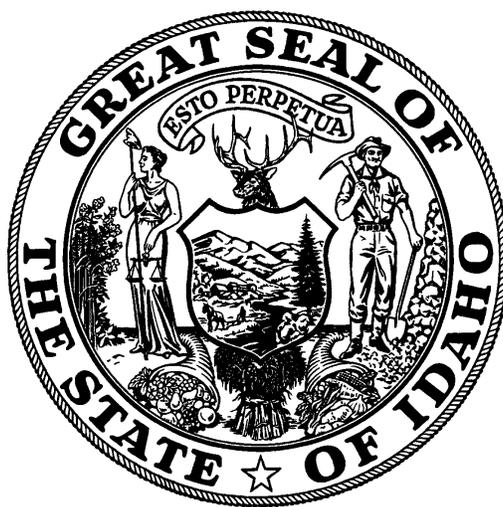


# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

**Submitted for Review Before**  
**House Education Committee**  
**63rd Idaho Legislature**  
**First Regular Session**



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2015*

**HOUSE EDUCATION COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

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

## **08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS**

**DOCKET NO. 08-0111-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code.

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

The proposed changes to IDAPA 08.01.11 will amend the definition of what constitutes having an “Idaho presence” for state authorization purposes. Institutions, unless otherwise exempted, who have a physical presence within the state of Idaho are required to register with the State Board of Education. Idaho’s definition of physical presence includes all students participating in a clinical experience within the state even if the institution itself does not meet the other requirements for a physical presence. The proposed change would give a slightly broader definition in regards to a clinical experience and allows that if there are fewer than ten (10) students simultaneously present at the site and the institution does not have a multi-year agreement with the site then that institution still does not have a physical presence within the state.

An additional change is being proposed to subsection 200.09 that would allow for the Board office to use financial instruments other than an institution’s audited financial statements as part of the registration process. Due to timing and varying differences in an institution’s operations the audited financial statements may not be the best instrument for staff to use to calculate the registration fee of a specific institution.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 86 through 89](#).

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

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

DATED this 28th Day of November, 2014.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

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

The proposed changes to IDAPA 08.01.11 will amend the definition of what constitutes having an "Idaho presence." Institutions, unless otherwise exempted, who have a physical presence within the state of Idaho are required to register with the State Board of Education. Idaho's definition of physical presence includes all students participating in a clinical experience within the state even if the institution itself does not meet the other requirements for a physical presence. The proposed change would give a slightly broader definition in regards to a clinical experience and allows that if there are fewer than ten (10) students simultaneously present at the site and the institution does not have a multi-year agreement with the site then that institution still does not have a physical presence within the state.

An additional change is being proposed to subsection 200.09 that would allow for the Board office to use financial instruments other than an institution's audited financial statements as part of the registration process. Due to timing and varying differences in an institution's operations the audited financial statements may not be the best instrument for staff to use to calculate the registration fee of a specific institution.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be fiscal impact due to the proposed change.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, page 22](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 29th Day of August, 2014.

LSO RULES ANALYSIS MEMO

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0111-1401

**200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.**

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

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

**a.** Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. (3-29-12)

**b.** Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

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

**d.** A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. (3-29-12)

**e.** There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. (3-29-12)

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

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

**b.** Idaho presence shall include medical/osteopathic education clinical instruction occurring in the state of Idaho as part of a course of study leading to a degree pursuant to a formal multiyear arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction where eleven (11) or more students of the institution are physically present simultaneously at a single field site. ~~(3-29-12)~~( )

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

- i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; (3-29-12)
- ii. Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; (3-29-12)
- iii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)
- iv. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

**04. Institutions Exempt from Registration.** (4-9-09)

**a.** Idaho public post-secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-9-09)

**b.** Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the date when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (3-29-12)

**c.** Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. (3-29-12)

**05. Institutions That Must Register.** Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (3-29-12)

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

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

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

- 09. Information Required.** (3-29-12)
- a.** An application must include all the information requested on the application form, as well as the following information: (3-29-12)
- i. Copy of most recent accreditation letter showing the period of approval; (4-7-11)
  - ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
  - iii. Enrollment data for current and past two (2) years; (4-9-09)
  - iv. Copy of annual audited financial statement, or other financial instrument as established by the executive director; ~~(4-9-09)~~ ( )
  - v. Any additional information that the Board may request. (4-9-09)
  - vi. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. (4-4-13)
- b.** The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.07 of this rule, shall remain applicable. (3-29-12)

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

## 08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1401

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-107, 33-116, 33-1612, and 33-320, 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:

Section 33-320, Idaho Code, requires each school district and public charter school in Idaho to develop and maintain a strategic plan that focuses on improving the district or charter school students' performance. It also authorizes the Board to promulgate rules to establish appropriate procedures, qualifications, and guidelines for qualified training providers who will provide training to the LEAs in the development and maintenance of the strategic plans as well as training in administrator evaluations, budgeting, and ethics and government. The rule sets out the qualifications necessary for an individual or organization to become a qualified training provider, these include two years' documented training experience in the subject area of training being provided to the LEA and three recommendations from individuals that have been trained, in the specified area, in the past by the trainer. The rule also stipulates that the trainer may not be a current employee of the school district or charter school. Additionally, the strategic planning training session must include, at a minimum, the majority of the board of trustees or board of directors and the district administrator.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, pages 23 through 26](#).

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

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

DATED this 28th Day of November, 2014.

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

THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-107, 33-116, 33-1612, and 33-320, 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 27, 2014.

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:

House Bill 521 requires each school district and public charter school in Idaho to develop and maintain a strategic plan that focuses on improving the district or charter school students' performance. It also authorizes the Board to promulgate rules to establish appropriate procedures, qualifications, and guidelines for qualified training providers who will provide training to the LEAs in the development and maintenance of the strategic plans. During the first year, districts must have their plans in place by September 2014. In order to meet this deadline school districts and public charter schools must know what the required qualifications are prior to hiring potential trainers to help them develop these plans. The rule sets out the procedures to select qualified trainers and the qualifications necessary for one to become a qualified training provider.

The specific qualifications for a qualified training provider include two years' documented training experience in the subject area of training being provided to the LEA and three recommendations from individuals that have been trained in the past by the trainer. The rule also stipulates that the trainer may not be a current employee of the school district or charter school. Additionally, the strategic planning training session must include, at a minimum, the majority of the board of trustees or board of directors and the district administrator.

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

The temporary rule is necessary to comply with Section 33-320, Idaho Code (HB 521, 2014), which requires school districts to create and maintain strategic plans and allows them to seek reimbursement for the cost of the training necessary to complete those plans. The rule also sets out the procedures for the selection of a qualified training provider and the requirements and qualification needed to be a qualified training provider.

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

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

HB 521 which passed during the 2014 legislative session allows for each school district or charter school to seek reimbursement up to \$2,000 annually for training. The fiscal note in HB 521 was \$326,000. This rule establishes the minimum qualifications for trainers if the district wishes to seek reimbursement from the state for the training provided. The review of the trainers' applications will take additional staff time, however, at present it is difficult to determine the time required to complete the review. The fiscal impact of the legislation did not anticipate the impact on Board of Education staff for the verification of trainer qualifications nor on the Department of Education staff for processing the reimbursement requests. These tasks will have to be completed using existing resources.

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

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229, Idaho Code, the following is a brief synopsis

of why the materials cited are being incorporated by reference into this rule:

No materials have been incorporated by reference into this rule.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2014.

DATED this July 5, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0201-1401**

**801. STRATEGIC PLANNING AND TRAINING.**

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that focusses on improving the student performance of the LEA. ( )

**01. Definitions.** ( )

**a.** Administrator. As used in this section administrator means the superintendent of the school district or administrator of a charter school. ( )

**b.** Board. Board means the Idaho State Board of Education. ( )

**c.** Executive Director. Executive Director means the Executive Director of the Idaho State Board of Education. ( )

**d.** Local Education Agency Board. As used in this section local education agency or LEA Board means the board of trustees of a school district or board of directors of a charter school. ( )

**e.** Local Education Agency. As used in this section local education agency (LEA) means public school district or charter school. ( )

**f.** Strategic Plan. As used in this section, a strategic plan is one that focuses on continuous process improvement and the analysis of data to assess and prioritize needs and measure outcomes. ( )

**02. Reimbursement Eligibility.** LEA's may request reimbursement for training conducted pursuant to Section 33-320, Idaho Code. To be eligible for reimbursement the training and trainer must meet the following criteria: ( )

**a.** Training. The training must cover one (1) or more the follow subjects: ( )

**i.** Strategic planning training. Strategic planning training must include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes; ( )

**ii.** School finance; ( )

- iii. Administrator evaluations, including, but not limited to, specifics on the Idaho state evaluation requirements and framework: ( )
- iv. Ethics; or ( )
- v. Governance. ( )
- b.** Documentation of Training. Training records shall be kept by the LEA showing: ( )
  - i. The length of the training in hours; ( )
  - ii. The subject(s) covered by the training; ( )
  - iii. The participants included in the training or validation of attendance of specific participants as applicable; and ( )
  - iv. The curriculum, agenda, or other documentation detailing the content of the training. ( )
- c.** Training Format. A majority of the LEA board and the administrator must collaborate on the strategic plan and engage students, parents, educators and the community, as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Sufficient time must be provided during the sessions to give the participants an opportunity to discuss issues specific to the LEA. ( )
- d.** Trainer Qualifications. The trainer must meet the following qualifications: ( )
  - i. May not be a current employee of the LEA; ( )
  - ii. Must have two (2) years of documented training experience in the area of training being provided for the LEA; and ( )
  - iii. Must provide at least three (3) recommendations from individuals who participated in past training sessions conducted by the trainer. These recommendations must be included with the application to determine the trainer's qualifications. ( )
- e.** Qualified Trainers. Trainer qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. ( )
  - i. An individual or company may submit an application for consideration to be placed on the list of qualified trainers or the LEA may submit the application on behalf of the individual or company. ( )
  - ii. Applications must be submitted to the Executive Director in a format established by the Executive Director. ( )
  - iii. Trainer qualifications must be determined prior to the LEA's request for reimbursement of training costs. ( )
- 03.** Reimbursement. Up to two thousand dollars (\$2,000) per state fiscal year will be reimbursed to the LEA for training costs. Reimbursement will be based on actual expenditures related to the training delivered. ( )
- 04.** Audit. If requested, LEA's must provide training documentation or other information to verify eligibility prior to reimbursement. ( )

~~8042~~ -- 999. (RESERVED)

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

## 08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1402

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

IDAPA 08.02.01.400.01.b. and 400.01.c. were approved in 1997. There are two technical errors in this portion of rule for Exceptional Child Support Units concerning the percentages. This change will correct the errors.

There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10 pages 91-92](#).

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

This change results in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tim Hill, State Department of Education, (208) 332-6843, [tdhill@sde.idaho.gov](mailto:tdhill@sde.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
Boise, Idaho 83720-0027  
Phone: (208) 332-6812  
Fax: (208) 334-2228

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 14, 2014.

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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

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

IDAPA 08.02.01.400.01.b. and 400.01.c. were approved in 1997. There are two technical errors in the portion of rule for Exceptional Child Support Units concerning the percentages. This change will correct the errors.

**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 temporary rule confers a benefit by fixing technical errors in the rule.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is simple in nature, making only a technical correction.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tim Hill, State Department of Education, 208-332-6843, [tdhill@sde.idaho.gov](mailto:tdhill@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0201-1402**

**400. SPECIAL EDUCATION FUNDING FOR DISTRICTS WITH APPROVED PROGRAMS.**

**01. Reimbursement for Exceptional Child Support Units.** State reimbursement provided by exceptional child support units is based on the following formula: (4-1-97)

**a.** Preschool students will generate funding based upon the weekly hours and minutes they are enrolled in special education. (4-1-97)

**b.** From the fall elementary enrollment of kindergarten through grade six (K-6), subtract elementary residential facility students and multiply the result by six one-hundredths (.06). Add the elementary residential facility students to the product. (Section 33-1002(4), Idaho Code.) (4-1-97)( )

**c.** From the fall regular secondary enrollment of grades seven through twelve (7-12), subtract secondary residential facility students and multiply the result by fifty-five one-thousandths (.055). Add the secondary residential facility students to the product. (Section 33-1002(4), Idaho Code). (4-1-97)( )

**d.** Add the juvenile detention facility students to the total. (4-1-97)

**e.** Use the exceptional child divisor to determine the number of exceptional child units. Secondary programs with a smaller divisor may use the smaller divisor for their secondary computation. (4-1-97)

**f.** Elementary and secondary exceptional child support units will be calculated using one hundred percent (100%) Average Daily Attendance (ADA): the ADA will be subtracted from their respective regular elementary and secondary administrative unit for computing the support unit. (4-1-97)

**02. Contracting for Educational and Related Services.** (Section 33-2004, Idaho Code) (4-1-97)

**a.** A school district which contracts for special education services with another agency may claim reimbursement up to a maximum amount of state funding, as annually determined by the State Department of Education, less the district's certified annual tuition rate. When any agency contracts for the education of exceptional children, all such children will be enrolled in the district of their residence and the agency will certify to the home school district the daily record of attendance of such student. (4-1-97)

**b.** For special education contracts between local school districts, the district receiving service will pay the district providing service the amount of the providing district's local annual tuition rate as certified under the provision of Idaho Code. The school district providing service will include students served within such contract within the total number of special education students used to calculate exceptional education support units. Charges for additional costs may be negotiated between the districts. (4-1-97)

**c.** The State Department of Education will determine if public and private schools and facilities meet state standards for an approved special education program. Any agency aggrieved by the Department of Education's final decision may appeal that decision to the State Board of Education. (4-1-97)

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

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1401

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-1201, 33-1202, 33-1203, 33-1204, 33-2203, and 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

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

In 2013 the Governor's Task Force for Improving Education recommended that the state move to a tiered teacher licensure model that encompasses a continuum of professional growth and learning and that movement through the system be accomplished in an objective way using performance measures, including evaluations based upon the state framework for teaching evaluation. The original proposed rule would have amended the certification requirements to add a tiered certification system as recommended by the Governor's Task Force. The tiered system of certification would include a three year residency period for individual new to teaching, and a five year renewable professional certificate. The professional certificate would consist of a standard professional level, a master level, and a contingent designation for those that did not maintain the established performance criteria. The existing categorical requirements for secondary, elementary, early childhood, and professional-technical certificates would continue to apply and be incorporated into the tiered certification model. The changes between the proposed and pending rule remove the professional certificate levels and performance criteria at the professional level once professional certification is obtained. Individuals new to teaching will have to go through a three year residency period. At the end of the three year residency period, individuals who successfully meet the minimum performance criteria may apply for a renewable professional certificate. Those who cannot meet the performance criteria may request a one year extension under certain circumstances or return to a postsecondary institution for additional training and then reapply for residency. Once teachers receive the professional certificate they must meet the current renewal requirements.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 92 through 119](#).

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

Proposed changes to the teacher certification process may necessitate additional one-time costs for database programming to capture the new data fields necessary for determining individuals meet the professional level performance criteria. The total programming costs are estimated to be under \$10,000. An additional staff person or the restructuring of current department staff to process the certifications in a timely manner may be necessary, a thorough evaluation of current staffing resources will need to be conducted prior to a determination being made.

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

DATED this 28th Day of November, 2014.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-1201, 33-1202, 33-1203, 33-1204, 33-2203, and 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

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

<b>October 7, 2014 7:00 p.m. - 9:00 p.m.</b>	<b>October 14, 2014 7:00 p.m. - 9:00 p.m.</b>	<b>October 21, 2014 7:00 p.m. - 9:00 p.m.</b>
<b>Idaho State University Student Union Building Salmon River Room 921 South 8th Ave. Pocatello, ID</b>	<b>Lewis-Clark State College Meriwether Lewis Hall Room 100 500 8th Ave. Lewiston, ID</b>	<b>Mountain View High School Lecture Hall 2000 S. Millennium Way Meridian, ID</b>

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

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

In 2013 the Governor's Task Force for Improving Education made a recommendation that the state move to a tiered teacher licensure model that encompasses a continuum of professional growth and learning and that movement through the system be accomplished in an objective way using performance measures, including evaluations based upon the framework for teaching. In Idaho code and rule we use the term certification not licensure. The proposed rule amends the certification requirements to add a tiered certification system as recommended by the Governor's Task Force.

The tiered system of certification would include a 3 year non-renewable Residency Certificate, and a 5 year renewable Professional Certificate. The Professional Certificate would consist of a standard professional level a master level and a contingent designation. The existing categorical requirements for secondary, elementary, and early childhood and professional-technical certificates would continue to apply and be incorporated into the tiered certification model. Movement between the professional and master levels would be based on established performance requirements. Those requirements would be based on student achievement/growth and performance evaluation ratings. The level of ratings would determine eligibility for moving to the Professional Certificate at the end of the Residency stage and once an individual has attained a Professional Certificate these measure would be used for movement to the master level, with a higher level of performance being required for the master tier. Teachers would be able to remain on the professional tier and continue to renew at that level if they did not meet the minimum requirements for the master level. Teachers who did not meet the minimum requirements to move from the residency tier to the professional tier would not be granted a Professional Certificate. Teachers who did not maintain the

minimum proficiency levels of the Professional Certificate at time of renewal would be granted a “contingent” Professional Certificate. As soon as they met the minimum requirements for the Professional Certificate renewal the “contingent” status would be removed from their certificate. Student achievement would be determined by the district from the list of acceptable assessments or student learning objectives. In addition to the teacher proficiency levels and student achievement each teacher will have a professional learning plan tied to their evaluation that is developed at the district level.

Teacher with existing certificates moving in from other states and teachers completing an alternate route will be placed on a 3 year interim certificate, during that time they may establish they meet the requirements to move from a residency certificate to a professional certificate and may apply for a professional certificate at the conclusion of the interim certificate.

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

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

Proposed changes to the teacher certification process may necessitate additional one-time costs for database programming to capture the new data fields. The total programming costs are estimated to be under \$10,000. An additional staff person or the restructuring of current department staff to process the certifications in a timely manner may be necessary, a thorough evaluation of current staffing resources will need to be conducted prior to a determination being made.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted through the Career Ladder/Tiered Licensure subcommittee of stakeholders looking at implementing the recommendations from the Governor’s Task Force for Improving Education. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, page 27](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED the 29th day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1401**

**007. DEFINITIONS.**

**01. Active Teacher.** K-12 teacher with a valid Idaho certificate who is currently teaching in an Idaho K-12 classroom/school. (3-16-04)

**02. Alternative Routes.** Routes to teacher certification designed for candidates who want to enter the teaching profession from non-education professions or the para-educator profession, or for teachers lacking certification in a specific area defined as an emergency district need. (3-16-04)

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

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

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

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

**067. Institutional Recommendation.** Signed form or written verification from an accredited institution with an approved teacher preparation program stating that an individual has completed the program, received a basic or higher rating in all twenty-two (22) components of the Idaho framework for teaching evaluation, has an individualized professional learning plan, has demonstrated measurable student achievement or the ability to create student learning objectives, and is now being recommended for state certification. (3-16-04)( )

**08. Measurable Student Achievement.** Student achievement and growth within a given interval of instruction. Assessment tools that may be used for measuring student achievement and growth include: ( )

- a.** Idaho standards achievement test; ( )
- b.** Student learning objectives; ( )
- c.** Formative assessments; ( )
- d.** Teacher-constructed assessments of student growth; ( )
- e.** Pre- and post-tests; ( )
- f.** Performance based assessments; ( )
- g.** Idaho Reading Indicator; ( )
- h.** College entrance exams (PSAT, SAT, ACT); ( )
- i.** District adopted assessment; ( )
- j.** End of course exams; ( )
- k.** Advance placement exams; ( )
- l.** Professional-Technical exams; ( )

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

**0810. Para-Educator.** Aides and assistants employed by school districts to supplement instruction and provide additional assistance to students. (3-16-04)

~~09~~**11.** Pedagogy. Teaching knowledge and skills. (3-16-04)

~~13~~**2.** Student Learning Objective (SLO). A measurable, long-term academic growth target that a teacher sets at the beginning of the year for all students or for subgroups of students. SLOs demonstrate teachers' impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. ( )

~~10~~**3.** Teacher Leader. A ~~master~~ teacher who facilitates the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. (~~4-4-13~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

~~015.~~ **IDAHO INTERIM CERTIFICATE.**

~~01.~~ Issuance of Interim Certificate. The State Department of Education is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement. An interim certificate is nonrenewable except under extenuating circumstances. (4-2-08)

~~a.~~ Idaho Comprehensive Literacy Course. For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved reading instruction course shall be a one-time requirement for full certification. (4-7-11)

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

~~02.~~ Reinstatement of Expired Certificate. An individual holding an expired Idaho certificate may be issued a nonrenewable three-year interim certificate. During the validity period of the interim certificate, the applicant must meet all current requirements listed for the specific certificate and endorsement(s) including the appropriate content, pedagogy, and performance assessments. (3-29-12)

~~03.~~ Foreign Institutions. An educator having graduated from a foreign institution that is listed in the Accredited Degree Granting Institutions section of the "Accredited Institutions of Postsecondary Education" and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three-year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (4-2-08)

~~016~~**5.** **IDAHO EDUCATOR CREDENTIAL.**

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (~~Section 33-1201, Idaho Code~~) In addition to the applicable certificate level requirements outlined in Subsections 015.01 through 015.03, applicants must meet the specific grade level or subject area certificate requirements as provided herein. Teachers who hold an Idaho educator credential issued prior to April 2015 will be subject to the provisions of their existing certificate and must meet the renewal provisions of the professional certificate as described herein at time of renewal. (~~3-16-04~~)( )

~~01.~~ Measuring Student Achievement. Measurable student achievement shall include one (1) or more assessments demonstrating achievement. Measures and targets shall be chosen at the district level in collaboration with the teacher and applicable district staff and be selected from the list of tools included in the definition of measurable student achievement as contained in these rules. The majority of student achievement shall be based on student growth. ( )

~~02.~~ Idaho Residency Certificate. The residency certificate is an initial certificate granted to

individuals new to the teaching profession, and is valid for three (3) years, and is non-renewable. ( )

a. Teachers meeting the following criteria may apply for a residency certificate. ( )

i. Graduated from an Idaho approved educator or occupational teacher preparation program and have received an institutional recommendation; or ( )

ii. Obtained approval of an Idaho alternate route to certification as described in Section 042 of these rules. ( )

b. Holders of a residency certificate shall receive mentoring during the term of their certificate as outlined in their individualized professional learning plan. ( )

c. The residency certificate is non-renewable. Teacher holding a residency certificate who cannot meet the minimum requirements for a professional certificate may request a one (1) year extension under the following provisions: ( )

i. They are currently employed in a certificated position; and ( )

ii. They have a written recommendation from the hiring district requesting the extension. ( )

d. Teachers holding a residency certificate who cannot meet the minimum requirements for a professional certificate may return to an approved education preparation program to address areas of deficiency. ( )

i. Once successful in completing the higher education instruction, teachers may re-apply for a residency certificate. ( )

ii. Teachers will not hold a certificate during this time period. ( )

iii. If a teacher holding a residency certificate achieves the requisite proficiency ratings and student growth in one of their three years, or four years in the event of an extension, the teacher may use that year for purposes of meeting the professional certificate requirements. ( )

iv. Teachers may reapply for a professional certificate once the minimum requirements are met.( )

**03. Idaho Professional Certificate.** The professional certificate is a five (5) year renewable certificate. The Department of Education is authorized by the State Board of Education to review the applications for professional certificates and issue professional certificates based on the application submitted. ( )

a. The initial application shall include the following evidence: ( )

i. Hold a residency certificate for three (3) years, or have completed the applicable interim certificate. ( )

ii. For two (2) of three (3) years, or four (4) years in the event of an extension: Show demonstrated teaching proficiency on the Idaho framework for teaching evaluation by having sixteen (16) or more components rated as proficient or higher; no more than six (6) components ranked as basic; and no components rated as unsatisfactory. ( )

iii. Show measurable student achievement as set forth in Subsection 015.01; ( )

iv. Annual individualized professional learning plans developed in conjunction with school district

supervisor. ( )

v. Additional artifacts demonstrating evidence of effective teaching which may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards are not met. ( )

b. To renew a professional certificate the teacher must meet the applicable credit requirements of their specific endorsements. ( )

04. Elementary Certificate. An Elementary Certificate makes an individual eligible to teach grades kindergarten (K) through eight (8), and may be issued to any person who has a bachelor's degree from an accredited college or university and who meets the following requirements: ( )

a. Completion of the general education requirements at an accredited college or university is required. ( )

b. Professional Education Requirements. ( )

i. A minimum of twenty-four (24) semester credit hours, or thirty-six (36) quarter credit hours, in the philosophical, psychological, and methodological foundations and in the professional subject matter of elementary education, which shall include at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading and its application to the content area. ( )

ii. At least six (6) semester credit hours, or nine (9) quarter credit hours, of elementary student teaching or two (2) years of satisfactory experience as a teacher in grades K-8. ( )

c. An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades Kindergarten (K) through eight (8). ( )

d. All individuals, who begin an Idaho approved preparation program after July 1, 2013, seeking a elementary certificate shall complete the requirements for a subject area endorsement as outlined under requirements for a secondary certificate. An endorsement allowing teaching of that subject through grade nine (9) or a K-12 endorsement shall be added to the Elementary Certificate. ( )

e. Proficiency in areas noted above is measured by completion of the credit hour requirements provided therein. Additionally, each candidate shall meet or exceed the state qualifying score on approved elementary content area and pedagogy assessments. ( )

05. Secondary Certificate. A Secondary Certificate makes an individual eligible to teach in grades six (6) through twelve (12). A Secondary Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: ( )

a. Completion of the general education requirements at an accredited college or university is required. ( )

b. Professional Education Requirements. ( )

i. A minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, and methodological foundations, instructional technology, and in the professional subject matter of secondary education, which must include at least three (3) semester credit hours, or four (4) quarter credit hours, of reading in the content area. ( )

ii. The required twenty (20) semester credit hours, or thirty (30) quarter credit hours, must also include at least six (6) semester credit hours, or nine (9) quarter credit hours, of secondary student teaching or two (2) years of satisfactory experience as a teacher in grades six (6) through twelve (12). ( )

**c.** Preparation in at least two (2) fields of secondary teaching: a first teaching field of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, and a second teaching field of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the first or second teaching field requirements. ( )

**d.** An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades six (6) through twelve (12). ( )

**e.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must have a qualifying score on an approved content area assessment in any area(s) for which the certificate or endorsement(s) will be applied. ( )

**06. Early Childhood/Early Childhood Special Education Blended Certificate.** An Early Childhood / Early Childhood Special Education Blended Certificate is non-categorical and makes an individual eligible to teach, in any educational setting, youth from birth to grade three (3), including those who are at-risk or have developmental delays. The Early Childhood / Early Childhood Special Education Blended Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: ( )

**a.** Completion of the general education requirements at an accredited college or university is required. ( )

**b.** Professional Education Requirements. ( )

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

**ii.** The required thirty (30) semester credit hours, or forty-five (45) quarter credit hours, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. ( )

**c.** An institutional recommendation from an accredited college or university. ( )

**d.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. ( )

**07. Exceptional Child Certificate.** Holders of this certificate work with children who have been identified as having an educational impairment. ( )

**a.** Completion of the general education requirements at an accredited college or university is required. ( )

**b.** Generalist Endorsement (K-12): the Generalist K-12 endorsement is non-categorical and allows one to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include an internship and student teaching in a special education setting. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: ( )

- i. Completion of a baccalaureate degree from an accredited college or university. ( )
- ii. Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion, in an out-of-state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed. ( )
- iii. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program. ( )
- iv. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. ( )
- c. Early Childhood Special Education Endorsement (Pre-K-3): The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements: ( )
  - i. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); curriculum and program development for young children ages three (3) to eight (8); methodology: planning, implementing and evaluating environments and materials for young children ages three (3) to eight (8); guiding young children's behavior: observing, assessing and individualizing ages three (3) to eight (8); identifying and working with atypical young children ages three (3) to eight (8); parent-teacher relations; and, field work to include an internship and student teaching at the Pre-K - 3 grades. ( )
  - d. Hearing Impairment Endorsement (K-12): completion of a minimum of thirty (30) semester credit hours in the area of hearing impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Hearing Impairment endorsement, a candidate must have satisfied the following requirements: ( )
    - i. Completion of a baccalaureate degree from an accredited college or university; ( )
    - ii. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or ( )
    - iii. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; ( )
    - iv. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Hearing Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. ( )
  - e. Visual Impairment Endorsement (K-12): Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impairment endorsement, a candidate must have satisfied the following requirements: ( )
    - i. Completion of a baccalaureate degree from an accredited college or university; ( )
    - ii. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or ( )

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

iv. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. ( )

**08.** **Certification Standards for Professional-Technical Educators.** Teachers of professional-technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Secondary Teaching Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Professional-Technical Education, and application processes are managed by the Division of Professional-Technical Education. ( )

**09.** **Degree Based Professional-Technical Certification.** ( )

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

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

**i.** Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a secondary teaching credential; ( )

**ii.** Provide evidence of a minimum of three (3) years teaching in an occupational discipline; ( )

**iii.** Hold a master's degree; and, ( )

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

**v.** To renew the Professional-Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for professional-technical teachers. ( )

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

d. Career Counselor Endorsement: the endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate endorsed Counselor K-12 and who have satisfied the following professional technical requirement: Career Pathways and Professional Technical Guidance; Principles/ Foundations of Professional-Technical Education; and Theories of Occupational Choice. ( )

10. Occupational Specialist Certificate. The Occupational Specialist Certificate is and industry based professional-technical certification. Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Professions Education and Skilled and Technical Sciences; those in specialized occupational areas where specific degree-granting professional technical teacher education programs do not exist; and postsecondary professional-technical educators who teach courses with nine (9) to twelve (12) students per class. ( )

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

i. Have sixteen-thousand (16,000) hours of full-time, successful, recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit can be counted toward the eight (8) years on a month-to-month basis for journeyman training and/or postsecondary training successfully completed as a full-time student in an approved/approvable, postsecondary, professional-technical education program. ( )

ii. Have a bachelor's degree in the specific occupation or related area, plus six-thousand (6,000) hours of full-time, successful, recent, gainful employment in the occupation. ( )

iii. Meet one (1) of the following: have at least journeyman level plus two (2) years of recent, full-time, gainful, related work experience. A person who has completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved State Apprenticeship Agency; pass approved state or national certification/certification examination plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis); or pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. ( )

b. Limited Occupational Specialist Certificate: this certificate is issued to individuals who are new to teaching trades and health occupations in public schools. The certificate is valid for three (3) years. ( )

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the State Division of Professional-Technical Education and an approved course in professional technical methods and student assessment. ( )

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

iii. File a professional development plan with the State Division of Professional-Technical Education. ( )

iv. Within the three (3) year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete course work that includes competencies in four (4) of the following: Principles/ Foundations of Occupational Education; Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; Measurement and Evaluation; and Methods of Teaching Occupational Education. ( )

c. Standard Occupational Specialist Certificate: this certificate is issued to individuals who have

completed course work equivalent to that required of the Limited Occupational Specialist Certificate. The certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or verification of two hundred forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and file of a professional development plan for the next certification period. ( )

d. Advanced Occupational Specialist Certificate: this certificate is issued to individuals who meet all the requirements outlined below: ( )

i. Meet the requirements for the Standard Occupational Specialist Certificate: ( )

ii. Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and ( )

iii. File a new professional development plan for the next certification period. ( )

iv. This certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or submit verification of two hundred forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes and workshops or any equivalent combination thereof, and file a new professional development plan for the next certification period. ( )

11. Additional Renewal Requirements. In addition to specific certificate or certificate level renewal requirements applicants must meet the following renewal requirements as applicable. ( )

~~01a. Renewal Requirement—~~Mathematics In-Service Program: ~~f~~in order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction”, or another State Department of Education approved alternative course, shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that ~~each teacher deems to be is~~ most closely aligned with their current assignment prior to September 1, 2014. Any teacher or administrator successfully completing said course shall be deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. Successful completion of a state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals ~~listed in Subsection 016.01.a. through 016.01.e. shall~~ must successfully complete the “Mathematical Thinking for Instruction” course in order to recertify: ~~(3-20-14)~~( )

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

~~b~~ii. Each teacher holding an ~~an~~ Standard Elementary Certificate (K-8) who is employed in an elementary classroom (multi-subject classroom K-8); ~~(3-20-14)~~( )

~~e~~iii. Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I who is employed in an elementary classroom (multi-subject classroom K-8); ~~(3-20-14)~~( )

~~d~~iv. Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in an elementary classroom (multi-subject classroom K-8); and ~~(3-20-14)~~( )

~~e~~v. Each school administrator holding an Administrator Certificate (Pre K-12) who is employed in an elementary classroom (multi-subject classroom K-8), including all school district and charter administrators. (3-20-14)

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

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

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

~~03b. Waiver of Mathematics In-Service Program: W~~When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual living outside of the state of Idaho who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (3-20-14)( )

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

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

~~b.ii.~~ Each teacher holding a Standard Elementary Certificate (K-8) who is employed in an elementary classroom (K-8); and (3-20-14)

~~e.iii.~~ Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in a K-12 classroom. (3-20-14)

~~05. Out of State Applicants—Idaho Comprehensive Literacy Course. (3-20-14)~~

~~a. Out of state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. (3-20-14)~~

~~b. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Comprehensive Literacy Course requirement. (3-20-14)~~

**12. Leave of Absence.** Teachers holding a residency certificate who are granted a district approved leave of absence from teaching for one (1) or more years may receive a one-year (1) extension to their certificate renewal time frame. ( )

**a.** Teachers must notify the Department of Education that they have an approved leave of absence from the school district prior to the expiration of their residency certificate. ( )

**b.** The time frame may be extended to two (2) years if the purpose of the leave is to serve in a non-teaching district approved position. ( )

**c.** In the event of military leave, the renewal timeframe may be extended to a timeframe equivalent to the military obligation. ( )

**13. Inactive Status.** Teachers holding a residency certificate who are no longer in the classroom may apply for inactive status. ( )

- a. On return to active status, the teacher shall resume certification status at the point of inactivity. ( )
- b. To be placed on inactive status a teacher must apply for inactive certificate status prior to or at the time of current certificate renewal. ( )

**0176. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.**

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

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

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

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

~~**018. STANDARD ELEMENTARY CERTIFICATE.**~~

~~A Standard Elementary Certificate makes an individual eligible to teach grades Kindergarten (K) through eight (8), and may be issued to any person who has a bachelor's degree from an accredited college or university and who meets the following requirements: (3-16-04)~~

~~**01. General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. (3-30-07)~~

~~**02. Professional Education Requirements.** (3-30-07)~~

~~**a.** A minimum of twenty four (24) semester credit hours, or thirty six (36) quarter credit hours, in the philosophical, psychological, and methodological foundations and in the professional subject matter of elementary education, which shall include at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading and its application to the content area. (3-16-04)~~

~~**b.** At least six (6) semester credit hours, or nine (9) quarter credit hours, of elementary student teaching or two (2) years of satisfactory experience as a teacher in grades K-8. (3-16-04)~~

~~03. **Additional Requirements.** An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades Kindergarten (K) through eight (8). (3-16-04)~~

~~04. **Area of Endorsement.** All individuals, who begin an Idaho approved preparation program after July 1, 2013, seeking a Standard Elementary Certificate shall complete the requirements for a subject area endorsement as outlined under requirements for a Standard Secondary Certificate. An endorsement allowing teaching of that subject through grade nine (9) or a K-12 endorsement shall be added to the Standard Elementary Certificate. (3-12-14)~~

~~05. **Proficiency.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved elementary content area and pedagogy assessments. (3-16-04)~~

~~019. **EARLY CHILDHOOD / EARLY CHILDHOOD SPECIAL EDUCATION BLENDED CERTIFICATE.** An Early Childhood / Early Childhood Special Education Blended Certificate is non categorical and makes an individual eligible to teach in any educational setting for youth from birth to grade three (3), including those who are at-risk or have developmental delays. The Early Childhood / Early Childhood Special Education Blended Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: (3-16-04)~~

~~01. **General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. (3-30-07)~~

~~02. **Professional Education Requirements.** (3-16-04)~~

~~a. A minimum of thirty (30) semester credit hours, or forty-five (45) quarter credit hours, in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood special education. The professional subject matter of early childhood and early childhood special education shall include course work specific to the young child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies. (3-16-04)~~

~~b. The required thirty (30) semester credit hours, or forty-five (45) quarter credit hours, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. (3-16-04)~~

~~03. **Additional Requirements.** An institutional recommendation from an accredited college or university, and passage of the Idaho Comprehensive Literacy Exam. (3-16-04)~~

~~04. **Proficiency.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved early childhood assessments. (3-16-04)~~

~~020. **STANDARD SECONDARY CERTIFICATE.** A Standard Secondary Certificate makes an individual eligible to teach in grades six (6) through twelve (12). A Secondary Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: (3-16-04)~~

~~01. **General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. (3-30-07)~~

~~02. **Professional Education Requirements.** (3-30-07)~~

~~a. A minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the~~

~~philosophical, psychological, and methodological foundations, instructional technology, and in the professional subject matter of secondary education, which must include at least three (3) semester credit hours, or four (4) quarter credit hours, of reading in the content area. (3-16-04)~~

~~b. The required twenty (20) semester credit hours, or thirty (30) quarter credit hours, must also include at least six (6) semester credit hours, or nine (9) quarter credit hours, of secondary student teaching or two (2) years of satisfactory experience as a teacher in grades six (6) through twelve (12). (3-16-04)~~

~~03. **Teaching Field Requirements.** Preparation in at least two (2) fields of secondary teaching: a first teaching field of at least thirty (30) semester credit hours, or forty five (45) quarter credit hours, and a second teaching field of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty five (45) semester credit hours, or sixty seven (67) quarter credit hours, in a single subject area may be used in lieu of the first teaching field or second teaching field requirements. (3-30-07)~~

~~04. **Additional Requirements.** An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades six (6) through twelve (12). (3-16-04)~~

~~05. **Proficiency.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must have a qualifying score on an approved content area assessment in any area(s) for which the certificate or endorsement(s) will be applied. (3-16-04)~~

**017. IDAHO INTERIM CERTIFICATE.**

**01. Teacher Holding Certificates From States Other Than Idaho.** Teachers holding valid certificates from other states may apply for a three (3) year non-renewable interim certificate. ( )

**a.** Teachers with three (3) years or less years teaching experience shall be granted an interim residency certificate. A teacher on an interim residency certificate may apply for a professional certificate once they have completed three (3) years of teaching and meet the professional certificate requirements pursuant to Subsection 015.03. of these rules. ( )

**i.** A teacher on an interim residency certificate may apply for a professional certificate as specified in Subsection 015.03. ( )

**ii.** Teachers may provide evidence based on experience outside of the state of Idaho if proficiency and measurable student achievement is comparable to Idaho requirements. ( )

**iii.** Teachers must meet the professional certificate proficiency and measurable student achievement while serving at least one year as a teacher in Idaho. ( )

**iv.** Teachers who do not meet the professional certificate requirements within three (3) years will be subject to the same provisions of the residency certificate at time of expiration. ( )

**b.** Teachers with more than three (3) or more years of teaching experience may apply for an interim professional certificate. A teacher on an interim professional certificate may apply for a professional certificate pursuant to Subsection 015.03. ( )

**i.** Teachers may provide evidence based on experience outside of the state of Idaho if proficiency and measurable student achievement is comparable to Idaho requirements. ( )

**ii.** Teachers must meet the professional certificate proficiency and measurable student achievement criteria while serving at least one (1) year as a teacher in Idaho. ( )

**c.** All out of state teachers shall be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve their technology skills. ( )

d. All out of state teachers shall take the state approved mathematics instruction course titled "Mathematical Thinking for Instruction," pursuant to Subsection 015.11. The course consists of three (3) credits or forty-five (45) contact hours of in-service training. ( )

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

03. Occupational Specialist Certificate. Limited Occupational Specialist Certificate applicants must apply for an interim residency certificate. The limited occupational specialist certificate is a one-time three-year (3) certificate. Teachers who possess a limited occupation specialist certificate may apply for a standard occupational specialist certificate. Standard and advanced occupational specialist certificate holders may apply for a professional certificate. ( )

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

05. Foreign Institutions. An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the "Accredited Institutions of Postsecondary Education" and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three-year (3) interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. ( )

**018 -- 020. (RESERVED)**

**021. ENDORSEMENTS.**

Holders of an ~~Secondary Certificate or a Standard~~ Elementary Certificate, Secondary Certificate, Exceptional Child Certificate, Standard Occupational Specialist Certificate, ~~and~~ or Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching major or minor if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (4-4-13)( )

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

02. Alternative Route Preparation Program. Candidate shall meet all requirements for the endorsement as provided herein. ( )

a. Option I - National Board. By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area. ( )

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

c. Option III - Testing and/or Assessment. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. ( )

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

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**028. ~~EXCEPTIONAL CHILD CERTIFICATE. (RESERVED)~~**

~~Holders of this certificate work with children who have been identified as having an educational impairment.~~

~~(3-16-04)~~

~~01. General Education Requirements. Completion of the general education requirements at an accredited college or university is required.~~

~~(3-30-07)~~

~~02. Generalist Endorsement (K-12). The Generalist K-12 endorsement is non-categorical and allows one (1) to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include an internship and student teaching in a special education setting. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements:~~

~~(4-4-13)~~

~~a. Completion of a baccalaureate degree from an accredited college or university.~~

~~(3-16-04)~~

~~b. Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion, in an out of state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed.~~

~~(3-16-04)~~

~~c. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program.~~

~~(3-16-04)~~

~~d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested.~~

~~(3-16-04)~~

~~03. Early Childhood Special Education Endorsement (Pre-K-3). The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Standard Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements:~~

~~(4-7-11)~~

~~a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: Child development and behavior with emphasis in cognitive language, physical, social and emotional areas, birth through age eight (8); Curriculum and program development for young children ages three to eight (3-8); Methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); Guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); Identifying and working with atypical~~

~~young children ages three to eight (3-8) Parent-teacher relations; and, Field work to include an internship and student teaching at the Pre-K-3 grades. (4-7-11)~~

~~**04. Hearing Impairment Endorsement (K-12).** Completion of a minimum of thirty (30) semester credit hours in the area of hearing impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Hearing Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)~~

~~**a.** Completion of a baccalaureate degree from an accredited college or university; (4-11-06)~~

~~**b.** Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)~~

~~**c.** Completion of a program from an out of state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)~~

~~**d.** Completion of a program of a minimum of thirty (30) semester credit hours in the area of Hearing Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)~~

~~**05. Visual Impairment Endorsement (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)~~

~~**a.** Completion of a baccalaureate degree from an accredited college or university; (4-11-06)~~

~~**b.** Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)~~

~~**c.** Completion of a program from an out of state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)~~

~~**d.** Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

~~**034. CERTIFICATION STANDARDS FOR PROFESSIONAL TECHNICAL EDUCATORS.**~~

~~Teachers of professional technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Secondary Teaching Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Professional Technical Education, and application processes are managed by the Division of Professional Technical Education. (3-16-04)~~

~~**035. DEGREE-BASED PROFESSIONAL TECHNICAL CERTIFICATION.**~~

~~**01. Teacher Preparation Through Degreeed Program.** Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural Science & Technology; Business Technology Education; Family & Consumer Science; Marketing Technology Education; and Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program~~

~~must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated four thousand (4,000) clock hours of related work experience or shall have completed an approved practicum in their respective field of specialization. (3-16-04)~~

~~**02. Professional Technical Administrator Certificate.** The Professional Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of professional-technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Professional Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the State Division of Professional Technical Education. (3-16-04)~~

~~**a.** Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on the secondary teaching credential; (3-16-04)~~

~~**b.** Provide evidence of a minimum of three (3) years' teaching in an occupational discipline; (3-16-04)~~

~~**c.** Hold a masters degree; and, (3-16-04)~~

~~**d.** Completed at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of professional-technical education; administration of personnel; and legal aspects of professional-technical education. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-16-04)~~

~~**e.** To renew the Professional Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for professional technical teachers. (3-16-04)~~

~~**03. Work-Based Learning Coordinator Endorsement.** Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Secondary Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-16-04)~~

~~**04. Career Counselor Endorsement.** The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate endorsed Counselor K-12 and who have satisfied the following professional technical requirement: Career Pathways and Professional Technical Guidance; Principles/Foundations of Professional Technical Education; and Theories of Occupational Choice. (3-16-04)~~

~~**036. INDUSTRY BASED PROFESSIONAL TECHNICAL CERTIFICATION.**~~

~~Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Occupations Education and to Trades & Industry Education; specialized occupational areas where specific degree-granting professional technical teacher education programs do not exist; and postsecondary professional technical educators who teach courses to 9-12 students. (3-16-04)~~

~~**01. General Requirements.** Applicants must: be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-16-04)~~

~~**a.** Have sixteen thousand (16,000) hours of full-time, successful, recent, gainful employment in the occupation for which certification is requested. Up to forty eight (48) months credit can be counted toward the eight (8) years on a month-to-month basis for journeyman training and/or postsecondary training successfully completed~~

~~as a full-time student in an approved/approvable, postsecondary, professional-technical education program. (3-16-04)~~

~~**b.** Have a bachelor's degree in the specific occupation or related area, plus six thousand (6,000) hours of full-time, successful, recent, gainful employment in the occupation. (3-16-04)~~

~~**c.** Meet one (1) of the following: (3-16-04)~~

~~**i.** Have at least journeyman level plus two (2) years of recent, full-time, gainful, related work experience. A person who has completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved State Apprenticeship Agency; (3-16-04)~~

~~**ii.** Pass approved state or national certification/certification examination plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis); or (3-16-04)~~

~~**iii.** Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. (3-16-04)~~

~~**02. Limited Occupational Specialist Certificate.** This certificate is issued to individuals who are new to teaching trades and health occupations in public schools. The certificate is valid for three (3) years. (3-16-04)~~

~~**a.** Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the State Division of Professional-Technical Education and an approved course in professional technical methods and student assessment. (3-16-04)~~

~~**b.** Complete a new teacher induction workshop at the state or district level. (3-16-04)~~

~~**c.** File a Professional Development Plan with the State Division of Professional-Technical Education. (3-16-04)~~

~~**d.** Within the three (3) year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete course work which includes competencies in four (4) of the following: Principles/Foundations of Occupational Education; Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; Measurement and Evaluation; and Methods of Teaching Occupational Education. (3-16-04)~~

~~**03. Standard Occupational Specialist Certificate.** This certificate is issued to individuals who have completed course work equivalent to that required of the Limited Occupational Specialist Certificate. The certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or verification of two hundred forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and file of a Professional Development Plan for the next certification period. (3-16-04)~~

~~**04. Advanced Occupational Specialist Certificate.** This certificate is issued to individuals who meet all the requirements outlined below: (3-16-04)~~

~~**a.** Meet the requirements for the Standard Occupational Specialist Certificate; (3-16-04)~~

~~**b.** Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-16-04)~~

~~**c.** File a new Professional Development Plan for the next certification period. (3-16-04)~~

~~d. This certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or submit verification of two hundred forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes and workshops or any equivalent combination thereof, and file a new Professional Development Plan for the next certification period. (3-16-04)~~

~~0374.~~ -- 041. (RESERVED)

**042. ALTERNATE ROUTES TO CERTIFICATION.**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Applicants pursuing an approved alternative route to certification shall be granted a residency certificate, unless otherwise specified in the alternative requirements, and are subject to all of the requirements of the residency certificate as provided for in Section 015. (4-4-13)( )

**04301. Alternative Authorization -- Teacher To New Certification.** The purpose of this alternative authorization is to allow Idaho school districts to request ~~endorsement~~ certification when a professional position cannot be filled with someone who has the correct ~~endorsement~~ certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable. (5-8-09)( )

~~01a. Initial Qualifications.~~ Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (5-8-09)( )

~~02b.~~ A candidate must participate in an approved alternative route preparation program. (3-20-04)( )

~~a. Option I—Teacher to New Certification/Endorsement.~~ (5-8-09)

i. ~~The~~ candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to ~~be eligible for extension of up to a total of three (3) years~~ maintain eligibility. (3-20-04)( )

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

~~iii. Candidate shall meet all requirements for the endorsement/certificate as provided herein.~~ (3-20-04)

~~b. Option II—National Board (endorsement only). By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area.~~ (5-8-09)

~~e. Option III—Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate.~~ (5-8-09)

~~d. Option IV—Testing and/or Assessment (endorsement only). Two (2) pathways are available to some teachers, depending upon endorsement(s) already held.~~ (5-8-09)

~~i. Pathway 1—Endorsements may be added through state approved testing and a mentoring~~

~~component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1) year state-approved mentoring component. (5-8-09)~~

~~ii. Pathway 2—Endorsements may be added through state approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1) year state approved mentoring component and passing a final pedagogy assessment. (5-8-09)~~

**04402. Alternative Authorization -- Content Specialist.** The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. ~~Alternative authorization in this area is valid for three (3) years and is not renewable. (3-20-04)( )~~

**01a.** Initial Qualifications. (3-20-04)

**a.i.** Prior to application, a candidate must hold a Bachelor's degree or have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion. (4-4-13)

**b.ii.** The candidate shall meet enrollment qualifications of the alternative route preparation program. (3-20-04)

**02b.** Alternative Route Preparation Program -- College/University Preparation. (3-20-04)

**a.i.** A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation must include mentoring and a minimum of one (1) classroom observation per month until certified. (3-20-04)

**b.ii.** Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. (3-20-04)

**e.iii.** Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)

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

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

**04503. Non-traditional Route To Teacher Certification.** An individual may acquire *interim* certification as found in Section 015 of these rules through an approved non-traditional route certification program. (3-20-14)( )

**01a. Approval of the Program.** The State Board of Education must approve any non-traditional route to teacher certification. The program must include, at a minimum, the following components: (3-20-14)( )

**a.i.** Preassessment of teaching and content knowledge; (4-6-05)

**b.ii.** An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)

**e.iii.** Exams of pedagogy and content knowledge. (4-6-05)

~~02b.~~ **Eligibility.** Individuals who possess a bachelor's degree or higher from an accredited institution of higher education may utilize this non-traditional route to a ~~an interim~~ Idaho ~~Teacher Certification~~ Educator Credential. (3-20-14)(    )

~~03c.~~ **Requirements for Completion.** To complete this non-traditional route, the individual must: (3-20-14)(    )

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

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

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

~~04d.~~ **Interim Certificate.** Upon completion of the certification process described herein, the individual will be awarded a ~~an interim~~ residency certificate from the State Department of Education's Bureau of Certification and Professional Standards. ~~The term of the interim certification shall be three (3) years.~~ During the term of the interim certificate, teaching by the individual must be done in conjunction with ~~a two (2) year a teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification~~ the mentoring program as required for Residency Certificate holders. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under ~~an interim~~ any Idaho certificate. (3-20-14)(    )

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

~~06f.~~ **Types of Certificates and Endorsements.** The non-traditional route may be used for first-time certification, ~~subsequent certificates,~~ and additional endorsements. (3-20-14)(    )

~~046.~~ **(RESERVED)**

~~047~~**04. Alternative Authorization - Pupil Personnel Services.** The purpose of this alternative authorization is to allow Idaho school districts to request emergency endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the School Nurse endorsement. The requirements for this endorsement are already defined in Subsection 027.03, of these rules. (4-2-08)

~~01a.~~ **Term of Validity.** Alternative authorization in this area is valid for three (3) years and will be reviewed annually and is nonrenewable. (4-2-08)(    )

~~02b.~~ **Initial Qualifications.** The applicant must complete the following: (4-2-08)(    )

~~a.i.~~ Prior to application, a candidate must hold a Masters degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and (4-2-08)

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

~~03c.~~ **Alternative Route Preparation Program.** (4-2-08)

~~a.i.~~ The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. (4-2-08)

~~b.ii.~~ The candidate must complete a minimum of nine (9) semester credits annually to be eligible for

extension of up to a total of three (3) years. (4-2-08)

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

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

~~0483~~ -- 059. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**066. FEES.**

The state department of education shall maintain a record of all certificates issued, showing names, dates of issue and renewal, and if revoked, the date thereof and the reason therefor and the performance rating of each component on the statewide performance evaluation system. A nonrefundable fee shall accompany each application for a prekindergarten through grade twelve (12) certificate, alternate certificate, change in certificate or replacement as follows: (3-16-04)( )

01. Initial Residency Certificate. All types, issued for ~~five~~ three (~~5~~) years -- seventy-five dollars (\$75). (3-16-04)( )

02. Renewal Professional Certificate. All types, issued for five (5) years -- seventy-five dollars (\$75). (3-16-04)( )

03. Alternate Route Authorization. All types, ~~issued for one (1) year~~ -- one hundred dollars (\$100). (3-16-04)( )

04. Additions ~~or~~, Changes, or Late Fees During the Life of an Existing Certificate. Twenty-five dollars (\$25). (3-16-04)( )

05. To Replace an Existing Certificate. Ten dollars (\$10). (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

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

Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. Summative evaluations must be completed by administrators who have proof of proficiency in evaluating teacher performance as stated in Subsection 121.05 of these rules. At the request of the evaluator or the teacher, at least one (1) of the required two (2) observations shall be completed by a second individual trained in evaluating teacher performance as stated in Subsection 121.05 of these rules. (3-20-14)( )

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

- a.** Domain 1 - Planning and Preparation: (3-29-10)
  - i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)
  - ii. Demonstrating Knowledge of Students; (3-29-10)
  - iii. Setting Instructional Outcomes; (3-20-14)
  - iv. Demonstrating Knowledge of Resources; (3-29-10)
  - v. Designing Coherent Instruction; and (3-29-10)
  - vi. Designing Student Assessments. (3-29-12)
- b.** Domain 2 - The Classroom Environment: (3-29-12)
  - i. Creating an Environment of Respect and Rapport; (3-29-10)
  - ii. Establishing a Culture for Learning; (3-29-10)
  - iii. Managing Classroom Procedures; (3-29-10)
  - iv. Managing Student Behavior; and (3-29-10)
  - v. Organizing Physical Space. (3-29-10)
- c.** Domain 3 - Instruction and Use of Assessment: (3-29-10)
  - i. Communicating with Students; (3-29-12)
  - ii. Using Questioning and Discussion Techniques; (3-29-10)
  - iii. Engaging Students in Learning; (3-29-10)
  - iv. Using Assessment in Instruction; and (3-29-12)
  - v. Demonstrating Flexibility and Responsiveness. (3-29-12)
- d.** Domain 4 - Professional Responsibilities: (3-29-10)
  - i. Reflecting on Teaching; (3-29-10)
  - ii. Maintaining Accurate Records; (3-29-10)
  - iii. Communicating with Families; (3-29-10)
  - iv. Participating in a Professional Community; (3-29-12)
  - v. Growing and Developing Professionally; and (3-29-10)
  - vi. Showing Professionalism. (3-29-10)

**02. Professional Practice.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees must receive an evaluation in which at least sixty-seven percent (67%) of the evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition. The measures included within the Professional Practice portion of the evaluation shall include a minimum of two (2) documented

observations annually, with at least one (1) observation being completed by January 1 of each year. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of all certificated instructional employee evaluations: (3-20-14)

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

**03. Student Achievement.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-20-14)

**04. Participants.** Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 16. Evaluations shall be differentiated for certificated non-instructional employees and pupil personnel certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (3-20-14)

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

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

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

c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated instructional staff and pupil personnel performance. The individuals assigned this responsibility shall have received training in evaluation and prior to September 1, 2018, shall demonstrate proof of proficiency in conducting observations and evaluating effective teacher performance by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement. (3-20-14)

d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For certificated instructional staff, a minimum of two (2) documented classroom observations shall be included as one (1) source of data. At least one (1) of those observations must be completed prior to January 1 of each year. Parent/guardian input, student input and/or portfolios shall be considered. (3-20-14)

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

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

g. Personnel actions -- the action available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (3-20-14)

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

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

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

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

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

**m.** Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development. Aggregate data shall be considered as part of the district and individual schools Needs Assessment in determining professional development offerings. (3-20-14)

**n.** Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2013, districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings used to differentiate performance of teachers and pupil personnel certificate holders including: (3-20-14)

i. Unsatisfactory being equal to "1"; (3-20-14)

ii. Basic being equal to "2"; and (3-20-14)

iii. Proficient being equal to "3". (3-20-14)

**o.** A plan for including all stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their teacher evaluation plan. (3-20-14)

**06. Evaluation Policy - Frequency of Evaluation.** The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. (3-20-14)

**07. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)

**08. Evaluation System Approval.** Each school district board of trustees will develop and adopt policies for teacher and pupil personnel certificated performance evaluation in which criteria and procedures for the evaluation are research based and aligned with the Charlotte Danielson Framework for Teaching Second Edition. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. (3-20-14)

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

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1402

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The following endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014 and are ready for submission: School Counselor, Special Education Generalist, and School Psychologist. All standards and endorsements were revised to better align with national standards and best practices. They were then presented to the Professional Standards Commission for consideration. The Professional Standards Commission has recommended approval of all of the committee's proposed revisions including renaming the Library Science/Library Media Specialist standards and endorsement to Teacher Librarian.

A public school district may contract with an approved private driving school to provide a driver education program. In order to assure a quality program, maintain student records and proper reporting to the Idaho State Department of Education, specific wording was implemented regarding contracting.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 121-122](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Taylor Raney, State Department of Education: (208) 332- 6886, [traney@sde.idaho.gov](mailto:traney@sde.idaho.gov) and Audra Urie, (208) 332-6984, [aurie@sde.idaho.gov](mailto:aurie@sde.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812  
Fax (208) 334-2228

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

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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

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

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The following endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014 and are ready for submission: School Counselor, Special Education Generalist, and School Psychologist. All standards and endorsements were revised to better align with national standards and best practices. They were then presented to the Professional Standards Commission for consideration. The Professional Standards Commission has recommended approval of all of the committee's proposed revisions including renaming the Library Science/Library Media Specialist standards and endorsement to Teacher Librarian.

A public school district may contract with an approved private driving school to provide a driver education program. In order to assure a quality program, maintain student records and proper reporting to the Idaho State Department of Education, specific wording was implemented regarding contracting.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because: NA

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The documents are too large to include with the rule changes. They may be found at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov); and [http://www.sde.idaho.gov/site/driver\\_edu/forms\\_curriculum.htm](http://www.sde.idaho.gov/site/driver_edu/forms_curriculum.htm).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Taylor Raney, State Department of Education: (208) 332-6886. [traney@sde.idaho.gov](mailto:traney@sde.idaho.gov) and Audra Urie, (208) 332-6984. [aurie@sde.idaho.gov](mailto:aurie@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1402

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates by reference into its rules:

(5-8-09)

**01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on August 15~~4~~, 2013~~4~~.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. ~~(3-20-14)~~( )

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

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on August 15~~4~~, 2013~~4~~.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at [http://www.sde.idaho.gov/site/driver\\_edu/forms\\_curriculum.htm](http://www.sde.idaho.gov/site/driver_edu/forms_curriculum.htm). ~~(3-20-14)~~( )

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

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1403

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

This rule changes the language governing endorsements and reflects revisions made to the standards and endorsements to better align them with national standards and best practices. The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014 and were submitted to the State Board of Education for approval. Clarifications were made to rule: 08.02.02.030 - Removal of this section – there are no state approved preparation standards for this endorsement. 08.02.02.047 - This clarification is to reflect the addition of the Interim Speech Language Pathologist endorsement and to clarify that districts do not need to declare an emergency to request alternative authorization for these interim certificates. 08.02.02.076 - Clarification regarding the types of inappropriate images covered under this rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 124 though 133](#).

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

These changes result in no fiscal impact.

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

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812  
Fax (208) 334-2228

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

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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

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

This rule changes the language governing endorsements and reflects revisions made to the standards and endorsements to better align them with national standards and best practices. The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014 and were submitted to the State Board of Education for approval. Clarifications were made to:

**Section 08.02.02.030** - Removal of this section – there are no state approved preparation standards for this endorsement;

**Section 08.02.02.047** - This clarification is to reflect the addition of the Interim Speech Language Pathologist endorsement and to clarify that districts do not need to declare an emergency to request alternative authorization for these interim certificates.

**Section 08.02.02.076** - Clarification regarding the types of inappropriate images covered under this rule.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because: NA

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1403**

**027. PUPIL PERSONNEL SERVICES CERTIFICATE.**

Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-16-04)

**01. Counselor Endorsement (K-12).** To be eligible for a Pupil Personnel Services Certificate endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (5-8-09)

**a.** Hold a master's degree and provide verification of completion of an approved program of graduate study in school ~~guidance and~~ counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. ~~Substantial amounts of~~ This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement. (5-8-09) ( )

**b.** An institutional recommendation is required for a Counselor K-12 Endorsement. (5-8-09)

**02. School Psychologist Endorsement.** This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-29-12)

**a.** Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. (4-7-11)

**b.** Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. (4-7-11)

**c.** Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a

school district under the supervision of the training institution and direct supervision of a certificated school psychologist. (5-8-09)

**d.** Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-29-12)

**03. School Nurse Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 027.03.a. or 027.03.b. in addition to the requirement of Subsection 027.03.c. (3-29-10)

**a.** The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a bachelor's degree in nursing, education, or a health-related field from an accredited institution. (5-8-09)

**b.** The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (5-8-09)

- i. Health program management; (5-8-09)
- ii. Child and adolescent health issues; (5-8-09)
- iii. Counseling, psychology, or social work; or (5-8-09)
- iv. Methods of instruction. (5-8-09)

**c.** Additionally, each candidate must have two (2) years' full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (5-8-09)

**04. Interim Endorsement - School Nurse.** This certificate will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim Certificate - will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-10)

**05. Speech-Language Pathologist Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-16-04)

**06. Audiology Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-16-04)

**07. School Social Worker Endorsement.** This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through possession of a social work certificate issued by the Idaho Bureau of Occupational Licenses, an institutional recommendation, and completion of one (1) of the following options: (3-16-04)

**a.** A master's degree in social work from an Idaho college or university approved by the State Board of Education, or a master's degree in social work from an out-of-state college or university. The program must be currently approved by the state educational agency of the state in which the program was completed. (3-16-04)

**b.** A master's degree in guidance and counseling, sociology, or psychology plus thirty (30) semester credit hours of graduate work in social work education, including course work in all the following areas:

understanding the individual; casework method; field placement; social welfare programs and community resources; and research methods. (3-16-04)

**08. Interim Endorsement-Speech Language Pathologist.** This certificate will be granted for those who do not meet the educational requirements but who hold a bachelor's degree in Speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An Interim Certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-10)

**028. EXCEPTIONAL CHILD CERTIFICATE.**

Holders of this certificate work with children who have been identified as having an educational impairment. (3-16-04)

**01. General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. (3-30-07)

**02. Generalist Endorsement (K-12).** The Generalist K-12 endorsement is non-categorical and allows one (1) to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include an internship and student teaching in a special education setting. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: (4-4-13)

**a.** Completion of a baccalaureate degree from an accredited college or university. (3-16-04)

**b.** Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion, in an out-of-state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed. (3-16-04)

**c.** Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program. (3-16-04)

**d.** Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-16-04)

**03. Early Childhood Special Education Endorsement (Pre-K-3).** The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Standard Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements: (4-7-11)

**a.** Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: Child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); Curriculum and program development for young children ages three to eight (3-8); Methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); Guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); Identifying and working with atypical young children ages three to eight (3-8) Parent-teacher relations; and, Field work to include an internship and student teaching at the Pre-K - 3 grades. (4-7-11)

**04. Deaf/Hard of Hearing ~~Impairment~~ Endorsement (K-12).** Completion of a minimum of thirty-~~three~~ (303) semester credit hours in the area of ~~deaf/hard of hearing impairment with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language.~~ An

institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Deaf/Hard of Hearing Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)(\_\_\_\_)

- a. Completion of a baccalaureate degree from an accredited college or university; (4-11-06)
- b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)
- c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)
- d. Completion of a program of a minimum of thirty three (303) semester credit hours in the area of Deaf/Hard of Hearing Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)(\_\_\_\_)

**05. Visual Impairment Endorsement (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)

- a. Completion of a baccalaureate degree from an accredited college or university; (4-11-06)
- b. Completion of a program from in an Idaho college or university of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or completion in an out-of-state college or university of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed. (4-11-06)(\_\_\_\_)
- ~~c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)~~
- ~~d.~~ Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)
- d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**030. ~~SUPERVISOR/COORDINATOR OF SPECIAL EDUCATION ENDORSEMENT.~~ (RESERVED)**

~~**01. Special Education Support.** Supervisors/coordinators of special education support the district administrative team in ensuring that district practice is in compliance with the requirements of the Individuals with Education Disabilities Act. The assigned duties may include the evaluation of related services staff; supervision of the operations of special education programs within a school district; technical assistance and training to district staff and parents; assistance with student placement decisions; and representation for the school district regarding special education matters with other agencies and with the State Department of Education. (4-11-06)~~

~~**02. Endorsement.** To be eligible for this endorsement on the Standard Exceptional Child Certificate or the Pupil Personnel Certificate endorsed for School Psychologist, Speech Language Pathologist or Social Worker, a candidate must complete a master's degree program; have verification of a minimum of three (3) years of experience in a special education setting; and obtain college or university verification of demonstrated competencies in special~~

~~education administration, supervision of instruction and counseling parents of exceptional children. (4-11-06)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**047. ALTERNATIVE AUTHORIZATION - PUPIL PERSONNEL SERVICES.**

The purpose of this alternative authorization is to allow Idaho school districts to request ~~emergency~~ endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for ~~this~~ these endorsements are already defined in Subsections 027.034 and 027.08 respectively, of these rules. (4-2-08)( )

**01. Term of Validity.** Alternative authorization in this area is valid for three (3) years and will be reviewed annually and is nonrenewable. (4-2-08)

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

**a.** Prior to application, a candidate must hold a Masters degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and (4-2-08)

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

**03. Alternative Route Preparation Program.** (4-2-08)

**a.** The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. (4-2-08)

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

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

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

**(BREAK IN CONTINUITY OF SECTIONS)**

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

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

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

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

**b.** The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-20-14)

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

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

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

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

**02. Principle I - Professional Conduct.** A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code. (3-20-14)

**03. Principle II - Educator/Student Relationship.** A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-14)

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

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

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

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

**e.** Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-20-14)

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

**g.** Taking or possessing *inappropriate* images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; ~~(3-20-14)~~( )

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

**i.** Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-20-14)

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

- k.** Deliberately falsifying information presented to students. (3-20-14)
- 04. Principle III - Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)
- a.** Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
- b.** Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
- c.** Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)
- d.** Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)
- e.** Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)
- 05. Principle IV - Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)
- a.** Fraudulently altering or preparing materials for licensure or employment; (3-20-04)
- b.** Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)
- c.** Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)
- d.** Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-20-14)
- e.** Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)
- f.** Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)
- g.** Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-20-14)
- h.** Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-14)
- i.** Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-20-14)
- 06. Principle V - Funds and Property.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-14)
- a.** Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

- b.** Failure to account for school funds collected from students, parents, or patrons; (3-20-14)
- c.** Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)
- d.** Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)
- e.** Use of school property for private financial gain; (3-20-14)
- f.** Use of school computers to deliberately view or print pornography; and, (3-20-04)
- g.** Deliberate use of poor budgeting or accounting practices. (3-20-04)

**07. Principle VI - Compensation.** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-14)

- a.** Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-20-14)
- b.** Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)
- c.** Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)
- d.** Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-14)

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

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

**09. Principle VIII - Breach of Contract or Abandonment of Employment.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-14)

- a.** Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)
- b.** Willfully refusing to perform the services required by a contract; and, (3-20-04)
- c.** Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

**10. Principle IX - Duty to Report.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-14)

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

- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)
  - c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)
  - d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)
- 11. Principle X - Professionalism.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-20-14)
- a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)
  - b. Committing any act of harassment toward a colleague; (4-11-06)
  - c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)
  - d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)
  - e. Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)
  - f. Taking or possessing *inappropriate* images (digital, photographic or video) of colleagues of a harassing, confidential, or sexual nature. (~~3-20-14~~)(    )

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

## **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1404**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

In August 2013, the Board approved the pending rule revising IDAPA 08.02.02.120 and creating, IDAPA 08.02.02.121, in order to meet the required elements of teacher and principal evaluation models in Principle 3 of the states ESEA Waiver.

In an effort to clarify the intent of the rule as well as meet the needs of varying situations, the following revisions were proposed for Board approval:

1. In Section 08.02.02.120, include the option of one (1) classroom observation in situations where the teacher is unavailable for two (2) classroom observations.
2. In Section 08.02.02.121, clarify those responsible for measuring teacher performance.

Eight (8) comments were received during the public comment period. Based on those comments the word “include and contracted” in IDAPA 08.02.02.121.01 is being removed and the word “are” is being added. This is the only change from the proposed to the pending rule stage.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, **Vol. 14-10, pages 132 through 141.**

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Lisa Colon, State Department of Education: (208) 332- 6917, [lcolon@sde.idaho.gov](mailto:lcolon@sde.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812 / Fax (208) 334-2228

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

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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

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

In March 2014, the Idaho Legislature approved revisions in IDAPA 08.02.02.120 and the addition of IDAPA 08.02.02.121 in order to meet the required elements of teacher and principal evaluation models in Principle 3 of the ESEA Waiver that was approved by the State Board of Education.

In an effort to clarify the intent of the rule as well as meet the needs of varying situations, the following revisions are being put before the State Board of Education for approval:

1. In Section 08.02.02.120, include the option of one (1) classroom observation in situations where the teacher is unavailable for two (2) classroom observations.
2. In Section 08.02.02.121, clarify those responsible for measuring teacher performance.

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

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

No Fiscal Impact

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because: This change in rule is for clarification of the original intent of the rule as to classroom observation.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Lisa Colon, State Department of Education: (208) 332-6917. [lcolon@sde.idaho.gov](mailto:lcolon@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1404

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

Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-20-14)

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

- a.** Domain 1 - Planning and Preparation: (3-29-10)
  - i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)
  - ii. Demonstrating Knowledge of Students; (3-29-10)
  - iii. Setting Instructional Outcomes; (3-20-14)
  - iv. Demonstrating Knowledge of Resources; (3-29-10)
  - v. Designing Coherent Instruction; and (3-29-10)
  - vi. Designing Student Assessments. (3-29-12)
- b.** Domain 2 - The Classroom Environment: (3-29-12)
  - i. Creating an Environment of Respect and Rapport; (3-29-10)
  - ii. Establishing a Culture for Learning; (3-29-10)
  - iii. Managing Classroom Procedures; (3-29-10)
  - iv. Managing Student Behavior; and (3-29-10)
  - v. Organizing Physical Space. (3-29-10)
- c.** Domain 3 - Instruction and Use of Assessment: (3-29-10)
  - i. Communicating with Students; (3-29-12)
  - ii. Using Questioning and Discussion Techniques; (3-29-10)

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

**02. Professional Practice.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees must receive an evaluation in which at least sixty-seven percent (67%) of the evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition. The measures included within the Professional Practice portion of the evaluation shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of all certificated instructional employee evaluations: ~~(3-20-14)~~( )

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

**03. Student Achievement.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-20-14)

**04. Participants.** Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 16. Evaluations shall be differentiated for certificated non-instructional employees and pupil personnel certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (3-20-14)

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

- a.** Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. (4-1-97)
- b.** Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. (4-1-97)
- c.** Evaluator -- identification of the individuals responsible for appraising or evaluating certificated instructional staff and pupil personnel performance. The individuals assigned this responsibility shall have received training in evaluation and prior to September 1, 2018, shall demonstrate proof of proficiency in conducting observations and evaluating effective teacher performance by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement. (3-20-14)
- d.** Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For certificated instructional staff, a minimum of two (2) documented classroom observations shall be included as one (1) source of data. At least one (1) of those observations must be completed prior to January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. Parent/guardian input, student input and/or portfolios shall be considered as sources of data to support professional practice. (3-20-14)(      )
- e.** Procedure -- description of the procedure used in the conduct of certificated personnel evaluations. (4-1-97)
- f.** Communication of results -- the method by which certificated personnel are informed of the results of evaluation. (4-1-97)
- g.** Personnel actions -- the action available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (3-20-14)
- h.** Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. (4-1-97)
- i.** Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (4-1-97)
- j.** Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system. (4-1-97)
- k.** Professional development and training -- a plan for ongoing training for evaluators/administrators and teachers on the districts evaluation standards, tool and process. (3-29-10)
- l.** Funding -- a plan for funding ongoing training and professional development for administrators in evaluation. (3-29-10)
- m.** Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development. Aggregate data shall be considered as part of the district and individual schools Needs Assessment in determining professional development offerings. (3-20-14)
- n.** Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2013, districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings used to differentiate performance of teachers and pupil personnel certificate holders including:
- i.** Unsatisfactory being equal to "1"; (3-20-14)

- ii. Basic being equal to “2”; and (3-20-14)
- iii. Proficient being equal to “3”. (3-20-14)
- o. A plan for including all stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their teacher evaluation plan. (3-20-14)

**06. Evaluation Policy - Frequency of Evaluation.** The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. (3-20-14)

**07. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee’s personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)

**08. Evaluation System Approval.** Each school district board of trustees will develop and adopt policies for teacher and pupil personnel certificated performance evaluation in which criteria and procedures for the evaluation are research based and aligned with the Charlotte Danielson Framework for Teaching Second Edition. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. (3-20-14)

**121. LOCAL DISTRICT EVALUATION POLICY - SCHOOL PRINCIPAL.**

For principal evaluations conducted on or after July 1, 2014, each school district board of trustees will develop and adopt policies for principal performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. Districts must, at a minimum, pilot such an evaluation during the 2013-2014 school year and report the results of that pilot to the State Department of Education no later than July 1, 2014, in a format determined by the Department. The process of developing criteria and procedures for principal evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. (3-20-14)

**01. Standards.** Each district principal evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state’s adopted model, the Charlotte Danielson Framework for Teaching Second Edition. Proof of proficiency in evaluating teacher performance shall be required of all individuals assigned the responsibility for appraising, observing, or evaluating certificated personnel performance. Those responsible for measuring teacher performance are district leadership such as principals, assistant principals, special education directors, and superintendents. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement prior to September 1, 2018. Principal evaluation standards shall additionally address the following domains and components: (3-20-14)(    )

**a.** Domain 1: School Climate - An educational leader promotes the success of all students by advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional development. An educational leader articulates and promotes high expectations for teaching and learning while responding to diverse community interest and needs. (3-20-14)

**i.** School Culture - Principal establishes a safe, collaborative, and supportive culture ensuring all students are successfully prepared to meet the requirements for tomorrow’s careers and life endeavors. (3-20-14)

ii. Communication - Principal is proactive in communicating the vision and goals of the school or district, the plans for the future, and the successes and challenges to all stakeholders. (3-20-14)

iii. Advocacy - Principal advocates for education, the district and school, teachers, parents, and students that engenders school support and involvement. (3-20-14)

**b.** Domain 2: Collaborative Leadership - An educational leader promotes the success of all students by ensuring management of the organization, operations and resources for a safe, efficient and effective learning environment. In collaboration with others, uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs. The educational leader uses research and/or best practices in improving the education program. (3-20-14)

i. Shared Leadership - Principal fosters shared leadership that takes advantage of individual expertise, strengths, and talents, and cultivates professional growth. (3-20-14)

ii. Priority Management - Principal organizes time and delegates responsibilities to balance administrative/managerial, educational, and community leadership priorities. (3-20-14)

iii. Transparency - Principal seeks input from stakeholders and takes all perspectives into consideration when making decisions. (3-20-14)

iv. Leadership Renewal - Principal strives to continuously improve leadership skills through, professional development, self-reflection, and utilization of input from others. (3-20-14)

v. Accountability - Principal establishes high standards for professional, legal, ethical, and fiscal accountability for self and others. (3-20-14)

**c.** Domain 3: Instructional Leadership - An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The educational leader provides leadership for major initiatives and change efforts and uses research and/or best practices in improving the education program. (3-20-14)

i. Innovation - Principal seeks and implements innovative and effective solutions that comply with general and special education law. (3-20-14)

ii. Instructional Vision - Principal insures that instruction is guided by a shared, research-based instructional vision that articulates what students do to effectively learn. (3-20-14)

iii. High Expectations - Principal sets high expectation for all students academically, behaviorally, and in all aspects of student well-being. (3-20-14)

iv. Continuous Improvement of Instruction - Principal has proof of proficiency in assessing teacher performance based upon the Charlotte Danielson Framework for Teaching Second Edition. Aligns resources, policies, and procedures toward continuous improvement of instructional practice guided by the instructional vision. (3-20-14)

v. Evaluation - Principal uses teacher/principal evaluation and other formative feedback mechanisms to continuously improve teacher/principal effectiveness. (3-20-14)

vi. Recruitment and Retention -Principal recruits and maintains a high quality staff. (3-20-14)

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

following: (3-20-14)

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

**03. Student Achievement.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-20-14)

**04. Evaluation Policy - Content.** For evaluations conducted on or after July 1, 2014, local school district policies will include, at a minimum, the following information: (3-20-14)

- a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional leadership, personnel decisions. (3-20-14)
- b. Evaluation criteria -- statements of the general criteria upon which principals be evaluated. (3-20-14)
- c. Evaluator -- identification of the individuals responsible for appraising or evaluating principal performance. The individuals assigned this responsibility shall have received training in evaluation. (3-20-14)
- d. Sources of data -- description of the sources of data used in conducting principal evaluations. Proficiency in conducting observations and evaluating effective teacher performance shall be included as one (1) source of data. (3-20-14)
- e. Procedure -- description of the procedure used in the conduct of principal evaluations. (3-20-14)
- f. Communication of results -- the method by which principals are informed of the results of evaluation. (3-20-14)
- g. Personnel actions -- the action, available to the school district as a result of the evaluation, and the procedures for implementing these actions; e.g., job status change. (3-20-14)
- h. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of an evaluations. (3-20-14)
- i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (3-20-14)
- j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's principal evaluation system. (3-20-14)
- k. Professional development and training -- a plan for ongoing training and professional learning based upon the district's evaluation standards and process. (3-20-14)
- l. Funding -- a plan for funding ongoing training and professional development for evaluators of principals. (3-20-14)

**m.** Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development for principals. (3-20-14)

**n.** Individualizing principal evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2014, districts shall have established an individualized principal evaluation rating system with a minimum of three rankings used to differentiate performance of principals including: (3-20-14)

i. Unsatisfactory being equal to “1”; (3-20-14)

ii. Basic being equal to “2”; and (3-20-14)

iii. Proficient being equal to “3”. (3-20-14)

**o.** A plan for including stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their principal evaluation plan. (3-20-14)

**05. Evaluation Policy - Frequency of Evaluation.** The evaluation policy should include a provision for evaluating all principals on a fair and consistent basis. All principals shall be evaluated at least once annually no later than May 1 of each year. (3-20-14)

**06. Evaluation Policy - Personnel Records.** Permanent records of each principal evaluation will be maintained in the employee’s personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)

**07. Evaluation System Approval.** Each school district board of trustees will develop and adopt policies for principal performance evaluation in which criteria and procedures for the evaluation are research based and aligned with state standards. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. (3-20-14)

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

## 08.02.03 - RULES GOVERNING THOROUGHNESS

### DOCKET NO. 08-0203-1401

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

IDAPA 08.02.03.105.i - At the request of the Legislature, the substitution clause for one credit of physical education for graduation is clarified. Student participation in one (1) season in any sport recognized by Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education to include a clause ensuring the student show mastery of the content standards in a format provided by the district.

IDAPA 08.02.03.105.03.b.iii - The rule currently states: students may elect an exemption in grade eleven (11) from the college entrance exam requirement if: Enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam. This should be corrected from spring to fall. The spring administration is for seniors and the College Board does not allow students to test outside of their grade level group.

IDAPA 08.02.03.105.05 - This rule currently contains the word required. It is being removed because it is too vague and this is meant for any class the student is enrolled that meets teacher certification requirements and content standards.

IDAPA 08.02.03.105.06.e-k - This rule makes changes to high school graduation requirements in regards to testing. This docket adds Idaho Standards Achievement Tests (ISAT) requirements to the previous docket for the class of 2018 and beyond, as well as a graduation requirement for biology and chemistry in the form of End of Course Assessments.

Idaho high school students have been required to pass the ISAT since the class of 2006. The previous requirement was for students to pass the 10th grade ISAT at a proficient level prior to receiving a diploma. The Board passed the requirement in 2003 with Legislative approval in 2004. The graduation requirement was phased in over three years. As Idaho continues to transition to higher standards, Idaho's graduation requirement must be retooled. The new ISAT will be a true college and career ready test and given for graduation in the student's junior year. Previously, the Board made accommodations for the Class of 2016 as students took the field test. For the class of 2017, the Department recommends students are required to take the test in 11th grade and phase in the graduation requirement similar to the phase in when the graduation requirement was initiated in 2006. The class of 2018 will be required to pass the ISAT in math and English language usage at a 9th grade level. The class of 2019 will be required to pass the math and English language usage ISAT at a 10th grade level and then the class of 2020 must pass at the college and career level. The rule also allows for students who are advanced to create a mastery element in the requirement. Therefore, students who can pass the ISAT in 9th or 10th grade at an 11th grade college and career ready level will be exempt from taking the ISAT in the future and their graduation requirement is met.

In 2010, the State Board of Education removed the requirement for students to pass the ISAT science test in 10th grade. At that time, the Department began work on replacing the science test with a more appropriate measure of science knowledge in the form of an End of Course assessment. Tests in biology and chemistry were developed and

field tested. For the class of 2017 (sophomores in 2014-2015) and class of 2018, students will be required to take either biology or chemistry.

After the Public Comment period ended, the following changes were made:

- Striking the words after “usage” in subsection 105.06.f.
- Students who graduate in 2019 are required to pass the ISAT in grade eleven in mathematics and English language usage at a proficiency level set by the state board of education.”
- Striking subsection 105.06.i.
- In subsection 105.06.k. inserting “Students who graduate in 2019 will be required to pass an end of course assessment in science at a proficiency level set by the State Board of Education.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, **Vol. 14-10, pages 142 through 149.**

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

These changes result in no fiscal impact.

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

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
Boise, ID 83720-0027  
Phone: (208) 332-6812  
Fax: (208) 334-2228

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

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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:

**Paragraph 105.01.i.** - at the request of the Legislature, an addition to the substitution clause for one credit of physical education for graduation is clarified.

**Subparagraph 105.03.b.iii.** - currently states that a student may elect an exemption in grade eleven (11) from the college entrance exam requirement if enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam. This will be corrected from spring to fall.

**Subsection 105.05** - currently contains the word “required” which is being removed because it is too vague and is meant for any class the student is taking.

**Subsection 105.06** - as Idaho continues to transition to higher standards, Idaho’s graduation requirement must be considered and changed to meet the requirements.

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

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

There is no negative fiscal impact to the general fund as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: These changes are to bring these rules into compliance with requests from the Legislature and the College Board.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Luci Willits, State Department of Education: (208) 332-6814, [lbwillits@sde.idaho.gov](mailto:lbwillits@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1401**

**105. HIGH SCHOOL GRADUATION REQUIREMENTS.**

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state

minimum. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

**a.** Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

**b.** Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

**c.** Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

**d.** Mathematics. Six (6) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

**i.** Students must complete secondary mathematics in the following areas: (3-12-14)

(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

(2) Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

**ii.** Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-12-14)

**iii.** Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. High School math credits completed in middle school shall count for the purposes of this section. (3-12-14)

**e.** Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit

Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

i. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (3-12-14)(    )

**02. Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter grade nine (9) in Fall 2012 or later.) (3-12-14)

a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: SAT, ACT, or Compass. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-12-14)

- i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)
- ii. Was homeschooled during grade eleven (11); or (3-12-14)
- iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

b. A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)

- i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)
- ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)
- iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the spring fall statewide administration of the college entrance exam. (3-12-14)(    )

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement. (3-12-14)

**04. Senior Project.** A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-12-14)

**05. Middle School.** A student will have met the high school content and credit area requirement for any *required* high school course if: ~~(3-12-14)~~ ( )

a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

b. The course meets the same content standards that are required in high school; and (3-12-14)

c. The course is taught by a properly certificated teacher who meets the federal definition of highly qualified for the course being taught. (3-12-14)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. (3-12-14)

**06. Proficiency.** Each student must achieve a proficient or advanced score on the grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (3-12-14)

a. Before entering an alternate measure, the student must be: (4-2-08)

i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

b. The alternate plan must: (4-7-11)

i. Contain multiple measures of student achievement; (4-7-11)

ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)

iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)

iv. Be valid and reliable; and (4-7-11)

v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and

performance. (4-7-11)

c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)

i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must be approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)

ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)

iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)

iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)

d. Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year. (3-12-14)

e. Students who graduate in 2017 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ( )

f. Students who graduate in 2018 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ( )

g. Students who graduate in 2019 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a proficiency level set by the State Board of Education. ( )

h. Students who graduate, beginning in 2017, are required to complete an End of Course Assessment (EOC) provided by the state in either biology or chemistry after completion of the course. ( )

i. Students who graduate in 2019 will be required to pass an end of course assessment in biology or chemistry at a proficiency level set by the State Board of Education. ( )

**07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

**08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

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

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1402

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

The change to Accountability is to clarify that a limited English proficient (LEP) student is one who does not score "proficient" on the approved test and meets one of the other listed criteria.

There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10 pages 150 through 153](#).

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

This change results in no negative fiscal impact to the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Christina Nava, State Department of Education: (208) 332-6905, [cnava@sde.idaho.gov](mailto:cnava@sde.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
Boise, ID 83720-0027  
Phone: (208) 332-6812  
Fax: (208) 334-2228

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 14, 2014.

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

authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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 change to Accountability is to clarify that a limited English proficient (LEP) student is one who does not score "proficient" on the approved test and meets one of the other listed criteria.

**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: This rule needs to be in place for the 2014-2015 school year.

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

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

This change results in no negative fiscal impact to the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: NA

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1402

**112. ACCOUNTABILITY.**

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (3-20-04)

**01. ISAT Student Achievement Levels.** There are four (4) levels of student achievement for the ISAT: Below Basic, Basic, Proficient, and Advanced. Definitions for these levels of student achievement are adopted by reference in Subsection 004.05. (4-2-08)

**02. IELA Language Proficiency Levels.** There are five (5) levels of language proficiency for students testing on the Idaho English Language Assessment: beginning,” advanced beginning, intermediate, early fluent, and fluent. Definitions for these levels of language proficiency are adopted by reference in Subsections 004.02 and 004.04. (4-2-08)

**03. Adequate Yearly Progress (AYP).** (3-20-04)

**a.** Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

**b.** The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. (4-7-11)

**c.** The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

**04. Adequate Yearly Progress (AYP) Definitions.** For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

**a.** Full Academic Year (continuous enrollment). (3-20-04)

**i.** A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved AYP in proficiency. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. (4-7-11)

**ii.** A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. (4-2-08)

**iii.** A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved AYP. (4-2-08)

**b.** Participation Rate. (3-20-04)

**i.** Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (4-6-05)

(2) Students who are absent for the entire state-approved testing window because of medical reasons or are homebound are exempt from taking the ISAT if such circumstances prohibit them from participating. Students who drop out, withdraw, or are expelled prior to the beginning of the final makeup portion of the test window are considered exited from the school. (4-7-11)

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (4-6-05)

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-20-04)

v. A “new school” for purposes of accountability is a wholly new entity receiving AYP determinations for the first time, or a school with a significant student population change as a result of schools being combined or geographic boundaries changing, or a result of successful school restructuring sanctioned by the Office of the State Board of Education. (4-7-11)

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who **do not** score *in the low range* **proficient** on the state-approved language proficiency test and meet one (1) of the following criteria: (4-6-05)( )

(1) Individuals whose native language is a language other than English; or (4-6-05)

(2) Individuals who come from environments where a language other than English is dominant; or (4-6-05)

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (4-6-05)

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high

schools must meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.04.d. in the event the “safe harbor” is invoked by the school/district. (4-7-11)

**f.** Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.04.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

**05. Annual Measurable Achievement Objectives (AMAOs).** Local school districts are responsible for ensuring district progress of Limited English Proficient (LEP) students in their acquisition of English. Progress and proficiency are measured by the IELA and determined based on three (3) AMAOs: (4-2-08)

**a.** Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency; (4-2-08)

**b.** Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year; and (4-2-08)

**c.** Each school district must make Adequate Yearly Progress for LEP students on the spring ISAT. (4-2-08)

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

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1403

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is November 24, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 33-105, Idaho Code.

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

The use of accommodations/adaptions for LEP students must accurately reflect the designated supports and accommodations as referenced in the Smarter Balanced Assessment Consortium (SBAC) guidelines. Changes are made to require that if a need for designated supports and/or accommodation is indicated in the LEP student's Educational Learning Plan (ELP), they will be provided for the assessment. In addition, science end of course assessments have been added to the list of required assessments.

Following the public comment period, minor technical changes were made to IDAPA 08.02.03.111.04.c., 07.c and IDAPA 08.02.03.111.11.a, and b. Amendments include changing the scheduled testing for the Idaho Standards Achievement Test (ISAT) for LEP student from the Fall to the Spring and specifying that the designated supports and accommodations must be familiar to the student. Additionally the words "as applicable" were added regarding the shipment of a paper and pencil version of the ISAT and the requirement that the ISAT be refreshed annually was removed. End of Course Assessment requirement in science was added in paragraph 111.06.n.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the State Department of Education amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10 pages 154 through 158](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Tracie Bent, State Board of Education: (208) 332-1582, [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
Boise, ID 83720-0027  
Phone: (208) 332-6812 / Fax: (208) 334-2228

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 14, 2014.

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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:

Assessment in the Public Schools, regarding the use of accommodations/adaptions for LEP students must accurately reflect the Designated Supports and Accommodations as referenced in the Smarter Balanced Assessment Consortium (SBAC) guidelines and science End of Course Assessments have been added to the list of required assessments.

**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: This rule needs to be in place for the 2014-2015 school year and to align with changes in Idaho's approved ESEA waiver and Title III Federal regulations.

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

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

This change results in no negative fiscal impact to the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: NA

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Luci Willits, State Department of Education: (208) 332-6814, [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1403**

**111. ASSESSMENT IN THE PUBLIC SCHOOLS.**

**01. Philosophy.** Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. The State Board of Education will provide oversight for all components of the comprehensive assessment program. (4-2-08)

- 02. Purposes.** The purpose of assessment in the public schools is to: (3-15-02)
- a.** Measure and improve student achievement; (3-15-02)
  - b.** Assist classroom teachers in designing lessons; (3-15-02)
  - c.** Identify areas needing intervention and remediation, and acceleration; (3-15-02)
  - d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
  - e.** Inform parents and guardians of their child's progress; (3-15-02)
  - f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
  - g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
  - h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

**03. Content.** The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam. (3-29-12)

**04. Testing Population.** All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

- a.** All students who are eligible for special education shall participate in the statewide assessment

program. (4-6-05)

b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.04.d.iv., ~~who receive a score below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations~~ may receive designated supports or accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student's Educational Learning Plan (ELP) team. The team shall outline the designated supports or accommodations, or both, in an ELP prior to the assessment administration. Designated supports or accommodations, or both, shall be familiar to the student during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the ~~reading/~~ English language ~~usage~~ ISAT, but will still be required to take the ISAT m(Mathematics and Science). ~~ISAT with accommodations or adaptations as determined by the language proficiency score and ELP.~~ Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.04. However, such LEP students are not required to be counted for AYP accountability purposes ~~in determining proficiency~~, as described in Subsection 112.03. (5-8-09)( )

**05. Scoring and Report Formats.** Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (4-7-11)

a. Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (4-7-11)

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (4-7-11)

**06. Comprehensive Assessment Program.** The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (4-2-08)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

c. Grade 2 - Idaho Reading Indicator, ~~Grade 2 Idaho Standards Achievement Tests~~, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)( )

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

e. Grade 4 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

- f.** Grade 5 - Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- g.** Grade 6 - Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- h.** Grade 7 - Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- i.** Grade 8 - National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- j.** Grade 9 - Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- k.** Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- l.** Grade 11 - High School Idaho Standards Achievement Tests (as applicable), Idaho English Language Assessment, college entrance exam. (~~3-29-12~~)(    )
- m.** Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)
- n.** Students are required to take an End of Course Assessment *in science* provided by the state and administered by the district. (    )
- #0.** Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in their tenth grade year or later are not required to continue taking that portion or portions. (5-8-09)
- 07. Comprehensive Assessment Program Schedule.** (5-3-03)
- a.** The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)
- b.** The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)
- c.** The Idaho Standards Achievement Tests will be administered ~~twice annually~~ in the ~~Fall and~~ Spring in a time period specified by the State Board of Education. (~~5-3-03~~)(    )
- d.** The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)
- e.** The Idaho English Language Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)
- 08. Costs Paid by the State.** Costs for the following testing activities will be paid by the state: (4-1-97)
- a.** All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)
- b.** Statewide distribution of all assessment materials; and (3-29-12)
- c.** Processing and scoring student response forms, distribution of prescribed reports for the statewide

comprehensive assessment program. (3-29-12)

**09. Costs of Additional Services.** Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

**10. Services.** The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

**11. Test Security, Validity and Reliability.** Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (4-2-08)

**a.** All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window, as applicable. ~~(3-20-04)~~ ( )

**b.** ~~The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010.~~ (3-20-04)

**eb.** Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)

**12. Demographic Information.** Accurate demographic information must be submitted as required for each test to assist in interpreting test results. It may include but is not limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (4-2-08)

**13. Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

**a.** The Idaho Standards Achievement Tests (grades 3-9 and High School). (3-29-12)

**b.** A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (4-6-05)

i. Language Arts/Communications. (3-15-02)

ii. Math. (3-15-02)

iii. Science. (3-15-02)

iv. Social Studies. (3-15-02)

v. Health. (3-15-02)

vi. Humanities. (3-15-02)

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

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1404

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

IDAPA 08.02.03, subsection 104, sets out other required instruction in elementary schools, middle schools/junior high schools, and high schools. The language pertaining to other instruction in high school was amended in 2006 making it effective for all students who graduated prior to January 1, 2012. These changes were part of the high school redesign efforts by the Board. At the same time subsection 105 was amended to increase the specific credit requirements for graduation and move the required parent-approved student learning plan development to “no later than the eighth grade.” This section also included a further subsection that outlined other required instructional offerings of high schools. When subsection 104.03. was no longer effective and removed from Administrative Rule, the further subsection was also removed, eliminating the requirement that high schools provide instructional offering in physical education, humanities, professional technical education, family and consumer science, fine and performing arts, and languages other than English. While IDAPA 08.02.03, subsection 105 list specific credit requirements for humanities, including world languages and performing arts, it does not include credit requirements for physical education or professional-technical education. The Pending Rule change restores language regarding other required instructional offering of the high school to include physical education and professional-technical education.

Additionally, at the recommendation of the High Expectations subcommittee, clarifying language is being added to ensure learning plans are reviewed annually throughout a student’s high school career, as intended by the language regarding the learning plans in the middle schools/junior high schools section.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 157 through 161](#).

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

**ASSISTANCE:** For assistance on technical questions concerning the pending rule or temporary rule, contact Tracie Bent, State Board of Education: (208) 332-1582, [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
Boise, ID 83720-0027  
Phone: (208) 332-6812 / Fax: (208) 334-2228

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 14, 2014.

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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:

Inadvertently, the wording to require Physical Education and Professional Technical Education as required instructional offerings of a high school were removed and are being added back into the rule. In addition, clarifying language was added to ensure learning plans are reviewed throughout a student's high school career.

**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: This rule needs to be in place for the 2014-2015 school year.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: Simple clarification of the intent of the original rule and clarifying language added to ensure review of learning plans.

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1404

**104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

**01. Elementary Schools.** (4-11-06)

**a.** The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**b.** Additional instructional options as determined by the local school district. For example:  
Languages other than English  
Career Awareness (4-1-97)

**02. Middle Schools/Junior High Schools.** (4-11-06)

**a.** No later than the end of Grade eight (8) each students shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the school district's or LEA's graduation standards. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)

**b.** A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (3-12-14)

**c.** Other required instruction for all middle school students:  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**d.** Other required offerings of the school:  
Family and Consumer Science  
Fine & Performing Arts  
Professional Technical Education  
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

**03. High Schools.** ( )

**a.** High schools must offer a wide variety of courses to satisfy state and local graduation requirements. High schools are required to provide instructional offerings in Physical Education (fitness) and Professional Technical Education. ( )

**b.** High schools will annually review and update with the student the parent-approved student learning plans outlined in Subsection 104.02.a.. ( )

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

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1406

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is November 24, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and at the conclusion of the Legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 67-5221(1), Idaho Code, and Section 33-105, Idaho Code.

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

The rule allows for the five new data elements to be collected which will provide the necessary information for finance to accurately calculate payments necessary for staffing and for the Advanced Opportunities option.

The last three fields listed below were not originally included in the rule description but were included in the New Items Excel Spreadsheet attached and approved by the State Board of Education as part of the Rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the State Department of Education amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the original text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 165 and 166](#).

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

This change in rule results in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Joyce Popp, State Department of Education, (208) 332-6970, [jpopp@sde.idaho.gov](mailto:jpopp@sde.idaho.gov).

DATED this 24th Day of November, 2014.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
Boise, ID 83720-0027  
Phone: (208) 332-6812  
Fax: (208) 334-2228

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 14, 2014.

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

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

**Thursday, October 16, 2014 - 3:00 p.m.**

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

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 allows for the five new data elements to be collected which will provide the necessary information for finance to accurately calculate payments necessary for staffing and for the Advanced Opportunities option.

**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:

To implement Senate Bill 1372, which was passed into law during the 2014 Legislative Session with an emergency clause, retroactively becoming Section 33-133.3.g.i, Idaho Code, that requires legislation for any data element added to the Idaho State Department of Education's data collection from the districts.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: The rule is needed due to SB1372 requiring legislation for any data element added to the Idaho State Department of Education's data collection from the districts.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Joyce Popp, State Department of Education: (208) 332-6970, [jpopp@sde.idaho.gov](mailto:jpopp@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1406**

**115. DATA COLLECTION.**

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment data collection will shall contain information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status all data as listed on the State Department of Education's website under "required data elements." The collection will be done in mid-October, early February, and May (end of the testing window) shall be submitted monthly for any period of time in which students are receiving educational instruction or services provided by a state public school or charter school. Each participating school is required to verify and assure the accuracy and completeness of the data submitted in the files. (5-8-09)( )

01. New Data Elements in State Student Data System. To meet the requirements of Section 33-133.3, Idaho Code, the following data elements will be added to the monthly ISEE data upload beginning in the 2014-2015 school year. ( )

a. Private or Home Schooled Flag in the Student Demographics File. To indicate if the student is Private or Home Schooled as well as proper grade level for testing for use in correct allocation of funds. ( )

b. Provider School Name Field in the Student Course Enrollment File. To indicate the name of the institution providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation of payment for Advanced Opportunity Program payments. ( )

c. Instructor Name Field in the Student Course Enrollment File. To indicate the name of the actual instructor within an institution that is providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation for Advanced Opportunity Program payments. ( )

d. Examination to be Taken Flag in the Student Course Enrollment File. To indicate if a course has a specific examination that requires payment to sit for the examination. To identify and accurately calculate the examination reimbursement payments for the Advanced Opportunities Program. ( )

e. Examination Type Field in the Student Course Enrollment File. To collect the type of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. ( )

f. Examination CertType Field in the Student Course Enrollment File. To collect the type of exam certification or licensure type associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. ( )

g. Examination Result Field in the Student Course Enrollment File. To collect the students' result on the college credit bearing examination associated with a specific Advanced Opportunity course to identify the qualification of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. ( )

h. Examination Cost Field in the Student Course Enrollment File. To collect the cost of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. ( )

## IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

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

DOCKET NO. 55-0104-1401 (NEW CHAPTER)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-105, 33-2203, and 33-1629, Idaho Code.

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

In 2014 the Legislature enacted Section 33-1629, Idaho Code, Agricultural and Natural Resource Education Programs, establishing the Idaho Quality Program Standards Incentive Grants, and Agricultural Education Program Start-Up Grants and authorizing the State Board of Education to adopt quality program standards and promulgate rules to administer the two grant programs. The proposed rule sets out the eligibility requirements, application process, and selection process for the two grant programs.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 527 through 532](#).

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

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

DATED this 28th Day of November, 2014.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-105, 33-2203,

and 33-1629, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

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

In 2014 the Legislature enacted Section 33-1629, Idaho Code, Agricultural and Natural Resource Education Programs establishing the Idaho Quality Program Standards Incentive Grants, and Agricultural Education Program Start-Up Grants and requiring the Board adopt quality program standards and promulgate rules to administer the two grant programs. The proposed rule sets out the eligibility requirements, application process, and selection process for the two grant programs.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be fiscal impact due to the proposed rule.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014 Idaho Administrative Bulletin, [Vol. 14-6, page 102](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 29th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 55-0104-1401**

**IDAPA 55**  
**TITLE 01**  
**CHAPTER 04**

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

**000. LEGAL AUTHORITY.**

This chapter is adopted under authority of Section 33-1629, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 55.01.04, "Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants." ( )

**02. Scope.** These rules shall govern the standards and procedures for application to the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants as administered by the Idaho Division of Professional-Technical Education. ( )

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rule of this chapter will be made available at the Idaho Division of Professional-Technical Education. ( )

**003. ADMINISTRATIVE APPEALS.**

All appeals under these rules shall be conducted pursuant to the procedures outlined herein. ( )

**004. INCORPORATION BY REFERENCE.**

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

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Division of Professional-Technical Education are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. ( )

**02. Street Address.** The offices of the Division are located at 650 W. State Street, Boise, Idaho. ( )

**03. Mailing Address.** The mailing address of the Division is P.O. Box 83720, Boise, ID 83720-0095. ( )

**04. Telephone Number.** The telephone number of the Division is (208) 334-3216. ( )

**05. Facsimile.** The facsimile number of the Division is (208) 334-2365. ( )

**06. Website.** The website of the Division is <http://pte.idaho.gov/>. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

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

**010. DEFINITIONS AND ABBREVIATIONS.**

**01. Administrator.** The administrator for the Division of Professional-Technical Education. ( )

**02. Agricultural and Natural Resources Program.** A program approved by the Division of Professional-Technical Education that is a standards-based curriculum in agriculture, food and natural resources systems delivered through an integrated model that incorporates classroom and laboratory instruction, experiential learning and student leadership and personal development. ( )

**03. Board.** The State Board for Professional-Technical Education. ( )

**04. Division.** The Division of Professional-Technical Education. ( )

**05. FTE.** Full Time Equivalent employee. ( )

**06. School District or District.** A public school district or a charter school authorized by the Public Charter School Commission or school district. ( )

**011. -- 099. (RESERVED)**

**100. INCENTIVE GRANT.**

**01. Eligibility Requirements.** Eligible applicants must meet quality program and instructor requirements as approved by the board. Applicants may re-apply each year regardless of whether they have received a previous grant award. ( )

**a.** An agricultural and natural resources program in any grade nine (9) through twelve (12) must first meet the minimum program-specific quality program standards as approved by the board. ( )

**b.** Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program must meet each of the program quality indicators at the level of “basic” or higher. Programs must also have an overall average rating of no less than “distinguished” for all program-specific quality standards. This average will be calculated using the quality indicators within each standard. Programs that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. Programs will be assessed by the division. ( )

**c.** Instructors must teach in an agricultural and natural resources program that meets the quality program standards and must also meet the instructor-specific quality program standard as approved by the board. ( )

**d.** Instructors will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the instructor must meet each of the program quality indicators at the level of “basic” or higher. Instructors must also have an average rating of no less than “distinguished” for all instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. All instructors of agricultural and natural resources programs in grades nine (9) through twelve (12) are eligible to apply for the grant. ( )

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

**f.** Should the division request additional information from a school district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. ( )

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

**a.** To be considered for the grant, a school district must first complete and submit a formal application and supporting documentation on behalf of an instructor for an approved program according to the timeline established by the administrator. Applications may be submitted electronically to the division. In the event of a mailed application, applications must be postmarked no later than the timeline specified by the division. Instructors

may not apply on their own behalf. ( )

**b.** Following the receipt of an application, the division will conduct an assessment of the program and instructor to ensure they both meet the minimum eligibility requirements, as outlined in the quality program standards. At the administrator's discretion, the division may partner with additional subject-matter experts to assist in the evaluation. Assessments will be conducted each school year the instructor and program participate in the grant program. Districts will only be eligible to apply for the grant during the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications. ( )

**03. Selection of Grant Recipients.** Grants will be awarded annually based on the availability of grant funds and the number of qualified applicants. Grants will be awarded to applicants based on ranking in accordance with the following criteria: ( )

**a.** Applicants will be ranked according to their overall score. Scores will be calculated using the sum of: ( )

i. The average score of the program quality indicators; and ( )

ii. The average score of the instructor-specific program quality indicators. ( )

**04. Incentive Grant Award.** ( )

**a.** Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. Prior to the distribution of the letter, the division will verify that the grant recipient continues to teach at the same school, in the same agricultural and natural resources program, and at the same FTE level as indicated on the formal application. ( )

**b.** The total number of recipients will vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of ten thousand dollars (\$10,000) until available funds are exhausted or all qualified recipients have been awarded the grant. Grants may be less than ten thousand dollars (\$10,000) when certain conditions exist: ( )

i. Tied ranking. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded evenly among those recipients with a tied score. ( )

ii. Less than full-time employment in an approved program. Grants will be awarded using FTE to calculate the percent of time an instructor spends teaching within an approved agricultural and natural resources program. In the event an instructor teaches in an approved program in less than a full-time capacity, grants will be pro-rated according to the percent of time the instructor spends teaching in the approved program. ( )

**c.** Grants are awarded on an annual basis and are not renewable or transferrable. ( )

**d.** The use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. ( )

**e.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: ( )

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; ( )

ii. Purchase or repair equipment; or ( )

iii. Purchase educational supplies/curricula. ( )

**f.** Grant funds may not be used to: ( )

- i. Cover the costs of either salaries or benefits, including extended contracts; ( )
- ii. Offset expenses associated with the FFA organization or other student organizations; or ( )
- iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. ( )

**101. -- 199. (RESERVED)**

**200. START-UP GRANT.**

**01. Eligibility Requirements.** A school district may apply for a start-up grant for a newly-approved agricultural and natural resources program or to re-establish an agricultural and natural resources program in any grade nine (9) through twelve (12) when specific eligibility requirements are met. Districts are only eligible to apply for the grant in the fiscal year their program is approved or re-established. ( )

**a.** To start a new program, districts are required to first complete a request for new secondary program of study form for a new agricultural and natural resources program in one (1) of the specified grades. The new agricultural and natural resources program must then be approved by the division prior to application for the grant. Expansions of existing programs, including the addition of new career pathways or additional staff, do not qualify as a new program. ( )

**b.** To re-start a program, districts are required to first complete a Request for New Secondary Program of Study form to re-establish an agricultural and natural resources program in any grade nine (9) through twelve (12). The re-established agricultural and natural resources program must then be approved by the division prior to application for the grant. The re-established program must have been inactive for at least two (2) academic years to qualify for the grant. ( )

**02. Application Process.** A school district may submit an application for a new or re-established program. Completed applications, which must be authorized by the district superintendent, must be submitted to the division according to the timeline established by the administrator. In the event of a mailed application, the application must be postmarked no later than the timeline specified. ( )

**a.** Applications must include all required information outlined in the grant application, including specific documents detailing the district's proposed budget and long-term strategy for sustaining the program. ( )

**b.** Communication with state officials. Should the division request additional information from a district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. ( )

**03. Selection of Grant Recipients.** Grants will be awarded annually by the division based on the availability of grant funds and the number of qualified programs. Grants will be awarded to districts based on ranking and priority that considers factors including but not limited to: the strength of the budget proposal, sustainability potential of the proposed program, and the history of prior grant awards. ( )

**04. Start-up Grant Award.** Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. The total number of recipients will not exceed four awards annually, and may vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of twenty-five thousand dollars (\$25,000) until available funds are exhausted or all qualified recipients have been awarded the grant. ( )

**a.** Grants are awarded on a one-time basis and are not renewable or transferrable. If a district is awarded the grant for a new program, the program is ineligible for future awards should the program terminate and then be re-established. ( )

**b.** Use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. If a district fails to spend the entire award amount, those funds may not be carried forward to the next fiscal year. ( )

- c. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: ( )
  - i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; ( )
  - ii. Purchase or repair equipment; ( )
  - iii. Purchase educational supplies/curricula; or ( )
  - iv. Start-up costs, up to one thousand dollars (\$1,000,) associated with establishing a new chapter of FFA or other relevant student organization. ( )
- d. Grant funds may not be used to: ( )
  - i. Cover the costs of salaries and/or benefits, including extended contracts; ( )
  - ii. Offset ongoing expenses associated with the FFA organization or other student organizations; or ( )
  - iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. ( )

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

**300. PAYMENTS.**

Payment of grant funds will be made to the district using a reimbursement process. For grants awarded under Section 100, funds will be made to the district on behalf of the instructor. To receive reimbursement for eligible expenses, school districts must submit a reimbursement request no later than July 15 each year for the preceding school year, but may request reimbursement as costs are incurred. ( )

**301. APPEALS.**

Any grant applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The grant applicant or recipient must appeal in writing no later than thirty (30) days following the announcement of the award, and the written statement must include the basis for the appeal. The appeal must be submitted to the administrator. The division shall acknowledge receipt of the appeal within seven (7) days. The administrator may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) agricultural and natural resources professional. ( )

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

**02. Presentation.** Following the subcommittee's decision, the administrator will present the subcommittee's recommendation to the board at the next regularly scheduled meeting of the board. The grant applicant or recipient initiating the appeal may, at the discretion of the board, be permitted to make a presentation to the board. ( )

**03. Final Decision.** The decision of the board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the board. The board will inform the incentive grant applicant or recipient in writing of the decision of the board. ( )

**302. -- 999. (RESERVED)**