for the

suspension no longer exists. ( )

**06. Reinstatement of License.** The regulatory authority will immediately reinstate the suspended license if the re-inspection determines the public health hazard no longer exists. The regulatory authority will provide a written notice of reinstatement to the license holder or person in charge. ( )

**832. -- 839. (RESERVED).**

**840. INSPECTIONS AND CORRECTION OF VIOLATIONS.**

Modification to Section 8-401.10. ( )

**01. Inspection Interval Section 8-401.10(A).** Except as specified in Section 8-401.10(C), the regulatory authority must inspect a food establishment at least once a year. ( )

**02. Section 8-401.10(B).** This section has not been adopted. ( )

**03. Section 8-401.10(C).** This section is adopted as published. ( )

**841. INSPECTION SCORES.**

The regulatory authority must provide the license holder an inspection report with a total score indicating the number of critical item violations and the number of repeat critical violations added together. Repeat violations are those observed during the last inspection. The inspection report will also score the total number of non-critical violations and the number of repeat non-critical violations. These scores will be used to determine if a follow-up inspection or a written report of correction is needed to verify corrections have been made. ( )

**01. Medium-Risk Food Establishment.** If the critical violations exceed three(3), or the non-critical violations exceed six (6), an on-site follow-up inspection is required for verification of correction by the regulatory authority. ( )

**02. High-Risk Food Establishment.** If the critical violations exceed five (5), or the non-critical violations exceed eight (8), an on-site follow-up inspection is required for verification of correction by the regulatory authority. ( )

**03. Written Violation Correction Report.** A written violation correction report by the license holder may be provided to the regulatory authority if the total inspection score of the food establishment does not exceed those listed in Section 845 of these rules. The report must be mailed within five (5) days of the correction date identified on the inspection report. ( )

**842. -- 844. (RESERVED).**

**845. VERIFICATION AND DOCUMENTATION OF CORRECTION.**

In addition to Section 8-405.20 of the 2001 Food Code, the on-site follow-up inspection may not be required for verification of correction if the regulatory authority chooses to accept a written report of correction from the license holder. ( )

**01. Written Report of Correction.** The regulatory authority may choose to accept a written report of correction from the license holder stating that specific violations have been corrected. The license holder must submit this report to the regulatory authority within five (5) days after the correction date identified on the inspection report. ( )

**a. Medium-risk food establishment.** If the critical violations do not exceed three (3), or the non-critical violations do not exceed six (6), a follow-up inspection is not required for verification of correction. ( )

**b. High-risk food establishment.** If the critical violations do not exceed five (5), or the non-critical violations do not exceed eight (8), a follow-up inspection is not required for verification of correction. ( )

**02. Risk Control Plan.** The regulatory authority may require the development of a risk control plan as

verification of correction. The risk control plan must provide documentation on how the license holder will obtain long term correction of critical violations that are repeated violations, including how control will be monitored and who will be responsible. ( )

**846. -- 849. (RESERVED).**

**850. ENFORCEMENT INSPECTIONS.**

**01. Follow-Up Inspection.** If a follow-up inspection reveals that critical or non-critical violations identified on a previous inspection have not been corrected or still exist, an enforcement inspection may be made. ( )

**02. Written Notice.** The license holder will receive written notice on the inspection form of the specific date for an enforcement inspection. This date must be within fifteen (15) days of the current or follow-up inspection. ( )

**03. Enforcement Inspections on Consent Order.** When a compliance conference results in a consent order and includes a compliance schedule to correct violations without further regulatory action, all inspections by the regulatory authority to satisfy the compliance schedule will be considered enforcement inspections until the next annual inspection. ( )

**04. Regulatory Action.** If the violations have not been corrected by the date of the enforcement inspection, regulatory action will be initiated to revoke the license issued to the food establishment. ( )

**851. ENFORCEMENT PROCEDURES FOR ADULTERATED OR MISBRANDED FOOD.**

The regulatory authority may order the license holder or other person who has custody of adulterated or misbranded food to destroy, denature or recondition adulterated or misbranded food according to Section 37-118, Idaho Code. The following procedures apply: ( )

**01. Serving an Embargo Order.** An embargo order must be served by one (1) of the following ways: ( )

**a.** Delivered personally to the license holder or person in charge of the food establishment; or ( )

**b.** Posted at a public entrance to the food establishment, provided a copy of the notice is sent by first-class mail to the license holder or the person in charge of the embargoed food. ( )

**02. The Embargo Order is Effective when Served.** The embargo order is effective at the time the notice is delivered to the license holder or person in charge, or when the notice is posted. ( )

**03. Tagging Embargoed Food.** The regulatory authority must securely place an official tag or label on food or containers identified as food subject to the hold order. ( )

**04. Storage of Embargoed Food.** The regulatory authority allows storage of food under conditions specified in the embargo order, unless storage is not possible without risk to the public health. The regulatory authority may order immediate destruction of the adulterated or misbranded food for public safety. ( )

**05. Removal of Embargo Tag or Label.** The removal of the embargo tag, label or other identification from food under embargo must be done by the regulatory authority. ( )

**06. Embargo Release.** The issue of release and removal of the embargo tag, label or other identification from the suspected food when it is not adulterated or misbranded must be done by the regulatory authority. ( )

**852. -- 859. (RESERVED).**

**860. REVOCATION OF LICENSE.**

The regulatory authority may revoke the license issued to a food establishment when the license holder fails to comply with these rules or the operation of the food establishment is a hazard to public health. ( )

**01. Reasons a License may be Revoked.** ( )

**a.** The license holder violates any term or condition in Section 8-304.11 of the 2001 Food Code. ( )

**b.** Access to the facility is denied or obstructed by an employee, agent, contractor or other representative during the performance of the regulatory authority's duties. It is not necessary for the regulatory authority to seek an inspection order to gain access as permitted in Section 8-402.40 of the 2001 Food Code, before proceeding with revocation. ( )

**c.** A public health hazard or critical violation remains uncorrected after being identified by the regulatory authority and an enforcement inspection confirms the violation or hazard still exists. See Section 850 of these rules on enforcement inspections. ( )

**d.** A non-critical violation remains uncorrected after being identified by the regulatory authority and an enforcement inspection confirms the violation still exists. See Section 845 of these rules on verification and documentation of correction. ( )

**e.** Failure to comply with any consent order issued after a compliance conference. See Section 861 of these rules on compliance conference. ( )

**f.** Failure to comply with a regulatory authority's summary suspension order. See Section 831 of these rules on summary suspension of a license. ( )

**g.** Failure to comply with an embargo order. See Section 851 of these rules on adulterated or misbranded food. ( )

**h.** Failure to comply with a regulatory authority order issued when an employee is suspected of having a communicable disease. See Section 220 of these rules on employee health. ( )

**02. Notice to Revoke a License.** The regulatory authority must notify the license holder of the food establishment in writing of the intended revocation of the license. See Section 861 of these rules for appeal process. The notice must include the Subsections 860.02.a. through 860.02.c. of these rules: ( )

**a.** The specific reasons and sections of the Idaho Food Code which are in violation and the cause for the revocation; and ( )

**b.** The right of the license holder to request in writing a compliance conference with the regulatory authority within fifteen (15) days of the notice; and ( )

**c.** The right of the license holder to appeal in writing to the Department of Health and Welfare. See Subsection 861.02 of these rules. ( )

**d.** The following is sufficient notification of the license holder's appeal rights: "You have the right to request in writing a compliance conference with (name and address of designated health district official) within fifteen (15) days of the receipt of this notice. You may also appeal the revocation of your license to the Director of the Department of Health and Welfare by filing a written appeal with the Department as provided in IDAPA 16.05.03 "Rules Governing Contested Case Proceeding and Declaratory Rulings," within fifteen (15) days of the receipt of this notice, or if a timely request is made for a compliance conference and the matter is not resolved by a consent order, within five (5) working days following the conclusion of the compliance conference." ( )

**03. Effective Date of Revocation.** The revocation will be effective fifteen (15) days following the date of service of notice to the license holder, unless an appeal is filed or a timely request for a compliance conference is made. If a compliance conference is requested and the matter is not resolved by a consent order, the revocation will

be effective five (5) working days following the end of the conference, unless an appeal is filed with the Director of the Department of Health and Welfare within that time. See Section 861 of these rules for compliance conference, consent order and appeal process. ( )

**861. APPEAL PROCESS.**

A license holder may appeal a summary suspension, notice of revocation, other action, or failure to act by the regulatory authority which adversely affects the license holder. A summary suspension or other emergency order is not stayed during the appeal process. ( )

**01. Compliance Conference.** The license holder may request in writing a compliance conference with the regulatory authority within fifteen (15) days of receipt of the notice or action by the regulatory authority. If a timely request for a compliance conference is made, a compliance conference will be scheduled within twenty (20) days and conducted in an informal manner by the regulatory authority. At the compliance conference the license holder may explain the circumstances of the alleged violations and propose a resolution for the matter. ( )

**a.** If the compliance conference results in an agreement between the license holder and the regulatory authority to remedy circumstances giving rise to the action and to assure future compliance, the agreement must be put in written form and signed by both parties. This written agreement constitutes an enforceable consent order. ( )

**b.** Unless otherwise specifically stated in the consent order, the agreement will be for the duration of the existing license only. ( )

**02. Appeal to The Director.** The license holder may appeal in writing to the Director of the Department of Health and Welfare within fifteen (15) days of receipt of the notice of action by the regulatory authority, or if a timely request for a compliance conference was made, within five (5) working days following the completion of the compliance conference. ( )

**a.** The appeal must be in writing following the procedures in IDAPA 16.05.03 "Rules Governing Contested Case Proceedings and Declaratory Rulings". ( )

**b.** Procedures on appeal to the Director are governed by IDAPA 16.05.03 "Rules Governing Contested Case Proceedings and Declaratory Rulings". ( )

**862. -- 869. (RESERVED).**

**870. SERVICE OF NOTICE.**

**01. Service of Notice.** A notice is considered properly served by any individual, or organization authorized to serve a civil process notice in any of the following ways: ( )

**a.** The notice is personally delivered to the license holder, manager or person in charge of the food establishment. ( )

**b.** The notice is clearly posted at a public entrance to the food establishment and a copy of the notice is also sent by first-class mail to the license holder. ( )

**c.** The notice is sent to the license holder's last known address by registered or certified mail, or by other public means in which a written acknowledgement of receipt is acquired. ( )

**02. Proof of Service.** Proof of service is determined when the person delivering the notice signs a certificate stating the notice has been served or posted, or by admission of the signed receipt by the license holder or person in charge of the food establishment. ( )

**871. -- 889. (RESERVED).**

**890. CRIMINAL AND CIVIL PROCEEDINGS.**

The regulatory authority may choose to enforce the provisions of these rules and its administrative orders through the courts. ( )

**01. Criminal Proceedings.** Misdemeanor proceedings to enforce these rules, federal regulations, and the enabling statutes may be instituted as provided in Sections 37-117, 37-119, 37-2103, and 56-1008, Idaho Code. These statutes provide for fines or terms of imprisonment that may be sought through the court of competent jurisdiction. ( )

**02. Civil Proceedings.** Civil enforcement actions may be commenced and prosecuted in the district court in the county where the alleged violation occurred according to Sections 56-1009 and 56-1010, Idaho Code. The person who is alleged to have violated any statute, rule, federal regulation, license or order may be charged in the court proceeding. This action may be brought to compel compliance with these rules, regulations, license or order for relief or remedies authorized in these rules. ( )

**03. Injunctive Relief.** In addition to other remedies provided by law, Section 56-1009, Idaho Code, allows for a search warrant to gain access and injunctions to be issued in the name of the state against any person or entity to enjoin them from violating these rules, regulations, statutes or administrative orders. ( )

**891. -- 999. (RESERVED).**

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

## 16.02.23 - RULE GOVERNING INDOOR SMOKING

DOCKET NO. 16-0223-0401

### NOTICE OF RULEMAKING - 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 39-5508, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this rulemaking will be held as follows:

<b>Date:</b> Monday, August 9, 2004	<b>Wednesday, August 11, 2004</b>	<b>Thursday, August 12, 2004</b>
<b>Time:</b> 7:00 - 9:00 p.m.	<b>7:00 - 9:00 p.m.</b>	<b>7:00 - 9:00 p.m.</b>
<b>Place:</b> AmeriTel Spectrum 7499 West Overland Boise, ID	<b>AmeriTel - Coeur d'Alene</b> 333 Ironwood Ave Coeur d'Alene, ID	<b>Red Lion</b> 621 21st Street Lewiston, ID
<b>Date:</b> Tuesday, August 17, 2004	<b>Wednesday, August 18, 2004</b>	<b>Monday, August 23, 2004</b>
<b>Time:</b> 7:00 - 9:00 p.m.	<b>7:00 - 9:00 p.m.</b>	<b>7:00 - 9:00 p.m.</b>
<b>Place:</b> AmeriTel - Pocatello 1440 Bench Road Pocatello, ID	<b>AmeriTel - Idaho Falls</b> 645 Lindsey Idaho Falls, ID	<b>AmeriTel - Twin Falls</b> 1377 Blue Lakes Blvd. N. Twin Falls, ID

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rule making:

The 2004 Legislature passed Senate Bill 1283 regulating smoking in public places in order to protect the public health and the health of employees who work at public places. These rules are being amended to conform to statutory changes.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed not to the legislation, SB 1283.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted by the Idaho Department of Health and Welfare by holding meetings and receiving input from legislators, law enforcement, legal representatives, business owners, regulatory authorities, associations for retailers, food and lodging, health care, and other interested stakeholders.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Elke Shaw-Tulloch at (208) 334-5950.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before August 25, 2004.

DATED this 9th day of July, 2004.

Sherri Kovach, Administrative Procedures Coordinator  
DHW – Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720, Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0223-0401

**000. LEGAL AUTHORITY.**

The Director of the Idaho Department of Health and Welfare is authorized, ~~pursuant to~~ under Section 39-5508, Idaho Code, to adopt rules to implement ~~the provisions of~~ the Idaho Clean Indoor Air Act, Title 39, Chapter 55, Idaho Code. (1-1-86)( )

**001. TITLE AND PURPOSE.**

**01. Title.** These ~~rules are to be cited in full as Idaho Department of Health and Welfare Rules,~~ title of this chapter is IDAPA 16.02.23, "Rules Governing Indoor Smoking". ( )

**02. Purpose.** The purpose of these rules is ~~to effectuate the intent of the Legislature~~ to protect the public health, comfort and environment, and the health of employees who work at public places, and the rights of nonsmokers to breathe clean air by ~~restricting~~ prohibiting smoking in public places and at public meetings ~~to designated smoking areas.~~ (1-1-86)( )

~~002.—049. (RESERVED).~~

**002. WRITTEN INTERPRETATIONS.**

The Department has no written interpretations that apply to rules in this chapter in accordance with Section 67-5201(19)(b)(iv), Idaho Code. ( )

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals for decisions made by the Department are governed by IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings". ( )

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference in this chapter of rules. ( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- INTERNET WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. ( )

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. ( )

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ( )

**04. Telephone.** (208) 334-6584 or (800) 445-8647. ( )

**05. Internet Websites and E-Mail Address.** ( )

**a.** Department Internet address is: "http://www2.state.id.us/dhw/". ( )

**b.** Division of Health Internet address is: "http://www.idahohealth.org/". ( )

**c.** Bureau of Community and Environmental Health e-mail address is: "bceh@idhw.state.id.us/". ( )

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**



Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records". ( )

**007. -- 009. (RESERVED).**

**0510. DEFINITIONS.**

For the purpose of this chapter, the following terms ~~are used, as defined herein:~~ apply. (12-31-91)( )

**01. Act.** The Idaho Clean Indoor Air Act, Title 39, Chapter 55, Idaho Code. (1-1-86)

**02. ~~Arena and Auditoriums.~~** ~~Any room, hall or building used for public gatherings.~~ (1-1-86)

**032. Bar Within a Restaurant.** ~~Any establishment or portion of an establishment where the primary function is the serving and consuming of alcoholic beverages, excluding any establishment or portion of an establishment defined as a restaurant (Subsection 050.16). Alcoholic beverages include, but are not limited to, alcoholic liquor, beer and wine. A single establishment may contain both bar and restaurant portions, according to the primary function of each portion. A bar is considered to be "within a restaurant," if it does not meet all of the following requirements:~~ (12-31-91)( )

**a.** It must be physically isolated from all parts of the restaurant by solid floor to ceiling walls; ( )

**b.** It must have a separate outside public entrance that is not shared with the restaurant; ( )

**c.** It must not have any windows or doorways connecting it to the restaurant, either directly or through any indoor public place including lobbies, hallways or passageways that the public uses. The bar may be connected to the restaurant through kitchens, private offices, hallways or storerooms that are not available for public use; ( )

**d.** It must not be necessary for restaurant patrons to pass through the bar or any indoor public place connected to the bar to access restrooms or other facilities or accommodations of the restaurant; and ( )

**e.** No second hand smoke from the bar can impact the restaurant area. ( )

**043. Bowling Alley or Center.** ~~Any establishment or portion thereof used for the recreation of bowling. A place of business with at least two (2) bowling lanes on its premises and is operated for public entertainment.~~ (1-1-86)( )

**04. Department.** The Idaho Department of Health and Welfare. ( )

**05. ~~Bus.~~** ~~Any motor vehicle having a seating capacity of fifteen (15) or more passengers operated by a bus company for the purpose of carrying passengers or cargo for hire.~~ (11-15-87)

**06. ~~Bus Company.~~** ~~Any person, group, association, partnership or corporation providing, for hire, interstate or intrastate transportation by bus. This term includes cities, counties, districts, public corporations, boards and commissions established under the laws of this state providing transportation to passengers whether or not for hire.~~ (11-15-87)

**07. ~~Charter.~~** ~~A group of persons which has acquired, under a single contract and at a fixed rate, the exclusive use of a bus to travel together to a specified destination or destinations, or special excursions to one (1) specified destination.~~ (11-15-87)

**085. Director.** The Director of the Idaho Department of Health and Welfare or his designee. (1-1-86)

**096. Educational Facility.** Any room, hall or building used for instruction, or supportive of instruction including: classrooms, libraries, auditoriums, gymnasiums, lounges, study areas, restrooms, halls, registration areas and bookstores of any private or public preschool, kindergarten, elementary school, junior high or intermediate school, high school, vocational school, college or university. ~~This term does not include offices assigned to faculty members or administrators.~~ (3-6-86)L( )

~~07. **Enclosed.** The space between a floor and ceiling which is designed to be surrounded on all sides at any time by solid walls, windows or similar structures, not including doors, that extend from the floor to the ceiling.~~ ( )

~~10. **Elevator.** Any enclosed passenger area of a mechanical device which conveys persons to different levels of a building and is generally accessible to the public.~~ (1-1-86)

~~108. **Grocery Stores and Stores Which Sell Food Primarily for Off-Site Consumption.** Any establishment or portion thereof which that sells food, at retail, for off-site consumption and is required to be licensed under Idaho Department of Health and Welfare Rules, IDAPA 16.02.19, "Rules Governing Food Safety and Sanitation Standards For Food Establishments (UNICODE)".~~ (12-31-91)( )

~~109. **Hospitals.** Any facility or portion thereof required to be licensed as a hospital under the Title 39, Chapter 13, Idaho Health Facilities Licensing Act Code.~~ (1-1-86)( )

~~10. **Incidental Service of Food.** Incidental service of food is only serving food that is low-risk and non-potentially hazardous food as defined in IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments".~~ ( )

~~13. **Meeting Room.** Any room or hall directly or indirectly advertised and offered for short term lease or rent to the public for the primary purpose of providing space for meetings. This term shall not include private social functions.~~ (3-6-86)L

~~14. **Nursing Home.** Any facility or portion thereof required to be licensed as a nursing home under the Idaho Health Facilities Licensing Act.~~ (1-1-86)

~~15. **Private Social Function.** An entire room or hall used for a private social function when seating arrangements are under the control of the sponsor of the function and not the proprietor or person in charge of the place.~~ (3-6-86)L

~~161. **Proprietor or Person in Charge.** Any person, or agent of such person, who ultimately controls, governs or directs the activities within the public place. The term does not mean the owner of the property unless he ultimately governs, controls or directs the activities within the public place.~~ (1-1-86)

~~172. **Public Conveyance Means of Mass Transportation.** Any air, land or water vehicle used for the transportation of persons for compensation including, but not limited to, airplanes, trains, buses, boats and taxis. The term does not include conveyances which may be used to transport employees during work. The term does not include private, noncommercial vehicles.~~ (1-1-86)( )

~~18. **Public Meeting.** Any meeting open to the public, including any meeting open to the public without specific invitation or permission.~~ (1-1-86)

~~19. **Public Place.** Any enclosed indoor area used by the general public. An area used by the general public is an area where the public can freely enter and move about without specific invitation, permission or appointment, regardless of ownership of the area. The sale of tickets for entry is not considered a specific invitation. The term includes, but is not limited to, enclosed indoor restaurants, retail stores, grocery stores and stores which sell food primarily for off-site consumption, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms.~~ (1-1-86)

~~20. **Restaurants.** Any establishment or portion of an establishment with a seating capacity of thirty (30) or more customers where the primary function is the serving and consuming of meals and any alcoholic beverages incidental thereto, excluding any establishment or portion of an establishment defined as a bar (see IDAPA 16.02.21, Subsection 050.03). A single establishment may contain both restaurant and bar portions according to the primary function of each portion. An establishment or a portion of an establishment may change from a restaurant to a bar, or from a bar to a restaurant, according to the primary function of such an establishment or portion thereof.~~ (12-31-91)

~~213.~~ **Retail Stores.** Any store selling goods directly to the public. (1-1-86)

~~22.~~ **Shopping Mall Concourse.** Any enclosed indoor passageway with a width of at least twenty-five (25) feet and a ceiling height of at least fifteen (15) feet which is primarily used for pedestrian access to rows of adjoining retail stores and other public places. The term does not include theater ticket areas, restrooms, smaller passageways or adjoining retail stores and other public places. (1-1-86)

~~23.~~ **Smokeshops.** Any retail store primarily engaged in the selling of tobacco products and smoking appliances. (1-1-86)

~~24.~~ **Smoking.** Carrying a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other lighted smoking appliance. (1-1-86)

14. **Tobacco Products.** Any substance that contains tobacco including, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco paper or smokeless tobacco. It will be presumed that a lighted cigarette, cigar or pipe contains tobacco. ( )

~~0511.~~ -- 099. (RESERVED).

**100. SMOKING ~~PROHIBITED~~ STATUS OF BAR ESTABLISHMENTS.**

~~No person shall smoke in a public place or at a public meeting except in designated smoking areas. No person shall smoke in an elevator or a nonchartered bus. (11-15-87)~~

01. **Smoking Status.** Proprietors must designate the smoking status of their bar establishment. ( )

02. **Designation as a Non-Smoking Bar.** When the proprietor designates that the bar is a non-smoking establishment, smoking is prohibited by anyone at any time. See Section 200 of these rules for appropriate sign requirements. ( )

03. **Designation as a Smoking Bar.** When the proprietor designates that the bar is a smoking establishment, smoking is allowed at any time. See Section 200 of these rules for appropriate sign requirements. ( )

04. **Bar Establishments that have Dual Designations.** When a proprietor allows smoking for a portion of the time and not at other times, signs must be posted announcing the times that smoking is allowed. See Section 200 of these rules for appropriate sign requirements. ( )

101. -- 1499. (RESERVED).

~~150. DESIGNATED SMOKING AREA.~~

~~01. Designation in General. Smoking areas in public places may be designated by proprietors or other persons in charge of public places by the posting of appropriate signs in accordance with these rules. (1-1-86)~~

~~02. Areas Which May be Designated in Their Entirety. Private social functions, bars, bowling alleys, smokeshops, shopping mall concourses, and taxicabs may be designated as smoking areas in their entirety. (1-1-86)~~

~~03. Areas Which May Not be Designated. The following areas may not be designated as smoking areas: (1-1-86)~~

~~a. The entirety of a public place or a public meeting, except as provided in Subsection 150.02. (12-31-91)~~

~~b. Any portion of entry or exit areas, ticket areas, registration areas, restrooms, corridors, hallways and similar areas of a public place if nonsmokers would reasonably be required to utilize such portion. (1-1-86)~~

- ~~e. Any elevator generally accessible to the public. (1-1-86)~~
- ~~d. Any portion of a public conveyance with a capacity of less than fifteen (15) persons, except as provided in Subsection 150.02. (12-31-91)~~

~~04. **Minimizing The Effects of Smoke.** Where smoking areas are designated, a good faith effort shall be made by the proprietor or other person in charge to minimize the effect of smoke in adjacent nonsmoking areas. (3-6-86)L~~

~~151.---199: (RESERVED).~~

**200. POSTING OF SIGNS ~~DESIGNATING SMOKING AND NONSMOKING AREAS.~~**

~~01. **Responsibility of Proprietor.** The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in a public place by posting appropriate signs designating smoking and nonsmoking areas. The posting of appropriate signs is required to designate smoking areas. (1-1-86)~~

~~02. **Posting of Appropriate Signs.** (1-1-86)~~

~~a. Public places which are designated smoking areas in their entirety shall be posted with a sign at each entrance which includes the statement, "This establishment is a smoking area" or a similar statement. (1-1-86)~~

~~b. Public places or public meetings which are not designated smoking areas in any part shall be posted with a sign at each entrance which includes the statement, "This establishment is a no smoking area" or a similar statement. (1-1-86)~~

~~c. Entire rooms within a public place that are designated smoking areas shall be posted with a sign at each entrance to the room or inside the room which includes the statement, "This room is a smoking area" or a similar statement. (1-1-86)~~

~~d. Entire rooms within a public place that are not designated smoking areas in any part shall be posted with a sign at each entrance to the room or inside the room which includes the statement, "This is a no smoking area" or a similar statement. (1-1-86)~~

~~e. Any portion of a room within a public place that is a designated smoking area shall be posted with a sign which includes the statement, "Smoking permitted in this area" or a similar statement. (1-1-86)~~

~~f. Any portion of a room within a public place that is not a designated smoking area shall be posted with a sign which includes the statement, "No smoking in this area" or a similar statement. (1-1-86)~~

~~g. Restaurants or other public places which have controlled seating (an employee directs patrons to seating or waiting areas) in which all patrons are directed or escorted to designated smoking areas or no smoking areas according to each patron's seated preference, may utilize a single sign at the entrance or waiting area which advises the public of the controlled seating mechanism and includes the statement, "Both smoking and no smoking areas are available, according to patron preference" or a similar statement. A restaurant or other public place which has controlled seating and posts the appropriate sign shall not be required to post those signs required by Subsections 200.02.a. through 200.02.f. (12-31-91)~~

~~h. Each entry, exit, ticket and registration area, restroom, corridor, hallway and any similar area shall be posted with a sign which includes the statement, "No Smoking" or a similar statement in any public place which has both designated smoking areas and no smoking areas. (1-1-86)~~

~~i. Each elevator generally accessible to the public shall be posted with a sign in the enclosed passenger area and each entrance to the elevator or bank of elevators which includes the statement, "No Smoking" or a similar statement. (1-1-86)~~

~~03. **Sign Location, Size, Visibility.** Signs shall must be appropriately sized, conspicuous, legible, unobscured, and placed at a height and location ~~so as to be~~ easily seen and read by persons entering or within the posted area. Signs may contain information ~~in addition to the required statement~~, such as the international smoking and no smoking symbols and references to the Idaho Clean Indoor Air Act, Title 39, Chapter 55, Idaho Code ~~or the Act. The additional information shall not obscure the required statement.~~ The letters on the signs must be at least one (1) inch in height. (12-31-91)( )~~

**01. Bar Establishment with Smoking.** A sign for a bar establishment that allows smoking must state, "SMOKING PERMITTED; NO ONE UNDER AGE TWENTY-ONE (21) PERMITTED". All public entrances must be clearly posted with a sign warning patrons. ( )

**02. Bar Establishment with Dual Designation.** A sign for an establishment with dual designation must state, "SMOKING PERMITTED; NO ONE UNDER AGE 21 PERMITTED," and the hours the establishment is a smoking establishment. All public entrances must be clearly posted with a sign warning patrons. ( )

**03. Designated Smoking Areas.** A sign for a designated smoking area as defined in Section 3955-03, Idaho Code, must state "WARNING: SMOKING PERMITTED:" ( )

~~201. -- 249. (RESERVED).~~

**250. WAIVERS.**

~~01. **Application and Fee.** To apply for a waiver of the requirements of these rules, the proprietor or other person in charge of a public place shall complete and submit an application (attached as Appendix A of these rules) and a ten dollar (\$10) service fee to the Director, stating the grounds for the requested waiver. The Director has the right to request any other information reasonably necessary to determine the merits of the waiver application. Failure to submit such requested information may result in denial of the waiver. The application shall be addressed and mailed or delivered to:~~

~~Smoking Waivers  
Idaho Department of Health and Welfare  
Bureau of Preventive Medicine  
The Towers - 450 West State Street  
Boise, ID 83720-0036~~

~~(12-31-91)~~

~~02. **Burden on Applicant.** An applicant for waiver shall have the burden to provide clear and convincing evidence to demonstrate that compelling reasons exist to issue the waiver and that the health and comfort of nonsmokers will not be significantly affected. Evidence that the health and comfort of nonsmokers will not be significantly affected may include a showing that either nonsmokers do not use the public place or constitute a very small proportion of the users of the public place or that some extraordinary means of minimizing the effects of smoke on nonsmokers exist in the public place, such as an extraordinary ventilation or a filtration system. (1-1-86)~~

~~03. **Factors to be Considered.** In considering the waiver application, the Director shall consider the information supplied in the application, the prevailing smoking restrictions and other practices related to similar public places in the community and other relevant information consistent with the public policy expressed in the Act. (12-31-91)~~

~~04. **Decision.** The Director shall make a decision within a reasonable time and shall respond in writing to the applicant, indicating that the waiver application has been approved or denied and the reasons therefore. Any person aggrieved by the decision of the Director shall be afforded an opportunity for a hearing upon request therefore in writing pursuant to Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Case and Declaratory Rulings". (12-31-91)~~

~~2501. -- 299. (RESERVED).~~

**300. VIOLATIONS AND PENALTIES.**

Any person who violates any provision of these rules is subject to the penalty provided in Section 39-5507, Idaho Code. ~~Any violation may be reported to a law enforcement officer.~~ (1-1-86)(\_\_\_\_)

**01. Responsibility of Employer.** No employer or other person in charge of a public place or publicly-owned building or office will knowingly or intentionally permit the smoking of tobacco products in violation of this chapter. (\_\_\_\_)

**02. Employer Fined for Violation.** Any employer or other person in charge of a public place or publicly-owned building or office who knowingly violates the provisions of this chapter of rule is guilty of an infraction and is subject to a fine, not to exceed one hundred dollars (\$100). (\_\_\_\_)

**03. Employer Who Discriminates Against an Employee.** Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Health and Welfare or the Department of Labor under IDAPA 16.02.23, or Section 39-5507, Idaho Code, will be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5, 000) for each violation. (\_\_\_\_)

**04. Employer Responsible to Request Person to Stop Smoking.** An employer, or other person in charge of a public place or publicly-owned building or his employee or agent, who observes a person smoking in apparent violation of the Idaho Clean Indoor Air Act, Title 39, Chapter 55, Idaho Code, must ask the person to extinguish all lighted tobacco products. (\_\_\_\_)

**05. Smoker's Refusal to Comply.** Any person who refuses to either extinguish the lighted tobacco product or leave the premises is guilty of an infraction and is subject to a fine not to exceed fifty dollars (\$50).(\_\_\_\_)

**06. Violations Reported to Law Enforcement.** Any violation identified in Subsections 300.02, 300.04, and 300.05 of these rules, may be reported to law enforcement. (\_\_\_\_)

**301. -- 9959. (RESERVED).**

**~~996. ADMINISTRATIVE PROVISIONS.~~**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000., et seq., "Rules Governing Contested Case Proceedings and Declaratory Rulings". (12-31-91)~~

**~~997. CONFIDENTIALITY OF RECORDS.~~**

~~Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records". (12-31-91)~~

**~~998. INCLUSIVE GENDER.~~**

~~As used in these rules, the masculine, feminine, or neuter gender, and the singular or plural number, will each be deemed to include the others whenever the context so requires. (1-1-86)~~

**~~999. SEVERABILITY.~~**

~~Idaho Department of Health and Welfare Rules, IDAPA 16.02.23, "Rules Governing Indoor Smoking," are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of the chapter. (1-1-86)~~

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0402**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** Temporary rules for return of unused drugs are effective July 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 67-5222(2), Idaho Code, 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 18, 2004.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

Rule amendments are being made for return of unused and unopened drugs effective July 1, 2004. These changes were necessary because of changes adopted by the 2004 Legislature in IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," and IDAPA 16.03.22 "Rules for Licensed Residential or Assisted Living Facilities," which allow these facilities to return unused and unopened drugs. This rule amendment also allows the dispensing pharmacy to receive payment for acceptance of the returned drugs.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

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

The rules being adopted are necessary in order to protect the public health, safety and welfare; and to comply with amendments to governing law.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule is necessary to avoid a conflict in rules due to the passage of the new service coordination chapter.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Paul Leary at (208) 364-1840.

Anyone can submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be postmarked on or before August 25, 2004.

DATED this 30th day of June, 2004.

Sherri Kovach, Program Supervisor  
DHW – Administrative Procedures Section  
450 West State Street, 10th Floor

P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone, (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0402**

**817. PAYMENT PROCEDURES.**

The following protocol shall be followed for proper reimbursement. (4-5-00)

**01. Filing Claims.** Pharmacists shall file claims electronically with Department approved software or by submitting the appropriate claim form to the fiscal contractor. Upon request, the contractor will provide pharmacies with a supply of claim forms. The form shall include information described in the pharmacy guidelines issued by the Department. (4-5-00)

**02. Claim Form Review.** Each claim form may be subject to review by a contract claim examiner, a pharmaceutical consultant, or a medical consultant. (3-30-01)

**03. Billed Charges.** A pharmacy's billed charges are not to exceed the usual and customary charges defined as the lowest charge by the provider to the general public for the same service including advertised specials. (4-5-00)

**04. Reimbursement.** Reimbursement to pharmacies shall be limited to the lowest of the following: (4-5-00)

**a.** Federal Upper Limit (FUL), as established by the Health Care Financing Administration (HCFA), of the U.S. Department of Health and Human Services, plus the dispensing fee assigned by the Department; (4-5-00)

**b.** State Maximum Allowable Cost (SMAC), as established by the Department, plus the assigned dispensing fee; (4-5-00)

**c.** Estimated Acquisition Cost (EAC), as established by the Department following negotiations with representatives of the Idaho pharmacy profession defined as an approximation of the net cost of the drug and a reasonable operating margin, plus the assigned dispensing fee; or (4-5-00)

**d.** The pharmacy's usual and customary charge to the general public as defined in Subsection 817.03. (4-5-00)

**05. Dispensing Fees.** Only one (1) dispensing fee per month will be allowed for the dispensing of each maintenance drug to any recipient as an outpatient or a resident in a care facility except: (4-5-00)

**a.** Multiple dispensing of topical and injectable medication when dispensed in manufacturer's original package sizes, unless evidence exists, as determined by the Department, that the quantity dispensed does not relate to the prescriber's order; (4-5-00)

**b.** Multiple dispensing of oral liquid maintenance medication if a reasonable quantity, as determined by the Department, is dispensed at each filling; (4-5-00)

**c.** Multiple dispensing of tablets or capsules if the quantity needed for a thirty-four (34) day supply is excessively large or unduly expensive, in the judgment of the Department; or (4-5-00)



**d.** When the dose is being titrated for maximum therapeutic response with a minimum of adverse effects. (4-5-00)

**06. Remittance Advice.** Claims are processed by computer, and payments are made directly to the pharmacy or its designated bank through electronic claims transfer. A remittance advice with detailed information of each claim transaction will accompany each payment made by the Department. (4-5-00)

**07. Return of Drugs.** Drugs dispensed in unit dose packaging as defined by IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," Subsection 156.05, shall be returned to the dispensing pharmacy when the client no longer uses the medication as follows: (3-15-02)

**a.** A pharmacy provider using unit dose packaging must comply with IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," Subsection 156.05. (3-15-02)

**b.** A licensed skilled nursing care facility must return unused drugs dispensed in unit dose packaging to the pharmacy provider that dispensed the medication. (~~3-15-02~~)(7-1-04)T

**c.** A residential or assisted living facility may return unused drugs dispensed in unit dose packaging to the pharmacy provider that dispensed the medication. (7-1-04)T

**ee.** The pharmacy provider that receives the returned drugs must credit the Department the amount billed for the cost of the drug less the dispensing fee. (3-15-02)

**e.** The pharmacy provider may receive a fee for acceptance of returned unused drugs. The value of the unused drug being returned must be cost effective as determined by the Department. (7-1-04)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.04 - RULES AND MINIMUM STANDARDS FOR EMPLOYMENT SERVICES**  
**DOCKET NO. 16-0404-0401 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4605, 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 18, 2004.

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 non-technical explanation of the substance and purpose of the proposed rule making:

This entire chapter of rule is being repealed. Under Senate Bill 1410, the 2004 Legislature moved funding for supported employment services under the administration of the Division of Vocational Rehabilitation. Administration of supported employment services is no longer a Department of Health and Welfare responsibility.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the repeal of this chapter is due to legislative action.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Cameron Gilliland at (208) 334-5512.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before August 25, 2004.

DATED this 23rd day of June, 2004.

Sherri Kovach  
Program Supervisor  
DHW – Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone  
(208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

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**IDAPA 16.04.04 IS BEING REPEALED IN ITS ENTIRETY.**

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.06.14 - RULES GOVERNING THE PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS

DOCKET NO. 16-0614-0401

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** These temporary rules are effective July 1, 2003.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 39, Chapter 57, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 67-5222(2), Idaho Code, 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 18, 2004.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule making implements two requirements in Idaho Code that were passed during the 2003 Legislative session under Senate Bill No. 1067 and House Bill No. 357. These changes are found in Title 39, Chapter 57, Idaho Code and require that inspections of "adult only" permit locations are exempt from inspections assisted by a minor and that the Department issue permits to those entities selling tobacco products via the internet, telephone or fax machine. House Bill No. 357 also requires that those who deliver tobacco products must be issued permits. The rule changes also include additions of required sections that were not in this chapter of rule.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

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

These rules are necessary in order to protect the public health, safety and welfare; and to comply with amendments to governing law.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, informal negotiated rulemaking was conducted. A rules workgroup was formed made up of individuals representing interested parties. This included: shipping entities - UPS, FedEx, and the United States Post Office; law enforcement agencies - Idaho State Police, Idaho Sheriff's Association, and the Idaho Peace Officer's Association; retailer associations - Idaho Petroleum Marketer's Association, Idaho Wholesalers Association, Idaho Retailer's Association and the Online Tobacco Retailer's Association. The Idaho Office of the Attorney General was also involved. Four meetings were set up in Boise between August, 2003, and October, 2003, for discussion of the proposed rules changes. Copies of the draft rules were mailed to the above interested parties. Several initial phone calls were received but no written comments.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Terry Pappin at (208) 334-6542.

Anyone can submit written comments regarding this rule. All written comments must be directed to the undersigned and must be postmarked on or before August 25, 2004.

DATED this 24th day of June, 2004.

Sherri Kovach, Program Supervisor  
DHW – Administrative Procedures Section  
450 West State Street, 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone, (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0614-0401**

**003. ADMINISTRATIVE APPEALS AND ADMINISTRATIVE PROCEEDINGS.**

~~All administrative Appeals and proceedings shall be~~ are governed by ~~the Idaho Department of Health and Welfare Rules, provisions of~~ IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings”.  
(4-5-00)(7-1-03)T

**004. PUBLIC RECORDS INCOPORATION BY REFERENCE.**

~~The Tobacco Project Office will comply with Sections 9-337 through 9-347, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempt, as set forth in Section 9-340, Idaho Code, and other state and federal laws and regulations, all public records in the custody of the Tobacco Project Office are subject to disclosure. No documents have been incorporated by reference.~~  
(4-5-00)(7-1-03)T

~~005. — 006. (RESERVED).~~

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho.  
(7-1-03)T

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036.  
(7-1-03)T

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702.  
(7-1-03)T

**04. Telephone.** The telephone number for the Idaho Department of Health and Welfare is 5500. (208) 334-  
(7-1-03)T

**05. Internet Website.** The Department’s internet website is found at “<http://www2.state.id.us/dhw/>”.  
(7-1-03)T

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**

~~Any use or disclosure of Department records must comply with IDAPA 16.05.01, “Use and Disclosure of Department Records”.~~  
(7-1-03)T

~~007. -- 009. (RESERVED).~~

**00710. DEFINITIONS.**

The terms used in this rule are defined as follows: (4-5-00)

**01. Business.** Any company, partnership, firm, sole proprietorship, association, corporation, organization, or other legal entity, or a representative of the foregoing entities that sells or distributes tobacco products. Wholesalers' or manufacturers' representatives in the course of their employment are not included in the scope of these rules. (4-5-00)

**02. Delivery Sale.** The distribution of tobacco products to a consumer in a state where either: (7-1-03)T

**a.** The individual submits the order for a purchase of tobacco products by a telephone call or other voice transmission method; data transfer via computer networks, including the internet and other online services; or by use of a facsimile machine transmission or use of the mails; or (7-1-03)T

**b.** When tobacco products are delivered by use of the mails or a delivery service. (7-1-03)T

**03. Delivery Service.** Any person who is engaged in the commercial delivery of letters, packages, or other containers. This includes permittees taking a delivery sale order and who delivers the tobacco products without using a third party delivery service. (7-1-03)T

**024. Department.** The Department of Health and Welfare (DHW) or its duly authorized representative. ~~(4-5-00)~~(7-1-03)T

~~03. DHW. Department of Health and Welfare.~~ (4-5-00)

**05. Direct Sale.** Any face to face, or in person sale, of a tobacco product by a permittee or their employee to an individual. (7-1-03)T

**046. Distribute.** To give, deliver, sell, offer to give, offer to deliver, offer to sell or cause any person to do the same or hire any person to do the same. (4-5-00)

**057. Effective Training.** Training must include, at a minimum, the provisions of the law regarding minors' access to tobacco products as indicated on the suggested Employee Training form which is included with the permit provided by the Department and found in Appendix A of these rules. Such training will be presumed effective for purposes of civil penalty actions in the first, second, and third violations within a two (2) year period. (3-15-02)

**068. Evidence of Effective Training.** Documentation provided by a permittee in response to a violation of this chapter clearly identifying that the permittee had a training program meeting the definition for effective training in place at the time of the violation and had on file a form signed by the employee prior to the violation stating understanding of the tobacco laws dealing with minors and the unlawful purchase of tobacco. (3-15-02)

~~079. Minor.~~ A person under eighteen (18) years of age. (4-5-00)

~~0810. Permit.~~ A permit issued by the Department for the sale or distribution of tobacco products. A permit must include endorsements to indicate the type of service offered by the permittee. Where the permittee uses more than one (1) method for sale or delivery of a tobacco product, the permit must reflect the required endorsement for each method. ~~(4-5-00)~~(7-1-03)T

**11. Permit Endorsement.** An endorsement identifies a sale or delivery method used by a permittee to sell tobacco products. There are three (3) types of endorsements that may be included on a permit. The three (3) endorsement types are Delivery Sales, Delivery Service and Direct Sales. (7-1-03)T

**12. Retail Sales Minor Exempt Permit.** A permit that is issued to retail locations whose revenues from the sale of alcoholic beverages for onsite consumption are at least fifty-five percent (55%) of total revenues, or whose products and services are primarily obscene, pornographic, profane or sexually oriented. A permittee issued this type of permit is exempt from minor assisted inspections where minors are not allowed on the premises and such

prohibition is clearly posted at all entrances. (7-1-03)T

~~09~~**13. Permittee.** The holder of a valid permit for the sale or distribution of tobacco products. (4-5-00)

**104. Photographic Identification.** In all cases the identification must bear a photograph and a date of birth. Verification is not required by these rules if the buyer is known to the seller to be age eighteen (18) or older. Types of identification include: (4-5-00)

a. State, district, territorial, possession, provincial, national or other equivalent government driver's license; or (4-5-00)

b. Identification card or military identification card; or (4-5-00)

c. A valid passport. (4-5-00)

~~14~~**5. Random Unannounced Inspection.** An inspection of business by a law enforcement agency or by the Department, with or without the assistance of a minor, to monitor compliance of this chapter. (4-5-00)

a. Random. At any time without a schedule or frequency. (4-5-00)

b. Unannounced. Without previous notification. (4-5-00)

~~12~~**6. Seller.** The person who physically sells or distributes tobacco products. (4-5-00)

~~13~~**7. Tobacco Product.** Any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco paper, or smokeless tobacco. (4-5-00)

~~14~~**8. Vending Machine.** Any mechanical, electronic or other similar device which, upon the insertion of tokens, money or any other form of payment, dispenses tobacco products. (4-5-00)

~~15~~**9. Vendor Assisted Sales.** Any sale or distribution in which the customer has no access to the product except through the assistance of the seller. The seller must physically dispense the tobacco product to the purchaser. A business is exempt from vendor assisted sales if it meets the following criteria: (4-5-00)

a. Tobacco products comprise at least seventy-five percent (75%) of total merchandise as determined by sales reported to the Idaho State Tax Commission; (4-5-00)

b. Minors are not allowed in exempt businesses and there is a sign on all entrances prohibiting minors; and (4-5-00)

c. There must be a separate entrance to the outside air or to a common area not under shared ownership by the exempt business. (4-5-00)

~~16~~**20. Violation.** An action contrary to Title 39, Chapter 57, Idaho Code, or IDAPA 16.06.14, "Rules Governing the Prevention of Minors' Access to Tobacco Products". (4-5-00)

~~17~~**21. Without a Permit.** A business that has failed to obtain a permit or a business whose permit is suspended or revoked. (4-5-00)

~~008~~**11. -- 019. (RESERVED).**

**020. APPLICATION FOR PERMIT.**

All businesses which sell or distribute tobacco products to the public must obtain a permit issued annually for no charge by the Department of Health and Welfare. (4-5-00)

**01. Where to Obtain an Application for Permit.** A hard-copy application can be obtained, at no cost to the applicant, from the Department of Health and Welfare, Division of Family and Community Services, PO

Box 83720, Boise, Idaho, 83720-0036. ~~Application may be made through online services where available.~~ A permit may also be obtained, at no cost to the applicant, via the internet. The internet website is found at [www.tobaccopermits.com/Idaho/](http://www.tobaccopermits.com/Idaho/). ~~(3-20-04)(7-1-03)T~~

**02. Separate Permits.** A separate permit must be obtained for each place of business. The permit is non-transferable to another person, business, or location. The applicant must request endorsements for each method of sale or delivery it uses. If a place of business sells or distributes tobacco by more than one (1) method, it must have and endorsement for each type. ~~(3-15-02)(7-1-03)T~~

**03. Renewal of Permit.** All permits must be renewed annually and are valid for twelve (12) calendar months. ~~(4-5-00)~~

**a.** The Department will mail notices of renewal for permits no later than ninety (90) days prior to the expiration date on the permit. ~~(4-5-00)~~

**b.** An application for renewal must be submitted annually by each business through written application or online services where available. ~~(3-15-02)~~

**c.** A business with multiple sites may submit a single written application to renew the permit at each site, so long as the application is accompanied by a list of business locations and addresses. ~~(3-15-02)~~

**d.** A permit will not be renewed for any location until any past due fines for violations are paid in full. Fines are considered past due when not paid within ten (10) days of the citation date, or within ten (10) days after notification that the fine is upheld upon appeal. Violation fines under appeal are not considered past due. ~~(3-20-04)~~

**04. Application for Exemption.** Businesses seeking exemption from vendor assisted sales must submit information to the Department to establish compliance with criteria set forth in Subsections 007.14.a. through 007.14.c. ~~(3-20-04)~~

**021. PERMITTEE RESPONSIBILITIES.**

The permittee is responsible for the following: ~~(4-5-00)~~

**01. Possession of Permit.** Each business site must have a permit. ~~(4-5-00)~~

**02. Visibility.** The permit must be available upon request at each site. ~~(3-15-02)~~

**03. Display of Sign.** Each business may display, at each business site, a sign which states: "State Law Prohibits the Sale of Tobacco Products to Persons Under the Age of Eighteen (18) Years. Proof of Age Required. Anyone Who Sells or Distributes Tobacco to a Minor is Subject to Strict Fines and Penalties. Minors are Subject to Fines and Penalties." ~~(4-5-00)~~

**04. Effective Training.** Each permittee is responsible to train employees as to the requirements of Title 39, Chapter 57, Idaho Code, and these rules. ~~(4-5-00)~~

**a.** Unless the permittee has its own training program as described in Subsection 021.04.b., the employer must, at a minimum, read to the employee or prospective employee who may be responsible for sale or distribution of tobacco products, or assure the employee or prospective employee has read the information contained on the Employee Training form found in Appendix A of these rules and have him initial each statement, and sign the form indicating an understanding of the provisions of the law governing minors' access to tobacco products. ~~(4-5-00)~~

**b.** Permittee may have their own training program but it must contain at least each of the elements listed in the Employee Training form found in Appendix A of these rules and the employee or prospective employee who may be responsible for sale or distribution of tobacco products must affirm in writing their acknowledgment of such training. ~~(4-5-00)~~

**05. Permit Requirements.** All permittees are required to be familiar with and comply with the requirements of Title 39, Chapter 57, Idaho Code as that act pertains to the permittee's sales of tobacco products.

(7-1-03)T

**022. DELIVERY SALE ADDITIONAL REQUIREMENTS.**

In addition to the requirements of Title 39, Chapter 57, Idaho Code, all permittees holding a Delivery Sale Endorsement, who mail or ship tobacco products must: (7-1-03)T

**01. Shipping Package Requirements.** Imprint in clearly legible, black ink letters, that are no less than one (1) inch tall, the words "TOBACCO PRODUCT, MUST BE 18 YEARS OF AGE TO ACCEPT" on the exterior top and bottom of the shipping package. (7-1-03)T

**02. Delivery Requirements.** Require that tobacco products only be delivered in a face-to-face delivery to the address on the original shipping label. The individual receiving the delivery must be verified to be at least eighteen (18) years of age and have the same address as on the original shipping label. (7-1-03)T

**0223. -- 050. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. INSPECTIONS.**

**01. Random and Unannounced Inspections.** The total number of random and unannounced inspections under Section 101 shall be determined by: (3-15-02)

**a.** The number of permittees on the last day of each year multiplied by the percentage of violations for the preceding year multiplied by a factor of ten (10). A calculation checklist is provided under Appendix B; (3-20-04)

**b.** In no instance shall the total number of inspections be less than the number of permittees, or exceed twice the number of permittees. (3-15-02)

**c.** The Department and the Idaho State Police must conduct at least one (1), unannounced inspection per year at every known business location identified as a retailer of tobacco products to the public. All additional inspections required to meet the total number specified under Section 101 must be conducted in a random manner. (3-20-04)

**02. Who Will Inspect.** Inspections will be conducted for all minor exempt permit locations by an adult enforcement officer. For all other permit locations, inspections will be conducted by an adult enforcement officer accompanied by a minor. ~~(4-5-00)~~(7-1-03)T

**03. Law Enforcement Agency Inspections.** (4-5-00)

**a.** In addition to the inspections set forth in Subsection 101.01, any law enforcement agency may conduct inspections consistent with agency policy and procedure with or without a minor at any business location, at any time, where tobacco products are sold or distributed to the public. (3-15-02)

**b.** Law enforcement agencies conducting inspections under Subsection 101.03.a. will report the results from their inspections to the Department. All citations will become part of the permittee's permanent record. (3-15-02)

**04. Complaint Investigation.** (3-15-02)

**a.** The Department must refer all written complaints concerning the sale of tobacco products to minors to the appropriate agency for investigation. Investigation activities include, but are not limited to, inspections to determine the compliance with this chapter. (3-20-04)



**b.** Inspections conducted as part of the investigation of a written complaint are not included in the overall number of inspections identified under Subsections 101.01 and 101.03. Citations issued during the investigation of a written complaint must be added to the permittee's permanent record. (3-20-04)

**05. Issuance of Citation or Report.** (4-5-00)

**a.** For inspections conducted under Subsection 101.01 a representative of the business will be provided with a report, within two (2) business days, after the inspection was conducted and no violations were found, or a representative of the business will be issued a citation within two (2) business days after the random unannounced inspection. (3-15-02)

**b.** For inspections conducted under Subsections 101.03 and 101.04, a representative of the business will be provided with a report, within two (2) business days, after the result of the inspection is received by the Department and no violations were found, or a representative of the business will be issued a citation within two (2) business days after the result of the inspection is received by the Department. The date the Department provides notification of the citation must be used for determination of timely payment of fines and all other administrative actions including requests for waivers and request for appeals. (3-20-04)

**102. -- 999. (RESERVED).**

**IDAPA 21 - DIVISION OF VETERANS SERVICES**  
**21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS**  
**DOCKET NO. 21-0102-0401**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 65-201, 65-202, 65-203, 65-204, 65-207, 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 18, 2004.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is proposed in response to input from veteran service organizations and legislators regarding the requirement that applicants for the Emergency Grant list Idaho as their Home of Record during their wartime service. We are proposing that the Division Administrator have the authority to waive the Home of Record requirement if the veteran has resided in Idaho for a period of at least five years.

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

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OR WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Richard Jones at (208) 334-3513.

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 25, 2004.

DATED this 24th day of June, 2004.

Richard W. Jones, Administrator  
Idaho Division of Veterans Services  
320 Collins Road  
Boise, Idaho 83702  
Telephone: (208) 334-3513 - Fax (208) 334-2627

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 21-0102-0401**

**002. WRITTEN INTERPRETATIONS.**

*There are no written interpretations for this Chapter.* In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Veterans Services' office. (3-30-01)( )

(BREAK IN CONTINUITY OF SECTIONS)

**012. BASIC ELIGIBILITY.**

The applicant must ~~be a(n)~~ prove that he or she meets each of the following eligibility criteria: (3-30-01)(\_\_\_\_)

**01. Bona Fide Resident.** ~~At the time of application, f~~The applicant ~~must provide proof that he~~ maintains, at the time of application, a principal or primary place of abode in the state of Idaho ~~coupled with~~ and has the present intent to remain at that home or abode and return to it after any period of absence. (3-30-01)(\_\_\_\_)

**02. Wartime Armed Forces Veteran.** Pursuant to Section 65-203, Idaho Code, ~~the applicant is a~~ person ~~whose home of record was Idaho while serving during a wartime period and who actually served during any war or conflict officially engaged in by the government of the United States and was discharged,~~ who served on active duty in the United States armed forces at some time during any period of war recognized by the United States Department of Veterans Affairs for the purpose of awarding federal veterans benefits as may be defined in Title 38, U.S. Code, Chapter 1, Section 101(11), who was separated or discharged under honorable conditions, after ninety (90) or more days of military service continuous active duty or was separated from military service earlier or discharged earlier under honorable conditions because of a service-connected disability. (5-3-03)(\_\_\_\_)

**03. Idaho as Home of Record.** Idaho was the applicant's home of record while completing his or her wartime service. The Division Administrator may waive the home of record requirement if the applicant has resided in Idaho for a minimum of five (5) years. (\_\_\_\_)

## IDAPA 22 - IDAHO STATE BOARD OF MEDICINE

### 22.01.04 - RULES BOARD OF MEDICINE FOR REGISTRATION OF SUPERVISING AND DIRECTING PHYSICIANS

DOCKET NO. 22-0104-0401

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** These temporary rules are effective July 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1806 (2) Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rule making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

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:

To comply with the legislative intent of HB 659 the Idaho State Board of Medicine is adopting rule changes to reflect the elimination of supervision requirement for advanced practice nurses.

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

To comply with deadlines in amendments to governing law.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Not Applicable.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rule making was not conducted because changes were required due to a change in statute.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Nancy M. Kerr, Idaho State Board of Medicine (208) 327-7000.

Anyone may submit written comments regarding this the proposed rule making. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 6th day of July, 2004.

Nancy M. Kerr  
Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive  
PO Box 83720  
Boise, Idaho 83720-0058  
(208) 327-7000  
Fax (208) 327-7005

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 22-0104-0401**

**000. LEGAL AUTHORITY.**

Pursuant to Sections 54-1807(1)(2), 54-1814(17), 54-3902(7), and 54-3903, Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to govern the activities of physicians and osteopathic physicians licensed in Idaho, who supervise the practice of physician assistants, graduate physician assistants, ~~nurse practitioners, certified nurse midwives, clinical nurse specialists~~, interns, externs, residents, and athletic trainers.

~~(3-16-04)(7-1-04)T~~

**001. TITLE AND SCOPE.**

**01. Title.** The rules shall be cited as IDAPA 22.01.04, "Rules of the Board of Medicine for Registration of Supervising and Directing Physicians".

(3-16-04)

**02. Scope.** These rules govern the activities of physicians and osteopathic physicians licensed in Idaho, who supervise the practice of physician assistants, graduate physician assistants, ~~nurse practitioners, certified nurse midwives, clinical nurse specialists~~, interns, externs, residents, and athletic trainers.

~~(3-16-04)(7-1-04)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

~~**01. Advanced Practice Professional Nurse.** Any person duly licensed as a nurse practitioner, certified nurse midwife, or clinical nurse specialist pursuant to the applicable Idaho statutes and the applicable rules promulgated by the Idaho State Board of Nursing.~~

~~(3-19-99)~~

**021. Alternate Directing Physician.** A designated Idaho licensed physician, registered with the Board pursuant to this chapter and Title 54, Chapter 39, Idaho Code, who oversees the practice of athletic training and is responsible for the athletic training services provided by the athletic trainer in the temporary absence of the directing physician.

(3-16-04)

**032. Alternate Supervising Physician.** An Idaho licensed physician who is registered with the Board pursuant to this chapter and who has full responsibility for the medical acts and practice of a physician assistant; ~~or graduate physician assistant, nurse practitioner, certified nurse midwife, or clinical nurse specialist~~ in the temporary absence of the supervising physician. An alternate supervising physician shall not supervise more than three (3) such licensees contemporaneously. The Board, however, may authorize an alternate supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety.

~~(3-16-04)(7-1-04)T~~

**043. Alternate Supervising Physician for Externs, Interns, and Residents.** A physician licensed to practice medicine and surgery or licensed to practice osteopathic medicine and surgery in Idaho who has been designated by the supervising physician and approved by and registered by the Board to supervise the extern, intern, or resident in the temporary absence of the supervising physician.

(3-16-04)

**054. Athletic Trainer.** A person who has met the qualifications for licensure as set forth in Title 54, Chapter 39, Idaho Code, is licensed under that chapter, and carries out the practice of athletic training under the direction of a designated Idaho licensed physician, registered with the Board.

(3-16-04)

**065. Board.** The Idaho State Board of Medicine established pursuant to Section 54-1805, Idaho Code.

(3-16-04)

**076. Directing Physician.** A designated Idaho licensed physician, registered with the Board pursuant to

this chapter and Title 54, Chapter 39, Idaho Code, who oversees the practice of athletic training and is responsible for the athletic training services provided by the athletic trainer. This chapter does not authorize the practice of medicine or any of its branches by a person not so licensed by the Board. (3-16-04)

**087. Extern.** Any bona fide student enrolled in an acceptable school of medicine as defined in IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho," Subsection 010.03, who has not received his degree. (3-16-04)

**098. Graduate Physician Assistant.** A person who is a graduate of an approved program for the education and training of physician assistants and who meets all the requirements in IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants," for Idaho licensure but has not yet taken and passed the certification examination, and who has been authorized by the Board, as defined in IDAPA 22.01.03, Subsection 036.01, to render patient services under the direction of a supervising physician for a period of six (6) months or has passed the certification examination but who has not yet obtained a college baccalaureate degree, and who has been authorized by the Board, as defined in IDAPA 22.01.03, Subsection 036.02, to render patient services under the direction of a supervising physician for a period of not more than five (5) years. (3-16-04)

**109. Intern.** Any person who has completed a course of study at an acceptable school of medicine as defined in IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho," Subsection 010.03, and who is enrolled in a postgraduate medical training program. (3-16-04)

**110. Physician.** A physician who holds a current active license issued by the Board to practice medicine and surgery or osteopathic medicine and surgery in Idaho and is in good standing with no restrictions upon or actions taken against his license. (3-16-04)

**121. Physician Assistant.** Any person duly licensed with the Board as a physician assistant to render patient services under the direction of a supervising physician registered with the Board, pursuant to the applicable Idaho statutes and the applicable rules promulgated by the Board. (3-16-04)

**132. Resident.** Any person who has completed a course of study at an acceptable school of medicine as defined in IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho," Subsection 010.03, and who is enrolled in a postgraduate medical training program. (3-16-04)

**143. Supervising Physician.** Any physician who is registered with the Board pursuant to this chapter and who supervises and has responsibility for the medical acts of and patient services provided by a physician assistant; or graduate physician assistant; ~~nurse practitioner, certified nurse midwife, or clinical nurse specialist~~. A supervising physician shall not supervise more than a total of three (3) such licensees contemporaneously. The Board, however, may authorize a supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety. (~~3-16-04~~)(7-1-04)T

**154. Supervising Physician of Interns, Externs, or Residents.** Any person approved by and registered with the Board who is licensed to practice medicine and surgery or osteopathic medicine and surgery in Idaho, who signs the application for registration of a extern, intern or resident, and who is responsible for the direction and supervision of their activities. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. DUTIES OF SUPERVISING PHYSICIANS.**

**01. Responsibilities.** The supervising physician accepts full responsibility for the medical acts of and patient services provided by physician assistants; and graduate physician assistants; ~~nurse practitioners, certified nurse midwives, and clinical nurse specialists~~ and for the supervision of such acts which shall include, but are not

limited to:

~~(3-16-04)~~(7-1-04)T

- a. An on-site visit at least monthly to personally observe the quality of care provided; (3-16-04)
- b. A periodic review of a representative sample of medical records to evaluate the medical services that are provided. When applicable, this review shall also include an evaluation of adherence to the delegation of services agreement between the physician and physician assistant or graduate physician assistant; and (3-16-04)
- c. Regularly scheduled conferences between the supervising physician and such licensees. (3-16-04)

**02. Patient Complaints.** The supervising physician shall report to the Board of Medicine all patient complaints received against the physician assistant or graduate physician assistant which relate to the quality and nature of medical care or patient services rendered. ~~The supervising physician shall report to the Board of Nursing all patient complaints received against the nurse practitioner, certified nurse midwife, or clinical nurse specialist, that relate to the quality and nature of medical care rendered.~~ ~~(3-16-04)~~(7-1-04)T

**03. Pre-Signed Prescriptions.** The supervising physician shall not utilize or authorize the physician assistant, ~~nurse practitioner, certified nurse midwife, or clinical nurse specialist~~ to use any pre-signed prescriptions. ~~(3-16-04)~~(7-1-04)T

**04. Supervisory Responsibility.** A supervising physician or alternate supervising physician shall not supervise more than three (3) physician assistants, ~~or~~ graduate physician assistants, ~~nurse practitioners, certified nurse midwives, or clinical nurse specialists~~ contemporaneously. The Board, however, may authorize a supervising physician or alternate supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety. The responsibilities and duties of a supervising physician may not be transferred to a business entity, professional corporation or partnership, nor may they be assigned to another physician without prior notification and Board approval. ~~(3-16-04)~~(7-1-04)T

**05. Available Supervision.** The supervising physician shall oversee the activities of the ~~nurse practitioner,~~ physician assistant, ~~or~~ graduate physician assistant, ~~certified nurse midwife, or clinical nurse specialist,~~ and must always be available either in person or by telephone to supervise, direct and counsel such licensees. The scope and nature of the supervision of the physician assistant and graduate physician assistant shall be outlined in a delegation of services agreement, as set forth in IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants," Subsection 030.03. ~~(3-16-04)~~(7-1-04)T

**06. Disclosure.** It shall be the responsibility of each supervising physician to ensure that each patient who receives the services of a physician assistant, ~~or~~ graduate physician assistant, ~~nurse practitioner, certified nurse midwife, or clinical nurse specialist~~ is aware of the fact that said person is not a licensed physician. This disclosure requirement can be fulfilled by the use of nametags, correspondence, oral statements, office signs or such other procedures that under the involved circumstances adequately advise the patient of the education and training of the person rendering medical services. ~~(3-16-04)~~(7-1-04)T

**021. ON-SITE REVIEW.**

The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of the supervising physicians at the locations and facilities in which the physician assistant, ~~or~~ graduate physician assistant, ~~nurse practitioner, certified nurse midwife, or clinical nurse specialist~~ practices at such times as the Board deems necessary. ~~(3-16-04)~~(7-1-04)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**030. REGISTRATION BY SUPERVISING AND DIRECTING PHYSICIANS.**

**01. Registration and Renewal.** Each supervising, directing and alternate physician must register with the Board and such registration shall be renewed annually. (3-16-04)

**02. Notification.** The supervising and directing physician must notify the Board of any change in the status of any physician assistant, graduate physician assistant, ~~nurse practitioner, certified nurse-midwife, clinical nurse specialist,~~ or athletic trainer for whom he is responsible, including, but not limited to, changes in location, duties, responsibilities, or supervision, or termination of employment. ~~(3-16-04)(7-1-04)T~~



## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

#### DOCKET NO. 27-0101-0401

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is April 1, 2004.

**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. The action is authorized pursuant to Section 54-1717, 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 18, 2004.

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 the supporting reasons for temporary rulemaking and nontechnical explanation of the substance and purpose of the proposed rulemaking:

More stringent accountability requirements for Medicare, Medicaid, and third party payors in the private sector (i.e., insurance companies, benefits management companies, managed care groups, etc.) are placing an ever-increasing administrative burden on each and every prescription. This administrative burden on pharmacists creates a negative impact on health care in the state, which needs to be dealt with immediately to protect the public health, safety, and welfare. To allow licensed pharmacists adequate time to focus on the pharmacology aspects of the prescription and adequate time to focus on the individual patients and counseling for those patients, there is an immediate need to increase the number of pharmacy technicians per licensed pharmacist from two to three.

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

Adoption of the rule as a temporary rule with immediate effect is necessary for the protection of the public health, safety, or welfare.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule needs to be effective immediately to protect the public health, safety, and welfare.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact R.K. "Mick" Markuson, Director, at (208) 334-2356.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 25th day of June 2004.

R.K. "Mick" Markuson  
Director  
Idaho State Board of Pharmacy  
3380 Americana Terrace, Ste. 320  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 27-0101-0401**

**251. PHARMACY TECHNICIANS.**

**01. Definition - Pharmacy Technician.** Means an individual, registered with the Board who is employed or otherwise authorized by a pharmacy registered with the Board to perform routine functions, that do not require the use of a licensed pharmacist's professional judgment, in connection with the preparing, compounding, distribution or dispensing of medications at such pharmacy, and who has been adequately trained therefor according to the written standards of such pharmacy. Such written standards shall be available to the Board and its designated personnel for inspection and/or approval. (5-3-03)

**02. Responsibility of Pharmacy and Pharmacist -- Assignment of Functions.** (4-5-00)

**a.** The pharmacy and the pharmacist-in-charge are each responsible for all aspects of the sale at retail and the dispensing of medications, drugs, devices, and other materials at the pharmacy, including the preparing, compounding, distribution or dispensing of medications. No pharmacy or pharmacist may allow assignment to, or permit performance by, any individual, other than a registered pharmacy technician, a registered pharmacist extern/intern, or a licensed pharmacist, of any functions connected to the preparing, compounding, distribution or dispensing of medications at the pharmacy. (5-3-03)

**b.** The pharmacy or the pharmacist-in-charge may assign to, or allow performance by, a registered pharmacy technician, only of those functions connected with the preparing, compounding, distribution or dispensing of medications, which meet all of the following criteria: (5-3-03)

i. The function is routine; (4-5-00)

ii. The function is one for which the pharmacy technician is adequately trained and supervised; and (4-5-00)

iii. The function does not require the use of a licensed pharmacist's professional judgment. (4-5-00)

**c.** Only a registered pharmacist may do any of the following (which, without limiting the scope of the term "professional judgment", is a non-exclusive list of actions requiring a licensed pharmacist's professional judgment): (4-5-00)

i. Receive a new prescription order verbally from a prescriber or other person authorized by law. (4-5-00)

ii. Perform evaluations and interpretations of a prescription and any needed clarifications prior to filling. (4-5-00)

iii. Consult with the prescriber concerning any necessary clarification regarding a patient and his prescription. (4-5-00)

iv. Interpret any clinical data in a patient's medication record system (e.g., drug usage, refill frequency, drug interactions, etc.) (7-1-93)

v. Perform professional consultation with any prescriber, nurse or other health care professional. (7-1-93)

vi. Supervise the packaging of drugs and check the completed procedure and product. (7-1-93)

vii. Issue the new prescription to the patient or his agent with consultation. (7-1-93)

viii. Supervise the activities of pharmacy technicians to insure that all such activities are performed completely, safely and without risk or harm to patients. (4-5-00)

d. A violation of the rules on pharmacy technicians by a pharmacist or a pharmacy is unprofessional conduct, and is grounds for revocation or suspension of the pharmacist's license and/or the pharmacy registration issued under Sections 54-1722, 54-1723, 54-1724 or 54-1729, Idaho Code, or other appropriate disciplinary action. (4-5-00)

**03. Supervision.** Where a pharmacy technician performs one (1) or more functions in connection with the preparing, compounding, distribution or dispensing of, the pharmacy technician shall be under the supervision of a licensed pharmacist who, in addition to the pharmacy and the pharmacist-in-charge, shall be responsible for all aspects of the filled prescription including, but not limited to the following: (4-5-00)

a. Verifying drug selection, strength, dosage form and labeling against the prescription and the contents of stock container. (7-1-93)

b. Verifying selection of the proper prescription container. (7-1-93)

**04. Pharmacy Technician Ratio.** The ratio of pharmacists to pharmacy technicians shall be not less than one (1) pharmacist for every ~~two~~ three (23) pharmacy technicians in any practice setting. (~~5-3-03~~)(4-1-04)T

**05. Responsibility of Pharmacy Technicians.** (4-5-00)

a. Pharmacy technicians shall perform all functions properly assigned to them with all necessary care. No pharmacy technician shall accept assignment of, or perform, any functions connected with the preparing, compounding, distribution or dispensing of medications unless such pharmacy technician is employed or otherwise authorized by the assigning pharmacy and such function meets all of the criteria set forth in Subsection 251.02.b. (5-3-03)

b. The Board of Pharmacy may initiate proceedings against pharmacy technicians who perform such tasks or functions connected with the preparing, compounding, distribution or dispensing of medications: (4-5-00)

i. That are not routine functions; (4-5-00)

ii. That the pharmacy technician is not adequately trained and supervised for; or (4-5-00)

iii. That require the use of a licensed pharmacist's professional judgment. Such persons may be charged by the appropriate authorities with practicing pharmacy without a license in violation of Section 54-1726, Idaho Code. (4-5-00)

c. The Board of Pharmacy may initiate proceedings against pharmacy technicians who perform such tasks or functions connected with the preparing, compounding, distribution or dispensing of medications in a negligent or improper manner or otherwise violate the rules on pharmacy technicians. Such violations shall be grounds for revocation or suspension of the pharmacy technician's registration, or other appropriate disciplinary action. (4-5-00)

**06. Identification of Pharmacy Technicians.** (7-1-99)

a. All pharmacy technicians working as such in community pharmacies must be identified by a name badge designating that person as a pharmacy technician. The name badge must measure no less than one (1) inch by three (3) inches and must contain the individual's printed name directly above the title of pharmacy technician. The identification badge must be clearly visible at all times. Pharmacy technicians working in an institutional setting may be exempt from the above requirement only if the institution requires a specific badge of identification to be worn by the pharmacy technician. (4-5-00)

b. All pharmacy technicians must identify themselves as a pharmacy technician on any phone calls initiated or received by them while performing pharmacy functions. (7-1-99)

**07. Registration of Pharmacy Technician.** (4-5-00)

**a.** Annual Registration. All pharmacy technicians shall register annually with the Board. The Board will develop an appropriate annual registration notice and annual registration form to be mailed to all registered pharmacy technicians prior to June 1 of each year. The notice will state the annual pharmacy technician registration renewal fee. (4-5-00)

**b.** Initial Registration. Before commencing duties at a pharmacy as a pharmacy technician (including previously registered pharmacy technicians who are changing pharmacies), an individual must register with the Board, pay the registration fee, and have received a certificate of registration from the Board, provided however, an individual who has not previously had his registration as a pharmacy technician revoked or suspended may commence performing duties as a pharmacy technician immediately upon the completion and mailing of the registration form and applicable fee to the Board. The initial registration period shall be from the date of initial registration to the next annual registration date. (5-3-03)

**c.** Contents of Registration Form. The annual registration form and the initial registration form shall be prepared by the Board, and shall require such information regarding the individual and the employing or authorizing pharmacy as the Board may reasonably require. In addition, registration shall include the statement of the pharmacy owner (or an authorized agent of the pharmacy owner), and of the pharmacist-in-charge that either: (5-3-03)

**i.** The individual has been adequately trained by the pharmacist-in-charge, or by the pharmacy, to perform those routine functions in connection with the preparing, compounding, distribution or dispensing of medications as are, or will be, assigned to such individual; (4-5-00)

**ii.** The pharmacist-in-charge or the pharmacy owner has verified that such individual possesses adequate training to perform those routine functions in connection with the preparing, compounding, distribution or dispensing of medications as are, or will be, assigned to such individual; or (4-5-00)

**iii.** Such individual will be adequately so trained prior to the assignment of any routine functions in connection with the preparing, compounding, distribution or dispensing of medications. (4-5-00)

**08. Discipline and Appeal.** Any proceedings by the Board against any pharmacy technician shall comply in all respects with the Administrative Procedures Act, Chapter 52, Title 67, Idaho Code. (4-5-00)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

#### DOCKET NO. 58-0101-0402

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

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

**September 8, 2004, 4:00 p.m.**  
**Department of Environmental Quality Conference Center**  
**1410 N. Hilton, Boise, Idaho.**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

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

This rulemaking is necessary to ensure that the Rules for the Control of Air Pollution in Idaho will remain consistent with federal regulations. This proposed rule updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2004.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the fall of 2004 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

**IDAHO CODE SECTION 39-107D STATEMENT:** This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Due to the nature of this rulemaking, negotiations were not held.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.state.id.us](http://www.deq.state.id.us).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Martin Bauer at (208) 373-0440 or [mbauer@deq.state.id.us](mailto:mbauer@deq.state.id.us).

Anyone may submit written comments regarding this proposed rulemaking. Written comments may be submitted by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 8, 2004.

DATED this 30<sup>th</sup> day of June, 2004.

Paula J. Wilson  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton, Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
pwilson@deq.state.id.us

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-0402**

**008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 386.**

- 01. Affected States.** All States: (5-1-94)
- a.** Whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho; or (5-1-94)
- b.** That are within fifty (50) miles of the Tier I source. (5-1-94)
- 02. Allowance.** An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one (1) ton of sulfur dioxide. (5-1-94)
- 03. Applicable Requirement.** All of the following if approved or promulgated by EPA as they apply to emissions units in a Tier I source (including requirements that have been promulgated through rulemaking at the time of permit issuance but which have future-effective compliance dates): (5-1-94)
- a.** Any standard or other requirement provided for in the applicable state implementation plan, including any revisions to that plan that are specified in 40 CFR Parts 52.670 through 52.690. (5-1-94)
- b.** Any term or condition of any permits to construct issued by the Department pursuant to Sections 200 through 223 or by EPA pursuant to 42 U.S.C. Sections 7401 through 7515; provided that terms or conditions relevant only to toxic air pollutants are not applicable requirements. (4-5-00)
- c.** Any standard or other requirement under 42 U.S.C. Section 7411 including 40 CFR Part 60; (5-1-94)
- d.** Any standard or other requirement under 42 U.S.C. Section 7412 including 40 CFR Part 61 and 40 CFR Part 63; (5-1-94)
- e.** Any standard or other requirement of the acid rain program under 42 U.S.C. Sections 7651 through 7651o; (5-1-94)
- f.** Any requirements established pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b) or Sections 120 through 128 of these rules; (3-23-98)
- g.** Any standard or other requirement governing solid waste incineration, under 42 U.S.C. Section 7429; (5-1-94)
- h.** Any standard or other requirement for consumer and commercial products and tank vessels, under 42 U.S.C. Sections 7511b(e) and (f); and (5-1-94)

**i.** Any standard or other requirement under 42 U.S.C. Sections 7671 through 7671q including 40 CFR Part 82. (5-1-94)

**j.** Any ambient air quality standard or increment or visibility requirement provided in 42 U.S.C. Sections 7470 through 7492, but only as applied to temporary sources receiving Tier I operating permits under Section 324. (5-1-94)

**04. Designated Representative.** A responsible person or official authorized by the owner or operator of a Phase II unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a Phase II unit, and the submission of and compliance with permits, permit applications, and compliance plans for the Phase II unit. (5-1-94)

**05. Draft Permit.** The version of a Tier I operating permit that is made available by the Department for public participation and affected State review. (5-1-94)

**06. Emergency.** For the purposes of Section 332, an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the Tier I source to exceed a technology-based emission limitation under the Tier I operating permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. (4-5-00)

**07. Final Permit.** The version of a Tier I permit issued by the Department that has completed all review procedures required in Sections 364 and 366. (5-1-94)

**08. General Permit.** A Tier I permit issued pursuant to Section 335. (3-23-98)

**09. Insignificant Activity.** Those activities that qualify as insignificant in accordance with Section 317. (3-23-98)

**10. Major Facility.** A facility (as defined in Section 006) is major if the facility meets any of the following criteria: (3-23-98)

**a.** For hazardous air pollutants: (3-23-98)

**i.** The facility emits or has the potential to emit ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, which has been listed pursuant to 42 U.S.C. Section 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)

**ii.** The facility emits or has the potential to emit twenty-five (25) tpy or more of any combination of any hazardous air pollutants, other than radionuclides, which have been listed pursuant to 42 U.S.C. 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)

**b.** For non-attainment areas: (3-23-98)

**i.** The facility is located in a "serious" particulate matter (PM-10) nonattainment area and the facility has the potential to emit seventy (70) tpy or more of PM-10. (5-1-94)

**ii.** The facility is located in a "serious" carbon monoxide nonattainment area in which stationary sources are significant contributors to carbon monoxide levels and the facility has the potential to emit fifty (50) tpy or more of carbon monoxide. (5-1-94)

**iii.** The facility is located in an ozone transport region established pursuant to 42 U.S.C. Section 7511c

and the facility has the potential to emit fifty (50) tpy or more of volatile organic compounds. (5-1-94)

iv. The facility is located in an ozone nonattainment area and, depending upon the classification of the nonattainment area, the facility has the potential to emit the following amounts of volatile organic compounds or oxides of nitrogen; provided that oxides of nitrogen shall not be included if the facility has been identified in accordance with 42 U.S.C. Section 7411a(f)(1) or (2) if the area is "marginal" or "moderate", one hundred (100) tpy or more, if the area is "serious", fifty (50) tpy or more, if the area is "severe", twenty-five (25) tpy or more, and if the area is "extreme", ten (10) tpy or more. (3-23-98)

c. The facility emits or has the potential to emit one hundred (100) tons per year or more of any regulated air pollutant listed in Subsections 006.84.a. through 006.84.e. The fugitive emissions shall not be considered in determining whether the facility is major unless the facility belongs to one (1) of the following categories: (4-5-00)

i. Designated facilities. (3-23-98)

ii. All other source categories regulated by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, but only with respect to those air pollutants that have been regulated for that category and only if determined by rule by the Administrator of EPA pursuant to Section 302(j) of the Clean Air Act. (4-5-00)

**11. Part 70.** Unless specified otherwise in this chapter, all definitions adopted under 40 CFR Part 70, revised as of July 1, 2003~~4~~, are hereby incorporated by reference. (~~3-20-04~~)( )

**12. Permit Revision.** Any permit modification, administrative amendment or reopening. (3-19-99)

**13. Phase II Source.** A source that is subject to emissions reduction requirements of 42 U.S.C. Section 7651 through 7651o and shall have the meaning given to it pursuant to those sections. (5-1-94)

**14. Phase II Unit.** A unit that is subject to emissions reduction requirements of 42 U.S.C. Sections 7651 through 7651o and the term shall have the meaning given to it pursuant to those sections. (5-1-94)

**15. Proposed Permit.** The version of a permit that the Department proposes to issue and forwards to the EPA for review. (5-1-94)

**16. Section 502(b)(10) Changes.** Changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. (3-19-99)

**17. Tier I Operating Permit.** Any permit covering a Tier I source that is issued, renewed, amended, or revised pursuant to Sections 300 through 386. (3-19-99)

**(BREAK IN CONTINUITY OF SECTIONS)**

**107. INCORPORATIONS BY REFERENCE.**

**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 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. (5-1-94)

**02. Availability of Referenced Material.** Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)



- and
- a. All federal publications: U.S. Government Printing Office, <http://www.gpoaccess.gov/index.html>; (3-20-04)
  - b. All documents herein incorporated by reference: (7-1-97)
  - i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502. (7-1-97)
  - ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)
- 03. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (5-1-94)
- a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Appendix W to Part 51--Guideline on Air Quality Models. 40 CFR Parts 51 and 52 revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - b. Implementation Plan for the Control of Air Pollution in the State of Idaho (SIP), Department of Environmental Quality, November 1996. (3-19-99)
  - c. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, Identification of Integral Vistas, Subsection a, 40 CFR Part 51.304(a), revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - e. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - f. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - g. Ambient Air Quality Surveillance, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD Air Monitoring), 40 CFR Part 58, Appendix B, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - h. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - i. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - j. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - k. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - l. Permits, 40 CFR Part 72, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - m. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - n. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 2003. ~~(3-20-04)~~(\_\_\_\_)
  - o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)

p. Determining Conformity of Federal Actions to State or Federal Implementation Plans: Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, 40 CFR Part 93, Subpart A, Sections 93.100 through 93.129, revised as of July 1, 2003~~4~~, except that Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b) are expressly omitted from the incorporation by reference. (3-20-04)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT.**

The purposes of Sections 200 through 228 is to establish uniform procedures and requirements for the issuance of "Permits to Construct". As used throughout Sections 200 through 228 and 578 through 581, major facility shall be defined as major stationary source in 40 CFR 52.21(b), revised as of July 1, 2003~~4~~, *and supplemented by 67 Fed. Reg. 80.186 (December 31, 2002) (to be codified at 40 CFR 52.21(b))*; and major modification shall be defined as in 40 CFR 52.21(b), revised as of July 1, 2003~~4~~, *and supplemented by 67 Fed. Reg. 80.186 (December 31, 2002) (to be codified at 40 CFR 52.21(b))*. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr. (2-5-04)T(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS.**

New major facilities or major modifications proposed for location in a nonattainment area and which would be major for the nonattainment regulated air pollutant are considered nonattainment new source review (NSR) actions and are subject to the requirements in Section 204. Section 202 contains application requirements and Section 209 contains processing requirements for nonattainment NSR permitting actions. The intent of Section 204 is to incorporate the federal nonattainment NSR rule requirements. (2-5-04)T

**01. Incorporated Federal Program Requirements.** Requirements contained in the following subparts of 40 CFR 51.165, revised as of July 1, 2003~~4~~, *and supplemented by 68 Fed. Reg. 63.021 (November 7, 2003) (to be codified at 40 CFR 51.165)*, are hereby incorporated by reference. Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2003~~4~~, *and supplemented by 67 Fed. Reg. 80.186 (December 31, 2002) and 68 Fed. Reg. 63.021 (November 7, 2003) (to be codified at 40 CFR 52.21)*, are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

<b>40 CFR Reference</b>	<b>40 CFR Reference Title</b>
40 CFR 51.165(a)(1)	Definitions
40 CFR 51.165(a)(2)(ii)(A) - (J)	Applicability Provisions
40 CFR 51.165(a)(6)(i) - (v)	Applicability Provisions
40 CFR 51.165(c)	Clean Unit Test for Emission Units that are Subject to LAER
40 CFR 51.165(d)	Clean Unit Provisions for Emission Units that Achieve an Emission Limitation Comparable to LAER
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALs

(2-5-04)T( )

**02. Additional Requirements.** The applicant must demonstrate to the satisfaction of the Department the following: (2-5-04)T

**a.** LAER. Except as otherwise provided in Section 204, the new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically: (2-5-04)T

**i.** A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment regulated air pollutant; and (4-5-00)

**ii.** A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment regulated air pollutant. (4-5-00)

**b.** Required offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (4-5-00)

**c.** Compliance status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

**d.** Effect on visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward remedying existing and preventing future visibility impairment. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from Section 204 by the Department. (2-5-04)T

**03. Nonmajor Requirements.** If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 51.165 or 40 CFR 52.21 incorporated in Section 204, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (2-5-04)T

**205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.**

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. Section 202 contains application requirements and Section 209 contains processing requirements for PSD permit actions. The intent of Section 205 is to incorporate the federal PSD rule requirements. (2-5-04)T

**01. Incorporated Federal Program Requirements.** Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2003~~4~~, and supplemented by 67 Fed. Reg. 80.186 (December 31, 2002) and 68 Fed. Reg. 63.021 (November 7, 2003) (to be codified at 40 CFR 52.21); are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 52.21(a)(2)	Applicability Procedures
40 CFR 52.21(b)	Definitions
40 CFR 52.21(i)	Review of Major Stationary Sources and Major Modifications - Source Applicability and Exempting
40 CFR 52.21(j)	Control Technology Review
40 CFR 52.21(k)	Source Impact Analysis
40 CFR 52.21(r)	Source Obligation
40 CFR 52.21(v)	Innovative Control Technology
40 CFR 52.21(w)	Permit Rescission
40 CFR 52.21(x)	Clean Unit Test
40 CFR 52.21(y)	Clean Unit Provisions for Emissions Units that Achieve an Emission Limit Comparable to BACT
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALS

(2-5-04)T( )

**02. Exception to Incorporation by Reference of 40 CFR 52.21.** Every use of the word Administrator in 40 CFR 52.21 means the Department except for the following: (2-5-04)T

**a.** In 40 CFR 52.21(b)(17), the definition of federally enforceable, Administrator means the EPA Administrator. (2-5-04)T

**b.** In 40 CFR 52.21(l)(2), air quality models, Administrator means the EPA Administrator. (2-5-04)T

**c.** In 40 CFR 52.21(b)(43), permit program approved by the Administrator, Administrator means the EPA Administrator. (2-5-04)T

**d.** In 40 CFR 52.21(b)(48)(ii)(c), MACT standard that is proposed or promulgated by the Administrator, Administrator means the EPA Administrator. (2-5-04)T

**e.** In 40 CFR 52.21(b)(50)(i), regulated NSR pollutant as defined by Administrator, Administrator means the EPA Administrator. (2-5-04)T

**f.** In 40 CFR 52.21(y)(4)(i), Administrator for BACT, LAER and RACT clearinghouse means the EPA Administrator. (2-5-04)T

**03. Nonmajor Requirements.** If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 52.21 incorporated in Section 205, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (2-5-04)T

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**DOCKET NO. 58-0102-0302**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this proposed rulemaking will be held as follows. The hearings will take place simultaneously and will be connected by telephone.

**September 1, 2004, 3:00 p.m. PDT**  
**Department of Environmental Quality, Large Conference Room**  
**2110 Ironwood Parkway, Coeur d'Alene, Idaho**

**September 1, 2004, 4:00 p.m. MDT**  
**Department of Environmental Quality, Conference Room B**  
**1410 N. Hilton, Boise, Idaho**

**September 1, 2004, 4:00 p.m. MDT**  
**Department of Environmental Quality, Snake River Room**  
**444 Hospital Way #300, Pocatello, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

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

In June 2003, the Idaho Mining Association (IMA) filed a Petition for Initiation of Rulemaking to revise Idaho's mercury criteria in accordance with new EPA guidance released in November 2002. In October 2003, the Department of Environmental Quality (DEQ) initiated negotiated rulemaking to consider IMA's proposed revision and other updates to Idaho's metals criteria that are determined to be necessary and prudent. The text of the proposed rule was developed by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. All users of Idaho's waters, particularly dischargers of mercury and other metals, may be interested in commenting on this proposed rule.

Six human health criteria for 3 metals have been updated (Sb, Hg, & Zn), including a new fish tissue criterion for methylmercury, which necessitated that the committee and DEQ develop guidance on its implementation. Also updated are eleven aquatic life criteria for six metals (As, Cd, Cr III, Cr IV, Ni, and Zn). DEQ is also proposing to drop the low-end limit on hardness used in application of hardness dependent metals criteria, affecting Cd, Cr III, Cu, Pb, Ni, Ag and Zn criteria in waters with less than 25 mg/L hardness. These changes are based on newer science and aquatic toxicity studies, and, in the case of human health, an updated EPA criteria development methodology. All proposed updates are per the new (2002) EPA recommendations, but not all EPA 2002 recommendations have been proposed for adoption in Idaho. Several of EPA's recommendations were set aside for future action.

The two aquatic life criteria for mercury are "reserved," meaning old existing criteria are removed and no new criteria proposed. Reservation of both the mercury aquatic life criteria is consistent with previous EPA action in promulgation of the California Toxics Rule. It does, however, depart from EPA's 2002 recommendations of 1.4 ug/L dissolved Hg as an acute criterion and 0.77 ug/L as a chronic criterion, which were incorporated in IMA's petition. It is also inconsistent with EPA's mercury criterion document, which calls into question the chronic criterion's adequacy for protecting some species of fish, but does not call into question the recommended acute criterion. DEQ is specifically seeking comment on reservation of the two aquatic life criteria for mercury, or the appropriateness of their adoption in Idaho.

EPA's 2002 recommendation on removing the low-end hardness limit implies that metals toxicity versus hardness relations remain linear and extend all the way to zero hardness. Though data exists that shows metals toxicity does

continue to increase at hardness below 25 mg/L, down to 7-10 mg/L, DEQ knows of no data at even lower hardness, and is uncertain whether the hardness-toxicity relations remain linear. Therefore, DEQ is also specifically seeking comment and information on the removal of the low-end hardness limit.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. While not part of this rulemaking, DEQ is also seeking public comment on the Implementation Guidance for the Idaho Mercury Water Quality Criteria. The Implementation Guidance for the Idaho Mercury Water Quality Criteria and support documents for the criteria changes may be obtained at [http://www.deq.state.id.us/rules/58-0102-0302\\_proposed.htm](http://www.deq.state.id.us/rules/58-0102-0302_proposed.htm) or by contacting Don Essig at (208) 373-0119 or [dessig@deq.state.id.us](mailto:dessig@deq.state.id.us).

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in November 2004 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2005 legislative session if approved by the Legislature.

**IDAHO CODE SECTION 39-107D STATEMENT:** The water quality criteria for toxic compounds are not broader in scope or more stringent than federal law or regulations, and do not regulate an activity not regulated by the federal government. Where changes in criteria are proposed, the resulting criteria are no more stringent than EPA's current 2002 national recommendations. EPA currently has no guidance on implementation of its recommended fish tissue criterion for methylmercury.

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

**NEGOTIATED RULEMAKING:** The text of the proposed rule has been drafted based on discussions held during a negotiation conducted pursuant to Idaho Code Section 67-5220 and IDAPA 04.11.01.812 through 815. [The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, October 1, 2003, Volume 03-10, page 585.](#)

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.state.id.us](http://www.deq.state.id.us).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Don Essig at (208) 373-0119 or [dessig@deq.state.id.us](mailto:dessig@deq.state.id.us).

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before September 20, 2004. Comments on the Implementation Guidance for the Idaho Mercury Water Quality Criteria may also be submitted to the undersigned.

Dated this 30th day of June, 2004.

Paula J. Wilson  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton, Boise, Idaho 83706-1255  
(208)373-0418 / Fax No. (208)373-0481  
[pwilson@deq.state.id.us](mailto:pwilson@deq.state.id.us)

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-0302**

**210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.**

**01. Criteria for Toxic Substances.** The criteria of Section 210 apply to surface waters of the state as follows. (5-3-03)

- a. Columns B1, B2, and C2 of the following table apply to waters designated for aquatic life use. (5-3-03)
- b. Column C2 of the following table applies to waters designated for recreation use. (5-3-03)
- c. Column C1 of the following table applies to waters designated for domestic water supply use.

A		B Aquatic life		Human health for consumption of:	
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L) B1	<sup>b</sup> CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2
1 Antimony	7440360			<del>44</del> 5.6	<del>4300</del> 640
2 Arsenic	7440382	<del>360</del> 340 e	<del>490</del> 150 e	50 d	50 d
3 Beryllium	7440417			h	h
4 Cadmium	7440439	<del>3.7</del> 2 i	1.0 i	h	h
5a Chromium III	16065831	<del>550</del> 570 i	<del>480</del> 74 i	h	h
5b Chromium VI	18540299	<del>45</del> 16 e	<del>40</del> 11 e	h	h
6 Copper	7440508	17 i	11 i		
7 Lead	7439921	65 i	2.5 i	h	h
8a Mercury	7439976	<del>2.4</del> g <sup>e</sup>	<del>0.042</del> fg	<del>0.14</del>	<del>0.15</del>
8b Methylmercury	<u>22967926</u>				0.3 mg/kg p
9 Nickel	7440020	<del>1400</del> 470 i	<del>160</del> 52 i	610 c	4600 c
10 Selenium	7782492	20 f	5 f	h	h
11 Silver	7440224	3.4 i			
12 Thallium	7440280			1.7 c	6.3 c
13 Zinc	7440666	<del>114</del> 120 i	<del>105</del> 120 i	<u>7400</u>	<u>26000</u>

A		B Aquatic life		Human health for consumption of:		
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L) B1	<sup>b</sup> CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2	
14	Cyanide	57125	22 j	5.2 j	700 c	220000 c
15	Asbestos	1332214			7,000,000 fibers/L k	
16	2, 3, 7, 8-TCDD Dioxin	1746016			0.000000013 l	0.000000014 l
17	Acrolein	107028			320	780
18	Acrylonitrile	107131			0.059 cl	0.66 cl
19	Benzene	71432			1.2 cl	71 cl
20	Bromoform	75252			4.3 cl	360 cl
21	Carbon Tetrachloride	56235			0.25 cl	4.4 cl
22	Chlorobenzene	108907			680 c	21000 c
23	Chlorodibromomethane	124481			0.41 cl	34 cl
24	Chloroethane	75003				
25	2-Chloroethylvinyl Ether	110758				
26	Chloroform	67663			5.7 cl	470 cl
27	Dichlorobromomethane	75274			0.27 cl	22 cl
28	1,1-Dichloroethane	75343				
29	1,2-Dichloroethane	107062			0.38 cl	99 cl
30	1,1-Dichloroethylene	75354			0.057 cl	3.2 cl
31	1,2-Dichloropropane	78875				
32	1,3-Dichloropropylene	542756			10 c	1700 c
33	Ethylbenzene	100414			3100 c	29000 c
34	Methyl Bromide	74839			48 c	4000 c
35	Methyl Chloride	74873				h
36	Methylene Chloride	75092			4.7 cl	1600 cl
37	1,1,2,2-Tetrachloroethane	79345			0.17 cl	11 cl
38	Tetrachloroethylene	127184			0.8 l	8.85 l
39	Toluene	108883			6800 c	200000 c
40	1,2-Trans-Dichloroethylene	156605				
41	1,1,1-Trichloroethane	71556				h



A		B Aquatic life		Human health for consumption of:				
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)	<sup>b</sup> CCC (µg/L)	Water & organisms (µg/L)		Organisms only (µg/L)		
		B1	B2	C1		C2		
42	1,1,2-Trichloroethane	79005		0.6	cl	42	cl	
43	Trichloroethylene	79016		2.7	l	81	l	
44	Vinyl Chloride	75014		2	l	525	l	
45	2-Chlorophenol	95578						
46	2,4-Dichlorophenol	120832		93	c	790	c	
47	2,4-Dimethylphenol	105679						
48	2-Methyl-4,6-Dinitrophenol	534521		13.4		765		
49	2,4-Dinitrophenol	51285		70	c	14000	c	
50	2-Nitrophenol	88755						
51	4-Nitrophenol	100027						
52	3-Methyl-4-Chlorophenol	59507						
53	Pentachlorophenol	87865	20 m	13 m	0.28	cl	8.2	cl
54	Phenol	108952			21000	c	4600000	c
55	2,4,6-Trichlorophenol	88062			2.1	cl	6.5	cl
56	Acenaphthene	83329						
57	Acenaphthylene	208968						
58	Anthracene	120127			9600	c	110000	c
59	Benzidine	92875			0.00012	cl	0.00054	cl
60	Benzo(a)Anthracene	56553			0.0028	l	0.031	l
61	Benzo(a)Pyrene	50328			0.0028	l	0.031	l
62	Benzo(b)Fluoranthene	205992			0.0028	l	0.031	l
63	Benzo(ghi)Perylene	191242						
64	Benzo(k)Fluoranthene	207089			0.0028	l	0.031	l
65	Bis(2-Chloroethoxy) Methane	111911						
66	Bis(2-Chloroethyl)Ether	111444			0.031	cl	1.4	cl
67	Bis(2-Chloroisopropyl) Ether	108601			1400	c	170000	c
68	Bis(2-Ethylhexyl) Phthalate	117817			1.8	cl	5.9	cl

A		B Aquatic life		Human health for consumption of:	
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L) B1	<sup>b</sup> CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2
69	4-Bromophenyl Phenyl Ether	101553			
70	Butylbenzyl Phthalate	85687			
71	2-Chloronaphthalene	91587			
72	4-Chlorophenyl Phenyl Ether	7005723			
73	Chrysene	218019		0.0028	0.031
74	Dibenzo(a,h)Anthracene	53703		0.0028	0.031
75	1,2-Dichlorobenzene	95501		2700 c	17000 c
76	1,3-Dichlorobenzene	541731		400	2600
77	1,4-Dichlorobenzene	106467		400	2600
78	3,3'-Dichlorobenzidine	91941		0.04 cl	0.077 cl
79	Diethyl Phthalate	84662		23000 c	120000 c
80	Dimethyl Phthalate	131113		313000	2900000
81	Di-n-Butyl Phthalate	84742		2700 c	12000 c
82	2,4-Dinitrotoluene	121142		0.11	9.1
83	2,6-Dinitrotoluene	606202			
84	Di-n-Octyl Phthalate	117840			
85	1,2-Diphenylhydrazine	122667		0.040 cl	0.54 cl
86	Fluoranthene	206440		300 c	370 c
87	Fluorene	86737		1300 c	14000 c
88	Hexachlorobenzene	118741		0.00075 cl	0.00077 cl
89	Hexachlorobutadiene	87683		0.44 cl	50 cl
90	Hexachloro-cyclopentadiene	77474		240 c	17000 c
91	Hexachloroethane	67721		1.9 cl	8.9 cl
92	Ideno (1,2,3-cd) Pyrene	193395		0.0028	0.031
93	Isophorone	78591		8.4 cl	600 cl
94	Naphthalene	91203			
95	Nitrobenzene	98953		17 c	1900 c

A		B Aquatic life		Human health for consumption of:			
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L)	<sup>b</sup> CCC (µg/L)	Water & organisms (µg/L)		Organisms only (µg/L)	
		B1	B2	C1		C2	
96	N-Nitrosodimethylamine	62759		0.00069	cl	8.1	cl
97	N-Nitrosodi-n-Propylamine	621647					
98	N-Nitrosodiphenylamine	86306		5.0	cl	16	cl
99	Phenanthrene	85018					
100	Pyrene	129000		960	c	11000	c
101	1,2,4-Trichlorobenzene	120821					
102	Aldrin	309002	3	0.00013	cl	0.00014	cl
103	alpha-BHC	319846		0.0039	cl	0.013	cl
104	beta-BHC	319857		0.014	cl	0.046	cl
105	gamma-BHC (Lindane)	58899	2	0.019	l	0.063	l
106	delta-BHC	319868					
107	Chlordane	57749	2.4	0.0043	cl	0.00059	cl
108	4,4'-DDT	50293	1.1	0.001	cl	0.00059	cl
109	4,4'-DDE	72559		0.00059	cl	0.00059	cl
110	4,4'-DDD	72548		0.00083	cl	0.00084	cl
111	Dieldrin	60571	2.5	0.0019	cl	0.00014	cl
112	alpha-Endosulfan	959988	0.22	0.056	c	2.0	c
113	beta-Endosulfan	33213659	0.22	0.056	c	2.0	c
114	Endosulfan Sulfate	1031078		0.93	c	2.0	c
115	Endrin	72208	0.18	0.0023	c	0.81	c
116	Endrin Aldehyde	7421934		0.76	c	0.81	c
117	Heptachlor	76448	0.52	0.0038	cl	0.00021	cl
118	Heptachlor Epoxide	1024573	0.52	0.0038	cl	0.00011	cl

A		B Aquatic life		Human health for consumption of:	
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L) B1	<sup>b</sup> CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2
119 Polychlorinated Biphenyls PCBs:	n		0.01 4 n	0.00017 o	0.00017 o
120 Toxaphene	8001352	0.73	0.00 02	0.00073 cl	0.00075 cl
121 Chlorine		19 k	11 k		
<b>Note to table:</b> Table values are from 57 FR 60910, December 22, 1992 (National Toxics Rule) except as noted.					
<b>Table Footnotes</b>					
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.					
b. See Definitions, Section 003 of these rules.					
c. This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of December 22, 1992. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.					
d. Inorganic form only. The criterion for arsenic is the MCL in effect as of April 5, 2000.					
e. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = column B1 value X WER. CCC = column B2 value X WER.					
f. Criterion expressed as total recoverable (unfiltered) concentrations.					
g. <del>If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methylmercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area.</del> No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.					
h. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.					
i. Aquatic life criteria for these metals are expressed as a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					
j. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
k. Total chlorine residual concentrations.					
l. This criterion is based on carcinogenicity of 10 <sup>-6</sup> risk.					

A		B Aquatic life		Human health for consumption of:	
(Number) Compound	<sup>a</sup> CAS Number	<sup>b</sup> CMC (µg/L) B1	<sup>b</sup> CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2
<p>m. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8).  <math>CMC = \exp(1.005(pH)-4.830)</math>  <math>CCC = \exp(1.005(pH)-5.290)</math></p>					
<p>n. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.</p>					
<p>o. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).</p>					
<p>p. <u>This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: <math>TRC = [BW \times \{RfD - (RSC \times RfD)\}] / \sum TL</math>. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.</u></p>					

(2-5-04)T( )

**02. Factors for Calculating Hardness Dependent Metals Criteria.** Hardness dependent metals criteria are calculated using values from the following table in the equations: (5-3-03)

a.  $CMC = WER \exp\{m_A[\ln(\text{hardness})] + b_A\} \times \text{Acute Conversion Factor}$ . (5-3-03)

b.  $CCC = WER \exp\{m_C[\ln(\text{hardness})] + b_C\} \times \text{Chronic Conversion Factor}$ .

Metal	$m_A$	$b_A$	$m_C$	$b_C$	<sup>a</sup> Acute Conversion Factor	<sup>a</sup> Chronic Conversion Factor
Arsenic	b	b	b	b	1.0	1.0
Cadmium	<del>1.128</del> 1.0166	<del>-3.828</del> -3.924	0.7852	-3.490	0.944	0.909
Chromium (III)	0.819	<del>3.688</del> 3.7256	0.8190	<del>-1.561</del> 0.6848	0.316	0.860
Chromium (VI)	b	b	b	b	0.982	0.962
Copper	0.9422	-1.464	0.8545	-1.465	0.960	0.960
Lead	1.273	-1.460	1.273	-4.705	0.791	0.791
Mercury	b	b	b	b	0.85	<del>0.85</del>

Nickel	0.846	<del>3.3612</del> 2.255	0.8460	<del>1.1645</del> 0.0584	0.998	0.997
Silver	1.72	-6.52	c	c	0.85	c
Zinc	0.8473	<del>0.8604</del> 0.884	0.8473	<del>0.7614</del> 0.884	0.978	0.986

Note to table: The term “exp” represents the base e exponential function.

**Footnotes to table:**

**a.** Conversion factors (CF) are from “Stephan, C. E. 1995. Derivation of conversion factors for the calculation of dissolved freshwater aquatic life criteria for metals. U.S. Environmental Protection Agency, Environmental Research Laboratory – Duluth.” The conversion factors for cadmium and lead are hardness-dependent and can be calculated for any hardness (see limitations in Subsection 210.03.b.i) using the following equations. For comparative purposes, the conversion factors for a total hardness of one hundred (100) mg/L are shown in the table.

Cadmium

Acute:  $CF=1.136672-[(\ln \text{hardness})(0.041838)]$

Chronic:  $CF=1.101672-[(\ln \text{hardness})(0.041838)]$

Lead (Acute and Chronic):  $CF=1.46203-[(\ln \text{hardness})(0.145712)]$

**b.** Not applicable

**c.** No chronic criteria are available for silver.

(2-5-04)F( )

**03. Applicability.** The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications including mixing zones, and low flow design discharge conditions below which numeric standards can be exceeded in flowing waters. (5-3-03)

**a.** For all waters for which the Department has determined mixing zones to be applicable, the criteria apply at the appropriate locations specified within or at the boundary of the mixing zone of the mixing zones; otherwise the criteria apply through the waterbody including at the end of any discharge pipe, canal or other discharge point. (5-3-03)

**b.** Low flow design discharge conditions. Numeric chemical standards can only be exceeded in perennial streams due to permitted discharges when flows are less than the following values:

Aquatic Life		Human Health	
CMC (“acute” criteria)	1Q10 or 1B3	Non-carcinogens	30Q5
CCC (“chronic” criteria)	7Q10 or 4B3	Carcinogens	Harmonic mean flow

(5-3-03)

i. Where “1Q10” is the lowest one-day flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

ii. Where “1B3” is biologically based and indicates an allowable exceedence of once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (5-3-03)

iii. Where “7Q10” is the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

iv. Where “4B3” is biologically based and indicates an allowable exceedence for four (4) consecutive days once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (5-3-03)

v. Where “30Q5” is the lowest average thirty (30) consecutive day low flow with an average recurrence frequency of once in five (5) years determined hydrologically; and (5-3-03)

vi. Where the harmonic mean flow is a long term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows. (5-3-03)

c. Application of metals criteria. (5-3-03)

i. For purposes of calculating aquatic life criteria for metals from the equations in Subsection 210.02, ~~the minimum hardness allowed for use in those equations shall not be less than twenty five (25) mg/l, as calcium carbonate, even if the actual ambient hardness is less than twenty five (25) mg/l as calcium carbonate.~~ The maximum hardness allowed for use in those equations shall not be greater than four hundred (400) mg/l, as calcium carbonate, except as specified in Subsections 210.03.c.ii. and 210.03.c.iii., even if the actual ambient hardness is greater than four hundred (400) mg/l as calcium carbonate. (~~5-3-03~~)(\_\_\_\_)

ii. The hardness values used for calculating aquatic life criteria for metals at design discharge conditions shall be representative of the ambient hardnesses for a receiving water that occur at the design discharge conditions given in Subsection 210.03.b. (5-3-03)

iii. Except as otherwise noted, the aquatic life criteria for metals (compounds #1 through #13 in the criteria table of Subsection 210.02) are expressed as dissolved metal concentrations. Unless otherwise specified by the Department, dissolved concentrations are considered to be concentrations recovered from a sample which has passed through a forty-five hundredths (0.45) micron filter. For the purposes of calculating aquatic life criteria for metals from the equations in footnotes e. and i. in the criteria table in Subsection 210.01, the water effect ratio is computed as a specific pollutant’s acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. The water-effect ratio shall be assigned a value of one (1.0), except where the Department assigns a different value that protects the designated uses of the water body from the toxic effects of the pollutant, and is derived from suitable tests on sampled water representative of conditions in the affected water body, consistent with the design discharge conditions established in Subsection 210.03.b. For purposes of calculating water effects ratios, the term acute toxicity value is the toxicity test results, such as the concentration lethal one-half (1/2) of the test organisms (i.e., LC50) after ninety-six (96) hours of exposure (e.g., fish toxicity tests) or the effect concentration to one-half of the test organisms, (i.e., EC50) after forty-eight (48) hours of exposure (e.g., daphnia toxicity tests). For purposes of calculating water effects ratios, the term chronic value is the result from appropriate hypothesis testing or regression analysis of measurements of growth, reproduction, or survival from life cycle, partial life cycle, or early life stage tests. The determination of acute and chronic values shall be according to current standard protocols (e.g., those published by the American Society for Testing and Materials (ASTM)) or other comparable methods. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in Subsection 210.02 shall be as required in Subsection 210.03.c.ii. Water hardness shall be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium shall be approximately the same in laboratory toxicity testing water as in the site water, or be similar to average ratios of laboratory waters used to derive the criteria. (10-24-03)T

iv. Implementation Guidance for the Idaho Mercury Water Quality Criteria. (\_\_\_\_)

a. The “Implementation Guidance for the Idaho Mercury Water Quality Criteria” describes in detail discharge related monitoring requirements, calculation of reasonable potential to exceed (RPTE) water quality criteria in determining need for mercury effluent limits, and use of fish tissue mercury data in calculating mercury load reductions. The Department shall utilize this guidance, or its updates, when implementing the methylmercury criterion. The “Implementation Guidance for the Idaho Mercury Water Quality Criteria” also provides basic background information on mercury in the environment, the novelty of a fish tissue criterion for water quality, the connection between human health and aquatic life protection, and the relation of environmental programs outside of Clean Water Act programs to reducing mercury contamination of the environment. The “Implementation Guidance for the Idaho Mercury Water Quality Criteria” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706. (\_\_\_\_)

b. The implementation of a fish tissue criterion in NPDES permits and TMDLs requires a non-

traditional approach, as the basic criterion is not a concentration in water. In applying the methylmercury fish tissue criterion in the context of NPDES effluent limits and TMDL load reductions, the Department will assume change in fish tissue concentrations of methylmercury are proportional to change in water body loading of total mercury. Reasonable potential to exceed (RPTE) the fish tissue criterion for existing NPDES sources will be based on measured fish tissue concentrations potentially affected by the discharge exceeding a specified threshold value, based on uncertainty due to measurement variability. This threshold value is also used for TMDL decisions. Because measured fish tissue concentrations do not reflect the effect of proposed new or increased discharge of mercury, RPTE in these cases will be based upon an estimated fish tissue methylmercury concentration, using projected changes in waterbody loading of total mercury and a proportional response in fish tissue mercury. For the above purposes, mercury will be measured in the skinless filets of sport fish using techniques capable of detecting tissue concentrations down to point zero five (0.05) mg/kg. Total mercury analysis may be used, but will be assumed to be all methylmercury for purposes of implementing the criterion. ( )

**04. National Pollutant Discharge Elimination System Permitting.** For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in Subsection 210.02 should be governed by the following standards, that are hereby incorporated by reference, in addition to other scientifically defensible methods deemed appropriate by the Department; provided, however, any identified conversion factors within these documents are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 210.02 of this rule.

(5-3-03)

1993. **a.** "Guidance Document on Dissolved Criteria -- Expression of Aquatic Life Criteria," EPA, October (4-5-00)

**b.** "Guidance Document on Dynamic Modeling and Translators," EPA, August 1993. (4-5-00)

**c.** "Guidance Document on Clean Analytical Techniques and Monitoring," EPA, October 1993. (4-5-00)

1994. **d.** "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals," EPA, February (4-5-00)

**05. Development of Toxic Substance Criteria.** (4-5-00)

**a.** Aquatic Life Communities Criteria. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (4-5-00)

**i.** Site-specific criteria developed pursuant to Section 275; (4-5-00)

**ii.** Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (4-5-00)

**iii.** The most recent recommended criteria defined in EPA's Aquatic Toxicity Information Retrieval (ACQUIRE) database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (4-5-00)

**iv.** Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (4-5-00)

**b.** Human Health Criteria. (4-5-00)

**i.** When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department from the most recent recommended criteria defined in EPA's Integrated Risk Information System (IRIS). When using EPA recommended criteria to derive water quality criteria to protect human health, a fish consumption rate of six point five (6.5) grams/day, a water ingestion rate of two (2) liters/day and a cancer risk level of 106 shall be utilized. (4-5-00)



**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**DOCKET NO. 58-0102-0400**

**NOTICE OF CORRECTION - FINAL RULE**

**CORRECTION:** This notice corrects a transcription error made during the publication of the 2004 Idaho Administrative Code. In Department of Environmental Quality rule, IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Section 003, "Definitions", Subsections 003.134 through 003.141 were inadvertently left out of the Administrative Code. These Subsections were promulgated and codified in accordance with Sections 67-5204, 67-5224, and 67-5291, Idaho Code.

**EFFECTIVE DATE:** The effective dates of these Subsections are the original effective dates on which the rules were promulgated and adopted in compliance with Title 67, Chapter 52, Idaho Code.

**AUTHORITY:** In compliance with Sections 67-5204, 67-5224, and 67-5291, Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator is correcting a transcription error that occurred during the publication of the 2004 Idaho Administrative Code.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance of this correction notice:

Subsections 003.134 through 003.141 are being reprinted following this notice due to an error made during the publication of the 2004 Idaho Administrative Code. The Subsection being reprinted in this Bulletin have been codified in accordance with Title 67, Chapter 52, Idaho Code and are final effective rules.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this correction notice or the text of the rule, contact Dennis Stevenson at (208) 332-1820.

DATED this 12th day of July, 2004.

Dennis R. Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P.O. Box 83720  
Boise, ID 83720-0306  
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**THE FOLLOWING IS THE CODIFIED TEXT OF IDAPA 58.01.02, SECTION 003 AS IT  
SHOULD HAVE PUBLISHED IN THE 2004 IDAHO ADMINISTRATIVE CODE**

**003. DEFINITIONS.**

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," the following definitions apply: (4-5-00)

*Subsections 003.01 Through 003.133 Are Correct As Printed In The 2004 Idaho Administrative Code.*

**134. Water Body Unit.** Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (8-5-00)

**135. Water Pollution.** Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

**136. Water Quality-Based Effluent Limitation.** An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

**137. Water Quality Limited Water Body.** After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-20-97)

**138. Waters and Waters of The State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

**139. Watershed.** The land area from which water flows into a stream or other body of water which drains the area. (3-20-97)

**140. Watershed Advisory Group.** An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it. (3-20-97)

**141. Whole-Effluent Toxicity.** The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-0402

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Department of Environmental Quality (DEQ) has proposed rulemaking. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 18, 2004. If no such written request is received, a public hearing will not be held.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

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

Idaho's Rules and Standards for Hazardous Waste are updated annually to maintain consistency with the U.S. Environmental Protection Agency's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). Idaho has historically adopted both required and optional federal regulations so that Idaho's hazardous waste rules are the same as federal requirements. Optional federal regulations usually allow more flexibility to the regulated community; required federal regulations are necessary to maintain program primacy. Adoption by reference allows the Department of Environmental Quality (DEQ) to keep its rules up to date with federal regulation changes and minimizes the EPA Region 10 effort needed to keep Idaho's authorization current. Adoption by reference also simplifies compliance for the regulated community. This proposed rule updates citations to the federal regulations incorporated by reference to include those revised as of July 1, 2004.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the fall of 2004 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2005 legislative session if approved by the Legislature.

**IDAHO CODE SECTION 39-107D STATEMENT:** This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Due to the nature of this rulemaking, negotiations were not held.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.state.id.us](http://www.deq.state.id.us).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the proposed rulemaking, contact John Brueck at (208)373-0502 or [jbrueck@deq.state.id.us](mailto:jbrueck@deq.state.id.us).

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. The Department will consider all written comments received by the undersigned on or before August 25, 2004.

Dated this 30th day of June, 2004.

Paula J. Wilson  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton/Boise, Idaho 83706-1255  
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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0105-0402**

**002. INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS.**

Any reference in these rules to requirements, procedures, or specific forms contained in the Code of Federal Regulations (CFR), Title 40, Parts 124, 260-266, 268, 270, 273, and 279 shall constitute the full adoption by reference of that part and Subparts as they appear in 40 CFR, revised as of July 1, 2003~~4~~, including any notes and appendices therein, unless expressly provided otherwise in these rules. ~~(3-20-04)(\_\_\_\_\_)~~

**01. Exceptions.** Nothing in 40 CFR Parts 260 - 266, 268, 270, 273, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (7-2-97)

**02. Availability of Referenced Material.** The federal regulations adopted by reference throughout these rules are maintained at the following locations: (7-2-97)

- a. U.S. Government Printing Office, <http://www.gpoaccess.gov/index.html>; and (3-20-04)
- b. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051, (208)334-3316; and (7-2-97)
- c. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502. (7-2-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. HAZARDOUS WASTE MANAGEMENT SYSTEM.**

40 CFR Part 260 and all Subparts, except 40 CFR 260.2, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR 260.10, in the definition of hazardous waste constituent, "Administrator" shall be defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 260.20, "Federal Register" shall be defined as the Idaho Administrative Bulletin. ~~(3-20-04)(\_\_\_\_\_)~~

**005. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.**

40 CFR Part 261 and all Subparts, except the language "in the Region where the sample is collected" in 40 CFR 261.4(e)(3)(iii), except remanded waste codes "K064, K065, K066, K090 and K091" listed in 40 CFR Part 261 Appendix VII, except "49 CFR 173.300" in 40 CFR 261.21(a)(3) as replaced with "49 CFR 173.115 or equivalent

test methods in Chapter 7 of SW-846,” except “49 CFR 173.151” in 40 CFR 261.21(a)(4) as replaced with “49 CFR 173.127” and except 40 CFR 261.23(a)(8), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2004. For purposes of 40 CFR 261.10 and 40 CFR 261.11, “Administrator” shall be defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 261 Appendix IX, “EPA” shall be defined as the U.S. Environmental Protection Agency. ~~(3-20-04)(\_\_\_\_\_)~~

**01. Excluded Wastes.** Chemically Stabilized Electric Arc Furnace Dust (CSEAFD) generated by Envirosafe Services of Idaho, Inc. (ESII) at ESII’s facility in Grand View, Idaho using the Super Detox(R) treatment process as modified by ESII and that is disposed of in a Subtitle D or Subtitle C landfill is excluded from the lists of hazardous waste provided ESII implements a program that meets the following conditions: (3-16-96)

**a. Verification Testing Requirements.** Sample Collection and analyses, including quality control procedures, conducted pursuant to Subsections 005.01.b. and 005.01.c., must be performed according to SW-846 methodologies and the RCRA Part B permit, including future revisions. (3-16-96)

**b. Initial Verification Testing.** (3-16-96)

**i.** For purposes of Subsections 005.01.b., “new source” shall mean any generator of Electric Arc Furnace Dust (EAFD), EPA and Idaho Department of Environmental Quality Hazardous Waste No. KO61, whose waste has not previously been processed by ESII using the Super Detox(R) treatment process resulting in processed EAFD which has been subjected to initial verification testing and has demonstrated compliance with the delisting levels specified in Subsection 005.01.d. (3-16-96)

**ii.** Prior to the initial treatment of any new source of EAFD, ESII must notify the Department in writing. The written notification shall include: (3-16-96)

(1) The waste profile information; and (3-16-96)

(2) The name and address of the generator. (3-16-96)

**iii.** The first four (4) consecutive batches treated must be sampled in accordance with Subsection 005.01.a. Each of the four (4) samples shall be analyzed to determine if the CSEAFD generated meets the delisting levels specified in Subsection 005.01.d. (3-16-96)

**iv.** If the initial verification testing demonstrates that the CSEAFD samples meet the delisting levels specified in Subsection 005.01.d., ESII shall submit the operational and analytical test data, including quality control information, to the Department, in accordance with Subsection 005.01.f. Subsequent to such data submittal, the CSEAFD generated from EAFD originating from the new source shall be considered delisted. (3-16-96)

**v.** CSEAFD generated by ESII from EAFD originating from a new source shall be managed as hazardous waste in accordance with Subtitle C of RCRA until: (3-16-96)

(1) Initial verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.01.d.; and (3-16-96)

(2) The operational and analytical test data is submitted to the Department pursuant to Subsection 005.01.b.iv. (3-16-96)

**vi.** For purposes of Subsections 005.01.b. and 005.01.c., “batch” shall mean the CSEAFD which results from a single treatment episode in a full scale mixing vessel. (3-16-96)

**c. Subsequent Verification Testing.** (3-16-96)

**i.** Subsequent to initial verification testing, ESII shall collect a representative sample, in accordance with Subsection 005.01.a., from each batch of CSEAFD generated by ESII. ESII may, at its discretion, conduct subsequent verification testing on composite samples. In no event shall a composite sample consist of representative samples from more than twenty (20) batches of CSEAFD. (3-16-96)

ii. The samples shall be analyzed prior to disposal of each batch of CSEAFD to determine if the CSEAFD meets the delisting levels specified in Subsection 005.01.d. (3-16-96)

iii. Each batch of CSEAFD generated by ESII shall be subjected to subsequent verification testing no later than thirty (30) days after it is generated by ESII. (3-16-96)

iv. If the levels of constituents measured in a sample, or composite sample, of CSEAFD do not exceed the levels set forth in Subsection 005.01.d., then any batch of CSEAFD which contributed to the sample that does not exceed the levels set forth in Subsection 005.01.d. is non-hazardous and may be managed and/or disposed of in a Subtitle D or Subtitle C landfill. (3-16-96)

v. If the constituent levels in a sample, or composite sample, exceed any of the delisting levels set forth in Subsection 005.01.d., then ESII must submit written notification of the results of the analysis to the Department within fifteen (15) days from receiving the final analytical results, and any CSEAFD which contributed to the sample must be: (3-16-96)

(1) Retested, and retreated if necessary, until it meets the levels set forth in Subsection 005.01.d.; or (3-16-96)

(2) Managed and disposed of in accordance with Subtitle C of RCRA. (3-16-96)

vi. Each batch of CSEAFD shall be managed as hazardous waste in accordance with Subtitle C of RCRA until subsequent verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.01.d. (3-16-96)

**d. Delisting Levels.** (3-16-96)

i. All leachable concentrations for these metals must not exceed the following levels (mg/l):

antimony - 0.06
arsenic - 0.50
barium - 7.60
beryllium - 0.010
cadmium - 0.050
chromium - 0.33
lead - 0.15
mercury - 0.009
nickel - 1
selenium - 0.16
silver - 0.30
thallium - 0.020
vanadium - 2
zinc - 70

(3-16-96)

ii. Metal concentrations must be measured in the waste leachate by the method specified in 40 CFR Part 261.24. (3-16-96)

- e. Modification of Treatment Process. (3-16-96)
- i. If ESII makes a decision to modify the Super Detox(R) treatment process from the description of the process as set forth in ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995, ESII shall notify the Department in writing prior to implementing the modification. (3-16-96)
- ii. After ESII's receipt of written approval from the Department, and subject to any conditions included with the approval, ESII may implement the proposed modification. (3-16-96)
- iii. If ESII modifies its treatment process without first receiving written approval from the Department, this exclusion of waste will be void from the time the process was modified. (3-16-96)
- iv. ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995 is available at the Department of Environmental Quality, Permits and Enforcement, 1410 N. Hilton, Boise, Idaho 83706. (3-16-96)
- f. Records and Data Retention and Submittal. (3-16-96)
- i. Records of disposal site, operating conditions and analytical data from verification testing must be compiled, summarized, and maintained at ESII's Grand View facility for a minimum of five (5) years from the date the records or data are generated. (3-16-96)
- ii. The records and data maintained by ESII must be furnished upon request to the Department or EPA. (3-16-96)
- iii. Failure to submit requested records or data within ten (10) business days of receipt of a written request or failure to maintain the required records and data on site for the specified time, will be considered by the Department, at its discretion, sufficient basis to revoke the exclusion to the extent directed by the Department. (3-16-96)
- iv. All records or data submitted to the Department must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the records or data submitted: "Under civil and/or criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete. As to any identified sections of this document for which I cannot personally verify the truth and accuracy, I certify as the ESII official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete. In the event that any of this information is determined by the Department in its sole discretion to be false, inaccurate, or incomplete, and upon conveyance of this fact to ESII, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Department and that ESII will be liable for any actions taken in contravention of ESII's RCRA and CERCLA obligations premised upon ESII's reliance on the void exclusion." (3-16-96)
- g. Facility Merger and Name Change. On May 4, 2001, the Department was notified of a stock transfer that resulted in ESII's facility merging with American Ecology. This created a name change from EnviroSAFE Services of Idaho, Inc. (ESII) to US Ecology Idaho, Inc. effective May 1, 2001. All references to EnviroSAFE Services of Idaho, Inc. or ESII now refer to US Ecology Idaho, Inc. (3-15-02)

**006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.**

**01. Incorporation by Reference.** 40 CFR Part 262 and all Subparts, except for the language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2004. For purposes of 40 CFR 262.55, 262.56, and 262.57(b), "Administrator" shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. Copies of advance notification, annual reports, and exception reports, required under those sections, shall also be provided to the Director. For purposes of 40 CFR 262.51, 262.53, 262.54(g)(1), and 262.85(g), EPA shall be defined

as the U.S. Environmental Protection Agency. For purposes of 40 CFR Part 262 Subparts E, F, H, and 40 CFR 262.41(a)(4), "United States or U.S." shall be defined as the United States. ~~(3-20-04)~~(\_\_\_\_\_)

**02. Generator Emergency Notification.** In addition to the emergency notification required by 40 CFR 265.56(d)(2), 262.34(d)(5)(iv)(C), (see 40 CFR 262.34(a)(4)), 263.30(c)(1), and 264.56(d)(2), the emergency coordinator must also immediately notify the State Communications Center by telephone, 1-800-632-8000, to file an identical report. (3-15-02)

**007. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.** 40 CFR Part 263 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR 263.20(g), 263.20(g)(1), 263.20(g)(4), 263.21(a)(4), and 263.22(d), "United States" shall be defined as the United States. ~~(3-20-04)~~(\_\_\_\_\_)

**008. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.** 40 CFR Part 264 and all Subparts (excluding 40 CFR 264.1(f), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f) and 264.1080(g)) are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR Subsection 264.12(a), "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 264.1082(c)(4)(ii), "EPA" shall be defined as the U.S. Environmental Protection Agency. ~~(3-20-04)~~(\_\_\_\_\_)

**009. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.** 40 CFR Part 265, and all Subparts (excluding Subpart R, 40 CFR 265.1(c)(4), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g)) and except the language contained in 40 CFR 265.340(b)(2) as replaced with, "The following requirements continue to apply even when the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: 40 CFR 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this part.", are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR Subsection 265.12(a), "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 265.1083(c)(4)(ii), "EPA" shall be defined as the U.S. Environmental Protection Agency. ~~(3-20-04)~~(\_\_\_\_\_)

**010. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE FACILITIES.** 40 CFR Part 266 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. ~~(3-20-04)~~(\_\_\_\_\_)

**011. LAND DISPOSAL RESTRICTIONS.** 40 CFR Part 268 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~, except for 40 CFR 268.1(e)(3), 268.5, 268.6, 268.13, 268.42(b), and 268.44(a) through (g). The authority for implementing the provisions of these excluded sections remains with the EPA. However, the requirements of Sections 39-4403(17) and 39-4423, Idaho Code, shall be applied in all cases where these requirements are more stringent than the federal standards. If the Administrator of the EPA grants a case-by-case variance pursuant to 40 CFR 268.5, that variance will simultaneously create the same case-by-case variance to the equivalent requirement of these rules. For purposes of 40 CFR 268.2(j) "EPA" shall be defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR 268.40(b), "Administrator" shall be defined as U.S. Environmental Protection Agency Administrator. In 40 CFR 268.7(a)(9)(iii), "D009" is excluded, (from lab packs as noted in 40 CFR Part 268 Appendix IV.) In 40 CFR 268.48(a), the entry for "2,4,6-Tribromophenol" is excluded. ~~(3-20-04)~~(\_\_\_\_\_)

**012. HAZARDOUS WASTE PERMIT PROGRAM.** 40 CFR Part 270 and all Subparts, except 40 CFR 270.12(a) and 40 CFR 270.14(b)(18), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR 270.2, 270.5, 270.10(e)(2), 270.10(e)(3), 270.10(f)(2), 270.10(f)(3), 270.10(g), 270.11(a)(3), 270.32(a), 270.32(b)(2), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5), "EPA" and "Administrator" or "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator respectively. ~~(3-20-04)~~(\_\_\_\_\_)



**013. PROCEDURES FOR DECISION-MAKING (STATE PROCEDURES FOR RCRA OR HWMA PERMIT APPLICATIONS).**

40 CFR Part 124, Subparts A and B are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~, except that the fourth sentence of 40 CFR 124.31(a), the third sentence of 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a) are expressly omitted from the incorporation by reference of each of those subsections. For purposes of 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii) "EPA" and "Administrator" or "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator, respectively. ~~(3-20-04)~~(\_\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. STANDARDS FOR THE MANAGEMENT OF USED OIL.**

**01. Incorporation by Reference.** 40 CFR Part 279 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR 279.43(c)(3)(ii) "Director" shall be defined as the Director, U.S.DOT Office of Hazardous Materials Regulation. ~~(3-20-04)~~(\_\_\_\_\_)

**02. Used Oil as a Dust Suppressant.** 40 CFR Part 279 contains a prohibition on the use of used oil as a dust suppressant at 279.82(a), however, States may petition EPA to allow the use of used oil as a dust suppressant. Members of the public may petition the State to make this application to EPA. This petition to the State must: (2-11-94)

**a.** Be submitted to the Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706-1255; and (2-11-94)

**b.** Demonstrate how the requirements of 40 CFR 279.82(b) will be met. (2-11-94)

**016. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.**

40 CFR Part 273 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2003~~4~~. For purposes of 40 CFR 273.32(a)(3), "EPA" shall be defined as the U.S. Environmental Protection Agency. ~~(3-20-04)~~(\_\_\_\_\_)

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

#### **IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701**

**02-0104-0301, Rules Governing the Idaho Preferred Promotion Program.** Establishes voluntary promotion program requirements for use of the Idaho Preferred™ logo, defines eligible products, application procedures and participation fees for promotion of Idaho food and agricultural products. Comment by: 8/27/03.

#### **IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701**

**02-0214-0401, Rules for Weights and Measures.** Updates the documents incorporated by reference. Comment by: 8/25/04.

**02-0605-0301, Rules Governing Diseases of Hops (*humulus lupulus*).** Removes Boundary County from the control area to allow imported hops planting material into Boundary County without the two-year evaluation of disease freedom outside of the control area requirement. Comment by: 8/25/04.

#### **IDAPA 03 - IDAHO ATHLETIC COMMISSION 1575 Baldy Ave., Pocatello, ID 83201**

**03-0101-0401, Rules of the State Athletic Commission.** Clarifies which martial arts activities are to be regulated and which are to be deemed exempt. Comment by: 8/25/04.

#### **IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642**

**07-0105-0401, Rules Governing Examinations.** Provides applicants who have failed an exam for the third or fourth time with an alternative allowing them to test again when they have provided satisfactory proof of completion of board-approved, related electrical training or continuing education since the date of the failed exams. Comment by: 8/25/04.

**07-0308-0401, Rules Governing Commercial Coaches.** Updates hourly rate charged for "systems" plan reviews for commercial coaches to the current allowed rate of \$36 per hour. Comment by: 8/25/04.

**07-0402-0401, Safety Rules for Elevators Escalators, and Moving Walks.** Implements HB 569 making the Division responsible for elevator regulation. Comment by: 8/25/04.

#### **IDAPA 08 - STATE BOARD OF EDUCATION & DEPARTMENT OF EDUCATION PO Box 83702, Boise, ID 83720-0037**

**08-0101-0401, Rules of the State Board of Education and Board of Regents of the University of Idaho - Administration.** Allows the State Board of Education to grant a waiver of compliance with any rule if it is not otherwise required by state or federal law. Comment by: 8/25/04.



**08-0203-0402, Rules Governing Thoroughness.** Provides further clarification between school and district/LEA sanctions for failing to meet Adequate Yearly Progress (AYP) under the federal "No Child Left Behind" Act (NCLB). Comment by: 8/25/04.

**08-0203-0403, Rules Governing Thoroughness.** Establishes and implements the English Language Proficiency (ELP) Standards as required for all states under the No Child Left Behind Act. Comment by: 8/25/04.

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**600 S. Orchard, Suite A, Boise, ID 83705-1242**

**10-0102-0401, Rule of Professional Responsibility.** Requires that registrants be complete, objective and truthful in all communications with clients. Comment by: 8/25/04.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**PO Box 83720, Boise, ID 83720-0036**

**\*\*16-0219-0401, Food Safety and Sanitation Standards for Food Establishments (UNICODE).** Repeal of chapter. Comment by: 8/25/04.

**\*\*16-0219-0402, Food Safety and Sanitation Standards for Food Establishments (UNICODE).** Rewrite of chapter updates Idaho's food safety standards for commercial food establishments. Comment by: 8/25/04.

**\*\*16-0223-0401, Rules Governing Indoor Smoking.** Changes conform to SB 1283 regulating smoking in public places. Comment by: 8/25/04.

**16-0309-0402, Rules Governing the Medical Assistance Program.** Allows the dispensing pharmacy to receive payment for acceptance of unopened and unused drugs from licensed residential and assisted living facilities. Comment by: 8/25/04.

**16-0404-0401, Rules and Minimum Standards for Employment Services.** Chapter is repealed and funding and administration of program is now under Division of Vocational Rehabilitation. Comment by: 8/25/04.

**16-0614-0401, Rules Governing the Prevention of Minor's Access to Tobacco Products.** Changes conform to state law that exempts adult only permit locations from inspections assisted by a minor, requires issuance of permits to those entities selling tobacco products via the internet, telephone, or fax machine and to those who deliver tobacco products. Comment by: 8/25/04.

**IDAPA 21 - DIVISION OF VETERANS SERVICES**

**320 Collins Road, Boise, ID 83702**

**21-0102-0401, Rules Governing Emergency Relief for Veterans.** Proposed rule would give the Division Administrator authority to waive the Home of Record requirement for applicants for the Emergency Grant if the veteran has resided in Idaho for a period of at least 5 years. Comment by: 8/25/04.

**STATE BOARD OF MEDICINE**

**PO Box 83720, Boise, ID 83720-0058**

**22-0104-0401, Rules Board of Medicine for Registration of Supervising and Directing Physicians.** Conforms to HB 659 and eliminates supervision requirement for advanced practice nurses. Comment by: 8/25/04.

**IDAPA 27 - STATE BOARD OF PHARMACY**

**PO Box 83720, Boise, ID 83720-0067**

**27-0101-0401, Rules of the Idaho State Board of Pharmacy.** Proposed change would increase the number of pharmacy technicians per licensed pharmacist from two to three to better meet more stringent accountability requirements. Comment by: 8/25/04.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY  
1410 N. Hilton, Boise, ID 83706-1255**

**\*\*58-0101-0402, *Rules Governing the Control of Air Pollution in Idaho***. Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2004. Comment by: 9/8/04.

**\*\*58-0102-0302, *Water Quality Standards and Wastewater Treatment Requirements***. Updates 6 human health criteria for 3 heavy metals and 11 aquatic life criteria for 6 metals per the 2002 EPA recommendations. Comment by: 9/20/04.

**58-0105-0402, *Rules and Standards for Hazardous Waste***. Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2004. Comment by: 8/25/04.  
Comment by: 8/4/04.

**\*\*PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **August 4, 2004, Volume 04-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**FOR THE ABOVE LINK TO WORK YOU HAVE  
TO BE CONNECTED TO THE INTERNET**

**This index tracks the history of all agency rulemakings from 1993 to the present.  
It includes all rulemaking activities on each chapter of rules  
and includes negotiated, temporary, proposed, pending  
and final rules, public hearing notices  
and vacated rulemaking notices.**

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