



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Education Committee and the House Education Committee  
**FROM:** Deputy Division Manager - Eric Milstead  
**DATE:** July 03, 2013  
**SUBJECT:** State Board of and State Department of Education

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity (Feedback & Evaluation) (Docket No. 08-0202-1301)

The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.02 -- Rules governing Uniformity. The temporary and proposed rule reflects removal of requirements relating to the evaluation of certain certificated employees. Specifically, the language that has been removed governed the use of parent input and student achievement in the employee evaluations. The statutory authority for the language that has been removed was found in the Students Come First legislation rejected in the 2012 elections. Consequently, the temporary and proposed rule has eliminated those provisions authorized by that legislation.

The agency states that negotiated rulemaking was not conducted because of the need for temporary rulemaking.

The effective date of the temporary rule was April 18, 2013.

The agency's temporary and proposed rule appears to be authorized pursuant to section 67-5226 and 33-105, Idaho Code.

cc: State Board of and State Department of Education - State Department of Education  
Superintendent Tom Luna