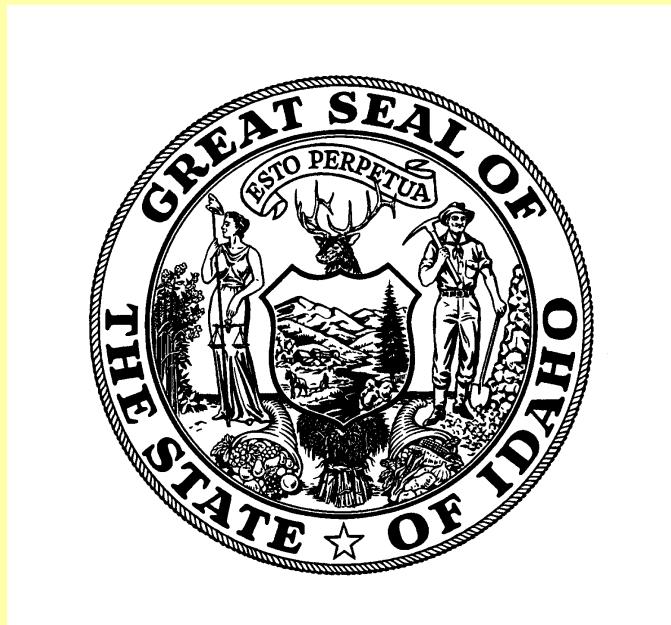


# PENDING RULES

## COMMITTEE RULES

## REVIEW BOOK

Submitted for Review Before  
**House Education Committee**  
64th Idaho Legislature  
First Regular Session -- 2017



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2017*

# **HOUSE EDUCATION COMMITTEE**

## **ADMINISTRATIVE RULES REVIEW**

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

### **08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM**

#### **DOCKET NO. 08-0102-1601 (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 2017 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 33-4605, Idaho Code.

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

HB 477a (2016) created a new section of Idaho Code, Section 33-4605, which created a new state administered scholarship titled the Postsecondary Credit Scholarship. The new program provides a scholarship to all students who have earned ten (10) or more postsecondary credits at the time of high school graduation and can meet the matching scholarship requirements. Students who earn more than ten (10), but less than twenty (20) credits will be eligible for up to two thousand dollars (\$2,000) spread over two (2) years. Students who earn twenty (20) or more credits but do not earn an associate degree at the time of high school graduation are eligible for up to four thousand dollars (\$4,000) spread over two (2) years. Students who earn an associate degree at the time of high school graduation are eligible for up to eight thousand dollars (\$8,000) spread over two (2) years. The final amount of the scholarship is subject the student having obtained a matching business or industry academic merit based scholarship.

The pending rule creates a new section of Administrative Code that sets out the administrative procedures for applying for the scholarship and provides clarification around the required business or industry matching scholarship.

Amendments have been made to the pending rule based on feedback received during the public comment period. The amendments move the application deadline from March 1 to June 1 to provide additional time for students to receive notification of the matching scholarship awards and to provide additional clarification that extension for eligibility may not be extended beyond four (4) years from the students graduation date as required by Section 33-4605, Idaho Code.

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 5, 2016 Idaho Administrative Bulletin, **Vol. 16-10, pages 219-222**.

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

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

DATED this 5th day of December, 2016

Tracie Bent, Chief Planning and 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 August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-4605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

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 proposed rule will create a new section of administrative code establishing the administrative procedures for applying for the Postsecondary Credit Scholarship and provide clarification around the required business or industry matching scholarship.

**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:

HB 477a (2016) created a new section of code, Section 33-4605, Idaho Code, which created a new state administered scholarship titled the Postsecondary Credit Scholarship. The temporary rule is necessary to come into compliance with the new statute.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 48](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0102-1601**

**IDAPA 08  
TITLE 01  
CHAPTER 02**

**08.01.02 - RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM**

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-105, 33-4601A, and 33-4605, Idaho Code the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 46, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.01.02, “Rules Governing the Postsecondary Credit Scholarship Program.” ( )

**02. Scope.** These rules constitute the requirements for the Postsecondary Credit Scholarship Program. ( )

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Office of the State Board of Education. ( )

**003. ADMINISTRATIVE APPEALS.**

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided 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 Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. ( )

**02. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. ( )

**03. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. ( )

**04. Telephone Number.** The telephone number of the Board is (208) 334-2270. ( )

**05.** **Facsimile.** The facsimile number of the Board is (208) 334-2632. ( )

**06.** **Electronic Address.** The electronic address of the Board of Education is at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. ( )

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

**010. DEFINITIONS.**

For the purposes of this section the following definitions shall apply: ( )

**01. Academic Merit Based Scholarship.** A scholarship in which a minimum academic standard must be met to be eligible for the scholarship. ( )

**02. Board.** Idaho State Board of Education. ( )

**03. Business Scholarship.** A competitive scholarship awarded from a business entity registered with the Idaho Secretary of State or other state or federal entity that registers businesses and whose purpose is not postsecondary education nor is the entity affiliated with a postsecondary educational institution; or an association representing businesses as described herein. ( )

**04. Executive Director.** Executive Director for the Idaho State Board of Education. ( )

**05. Grade Point Average (GPA).** Average secondary grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. ( )

**06. Industry Scholarship.** A competitive scholarship in which the recipient must enter into a program of study for a specific occupational area. ( )

**011. -- 100. (RESERVED)**

**101. APPLICATION PROCESS.**

**01. Initial Applications.** An eligible student must complete and submit the scholarship program application to the Board electronically on or before the date specified in the application, but not later than *June* 1 for guaranteed consideration of an award during the proceeding fall academic term. An applicant without electronic capabilities may submit an application on the form established by the Executive Director through the United States Postal Service. Applications received, *or postmarked* after March 1 of each year must be received at least 60 days prior to the start of the term for which the applicant has enrolled for consideration during the next academic term. ( )

**02. Communication with State Officials.** Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the Executive Director or designee. ( )

**102. -- 299. (RESERVED)**

**300. SCHOLARSHIP AWARDS.**

**01. Selection Process.** Scholarship awards will be based on the availability of scholarship program funds. In the event more eligible applications are received than funds are available, those applications received by *June* 1 of each year will be awarded based on their GPA ranking. Applications received after *June* 1 of each year will only be considered after all initial applications have been processed and awardees have accepted or rejected their awards, and will be based on their GPA ranking. ( )

**02. Monetary Value of the Opportunity Scholarship.** The monetary value of the award will be based on the maximum amount the applicant is eligible to receive based on the number of postsecondary credits accepted by the institution they attend and the amount of the matching scholarship for each year they are eligible. The award amount shall not be more than the matching merit based business or industry scholarship received by the applicant within the limits of the maximum eligible amount. ( )

**03. Payment.** Payment of scholarship award will be made in the name of the recipient and will be sent to the designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient student's account within a reasonable time following receipt of the payment. ( )

**04. Duration.** Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship is valid for up to four (4) educational years from the date the recipient graduated from high school. Awards are contingent on annual appropriations by the legislature and continued eligibility of the student. ( )

**05. Eligibility.** If a student receives a scholarship payment and it is later determined that the student did not meet all of the scholarship program eligibility requirements, then the student is considered in overpayment status, and the remaining program funds must be returned to the Office of the State Board of Education. ( )

**302. CONTINUING ELIGIBILITY.** To remain eligible for the scholarship, the recipient must comply with all of the provisions of the scholarship program and these rules, in addition to the following requirements. ( )

**01. Interruption of Continuous Enrollment.** A student may request an interruption of continuous enrollment for eligible students due to military service in the United States armed forces, medical circumstances, or extenuating circumstances approved by the Executive Director. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason *and* who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time student in an academic or career-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll and within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. At no time may the extension extend beyond the expiration period of the scholarship. *At no time may the scholarship award eligibility be extended beyond four (4) years from the date the student graduated from high school.* ( )

**303. -- 999. (RESERVED)**

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

### **08.01.04 – RESIDENCY**

**DOCKET NO. 08-0104-1601**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 33-3717B, 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:

Legislative changes to Section 33-3717B, Idaho Code, streamlined the residency requirements for tuition purposes, making many of the existing provisions in administrative rule unnecessary. Amendments are being proposed to IDAPA 08.01.04 to bring it into compliance with the provisions of Section 33-3717B, Idaho Code.

Two amendments have been made to the pending rule based on feedback received during the public comment period. The two amendments add additional language to specify that in using the multiple factors for determining domicile, Subsection 102.02, multiple factors under Subparagraph 102.02.g. may be used and a new Section 103 was added to address those students that are residents of Idaho at the time they chose to attend a private college or university in Idaho and then choose to transfer to one of our public institutions. For students that need to show domicile in Idaho for at least 12 months, domicile is calculated based on time living in the state for other than educational purposes, without the clarification their time spent as a student at a private institution may have adversely affected their ability to show domicile in Idaho for at least 12 months prior to registering at one of our public institutions.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 223-229](#).

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

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

DATED this 5<sup>th</sup> day of December, 2016.

Tracie Bent, Chief Planning and 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 August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-3717B, 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 19, 2016.

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:

Legislative changes to Section 33-3717B, Idaho Code, streamlined the residency requirements for tuition purposes, making many of the existing provisions in administrative rule unnecessary. Amendments are being proposed to IDAPA 08.01.04 to bring it into compliance with the provisions of Section 33-3717B, Idaho Code. The proposed rule includes the following amendments:

- Deletes unnecessary definitions of terms that are either no longer used or are defined within the statute itself;
- Adds a definition of accredited secondary school and armed forces. These terms were previously undefined;
- Sets out timelines for submitting requests for reclassification of residency determinations;
- Simplifies the factors for determining domicile and specifies which items can be used as factor and which items must be used in conjunction with other factors;
- Simplifies the appeals procedure; and
- Deletes sections that are no longer applicable and makes additional technical changes.

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

During the 2016 legislative session changes were made to Section 33-3717B, Idaho Code, residency requirements for tuition purposes. The temporary rule amendments are necessary to come into compliance with the changes made to Section 33-3717B, Idaho Code.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 49](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0104-1601**

**001. TITLE AND SCOPE.**

**01.** **Title.** The title of this chapter is Residency. ( )

**02.** **Scope.** This chapter has the following scope: governs residency classification for tuition purposes for the four-year institutions and Eastern Idaho Technical College under the supervision governance of the State Board of Education and the Regents of the University of Idaho, the University of Idaho, Boise State University, Idaho State University, and Lewis Clark State College are required to make residency determinations pursuant to Section 33-3717B, Idaho Code, and these rules. (5-8-09)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**003. ADMINISTRATIVE APPEALS.**

Provisions for appeal of a residency determination are set forth in Section 103 of this chapter. Unless otherwise provided for in the rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (1-1-94)( )

**004. INCORPORATION BY REFERENCE.**

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

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**  
The principal place of business of the State Board of Education is in Boise, Idaho. ( )

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

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

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

**0046. PUBLIC RECORDS ACT COMPLIANCE.**

*All rules required to be adopted by this chapter are public records. This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. (1-1-94)*

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

**00510. DEFINITIONS.**

**a.** *Resident Student. For any public institution of higher education in Idaho, resident student is defined in Section 33-3717B, Idaho Code, and specifically includes:* (3-29-10)

*a. Any student who has one (1) or more parent or parents or court appointed guardians who are domiciled in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates, and the parent or parents or guardians provide at least fifty percent (50%) of the student's support. (5-8-09)*

*b. Any student who receives less than fifty percent (50%) of his support from a parent, parents, or legal guardians and who has continuously resided and maintained a bona fide domicile in the state for twelve (12) months immediately preceding the opening day of the term during which the student proposes to attend primarily for purposes other than educational. (5-8-09)*

*c. Unless disqualified as a nonresident student as defined in Subsection 005.02, any student who is a graduate of an accredited secondary school in the state of Idaho and who matriculates during the term immediately following such graduation. (1-1-94)*

*d. The spouse of a person who is classified or is eligible for classification as a resident of the state for purposes of attending a college or university, provided that the institution shall require the filing of proof of marriage by the applicant. (1-1-94)*

*e. A member of the armed forces of the United States stationed in the state on military orders. (1-1-94)*

*f. An officer or an enlisted member of the Idaho national guard. (5-8-09)*

*g. A student whose parent or guardian is a member of the armed forces and stationed in the state on military orders and who receives fifty percent (50%) or more of his support from a parent or guardian, provided that the student, while in continuous attendance, shall not lose residency status when the student's parent or guardian is transferred on military orders. (1-1-94)*

*h. A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state within one (1) year of the date of separation. (1-1-94)*

*i. Any person who has been domiciled in the state, has qualified and would otherwise be qualified under Section 33-3717B, Idaho Code, and who is away from the state for a period of less than thirty (30) months and has not established legal residence elsewhere, provided a twelve month (12) period of continuous residence has been established immediately prior to departure. However, time spent away from the state while enrolled in a postsecondary education program shall not be included in the thirty (30) months. Such time spent away from the state while enrolled shall include normal academic year breaks, such as summer breaks or breaks between semesters or quarters, that occur prior to the receipt of the postsecondary degree. (3-29-10)*

*j. A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education: members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho. (5-8-09)*

- i. *Coeur d'Alene tribe;* (5-8-09)
- ii. *Shoshone-Paiute tribes;* (5-8-09)
- iii. *Nez Perce tribe;* (5-8-09)
- iv. *Shoshone-Bannock tribes;* (5-8-09)
- v. *Kootenai tribe.* (5-8-09)
- 02. *Nonresident Student.* Nonresident student is defined in Section 33-3717B, Idaho Code, and includes:
  - a. *A student who does not qualify as a resident student as defined in Subsection 005.01.* (1-194)
  - b. *A student attending an institution in this state with financial assistance provided by another state or governmental entity thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.* (1-194)
  - c. *A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or who does not hold "refugee parolee" or "conditional entrant" status with the United States Immigration and Naturalization Service, or is not otherwise permanently residing in the United States under color of law, and who does not also comply with and meet all applicable sections of Section 33-3717B, Idaho Code, and this chapter.* (5-8-09)

051. **Accredited Secondary School.** *"Accredited secondary school"* means an Idaho secondary school accredited by a body recognized by the State Board of Education. (1-194)()

072. **Armed Forces.** *"Armed forces"* means The United States Army, Navy, Air Force, Marine Corps, and United States Coast Guard, and their reserve forces. It does not include the National Guard or any other reserve force. (3-30-04)()

03. **Continuously Resided.** *The term "continuously resided" as used in this chapter means physical presence in the state for twelve (12) consecutive months. Absence from the state for normal vacations, family travel, work assignments, short-term military training, and similar occasions totaling not more than thirty (30) days during the twelve (12) month qualifying period, in and of itself, will not be regarded as negating the continuous residence of the individual.* (1-194)()

04. **Continuous Attendance.** *For purposes of Subsection 005.01.g., "continuous attendance" means attendance at a college or university for continuing and succeeding semesters or terms excluding summer semesters or terms.* (5-8-09)

06. **Term Immediately Following Graduation.** *For purposes of Subsection 005.01.e., "the term immediately following graduation" does not include the summer semester or term of a college or university.* (1-194)

08. **Domicile.** *"Domicile" means an individual's true, fixed, and permanent home and place of habitation; the place where the individual intends to remain and to which the individual expects to return when he leaves without intending to establish a new domicile elsewhere. The establishment of domicile in Idaho occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter.* (1-194)

04. **Full-time Employment.** *Employment consisting on average of at least thirty (30) hours of service per week, or one hundred twenty (120) hours of service per month.* ( )

05. **Full-time Student.** *A student taking the number of credits set by the State Board of Education to*

constitute a full course load. ( )

**096.** **Support.** "Support" means financial support given to the student during the twelve (12) months preceding the opening date of the term for which resident status is requested, but shall not include educational scholarships or grants provided to the student to attend a postsecondary educational institution. Any student who receives less than fifty percent (50%) support may demonstrate this by showing that he is not claimed as a dependent by a parent or guardian for income tax purposes or that a parent or guardian provides less than fifty percent (50%) of the cost of attending an institution according to the financial aid office of that institution or that other similar evidence exists of parental support such as dental bills, medical bills, etc. (5-8-09)

**09611. -- 099. (RESERVED)**

**100. RESIDENT CLASSIFICATION BY ALL INSTITUTIONS.**

Any student classified as a resident student for purposes of higher education tuition by one of the institutions or Eastern Idaho Technical College must shall be considered a resident by all other institutions. "Institutions" means the University of Idaho, Idaho State University, Boise State University, Lewis Clark State College, and Eastern Idaho Technical College. (5-8-09)( )

**101. RESIDENCY CLASSIFICATION PROCESS.**

All requests for residency reclassification must be submitted by the student to the institution by the 10th day of the term in which reclassification is sought. Each institution ~~is to~~ shall develop its own procedures to determine the residency status of applicants, disseminate information about the classification process, and determine the documentation required of each applicant to the institution. The institution may require whatever records, documents, or affidavits it deems necessary to classify each applicant correctly. It is the responsibility of the institution to notify the student in a timely manner of the documentation required for the classification process, and it is the responsibility of the student to provide the documentation by the deadline established by the institution. Each student must shall be notified in writing of the residency classification decision made by the institutional personnel responsible for determining residency status within fifteen (15) days of such determination being made. (7-1-93)( )

**102. FACTORS FOR DETERMINING DOMICILE.**

Pursuant to Section 33-3717B, Idaho Code, the overriding factor for determining whether a student is a "resident student" is domicile. For these purposes, the establishment of The following, if supported by documentation, support a claim of domicile in Idaho, occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter. In determining whether a student is domiciled in Idaho primarily for purposes other than educational, the institutions shall consider the following: (5-8-09)( )

**a. Domicile Established Tax Returns and Employment.** Any Both of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational: (5-8-09)( )

**a.** Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident student and (5-8-09)( )

**b.** Permanent Full-time employment or the hourly equivalent thereof in the state of Idaho. (5-8-09)( )

**c.** Ownership by the student of the students living quarters. (5-8-09)

**d. Rebuttable Presumption.** A student who is enrolled for more than eight (8) hours in any semester or quarter during a twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in the state unless the student proves, in fact, establishment of a bona fide domicile in the state primarily for purposes other than educational. A student who establishes at least five (5) of the seven (7) factors listed in Subsection 102.03 of these rules, if done for a least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational.

(5-8-09)

**032.** **Additional Multiple Factors to Determine Domiciliary Intent.** *A student who establishes at least five (5) of the seven (7) following factors, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational:* (5-8-09)()

a. **Ownership or leasing of a residence in Idaho.** (1-1-94)

b. Registration and payment of Idaho taxes or fees. *Registration, other than sales or income tax, including registration* and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property for which state registration and the payment of state tax or fee is required. (5-8-09)()

c. Registration to vote for state elected officials in Idaho at a general election. (1-1-94)

d. Holding of an Idaho driver's license. *An Idaho or state-issued ID identification card may be used in lieu of an Idaho driver's license.* (5-8-09)()

e. Evidence of the abandonment of a previous domicile. (1-1-94)

f. *The presence of household goods in Idaho.* (1-1-94)

f. The establishment of accounts with *Idaho* financial institutions in Idaho. (5-8-09)()

g. *And* Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile. Factors may include, but are not limited to, enrollment of dependent children in Idaho *primary elementary* or secondary schools, establishment of acceptance of an offer of permanent employment for self in Idaho, *or* documented need to care for a relative in Idaho. *utility statements, or employment documentation. Multiple factors under this category may be used.* (5-8-09)()

**04. **Idaho Elementary and Secondary Students.**** *If a student meets the requirements set forth under Idaho Code, Section 33-3717B(1)(c), that student shall not be required to meet the twelve (12) month requirement for establishing domicile.* (1-1-94)()

**103. INDEPENDENT STUDENTS AND DOMICILE.**

*Domicile in the state of Idaho primarily for purposes other than education includes a domicile in Idaho that was established by the student prior to pursuing higher education in Idaho unless the student's Idaho domicile was thereafter interrupted by an intervening change of domicile.* (1-1-94)()

**103.4. APPEALS PROCEDURE.**

Any student who contests the residency classification decision made *pursuant to IDAPA 08.01.04.101* by the institution may appeal the decision. The student *must* *shall* be informed of his right to appeal. *by the institution at the time the student is notified of the residency classification decision. The student* must request the appeal in writing and agree to the release of information *provided to determine residency* to the review body, and *must* comply with deadlines established by the institution for requesting such appeal. (1-1-94)()

**01. **Internal Institution Appeal.**** The chief executive officer of each institution or his designee *must* *shall* appoint or cause to be appointed a committee of *no less than* three (3) *to no more than* five (5) members who represent faculty and administration and who will constitute a residency review committee. *The individual responsible for the initial determination of residency of any student is ineligible for membership on the review committee. The committee will elect a chairman, secretary, or other position as may be deemed necessary to carry out the work of the committee.* Within thirty (30) days following receipt of the student's written request to appeal the *residency classification* decision *made pursuant to IDAPA 08.01.04.101*, the committee must meet and review the ruling. The student appealing is responsible for presenting such evidence as the committee may request and such other evidence as the student may deem pertinent to his residency status. The individual *who made responsible for* the initial residency classification decision *pursuant to IDAPA 08.01.04.101* may be present *to submit such information*

~~as he may desire for each case being appealed, if requested by the committee, to answer questions from the committee.~~ The student must be notified in writing of the ~~review~~ committee's decision. The decision of the committee is final unless the student elects to appeal ~~further the decision~~ to the State Board of Education. (7-1-93)

**02. Board Appeal.** Any student who contests the decision of the ~~residency~~ review committee may appeal to the State Board of Education. In such case, the student must advise the chief executive officer of the institution, in writing, of his request to submit an appeal. The chief executive officer ~~must arrange for a will submit the request to the Office of the State Board of Education for review by the Board or the Board's designated representatives.~~ The decision of the State Board of Education is ~~the final determination~~ and is binding on all parties concerned, ~~subject to the student's statutory right to appeal the final determination to district court.~~ (7-1-93)

**104. INTERPRETATIONS RELATING TO RESIDENCY CLASSIFICATION.**

**01. Common Law Marriage.** ~~Any student who wants to establish residency on the basis of a common law marriage must complete an Affidavit of Common Law Marriage as approved by the Board.~~ (7-1-93)

**02. Nonresident Aliens - Marital Privilege.** ~~Nonresident aliens who marry Idaho residents become eligible for residency classification for purposes of higher education, as provided in Section 33-3717B, Idaho Code, upon filing proof of marriage in the admissions office. However, the institutions remain responsible for complying with requirements set forth in regulations of the U.S. Immigration and Naturalization Service relating to non-immigrant alien students until such time as the alien is granted lawful resident alien status by the U.S. Immigration and Naturalization Service.~~ (5-8-09)

**105. RESIDENCY REQUIREMENTS FOR SPECIAL GRADUATE OR PROFESSIONAL PROGRAMS.**

**01. RESIDENCY REQUIREMENT.** ~~As provided in Section 33-3717B, Idaho Code, a residency requirement of at least one (1) calendar year is in effect for certain special graduate and professional programs.~~ (3-29-12)

**a.** ~~Those programs include, but are not limited to, the WAMI Regional Medical Program, the WICHE Professional Student Exchange Program, the Idaho Dental Education Program, the Creighton Dental Education Program, the WOI Regional Veterinary Program, and the University of Utah Medical Program.~~ (3-29-12)

**b.** ~~For purposes of this section, the requirement of "at least one (1) calendar year" means a period of twelve (12) consecutive months of continuous residency consistent with the requirements of Section 33-3717B, Idaho Code, immediately prior to the date of application.~~ (3-29-12)

**02. Appeal to the State Board of Education.** ~~Applicants for the special graduate and professional programs, upon institutional denial of residency status, may petition the Board for a hearing on the denial. The decision to grant such a hearing is discretionary with the Board and will be granted for errors in determination of residency pursuant to Section 33-3717B, Idaho Code.~~ (5-8-09)

**1064. -- 999. (RESERVED)**

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.01.09 – RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM**  
**DOCKET NO. 08-0109-1601 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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:

The original GEAR UP Idaho scholarship is available to students who had attended a school participating in the GEAR UP Idaho program and who had participated in the programs early intervention component in grades seven (7) through ten (10). To be eligible for participation in the GEAR UP 1 scholarship, the student must have graduated in 2012, 2013, or 2014. Idaho received a second GEAR UP grant, referred to as GEAR UP 2. The scholarship component of GEAR UP 2 is available to students who will graduate from high school in 2017 and 2018. The student eligibility requirements for the GEAR UP 2 program are slightly different than those of GEAR UP 1 and governed exclusively by the Federal grant program requirements.

Due to the changes in Federal requirements for this program it will no longer be necessary to have administrative rules governing the scholarship program. Participation and award amounts will be based on the federal program requirements. Due to these changes the existing language in administrative code is no longer necessary. The proposed amendments repeal the section in its entirety.

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 5th, 2016 Idaho Administrative Bulletin, [Vol.16-10, page 230](#).

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

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

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 Section 33-105, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

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 original scholarship was available to students who had attended a school participating in the GEAR UP Idaho program and who had participated in the programs early intervention component in grades seven (7) through ten (10). To be eligible for participation in the GEAR UP 1 scholarship, the student must have graduated in 2012, 2013, or 2014. Idaho received a second GEAR UP grant, referred to as GEAR UP 2. The scholarship component of GEAR UP 2 is available to students who will graduate from high school in 2017 and 2018. The student eligibility requirements for the GEAR UP 2 program are slightly different than those of GEAR UP 1.

Due to the changes in federal requirements for this program, it will no longer be necessary to have administrative rules governing the scholarship program. Participation and award amounts will be based on the federal program requirements. Due to these changes the existing language in administrative code is no longer necessary. The proposed amendments repeal the section in its entirety.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, page 20](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**IDAPA 08.01.09 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.01 – RULES GOVERNING ADMINISTRATION**  
**DOCKET NO. 08-0201-1602**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-320, 33-1212A, and 33-1616 Idaho Code.

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

During the 2016 legislative session changes were made to the Continuous Improvement Plan requirements, Literacy Intervention Plan requirements, and College and Career Advising Plan requirements. These changes set minimum reporting requirements for the Continuous Improvement Plans and tying Literacy Improvement Plans and College and Career Advising Plan reporting to the Continuous Improvement Plans. The proposed amendments set out the statewide readiness and improvement metrics, literacy intervention plan requirements and reporting metrics, and college and career advising plan requirements and minimum metrics.

Amendments made to the pending rule add language to allow school districts and charter schools to break out the college and career readiness metric to show students participating in a career technical education tract who are working toward an industry certificate or have taken a workforce readiness exam recognized the Division of Career Technical Education. Additionally, the format of the metrics regarding students with an 8th grade plan and the number of plans reviewed annually in grades 9 through 12 was changed from the “number” of students to the “percent” of students. It is also required that the plans include how parents and students will be notified of the services available.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 231-235](#).

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

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

DATED this 5th day of December, 2016

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P.O. Box 83720  
Boise, ID 83720-0027  
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**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-320, 33-1212A, and 33-1616 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) or more persons, a political subdivision, or an agency, not later than October 19, 2016.

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

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

During the 2016 legislative session amendments were made to the Continuous Improvement Plan requirements, Literacy Intervention Plan requirements, and College and Career Advising Plan requirements. These amendments set minimum reporting requirements for the Continuous Improvement Plans and tied the Literacy Improvement Plans and College and Career Advising Plan reporting to the Continuous Improvement Plans. The proposed amendments set out the statewide readiness and improvement metrics, literacy intervention plan requirements and reporting metrics, and college and career advising plan requirements and minimum metrics.

**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 come into compliance with amendments to Sections 33-320, 33-1212A, and 33-1616, Idaho Code.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 50](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0201-1602**

**801. CONTINUOUS IMPROVEMENT PLANNING AND TRAINING.**

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that includes a continuous improvement process focused on improving student performance of the LEA. (3-25-16)

**01. Definitions.** (4-11-15)

a. Administrator. As used in this section administrator means the superintendent of the school district or administrator of a charter school. (4-11-15)

b. Board. Board means the Idaho State Board of Education. (4-11-15)

c. Executive Director. Executive Director means the Executive Director of the Idaho State Board of Education. (4-11-15)

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. (4-11-15)

e. Local Education Agency. As used in this section local education agency (LEA) means public school district or charter school.. (4-11-15)

f. Continuous Improvement Plan. As used in this section, a continuous improvement plan focuses on annual measurable outcomes and the analysis of data to assess and prioritize needs and measure outcomes. (3-25-16)

**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: (4-11-15)

a. Training. The training must cover one (1) or more the follow subjects: (4-11-15)

i. Continuous improvement planning training. Continuous improvement 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; (3-25-16)

ii. School finance; (4-11-15)

iii. Administrator evaluations, including, but not limited to, specifics on the Idaho state evaluation requirements and framework; (4-11-15)

iv. Ethics; or (4-11-15)

v. Governance. (4-11-15)

- b. Documentation of Training. Training records shall be kept by the LEA showing: (4-11-15)
- i. The length of the training in hours; (4-11-15)
  - ii. The subject(s) covered by the training; (4-11-15)
  - iii. The participants included in the training or validation of attendance of specific participants as applicable; and (4-11-15)
  - iv. The curriculum, agenda, or other documentation detailing the content of the training. (4-11-15)
- c. Training Format. A majority of the LEA board and the administrator must collaborate on the continuous improvement 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. (3-25-16)
- d. Trainer Qualifications. The trainer must meet the following qualifications: (4-11-15)
- i. May not be a current employee of the LEA; (4-11-15)
  - ii. Must have two (2) years of documented training experience in the area of training being provided for the LEA; and (4-11-15)
  - 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. (4-11-15)
- 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. (4-11-15)
- 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. (4-11-15)
  - ii. Applications must be submitted to the Executive Director in a format established by the Executive Director. (4-11-15)
  - iii. Trainer qualifications must be determined prior to the LEA's request for reimbursement of training costs. (4-11-15)

**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.* (4-11-15)

**043.** ***Audit:** If requested, LEA's must provide training documentation or other information to verify eligibility prior to reimbursement.* (4-11-15)

**04.** ***Statewide Continuous Improvement Measures:** Multiple measures must be used to fully determine student readiness and improvement. At a minimum each continuous improvement plan shall include the following statewide student readiness and improvement metrics. The benchmark for each metric shall be set by the LEA.* (4-11-15)

**a.** *The college and career readiness metric shall be the number and percentage of students meeting the college ready benchmark in mathematics and English Language Arts on a state recognized college entrance exam. Improvement shall be measured by year over year growth in the percentage of students meeting the college readiness benchmark. This measure may be broken out by students pursuing a career technical track and non-career technical*

track students. Career technical track student's readiness will be measured based on students receiving an industry recognized certification or passage of a Division of Career Technical Education recognized workplace readiness assessment. ( )

b. The high school readiness metric shall be the number and percentage of students meeting proficient or advanced on the grade eight (8) Idaho standards achievement test in mathematics and English language usage. Improvement shall be measured by year over year growth in the percentage of students scoring proficient or advanced. ( )

c. The grade seven (7) readiness metric shall be the number and percentage of students meeting proficient or advanced on the grade six (6) Idaho standards achievement test in mathematics and English language usage. Improvement shall be measured by year over year growth in the percentage of students scoring proficient or advanced. ( )

d. The grade four (4) reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade three (3) statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. ( )

e. The grade three (3) reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade two (2) statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. ( )

f. The grade two (2) reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade one (1) statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. ( )

g. The grade one (1) reading readiness metric shall be the number and percentage of students reading at grade level on the spring kindergarten statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. ( )

**05. Annual Literacy Intervention Plan.** Annually each LEA will report on the effectiveness of the LEA's literacy intervention plan. Plans and reports are due by October 1 of each year. Plans shall include at a minimum:

- a. Summary of literacy interventions used at each grade level; ( )
- b. Previous year literacy intervention expenditures; ( )
- c. Projected literacy plan budget for the current school year; ( )
- d. Metrics chosen by the LEA to determine effectiveness of the literacy plan and annual performance benchmarks; and ( )
- e. Performance on metrics chosen to show program effectiveness for at a minimum the previous academic year. ( )

**06. College and Career Advising and Mentoring Plans.** Annually each LEA shall submit their college and career advising and mentoring plan to the State Board of Education by October 1.

- a. Plans shall include: ( )
  - i. Description of the college and career advising or mentoring model used by the LEA, including how parents and students will be notified, the resources available to parents and students, and how they may be accessed; ( )
  - ii. Summary of college and career advising and mentoring used at each grade level, grade eight (8) through grade twelve (12), as applicable to the grade ranges enrolled at the LEA; ( )

- iii. Previous year college and career advising and mentoring plan expenditures. College and career advising and mentoring plans submitted for the 2016-2017 school year must show how the additional funds received will be used to expand previous college and career advising and mentoring in the schools. New funding shall not be used to supplant current efforts; \_\_\_\_\_
- iv. Projected college and career advising and mentoring plan budget for current school year; and \_\_\_\_\_
- v. Required metrics and *at least one (1) or more additional* metrics chosen by the LEA to determine effectiveness of the college and career advising and mentoring plan, baseline data and annual benchmarks. \_\_\_\_\_
- b. Performance on all effectiveness metrics shall be reported annually in the LEA's Continuous Improvement Plan annual report. \_\_\_\_\_
- c. At a minimum effectiveness metrics must include: \_\_\_\_\_
- i. Percent of learning plans developed during grade eight (8); \_\_\_\_\_
- ii. Percent of learning plans reviewed annually by grade level, in grade nine (9) through grade twelve (12); \_\_\_\_\_
- iii. Number of students receiving college and career advising or mentoring services annually by grade level; \_\_\_\_\_
- iv. Number and percent of students who go on to some form of postsecondary education one (1) and two (2) years after graduation; and \_\_\_\_\_
- v. Number of students graduating high school with a career technical certificate or associates degree. \_\_\_\_\_

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.01 – RULES GOVERNING ADMINISTRATION**  
**DOCKET NO. 08-0201-1603**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 33-1616, 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:

Pursuant to amendments to Section 33-1616, Idaho Code the pending rule creates statewide growth targets for improving student literacy proficiency.

Year 1 and 2:

Grade	KG	1	2	3
% Growth	1.0%	1.0%	1.0%	1.0%

Years 3 through 6:

Grade	KG	1	2	3
% Growth	1.8%	2.0%	1.6%	1.2%

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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 236-237](#).

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

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

DATED this 5th day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1616, 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 19, 2016.

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:

Pursuant to amendments to Section 33-1616, Idaho Code, the proposed rule creates statewide growth targets for improving student literacy proficiency.

Year 1 and 2:

<b>Grade</b>	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>% Growth</b>	1.0%	1.0%	1.0%	1.0%

Years 3 through 6:

<b>Grade</b>	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>% Growth</b>	1.8%	2.0%	1.6%	1.2%

**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:

HB 526 (2016) amended Section 33-1616, Idaho Code, requiring the Board set student trajectory growth to proficiency benchmarks and timelines for Kindergarten through grade 3. The proposed amendments add a new Section 821 to IDAPA 08.02.01 that sets trajectory growth targets at the statewide level in compliance with Idaho Code.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 51](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief

synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0201-1603**

**802. LITERACY GROWTH TARGETS.**

**01. Statewide Trajectory Growth Targets.** Statewide trajectory annual growth targets are based on aggregated student performance on the spring administration of the statewide reading assessments. Local growth targets are set by the LEA based on the LEA's available resources and student demographics. Statewide trajectory growth targets indicated the statewide goal for year over year increases in the percentage of students reading at grade level. \_\_\_\_\_

**a. Year one (1) and two (2):** \_\_\_\_\_

i. Kindergarten -- one percent (1%). \_\_\_\_\_

ii. Grade one (1) -- one percent (1%). \_\_\_\_\_

iii. Grade two (2) -- one percent (1%). \_\_\_\_\_

iv. Grade three (3) -- one percent (1%). \_\_\_\_\_

**b. Year three (3), four (4), five (5), and six (6):** \_\_\_\_\_

i. Kindergarten -- one point eight percent (1.8%). \_\_\_\_\_

ii. Grade one (1) -- two percent (2%). \_\_\_\_\_

iii. Grade two (2) -- one point six percent (1.6%). \_\_\_\_\_

iv. Grade three (3) -- one point two percent (1.2%). \_\_\_\_\_

**02. Annual Review.** The State Board of Education will review the statewide student proficiency levels and the statewide trajectory growth targets annually. \_\_\_\_\_

**80~~23~~. -- 999. (RESERVED)**

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.01 – RULES GOVERNING ADMINISTRATION**  
**DOCKET NO. 08-0201-1604**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 33-1004, Idaho Code.

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

The pending rule establishes multiple measures for determining peer groups for school districts based on school district size, geographical location and pupil populations. The rule will also determine how the measures are combined to group school districts for determining the statewide average class size for each peer group. The proposed rule amendments add a new section to IDAPA 08.02.01, Rules Governing Administration setting out the provisions for determining the statewide average class size based on the divisors specified in Section 33-1002, Idaho Code. The proposed breakdown would be as follows:

Group 1. Group 1 shall consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades 1 through 3 and twenty-three (23) for grades 4 through 6, and a secondary divisor of eighteen point five (18.5).

Group 2. Group 2 will consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades 1 through 3 and twenty-three (23) for grades 4 through 6, and a secondary divisor less than 18.5.

Group 3. Group 3 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of nineteen (19) or twenty (20) for grades 1 through 6, and a secondary divisor of less than eighteen point five (18.5).

Group 4. Group 4 will consist on school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of less than nineteen (19) for grades 1 through 6, and a secondary divisor of less than eighteen point five (18.5).

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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 238-239](#).

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

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

DATED this 5th day of December, 2016.

Tracie Bent, Chief Planning and 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 August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1004, 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 19, 2016.

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 proposed rule will establish multiple measures for determining peer groups for school districts based on school district size, geographical location and pupil populations. The rule will also determine how the measures are combined to group school districts for determining the statewide average class size for each peer group. The proposed rule amendments would add a new section to IDAPA 08.02.01, Rules Governing Administration setting out the provisions for determining the statewide average class size based on the divisors specified in Section 33-1002, Idaho Code. The proposed breakdown would be as follows:

- Group 1 shall consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades 1 through 3 and twenty-three (23) for grades 4 through 6, and a secondary divisor of eighteen point five (18.5).
- Group 2 will consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades 1 through 3 and twenty-three (23) for grades 4 through 6, and a secondary divisor less than 18.5.
- Group 3 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of nineteen (19) or twenty (20) for grades 1 through 6, and a secondary divisor of less than eighteen point five (18.5).
- Group 4 will consist on school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of less than nineteen (19) for grades 1 through 6, and a secondary divisor of less than eighteen point five (18.5).

**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:

HB 476 (2016) amended Section 33-1004, Idaho Code setting additional provisions for determining the statewide average class size that is used in calculations related to school district staff allowances. The proposed amendments are necessary to come into compliance with the amendments made to Section 33-1004, Idaho Code.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 52](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0201-1604**

**803. STATEWIDE AVERAGE CLASS SIZE.**

For the purpose of determining the statewide average class sized used in school district staff allowance calculations, school districts shall be grouped as follows: ( )

**01.** **Group 1.** Group 1 shall consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades one (1) through three (3) and twenty-three (23) for grades four (4) through six (6), and a secondary divisor of eighteen point five (18.5.) ( )

**02.** **Group 2.** Group 2 will consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades one (1) through three (3) and twenty-three (23) for grades four (4) through six (6), and a secondary divisor less than eighteen point five (18.5.) ( )

**03.** **Group 3.** Group 3 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of nineteen (19) or twenty (20) for grades one (1) through six (6), and a secondary divisor of less than eighteen point five (18.5.) ( )

**04.** **Group 4.** Group 4 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of less than nineteen (19) for grades one (1) through six (6), and a secondary divisor of less than eighteen point five (18.5.) ( )

**8034. -- 999. (RESERVED)**

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

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

**DOCKET NO. 08-0202-1602**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612, 33-1631, and 33-2002, Idaho Code.

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

In order to effectively respond to the issues of bullying and harassment in Idaho schools, a proposed rule has been initiated by the State Board of Education to meet the requirements set forth in Section 33-1631, Idaho Code. This statute requires school districts and public charter schools to implement measures intended to prevent, identify, and respond to bullying, harassment and intimidation. The requirements include: the annual dissemination by school districts and charter schools of information on harassment, intimidation and bullying to school personnel, parents and students; ongoing professional development to school staff to prevent, identify, and respond to bullying, harassment and intimidation; graduated consequences in district policy for these types of incidences; and, an annual report by school districts and charter schools on these incidences. Additionally, the statute requires the State Board of Education to establish district policy guidelines and the manner in which bullying incidents are to be reported to the State Department of Education through the promulgation of administrative rules.

This rule will make permanent the temporary rule (Docket No. 08-0202-1601) which was passed in February 2016.

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 3, 2016 Idaho Administrative Bulletin, [\*\*Vol. 16-8, pages 17-19.\*\*](#)

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [\*\*mamccarter@sde.idaho.gov\*\*](mailto:mamccarter@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1612, 33-1630, and 33-2002, Idaho Code.

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

<b>Thursday, October 13, 2016 - 6:00 PM</b>	<b>Monday, October 17, 2016 - 6:00 PM</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8th Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>
<b>Monday, October 24, 2016 - 6:00 PM</b>	
<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>	

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

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

In order to effectively respond to the issues of bullying and harassment in Idaho schools, a proposed rule has been initiated by the State Board of Education to meet the requirements set forth in Section 33-1631, Idaho Code. This statute requires school districts and public charter schools to implement measures intended to prevent, identify and respond to bullying, harassment and intimidation.

The requirements include: the annual dissemination by school districts and charter schools to school personnel, parents and students information on harassment, intimidation and bullying; ongoing professional development to school staff to prevent, identify and respond to bullying, harassment and intimidation; graduated consequences in district policy for these types of incidences; and, an annual report by school districts and charter schools on these incidences. Additionally, the statute requires the State Board of Education to establish the provision of ongoing professional development, district policy guidelines, and the manner in which bullying incidents are to be reported to the State Department of Education through the promulgation of administrative rules.

The text following this notice is the same text that was previously adopted by the Board in February 2016 as a temporary rule promulgated under **Docket No. 08-0202-1601**. The temporary rule was published in the April 2016 Administrative Bulletin, **Volume 16-4, page 16**.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The “Notice of Intent to Promulgate Rules - Negotiated Rulemaking” was published in the April 6, 2016, Idaho Administrative Bulletin, **Volume 16-4, page 19-20**.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt McCarter, Director of Student Engagement and Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 30th Day of June, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1602**

**111. BULLYING, HARASSMENT AND INTIMIDATION PREVENTION AND RESPONSE.**

**01. Dissemination of Information.** School districts and charter schools shall make reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students. ( )

**02. Professional Development.** The content of ongoing professional development for school staff related to bullying, harassment and intimidation shall include: ( )

**a.** School philosophy regarding school climate and student behavior expectations; ( )

**b.** Definitions of bullying, harassment, and intimidation; ( )

**c.** School prevention strategies or programs including the identification of materials to be distributed annually to students and parents; ( )

**d.** Expectations of staff intervention for bullying, harassment, and intimidation; ( )

**e.** School process for responding to bullying, harassment, and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and ( )

**f.** Other topics as determined appropriate by the school district or charter school. ( )

**03. Graduated Consequences.** Graduated consequences for a student who commits acts of bullying, harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school board of trustees, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences should be in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance.

- a. Graduated consequences may include, but are not limited to: \_\_\_\_\_  
i. Meeting with the school counselor; \_\_\_\_\_  
ii. Meeting with the school principal and student's parents or guardian; \_\_\_\_\_  
iii. Detention, suspension or special programs; and \_\_\_\_\_  
iv. Expulsion. \_\_\_\_\_
- b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services, and/or to law enforcement pursuant to Section 18-917A, Idaho Code. \_\_\_\_\_
- c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation. \_\_\_\_\_
- 04.** **Intervention.** School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to: \_\_\_\_\_
- a. Correct the problem behavior; \_\_\_\_\_  
b. Prevent another occurrence of the problem; \_\_\_\_\_  
c. Protect and provide support for the victim of the act; and \_\_\_\_\_  
d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying. \_\_\_\_\_
- 05.** **Reporting.** Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting. \_\_\_\_\_

**1142. -- 119. (RESERVED)**

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

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

**DOCKET NO. 08-0202-1603**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1254, 33-1258, and 33-1612, Idaho Code.

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

The Professional Standards Commission (PSC) follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. These standards are incorporated by reference in IDAPA 08.02.02.004.01. The following certificates and endorsements were reviewed by committees of content experts: Art, Biology, Chemistry, Communication, Drama, Early Childhood/Early Childhood Special Education Blended Certificate, Earth and Space Science, Economics, Elementary, Generalist, Health, Journalism, Mathematics, Music, Natural Science, Physical Education, and School Social Worker.

Section 004 is being amended to incorporate by reference the most recently approved standards of the Idaho Standards for Initial Certification for Professional School Personnel. Section 004 remains as originally proposed in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 20 through 41](#), however, all other amendments made in the proposed rule have been removed from the docket and incorporated into Docket 08-0202-1607, which is also published in this Bulletin. These previously proposed amendments for Sections 015, 022, 023, and 024 of this docket are, therefore, being withdrawn from this pending rule.

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

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

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-1254, 33-1258, and 33-1612, Idaho Code.

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

<b>Thursday, October 13, 2016 - 6:00 PM</b>	<b>Monday, October 17, 2016 - 6:00 PM</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8th Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>
<b>Monday, October 24, 2016 - 6:00 PM</b>	
<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>	

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

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

The Professional Standards Commission (PSC) follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. These standards are incorporated by reference in rule in IDAPA 08.02.02.004.01. The following certificates and endorsements were reviewed by committees of content experts: Art, Biology, Chemistry, Communication, Drama, Early Childhood/Early Childhood Special Education Blended Certificate, Earth and Space Science, Economics, Elementary, Generalist, Health, Journalism, Mathematics, Music, Natural Science, Physical Education, and School Social Worker.

All standards and endorsements were revised to better align with national standards and best practices. The proposed endorsement revisions include renaming the "Early Childhood/Early Childhood Special Education Blended Certificate" to "Blended Early Childhood Education/Early Childhood Special Education Certificate" to increase clarity regarding the intent of the certificate. Additionally, the specific Birth through Grade 3 range of the endorsement is now officially being named as an endorsement in rule. A new endorsement will provide Idaho universities the opportunity to prepare their "Blended Early Childhood Education/Early Childhood Special Education Certificate" candidates to teach elementary through Grade 6, to increase the number of teachers who can teach elementary special education by meeting additional requirements.

Two additional Generalist Endorsements will encourage teacher preparation candidates to consider adding a special education endorsement allowing them to specialize in either elementary or secondary grades to help address the need for more special education teachers. In addition, "All Subjects K through 8" endorsement has been added to rule. The name has been added to Elementary Certificates for a number of years to designate what the certificate holder can teach, but it was never officially listed in rule as an endorsement.

The final major change is the recommendation to eliminate the Physical Education/Health endorsement, as it is redundant. The only way to obtain the endorsement is to hold both the Physical Education and Health endorsements, which makes this combined endorsement unnecessary.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the April 6, 2016, Idaho Administrative Bulletin, [Volume 16-4, page 21](#).

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

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the Idaho Standards for the Initial Certification of Professional School Personnel, incorporated by reference document can be found on our website at <http://www.boardofed.idaho.gov>. The standards manual is currently incorporated by reference in the rule and is being updated from the 2015 edition to the 2016 edition.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Lisa Colón, Director of Certification and Professional Standards, at (208) 332-6886 or [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 August 24, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 30th Day of June, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1603**

**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 13, 2015 June 16, 2016.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-25-16)(      )

**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.boardofed.idaho.gov>. (3-29-12)

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on August 15, 2013.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <http://www.boardofed.idaho.gov>. (3-20-14)

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

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

**DOCKET NO. 08-0202-1604**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-1702, Idaho Code.

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

Currently, the Operating Procedures for the Idaho Public Driver Education Programs states public driver education and training instructors shall have a medical examination that meets the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). In March of 2014, the Federal Motor Carriers Safety Regulations began requiring only specifically trained medical providers to perform these physicals, thereby raising the cost to the individual significantly. Department of Transportation physicals are not covered as part of the medical benefit provided by insurance. This rulemaking is intended to update the Operating Procedures for Idaho Public Driver Education Programs to remove the specific requirement to have a Federal Motor Carrier Department of Transportation physical. It would instead allow medical examinations through a physical provided by a certified medical professional. This would satisfy the need for the protection of the public's safety and would also be covered by medical insurance.

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 3, 2016 Idaho Administrative Bulletin, [\*\*Vol. 16-8, pages 42-43.\*\*](#)

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [\*\*mamccarter@sde.idaho.gov\*\*](mailto:mamccarter@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-1702, Idaho Code.

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

<b>Thursday, October 13, 2016 - 6:00 PM</b>	<b>Monday, October 17, 2016 - 6:00 PM</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8th Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>
<b>Monday, October 24, 2016 - 6:00 PM</b>	
<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>	

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

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

Currently, Section 3.5 of the Operating Procedures for the Idaho Public Driver Education Programs states public driver education and training instructors shall have a medical examination that meets the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). In March of 2014, the Federal Motor Carriers Safety Regulations began requiring only specifically trained medical providers to perform these physicals, thereby raising the cost to the individual significantly. Department of Transportation physicals are not covered as part of the medical benefit provided by insurance. This rule is intended to update the Operating Procedures for Idaho Public Driver Education Programs to remove the specific requirement to have a Federal Motor Carrier Department of Transportation physical. It would instead allow medical examinations through a physical provided by a certified medical professional. This would satisfy the need for the protection of the public's safety and would also be covered by medical insurance.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the April 6, 2016, Idaho Administrative Bulletin, [Volume 16-4, 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:

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the Operating Procedures for the Idaho Public Driver Education Programs, the incorporated by reference document, can be found on our website at <http://www.boardofed.idaho.gov>. The document is currently incorporated by rule and is being updated from the 2013 edition to the 2016 edition.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt McCarter, Director of Student Engagement and Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 30th Day of June, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1604**

**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 13, 2015.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-25-16)

**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.boardofed.idaho.gov>. (3-29-12)

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on ~~August 15, 2013~~ June 16, 2016.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <http://www.boardofed.idaho.gov>. (~~3-20-14~~)

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

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

**DOCKET NO. 08-0202-1605**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1006, and 33-1501 through 33-1512, Idaho Code.

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

The National School Transportation Specifications and Procedures were changed and approved at the 16th National Congress on School Transportation in May of 2015. The revised edition of the Standards for Idaho School Buses and Operations reflects the changes from the national level and this revised edition has been adopted and incorporated by reference into the rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [\*\*Vol. 16-8, pages 44-45\*\*](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Doug Scott, Director of Student Transportation, at (208) 332-6856, or [\*\*ddscott@sde.idaho.gov\*\*](mailto:ddscott@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-1006, and 33-1501 through 33-1512, Idaho Code.

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

<b>Thursday, October 13, 2016 - 6:00 PM</b>	<b>Monday, October 17, 2016 - 6:00 PM</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8th Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>
<b>Monday, October 24, 2016 - 6:00 PM</b>	
<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>	

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

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

The National School Transportation Specifications and Procedures were changed and approved at the 16th National Congress on School Transportation in May of 2015. The revised edition of the Standards for Idaho School Buses and Operations reflects the changes from the national level. Additional language was added to increase clarification, and to reflect manufacturing or operational procedures. The changes to the Standards for Idaho School Buses and Operations include: the format of school bus specifications as well as the actual specifications, alternative fuels, school bus inspections, general operations, disabilities-special health care, Idaho School Bus Withdrawal from Service Standards, and others. The rule would reflect a new approval date of the Standards for Idaho School Buses and Operations by the State Board of Education.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the May 4, 2016, Idaho Administrative Bulletin, [Volume 16-5, page 42](#).

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

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the Standards for Idaho School Buses and Operations, the incorporated by reference document, can be found on our website at <http://www.boardofed.idaho.gov>. The document is currently incorporated by rule and is being updated from the 2011 edition to the 2016 edition.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Doug Scott, Director of Student Transportation, at (208) 332-6856 or [ddscott@sde.idaho.gov](mailto:ddscott@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 30th Day of June, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1605**

**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 13, 2015.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-25-16)

**02. Standards for Idaho School Buses and Operations as approved on ~~June 23, 2011~~ June 16, 2016.** 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 [\(3-29-12\)\(3-29-12\)](http://www.boardofed.idaho.gov)

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

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

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

**DOCKET NO. 08-0202-1607**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211 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 2014 inconsistencies were identified in current practices and administrative rule requirements regarding elementary and secondary certificates and the eligible grade ranges in which these certificate holders could teach. Since that time Board staff and various stakeholder groups have met to discuss this issue, as well as the current certification requirements in general, and possible changes to address some of the difficulties some districts experience in filling position with teachers holding a standard certificate. Through this process agreement was reached that the current non-traditional and alternate routes to certification allow districts the flexibility in hiring in situations where a properly certificated individual was not available. It was recognized that additional improvements could be made within the current structure that could be addressed through Board policy with the institutions in this area. Administrators and teachers participating in the process agreed there was not a desire to weaken the current certification requirements, however, some changes were identified that would provide more flexibility for school districts and teachers alike.

The pending changes address the issue of assigning teachers to classrooms that are outside of the grade ranges their certificates make them eligible to teach. Amendments would also make it easier for teachers to earn multiple endorsements by creating a single standard (teaching) certificate that does not limit the grade ranges. This change would allow grade ranges and subject areas to be governed by the endorsements earned. Overall the groups felt this change could result in increasing the pool of available teachers by removing the requirement of earning an additional certificate because, they already have had the training necessary to be qualified to teach the subject areas and grade ranges if they met the endorsement requirements. The changes also include the creation of additional grade ranges on some endorsements allowing teachers to earn endorsements in those grade ranges they feel comfortable teaching in. In some cases this may also allow them to earn the more limited endorsements quicker than one that covered a broader grade range. At the same time, mechanisms remain in place for teachers to earn additional endorsements for their certificates through alternate paths similar to the current process for earning additional certificates, however, the focus is on the new subject areas. Additional amendments to IDAPA 08.02.02 include the following: amending the administrator evaluation submittal timeline to align it with legislative changes made during the 2016 Legislative session; aligning the certificated staff evaluations regarding student achievement with the student achievement requirements that are part of the career ladder; creating middle school/grades endorsement grade ranges; and updating the occupational specialist certificates. The middle school/grades endorsements address the issue of individuals who have already obtained endorsements for grades 6 through 9 that did not previously exist and aligns to the single instructional certificate model.

Finally, amendments incorporate changes recommended by the Professional Standards Commission to update endorsements to align them with current/best practices. This is part of the standard annual review of endorsement requirements and were included in docket number 08-0202-1603. The Professional Standards Commission recommendations were included in the notice of proposed rulemaking, published in the October 5, 2016 Idaho Administrative Bulletin.

Amendments to the pending rule based on feedback received during the public comment period include: changes to the paraprofessional definition, aligning it with the minimum requirements for Title I under the Every Student Succeeds Act; clarification of references; technical changes such as the movement of language from one subparagraph to another for better clarity of intent; the inclusion of computer science technology under degree based career technical certification consistent with the addition under non-career technical endorsements, the retention of the one-time mathematics in-service requirement for administrators coming from out of state; the retention of language allowing for endorsements to be granted based on an official statement of competency in a teaching area or field from an accredited college or university; the retention of the consulting teacher/teacher leader endorsement; and the addition of clarifying language regarding the use of a fourth evaluation rating. Additional technical amendments included changes to the name of the Early Childhood Special Education endorsement and moving the endorsement so that it is included in alphabetical order in the endorsement section.

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 5, 2016 Idaho Administrative Bulletin, **Vol. 16-10, pages 240-275**.

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

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

DATED this 5th day of December, 2016

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-1582

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

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**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211 Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

**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 19, 2016.

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 errors were identified in current practices and administrative rule requirements regarding elementary and secondary certificates and the eligible grade ranges in which these certificate holders could teach. Since that time Board staff and various stakeholder groups have met to discuss amendments to address this issue, current certification requirements and improvements, and possible changes to address some of the difficulties some districts experience in

filling position with teachers holding a standard certificate. Through this process agreement was reached that the current non-traditional and alternate routes to certification allow districts the flexibility in hiring in these situations. Administrators and teachers agreed there was not a desire to weaken the current certification requirements, however, some changes were identified that would provide more flexibility for school districts and teachers alike.

The proposed changes address the issue of assigning teachers to classrooms that are outside of the grade ranges their certificates make them eligible to teach. Proposed changes will also make it easier for teachers to earn multiple endorsements by creating a single standard (teaching) certificate that does not limit the grade ranges. This change would allow grade ranges and subject areas to be governed by the endorsements earned. Overall the groups felt this change could result in increasing the pool of available teachers by removing the requirement of earning an additional certificate because, technically, they are qualified to teach the subject areas and grade ranges if they met the endorsement requirements. The proposed changes also include the creation of additional grade ranges on some endorsements allowing teachers to earn endorsements in those grade ranges they feel comfortable teaching in. At the same time, mechanisms remain in place for teachers to earn additional endorsements for their certificates similar to the current process for earning additional certificates, however, the focus is on the new subject areas.

Additional amendments to IDAPA 08.02.02 include the following: amending the administrator evaluation submittal timeline to align it with legislative changes made during the 2016 Legislative session; aligning the certificated staff evaluations regarding student achievement with the student achievement requirements that are part of the career ladder; creating middle school/grades endorsement grade ranges; and updating the occupational specialist certificates. The middle school/grades endorsements address the issue of individuals who have already obtained endorsements for grades 6 through 9 that did not previously exist and aligns to the single instructional certificate model.

Finally, amendments also incorporate changes recommended by the Professional Standards Commission to update endorsements to align them with current/best practices. This is part of the standard annual review of endorsement 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 resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, 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: N/A

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1607**

**007. DEFINITIONS.**

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

**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 paraprofessional 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 teacher as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. (3-25-16)

**07. Institutional Recommendation.** Signed form or written verification from an accredited institution with an 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 growth and the ability to create student learning objectives, and is now being recommended for state certification. (3-25-16)

**08. Local Education Agency (LEA).** An Idaho public school district or charter school pursuant to Section 33-5203(78), Idaho Code. (3-25-16)()

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

**10. Para-Educator Aides and assistants employed by school districts to supplement instruction and provide additional assistance to students: Paraprofessional.** A noncertified individual who is employed by a school district or charter school to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. (3-16-04)()

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

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

- in; or \_\_\_\_\_ ( )
- ii. Have completed at least two (2) years of study at an accredited postsecondary educational institution,; or \_\_\_\_\_ ( )
- iii. Obtained an associate degree or higher level degree; demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in. \_\_\_\_\_ ( )
- b. Individuals who do not meet these requirements will be considered school or classroom aides. \_\_\_\_\_ ( )
- c. Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. \_\_\_\_\_ ( )

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

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

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**014. CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS.**

01. **The Department of Education.** The department of education is authorized to issue Idaho Certificates to applicants from regionally accredited institutions meeting requirements for certification or equivalent (i.e., those based on a bachelor's baccalaureate degree) in other states when they substantially meet the requirements for the Idaho Certificate. (Sections 33-1203; 33-2203 Idaho Code) (3-16-04) ( )

02. **The State Division of Career-Technical Education.** The state division of career-technical education is authorized to determine whether applicants meet the requirements for instructing or administering career-technical programs at the secondary and postsecondary levels. (Section 33-2203, Idaho Code) (3-16-04) ( )

**015. IDAHO EDUCATOR CREDENTIAL.**

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (3-25-16)

01. **Standard Elementary Instructional Certificate.** A Standard Elementary Instructional Certificate makes an individual eligible to teach grades Kindergarten (K) through eight (8), and all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a bachelor's baccalaureate degree from an accredited college or university and who meets the following requirements: (3-25-16) ( )

- a.** ~~Completion of the general education requirements at an accredited college or university is required.~~ (3-25-16)
- b.i.** ~~Meets the following professional education requirements:~~ (3-25-16)
- i. ~~A minimum of twenty-four (24) semester credit hours, or thirty-six (36) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, 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.~~ (3-25-16)
- ii. ~~The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of either student teaching in grades kindergarten through eight (K-8), or two (2) years of satisfactory experience as a teacher in grades kindergarten through eight (K-8). the grade range and subject areas as applicable to the endorsement; and~~ (3-25-16)
- b.ii.** ~~An individual, who begins an Idaho approved preparation program and have 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), specifying the grade ranges and subjects for which they are eligible to receive an endorsement in:~~ (3-25-16)
- c.** ~~Individuals seeking endorsement in a secondary grade (pursuant to section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements.~~ (3-25-16)
- d.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved elementary or secondary content area and pedagogy assessments. (3-25-16)
- e.** ~~The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate.~~ (3-25-16)
- 02. 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:~~ (3-25-16)
- a.** ~~Completion of the general education requirements at an accredited college or university is required.~~ (3-25-16)
- b.** ~~Professional Education Requirements:~~ (3-25-16)
- 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.~~ (3-25-16)
- 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).~~ (3-25-16)

~~e. 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.~~ (3-25-16)

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

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

~~03. **Blended Early Childhood Education / Early Childhood Special Education Certificate.** A Blended Early Childhood Education / Early Childhood Special Education Certificate makes an individual eligible to teach in any early childhood educational setting for youth from birth to grade three (3), including those who are at risk or have developmental delays. This certificate may be issued to any person with a baccalaureate degree from an accredited college or university and who meets the following minimum requirements:~~ (3-25-16)

~~a. Completion of the general education requirements at an accredited college or university is required.~~ (3-25-16)

~~b. Meets the following professional education requirements:~~ (3-25-16)

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

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

~~e. An institutional recommendation from an accredited college or university.~~ (3-25-16)

~~f. 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.~~ (3-25-16)

~~04. **Exceptional Child Certificate.** Holders of this certificate are authorized to work with children who have been identified as having an educational impairment.~~ (3-25-16)

~~a. Completion of the general education requirements at an accredited college or university is required and six (6) or more semester credit hours, or nine (9) or more quarter credit hours of student teaching in a special education setting.~~ (3-25-16)

~~b. **Exceptional Child Generalist Endorsement (K-12).** The Exceptional Child 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 student teaching in an elementary or secondary 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:~~

(3-25-16)

- i. ~~Completion of a baccalaureate degree from an accredited college or university;~~ (3-25-16)
- 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;~~ (3-25-16)
- iii. ~~Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program; and~~ (3-25-16)
- iv. ~~Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested.~~ (3-25-16)
- e. ~~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:~~ (3-25-16)
- f. ~~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.~~ (3-25-16)
- d. ~~Deaf/Hard of Hearing Endorsement (K-12). Completion of a minimum of thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Deaf/Hard of Hearing endorsement, a candidate must have satisfied the following requirements:~~ (3-25-16)
- i. ~~Completion of a baccalaureate degree from an accredited college or university;~~ (3-25-16)
- 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~~ (3-25-16)
- 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; and~~ (3-25-16)
- iv. ~~Completion of a program of a minimum of thirty-three (33) semester credit hours in the area of Deaf/Hard of Hearing and must receive an institutional recommendation specific to this endorsement from an accredited college or university.~~ (3-25-16)
- 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 Impaired endorsement, a candidate must have satisfied the following requirements:~~ (3-25-16)
- i. ~~Completion of a baccalaureate degree from an accredited college or university;~~ (3-25-16)

*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; (3-25-16)*

*iii. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment and must receive an institutional recommendation specific to this endorsement from an accredited college or university; and (3-25-16)*

*iv. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-25-16)*

**052. Pupil Personnel Services Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-25-16)

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

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-25-16)

ii. An institutional recommendation is required for a Counselor K-12 Endorsement. (3-25-16)

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

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

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

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

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

c. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.0~~4~~2.c.i. or 015.0~~4~~2.c.ii. in addition to the requirement of Subsection 015.0~~4~~2.c.iii. (3-25-16)

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a *bachelor's baccalaureate* degree in nursing, education, or a health-related field from an accredited institution. (3-25-16)

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

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

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

d. Interim Endorsement - School Nurse. This *certificate endorsement* will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim *Certificate Endorsement - School Nurse Endorsement* will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-25-16)

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

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

g. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement *may shall* 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 by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.* (3-25-16)

i. A master's degree in social work (*MSW*) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; *or and* (3-25-16)

ii. *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.* An institution recommendation from an Idaho State Board of Education approved program; and (3-25-16) ( )

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

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

h. 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 baccalaureate* degree in speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-25-16) ( )

**063. Administrator Certificate.** Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Proof of proficiency in evaluating teacher performance shall be required of all Administrator Certificate holders. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as an initial certification requirement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. *The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate.* (3-25-16) ( )

a. School Principal Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for School Principal Pre-K-12, a candidate must have satisfied the following requirements: (3-25-16)

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

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

iii. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-25-16)

iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)

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

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

i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year

program at an accredited college or university. (3-25-16)

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

iii. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-25-16)

iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)

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

c. Director of Special Education and Related Services Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: (3-25-16)

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

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

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

iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; (3-25-16)

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

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

**074. Certification Standards For Career-Technical Educators.** Teachers of career-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 Standard Instructional eCertificate* or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Career-Technical Education, and application processes are managed by the Division of Career-Technical Education. (3-25-16)()

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

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural *Science and Technology and Natural Resources*; Business

Technology Education; Family and Consumer Sciences; Marketing Technology Education; Computer Science Technology and Engineering Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated four-thousand (4,000) clock hours of related work experience or shall have completed a# Division of Career Technical Education approved practicum in their respective field of specialization. (3-25-16)( )

b. The Career Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of career technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the State Division of Career Technical Education. (3-25-16)( )

i. Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a secondary teaching standard instructional certificate with an applicable endorsement; (3-25-16)( )

ii. Provide evidence of a minimum of three four (34) years' teaching, three (3) of which must be in an occupational career technical discipline; (3-25-16)( )

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

iv. Complete at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of career-technical education; administration of personnel; and legal aspects of career-technical education, and statewide framework for teacher evaluations that includes a laboratory component. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-25-16)( )

v. To renew the Career-Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for career-technical teachers instructional staff. (3-25-16)( )

c. Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Secondary Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-25-16)( )

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 career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career-Technical Education; and Theories of Occupational Choice. (3-25-16)

**096. Occupational Specialist Certificate.** The Occupational Specialist Certificates is an are industry based career-technical certifications. Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Professions Education and Technical Sciences; those in specialized occupational areas where specific degree granting career technical teacher education programs do not exist; and postsecondary career technical educators who teach courses with nine (9) to twelve (12) students per class. issued in lieu of a degree based career-technical certificate. Certificate holders must meet the following eligibility requirements: (3-25-16)( )

a. Applicants must bBe 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: (3-25-16)()

i. Have eight (8) years or 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 or up to eight thousand (8,000) hours can be counted toward the eight (8) years on a month-to-month basis for journeyman training and/or completed postsecondary training successfully completed as a full time student in an approved/approvable, postsecondary, in a career-technical education program; or (3-25-16)()

ii. Have a bachelor's baccalaureate degree in the specific occupation or related area, plus three (3) years or six-thousand (6,000) hours of full-time, successful, recent, gainful employment in the occupation; and or (3-25-16)()

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

(1) Have at least Be a journeyman level plus with two (2) years of recent, full-time, gainful, related work experience. A person who has or have completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved state apprenticeship agency; (3-25-16)()

(2) Pass an 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 (3-25-16)()

(3) 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. (3-25-16)()

b. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching trades and health occupations professions in public schools. The certificate is valid for three (3) years and is non-renewable: (3-25-16)()

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the State Division of Career-Technical Education and an approved course in career technical methods and student assessment; (3-25-16)()

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

iii. File a professional development plan with the State Division of Career Technical Education; and (3-25-16)

iv. Within the three (3) year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete course work which includes demonstrate competencies in four (4) of the following: Principles/Foundations of Occupational Education; and Methods of Teaching Occupational Education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and Methods of Teaching Occupational Education. (3-25-16)()

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. (3-25-16)()

i. Completed the pre-service workshop sponsored by the Division of Career-Technical Education and an approved course in career-technical methods and student assessment; and (3-25-16)()

- ii. Completed a new-teacher induction workshop at the state or district level; and (3-25-16)
- iii. Can satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education; and (3-25-16)
- iv. Can demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and (3-25-16)
- v. The Standard Occupational Specialist eCertificate ~~must be renewed every~~ is valid for five (5) years, ~~which shall include completion of six (6) semester credit hours of approved course work or~~ and must be renewed pursuant to Section 060 of these rules. Credit equivalencies will be based on verification of ~~two hundred forty one hundred twenty~~ (240/120) hours of approved related work experience or ~~ninety forty-five~~ (90/45) hours of attendance participation at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and ~~having on~~ file of a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-25-16)
- d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who ~~meet all the requirements outlined below:~~ (3-25-16)
- i. Meet the requirements for the Standard Occupational Specialist Certificate; (3-25-16)
- ii. ~~Can P~~rovide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved ~~education related~~ course work, ~~such as educational methodology in the content area,~~ in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); ~~and~~ (3-25-16)
- iii. File a new professional development plan for the next certification period; and (3-25-16)
- iv. ~~This The Advanced Occupational Specialist eCertificate must be renewed every~~ is valid for five (5) years, ~~which shall include completion of six (6) semester credit hours of approved course work or submit~~ and must be renewed pursuant to Section 060. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based on verification of ~~two hundred forty one hundred twenty~~ (240/120) hours of approved related work experience or ~~ninety forty-five~~ (90/45) hours of attendance participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and ~~having on~~ file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-25-16)
- 1007. Postsecondary Specialist.** A Postsecondary Specialist certificate will be granted to a current ~~academic~~ faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-25-16)
- a. Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)
- b. Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-25-16)
- c. The candidate must meet the following qualifications: (3-25-16)

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

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

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

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

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

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

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

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

c. Authorization Letter. Upon receiving the items identified in Subsections 015.~~#09.~~ a. and b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-25-16)

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

a. Mathematics In-Service Program. In order to recertify, the state approved mathematics instruction course titled "Mathematical Thinking for Instruction", or another State Department of Education approved alternative course, shall be required. The "Mathematical Thinking for Instruction" course consists of three (3) credits ~~for forty-five (45) contact hours of in-service training~~. Teachers ~~and administrators~~ must take one (1) of the three (3) courses developed that 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 060.032.c. of this rule, ~~regardless of whether such course is part of any official transcript as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education~~. Successful completion of a state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following must successfully complete the "Mathematical Thinking for Instruction" course ~~or another State Department of Education approved alternative course~~ in order to recertify: (3-25-16)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate endorsement (Birth - Grade 3) who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; (3-25-16)

ii. Each teacher holding a Standard Elementary Instructional Certificate (K-8) who is employed by a school district or charter school as a K-6 multi-subject teacher; (3-25-16)

iii. Each teacher holding a Standard Secondary Instructional Certificate (6-12) teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and (3-25-16)

iv. Each teacher holding a Standard Exceptional Child Certificate (K-12) Generalist Endorsement who is employed by a school district or charter school; and as a special education teacher. (3-25-16)

v. Each school administrator coming from out-of-state holding an Administrator Certificate (Pre-K-12) who is employed by a school district or charter school. (3-25-16)

b. Waiver of Mathematics In-Service Program. When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual living outside of the state of Idaho who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (3-25-16)

c. Idaho Comprehensive Literacy Course. In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals must successfully complete an Idaho Comprehensive Literacy course in order to recertify: (3-25-16)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate Endorsement (Birth - Grade 3) who is employed by a school district or charter school; (3-25-16)

ii. Each teacher holding a Standard Elementary Instructional Certificate (K-8) who is employed by a school district or charter school; and (3-25-16)

iii. Each teacher holding a Standard Exceptional Child Certificate (K-12) Generalist Endorsement who is employed by a school district or charter school. (3-25-16)

d. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved teacher preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. (3-25-16)

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

The State Department of Education or the Division of Career-Technical Education, as applicable to the certificate, is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in an alternate route to authorization certification as prescribed herein. An interim certificate is nonrenewable except under extenuating circumstances approved by the State Department of Education. (3-25-16)

**01. Interim Certificate Not Renewable.** Interim certification is only available on a one-time basis per individual except under extenuating circumstances approved by the State Department of Education. It will be the responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. (3-25-16)

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

a. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho Comprehensive Literacy Course requirement. (3-25-16)

**03. Mathematical Thinking for Instruction.** *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). 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. For all Idaho teachers working on interim certificates (alternate authorizations, nontraditional routes, or coming from out of the state), with an All Subjects K-8 endorsement or any mathematics endorsement must complete a state approved Mathematical Thinking for Instruction, or another State Department of Education approved alternative course, as a one-time requirement to receive a standard instructional, standard occupational, or advanced occupational certificate.* (3-25-16)()

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

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

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. ENDORSEMENTS.**

Holders of a *Secondary Certificate or a* Standard *Elementary Instructional* Certificate, *Exceptional Child Certificate*, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. *Instructional staff are eligible to teach in the grades and content areas of their endorsements.* Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of *courses for a teaching major or minor required credits* if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. *Statements must include the number of credits the competency evaluation is equivalent to.* To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (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 Authorization Preparation Program to Endorsement.** Candidates shall meet all requirements for the endorsement as provided herein. (3-25-16)( )

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

**b.** Option II -- National Board. By earning National Board Certification in content specific areas, teachers may gain endorsement in a corresponding subject area. (3-25-16)( )

**c.** Option III -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (3-25-16)( )

**d.** Option HIV -- Testing and/or Assessment. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (3-25-16)( )

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

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

## **022. ENDORSEMENTS A - D.**

**01. Agriculture Science and Technology (6-12).** (3-16-04)

**a.** Forty-five (45) semester credit hours including course work in each of the following areas: agriculture education; agriculture mechanics; agriculture business management; soil science; animal science; and plant science; or (3-16-04)( )

**b.** Occupational teacher preparation coursework that relates to the appropriate area(s) as provided in Sections 034 through 038 pursuant to Section 015.04 through 015.06. (4-11-06)( )

**02. American Government /Political Science (6-12).** Twenty (20) semester credit hours to include: a minimum of six (6) semester credit hours in American Government, six (6) semester credit hours in U.S. History Survey, and a minimum of three (3) semester credit hours in Comparative Government. Remaining course work must be selected from Political Science. Course work may include three (3) semester credit hours in World History Survey. (4-11-06)

**03. Art (K-12 or 6-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers in the area of Art to include a minimum of nine (9) semester credit hours in Foundation Art and Design. Additional course work must include at least two (2) Studio Areas and Secondary Arts Methods. To obtain an Art (K-12) endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. **All Subjects (K-8).** Allows one to teach in any educational setting (K-8). Twenty (20) semester credit hours, or thirty (30) quarter credit hours in the philosophical, psychological, methodological foundations, instructional technology, and professional subject matter must be in elementary education including at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading. This endorsement must be accompanied by at a minimum one (1) additional subject area endorsement allowing teaching of that subject through grade 9 or kindergarten through grade 12. (4-11-06)( )

**04. Bilingual Education (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Bilingual Education Teachers to include all of the following: at least nine (9) upper division semester credit hours in one (1) Modern Language other than English, including writing and literature, and advanced proficiency according to the American Council on the Teaching of Foreign Languages (ACTFL) guidelines; cultural diversity; ENL/Bilingual Methods; second language acquisition theory and practice; Foundations of ENL/Bilingual Education, Federal and State Law, Testing/identification of Limited English Proficient Students; at least two (2) semester credit hours in Bilingual Practicum; and three (3) semester credit hours in a Bilingual Education related elective (ex: linguistics, critical pedagogy, parent involvement). (4-4-13)

**05. Biological Science (5-9 or 6-12).** Twenty (20) semester credit hours *to include at least six (6) semester credit hours of course work in each of the following areas: Botany and Zoology including coursework in each of the following areas: molecular and organismal biology, heredity, ecology and biological adaptation.* (3-16-04)

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

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

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

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

**b.** *The required credit hours here in, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching (K-3) and field experiences birth to age three (3) programs, and age three (3) to age five (5) programs, and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading.*

**c.** *Proficiency in areas noted above is measured by one (1) of the following options:*

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

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

**068. Business Technology Education (6-12).** (3-16-04)

**a.** Twenty (20) semester credit hours to include course work in each of the following areas:

accounting; computer and technical applications in business; economics; methods of teaching business education; Career Technical Student Organization (*PTSO*) leadership; business communication/writing; and office procedures. Additional competencies may be satisfied through the following: entrepreneurship; finance; marketing; business law; and/or career guidance: *or* *(4-13)( )*

b. Occupational teacher preparation *that relates to the appropriate area(s) as provided in Sections 034 through 038 pursuant to Section 015.04 through 015.06.* *(4-13)( )*

**079.** **Chemistry (5-9 or 6-12).** Twenty (20) semester credit hours in the area of chemistry, *to include coursework in each of the following areas: inorganic and organic chemistry.* *(3-16-04)( )*

**0810.** **Communication (5-9 or 6-12).** Follow one (1) of the following options: *(3-16-04)( )*

a. Option I -- Twenty (20) semester credit hours to include Methods of Teaching Speech/Communications plus course work in at least four (4) of the following areas: Interpersonal Communication/Human Relations; Argumentation/Personal Persuasion; Group Communications; Nonverbal Communication; Public Speaking; *Journalism/Mass Communications;* and Drama/Theater Arts. *(3-16-04)( )*

b. Option II -- Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: Interpersonal Communication/Human Relations, Public Speaking, *Journalism/Mass Communications,* and Methods of Teaching Speech/Communication. *(3-16-04)( )*

**0911.** **Computer Science (5-9 or 6-12).**

*a.* Twenty (20) semester credit hours of course work in Computer Science, including course work in the following areas: data representation and abstraction; design, development, and testing algorithms; software development process; digital devices systems network; and the role of computer science and its impact on the modern world; *or* *(3-25-16)( )*

*b.* *Occupational teacher preparation pursuant to Section 015.04 through 015.06.* *( )*

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

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

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

- (1) Assessment of learning behaviors; *(3-25-16)*
- (2) Individualization of instructional programs based on educational diagnosis; *(3-25-16)*
- (3) Behavioral and/or classroom management techniques; *(3-25-16)*

- (4) Program implementation and supervision; (3-25-16)
- (5) Knowledge in use of current methods, materials and resources available and management and operation of media centers; (3-25-16)
- (6) Ability in identifying and utilizing community or agency resources and support services; and (3-25-16)
- (7) Counseling skills and guidance of professional staff. (3-25-16)
- ii. Experience. Completion of a minimum of three (3) years' teaching experience, at least two (2) years of which must be in a special education classroom setting. (3-25-16)
- iii. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (3-25-16)
- (1) Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (3-25-16)
- (2) The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (3-25-16)
- (a) Understanding Adults As Learners to Support Professional Learning Communities; (3-25-16)
- (b) Accessing and Using Research to Improve Practice and Student Achievement; (3-25-16)
- (c) Promoting Professional Learning for Continuous Improvement; (3-25-16)
- (d) Facilitating Improvements in Instruction and Student Learning; (3-25-16)
- (e) Using Assessments and Data for School and District Improvement; (3-25-16)
- (f) Improving Outreach and Collaboration with Families and Community; and (3-25-16)
- (g) Advocating for Student Learning and the Profession. (3-25-16)
- iv. Not less than one (1) semester of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools. (3-25-16)
- b. Mathematics Consulting Teacher - Eligibility for Endorsement. To be eligible for a Mathematics Consulting Teacher endorsement on the Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), a candidate must have satisfied the following requirements: (3-25-16)
- i. Education Requirements. Qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3) and have demonstrated content competencies. Coursework and content domains required include the full series of Mathematics Thinking for Instruction (MTI), Number and Operation, Geometry, Algebraic Reasoning, Measurement and Data Analysis, and Statistics and Probability which are centered on the following emphases: (3-25-16)
- (1) Structural Components of Mathematics; (3-25-16)
- (2) Modeling, Justification, Proof and Generalization; (3-25-16)

- (3) Mathematical Knowledge for Teaching (Ball, Thames, & Phelps, 2008). (3-25-16)
- ii. Experience. Completion of a minimum of three (3) years' teaching experience. (3-25-16)
- iii. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (3-25-16)
- (1) Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (3-25-16)
- (2) The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (3-25-16)
- (a) Understanding Adults As Learners to Support Professional Learning Communities; (3-25-16)
- (b) Accessing and Using Research to Improve Practice and Student Achievement; (3-25-16)
- (c) Promoting Professional Learning for Continuous Improvement; (3-25-16)
- (d) Facilitating Improvements in Instruction and Student Learning; (3-25-16)
- (e) Using Assessments and Data for School and District Improvement; (3-25-16)
- (f) Improving Outreach and Collaboration with Families and Community; and (3-25-16)
- (g) Advocating for Student Learning and the Profession. (3-25-16)
- iv. Not less than one (1) semester of successful experience as a mathematics teacher working with classroom teachers in elementary or secondary schools. (3-25-16)

**11. Drama (6-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Drama Teachers, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts, including course work in each of the following: Acting, Directing, and Technical Stage Production, and four (4) semester credit hours in Communications. To obtain a Drama (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theatre. (4-7-11)

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

a. Completion of a baccalaureate degree from an accredited college or university; ( )

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 ( )

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

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

**023. ENDORSEMENTS E - L.**

**01. Early Childhood Special Education (Pre-K-3).** The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. To be eligible a candidate must have satisfied the following requirements:

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

**02. Earth and Space Science (5-9 or 6-12).** Twenty (20) semester credit hours including course work in each of the following areas: earth science, astronomy, and geology.  *(4-11-06)*

**023. Economics (6-12).** Twenty (20) semester credit hours to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of Personal Finance/Consumer Economics/Economics Methods. Remaining course work may be selected from business, economics, and or finance course work in one (1) or more of the following areas: Agriculture Science and Technology, Business Education, Economics, Family and Consumer Science, or Marketing Education.  *(4-11-06)*

**034. Engineering (5-9 or 6-12).**

**a.** Twenty (20) semester credit hours of engineering course work: or  *(3-25-16)*

**b.** Occupational teacher preparation pursuant to Section 015.04 through 015.06.

**045. English (5-9 or 6-12).** Twenty (20) semester credit hours, including three (3) semester credit hours in Linguistics/Grammar, three (3) semester credit hours in American Literature, three (3) semester credit hours in English Literature, six (6) semester credit hours in Advanced Composition, excluding the introductory sequence designed to meet general education requirements. Remaining credits must be completed in the English Department, and must include some course work in Writing Methods for Teachers of Secondary Students.  *(3-16-04)*

**056. English as a New Language (ENL) (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for ENL Teachers to include all of the following: at least four (4) semester credit hours in a modern language other than English; Cultural Diversity; ENL Methods; Linguistics; second language acquisition theory and practice; Foundations of ENL/Bilingual Education, Federal and State Law, Testing/Identification of Limited English Proficient Students; and at least one (1) semester credit in ENL Practicum or Field Experience.  *(4-4-13)*

**07. Exceptional Child Generalist (K-8, 6-12, or K-12).** The Exceptional Child Generalist endorsement is non-categorical and allows one to teach in any special education setting, applicable to the grade range of the endorsement. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include student teaching in an elementary or secondary special education setting. To be eligible, a candidate must have satisfied the following requirements:

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

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

**068. Family and Consumer Sciences (5-9 or 6-12).**  *(4-4-13)*

a. Thirty (30) semester credit hours to include coursework in each of the following areas: Child/Human Development; Human/Family Relations; Directed Laboratory Experience in Childcare; Apparel and Textiles, Cultural Dress, Fashion Merchandising, or Design; Nutrition; Food Preparation, Food Production, or Culinary Arts; Housing, Interior Design, Home Management, or Equipment; Consumer Economics or Family Resource Management; Introduction to Family Consumer Sciences; Career-Technical Student Organization (~~PTSO~~) leadership; and Integration of Family Consumer Sciences or Family Consumer Science Methods. ~~or~~ ~~(4-13)~~

b. Occupational teacher preparation ~~that relates to the appropriate area(s) as provided in Sections 034 through 038~~ pursuant to Section 015.04 through 015.06. ~~(4-13)~~

**079.** **Geography (5-9 or 6-12).** Twenty (20) semester credit hours including course work in Cultural Geography and Physical Geography, and a maximum of six (6) semester credit hours in World History Survey. ~~The remaining~~ semester credit hours must be selected from Geography. ~~(4-11-06)~~

**0810.** **Geology (5-9 or 6-12).** Twenty (20) semester credit hours in the area of Geology. ~~(3-16-04)~~

**0911.** **Gifted and Talented (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Gifted and Talented Education Teachers, to include semester credit hours in each of the following areas: Foundations of Gifted and Talented Education; Creative/Critical Thinking Skills for Gifted and Talented Students; Social and Emotional Needs of Gifted and Talented Students; Curriculum, Instruction, and Assessment for Gifted and Talented Students; Differentiated Instruction and Programming for Gifted and Talented Students; and Practicum and Program Design for Gifted and Talented Education. Remaining course work must be in the area of gifted education. ~~(3-12-14)~~

**1012.** **Health (5-9, 6-12, or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Organization/Administration/Planning of a School Health Program; Health ~~and~~ Wellness, ~~and Behavior Change~~; Secondary Methods of Teaching Health, to include field experience in a traditional classroom; Mental/Emotional Health; Nutrition; Human Sexuality; Substance Use and Abuse. Remaining semester credits must be in health-related course work. To obtain a Health K-12 endorsement, applicants must complete an elementary Health methods course. ~~(4-11-06)~~

**1113.** **History (5-9 or 6-12).** Twenty (20) semester credit hours to include a minimum of six (6) semester credit hours of U.S. History Survey and a minimum of six (6) semester credit hours of World History Survey. Remaining course work must be in History. Course work may include three (3) semester credit hours in American Government. ~~(4-11-06)~~

**1214.** **Humanities (5-9 or 6-12).** An endorsement in English, History, Music, Visual Art, Drama, or Foreign Language and twenty (20) semester credit hours in one of the following areas or ten (10) semester credit hours in each of two (2) of the following areas: Literature, Music, Foreign Language, Humanities Survey, History, Visual Art, Philosophy, Drama, Comparative World Religion, Architecture, and Dance. ~~(4-11-06)~~

**1315.** **Journalism (5-9 or 6-12).** Follow one (1) of the following options: ~~(3-16-04)~~

a. Option I -- Twenty (20) semester credit hours to include a minimum of ~~six~~<sup>fourteen</sup> (16) semester credit hours in Journalism and ~~four~~ ~~six~~ (46) semester credit hours in English and/or Mass Communication. ~~(3-16-04)~~

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

**1416.** **Literacy (K-12).** Twenty-one (21) semester credit hours leading toward competency as defined by Idaho Standards for Literacy Teachers to include the following areas: Foundations of Literacy (including reading, writing, and New Literacies); Development and Diversity of Literacy Learners; Literacy in the Content Area; Literature for Youth; Language Development; Corrective/Diagnostic/Remedial Reading; and Writing Instruction. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. ~~(3-12-14)~~

**024. ENDORSEMENTS M - Z.**

**01. Marketing Technology Education (6-12).** (3-16-04)

a. Twenty (20) semester credit hours to include course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; Methods of Teaching Marketing Education; and Career-Technical Student Organization (PTSO) Leadership, with remaining credit hours in Entrepreneurship; Hospitality and Tourism; Finance; or Accounting. (4-4-13)

b. Occupational teacher preparation *that relates to the appropriate area(s) as provided in Sections 034 through 038 pursuant to Section 015.04 through 015.06.* (4-4-13)(        )

**02. Mathematics - Basic (5-9 or 6-12).** Twenty (20) semester credit hours in Mathematics *including content* course work in *Algebra, Geometry, and Trigonometry, algebraic thinking, functional reasoning, Euclidean and transformation geometry and statistical modeling and probabilistic reasoning. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy.* Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in Mathematics *content.* (3-16-04)(        )

**03. Mathematics (5-9 or 6-12).** Twenty (20) semester credit hours including course work in each of the following areas: *Euclidean and transformational geometry, linear algebra, discrete mathematics, Probability and Statistics, statistical modeling and probabilistic reasoning,* and *a minimum of three (3) semester credit hours of Calculus, the first two (2) courses in a standard calculus sequence. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy.* Statistics course work may be taken from a department other than the mathematics department. (4-11-06)(        )

**04. Music (5-9 or 6-12 or K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Music Teachers to include course work in the following: Theory and Harmony; Aural Skills, Music History; Conducting; Applied Music; and Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants must complete an elementary music methods course. (4-7-11)(        )

**05. Natural Science (5-9 or 6-12).** Follow one (1) of the following options: (4-7-11)(        )

a. Option I -- Must hold an existing endorsement in one of the following areas: Biological Science, Chemistry, Earth Science, Geology, or Physics; and complete a total of twenty-four (24) semester credit hours as follows:

i. Existing Biological Science Endorsement. *Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology.* (4-7-11)(        )

ii. Existing Physics Endorsement. *Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology.* (4-7-11)(        )

iii. Existing Chemistry Endorsement. *Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology.* (4-7-11)(        )

iv. Existing Earth Science or Geology Endorsement. *Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry.* (4-7-11)(        )

b. Option II -- Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty-four (24) semester credit hours with at least *four six (46) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics.* (4-7-11)(        )

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

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

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

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

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

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

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

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

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

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

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

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

**08.** **Physical Education (PE) (5-9 or 6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: personal and teaching competence in Sport, Movement, physical activity, and Outdoor Skills; Secondary PE Methods; administration and curriculum to include field experiences in physical education; Student Evaluation in PE; Administration of a PE Program; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise Physiology; Kinesiology/Biomechanics; Sports Psychology or Sociology; Motor Behavior; and Current CPR and First Aid Certification. To obtain a PE K-12 endorsement, applicants must complete an elementary PE methods course. (4-13)()

**09.** **Physical Education/Health.** Must have an endorsement in both physical education and health. (3-30-07)

**109.** **Physical Science (5-9 or 6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)()

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

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

a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Elementary Education to include coursework in each of the following areas: methodology (literacy, mathematics,

science, physical education, art); content knowledge (mathematics, literacy, science, health, art); technology; assessment; and, field experiences in grades four (4) through six (6). ( )

**12. Social Studies (5-9 or 6-12).** Must have an endorsement in History, American Government/Political Science, Economics, or Geography plus a minimum of twelve (12) semester credit hours in each of the remaining core endorsements areas: History, Geography, Economics, and American Government/Political Science. (3-29-10)( )

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

**14. Sociology/Anthropology (5-9 or 6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)( )

**15. Teacher Librarian (K-12).** Twenty (20) semester credit hours of coursework leading toward competency as defined by Idaho Standards for Teacher Librarians to include the following: Collection Development/Materials Selection, Literature for Children and/or Young Adults; Organization of Information (Cataloging and Classification); School Library Administration/Management; Library Information Technologies; Information Literacy; and Reference and Information Service. (3-12-14)

**16. Technology Education (5-9 or 6-12).** (3-16-04)( )

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation and other relevant emerging technologies; and Principles of Engineering Design. (4-4-13)

**b.** Occupational teacher preparation *that relates to the appropriate area(s) as provided in pursuant to* Subsections 015.074 through 015.096. (3-25-16)( )

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

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

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

**a.** Completion of a baccalaureate degree from an accredited college or university; ( )

**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; ( )

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

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

**1720. World Language (5-9, 6-12 or K-12).** Twenty (20) semester credit hours to include a minimum of twelve (12) upper division credits in a specific world language taken within the last ten (10) years leading to a proficiency level as defined by a state-approved exam (for example, a passing grade on the Praxis or an Advanced level as defined by the American Council on the Teaching of Foreign Languages (ACTFL)). Course work must include two (2) or more of the following areas: Grammar, Conversation, Composition, Culture, and Literature; and course work in Foreign Language Methods. To obtain an endorsement in a specific foreign language (K-12), applicants *holding a Secondary Certificate* must complete an elementary methods course. (4413)( )

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

**042. ALTERNATE ROUTES TO CERTIFICATION.**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as *Para-Educators, and Paraprofessionals and*, individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of *an* emergency *certification endorsement* in another area may obtain an endorsement through an alternate route as described in subsection 021.02 of these rules. (3-25-16)( )

**01. Alternative Authorization -- Teacher To New Certification.** The purpose of this alternative authorization is to allow Idaho school districts to request *endorsement/ additional* certification when a professional position cannot be filled with someone who has the correct *endorsement*/certification. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-25-16)( )

**a.** Prior to application, a candidate must hold a *Bachelor's baccalaureate* degree, and a valid Idaho *teacher instructional* 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. (3-25-16)( )

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

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

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

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

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

**i.** A candidate must hold a *Bachelor's baccalaureate* degree or have completed all of the requirements of a *Bachelor's baccalaureate* degree except the student teaching or practicum portion; and (3-25-16)( )

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

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

i. At the time of authorization a consortium comprised of a designee from the college/university to be attended or other state board approved certification program, and a representative from the school district, and the candidate shall determine the preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This plan must include mentoring and a minimum of one (1) classroom observation by the mentor per month, which will include feedback and reflection, while teaching under the alternative authorization. The plan must include annual progress goals that must be met for annual renewal; (3-25-16)()

ii. The candidate must complete eight (8) to sixteen (16) weeks a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required weeks credits will be specified in the consortium developed plan; (3-25-16)()

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

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

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

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

a. Individuals who possess a Bachelor's baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim Idaho Teacher Certification. (3-25-16)()

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

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

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

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

c. Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards Department. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under any Idaho certificate including an interim certificate. (3-25-16)()

**d.** Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain a valid renewable Idaho Educator Credential during the three (3) year interim certification term. (3-25-16)

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

**04. Alternative Authorization - Pupil Personnel Services.** The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for these endorsements are defined in Subsection 015.042 of these rules. The alternate authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-25-16)

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

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

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

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

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

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

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

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

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

**043. -- 059. (RESERVED)**

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

**01.** *Application for Idaho Certificate.* To obtain a new, renew, or reinstate an Idaho *certificate Educator Credential*, the applicant *will must* submit an application on a form supplied by the State Department of Education or the *State* Division of Career Technical Education *as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career-Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential.* (3-16-04)

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

**a.** Credits taken for recertification must be educationally related to the professional development of the applicant. (4-1-97)

- i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or (5-8-09)
- ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or (4-2-08)
- iii. Credits must be tied to a specific area of need designated by district administration. (4-2-08)
- b. Graduate or undergraduate credit will be accepted for recertification. Credit must be college transferable and completed through an accredited college or university. (4-1-97)
- c. All requests for equivalent in-service training to apply toward recertification, except occupational specialist certificates, must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Career Technical Occupational Specialist Certificates must receive State be made through the Division of Career-Technical Education. Applicants must receive prior approval of in-service training and course work prior to applying for renewal. (3-16-04)( )
- d. At least fifteen (15) hours of formal instruction must be given for each hour of in-service credit granted. (4-1-97)
- e. Recertification credits may not be carried over from one (1) recertification period to the next. (4-1-97)
- f. Certificated personnel teaching in subjects outside their major area of preparation will be encouraged to complete the courses required for major certification endorsement. (4-1-97)
- g. All credits gained through coursework taken during the validity period of the certificate and commencing prior to September 1, 2008 shall be accepted toward recertification. (5-8-09)
- h. An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission or the Division of Career Technical Education, as applicable to the certificate type, shall be available to applicants whose credits submitted for recertification, in part or as a whole, are rejected for any reason if such denial prevents an applicant from renewing an Idaho certificate. An applicant whose credits submitted for recertification are rejected, in part or as a whole, within six (6) months of the expiration of the applicant's current certification shall be granted an automatic appeal and a temporary certification extension during the appeal or for one (1) year, whichever is greater. (5-8-09)( )

- 032. State Board of Education Professional Development Requirements.** (4-1-97)
- a. Districts will have professional development plans. (4-1-97)
  - b. All certificated personnel will be required to complete at least six (6) semester hours or the equivalent within the five (5) year period of validity of the certificate being renewed. (4-1-97)
  - c. At least three (3) semester credits will be taken for university or college credit. Verification will be by official transcript. (4-1-97)

**(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.

*Individual domain and component ratings specified in Subsection 120.01 of this rule must be determined based on a combination of professional practice and student achievement as specified in Subsection 120.02 and 120.03.* The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-20-14)

**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%)~~ a majority of the evaluation ~~results are ratings must be~~ based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition ~~domains and components~~. 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: (4-11-15)(      )

- 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 Instructional staff evaluation ratings must in part be based on measurable student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included, as defined in Section 33-1001, Idaho Code, as applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators, as defined in Section 33-1001, Idaho Code, as applicable to the position.~~ This portion of the evaluation may be calculated using current and/or ~~the immediate~~ past year's data and may use one (1) ~~or multiple year or both~~ 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. (4-11-15)

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

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

**g.** 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)

**iv.** *A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum rankings at the discretion of the school district or charter school.* (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: (4-11-15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**02. Professional Practice.** For evaluations conducted on or after July 1, 2014, 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)

*iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum rankings at the discretion of the school district or charter school.* (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 June 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 in accordance with the approved policies of the Idaho State Board of Education Data Management Council. (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. 08-0203-1601**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code.

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

The Idaho Content Standards reflect statements of what students should know and do in various content disciplines and grades. Content standards are adopted statewide and reviewed every six (6) years by teams of educators and stakeholders. These standards provide a consistent foundational level of academic content needed to be successful at each grade level and to graduate from Idaho's public schools. During the 2016 review cycle, the Arts and Humanities, English Language Arts/Literacy, Health, Mathematics, Physical Education, and Social Studies Content Standards were reviewed. The revisions to these Content Standards are recommended based on public comment received and by recommendations by the committees who review the standards. The Computer Science Content Standards are entirely new and build upon the 2016 draft standards put out by the Computer Science Teachers Association. They outline what it means to be literate in computer science at various grade levels.

The pending rule has been adopted with minor changes to the English Language Arts/Literacy, Social Studies, and Computer Science content standards. These changes include adding Sikhism to the list of major world religions in the Social Studies Standards, small transfer error of a few words in the English Language Arts Standards, and updating the Computer Science Standards based on changes to the core concepts and practice naming in the updated k-12 Computer Science framework.

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 5, 2016 Idaho Administrative Bulletin, [\*\*Vol. 16-10, pages 276-285\*\*](#).

**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:

Districts may experience some fiscal impact in the form of new curriculum to align with revised content standards. The cost would likely be cyclical.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Scott Cook, Director of Academic Services, Support and Professional Development, at (208) 332-6927 or [\*\*scook@sde.idaho.gov\*\*](mailto:scook@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra, Superintendent of Public Instruction  
State Department of Education  
Phone: (208) 332-6800 / Fax: (208) 334-2228

650 W. State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code.

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

<b>ALL MEETINGS START AT 6:00 pm LOCAL TIME</b>		
<b>Thursday, October 13, 2016</b>	<b>Monday, October 17, 2016</b>	<b>Monday, October 24, 2016</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8<sup>th</sup> Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>	<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>

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

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

The Idaho Content Standards reflect statements of what students should know and do in various content disciplines and grades. Content standards are adopted statewide and reviewed every six (6) years by teams of educators and stakeholders. These standards provide a consistent foundational level of academic content needed to be successful at each grade level and to graduate from Idaho's public schools.

During the 2016 review cycle, the Arts and Humanities, English Language Arts/Literacy, Health, Mathematics, Physical Education, and Social Studies Content Standards were reviewed. The revisions to these Content Standards are recommended based on public comment received and by recommendations by the committees who review the standards.

The Computer Science Content Standards are entirely new and build upon the 2016 draft standards put out by the Computer Science Teachers Association (CSTA). They outline what it means to be literate in computer science at various grade levels.

**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:

Districts may experience some fiscal impact in the form of new curriculum to align with revised content standards. The cost would likely be cyclical.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the April 6, 2016, Idaho Administrative Bulletin, [Volume 16-4, pages 23-24](#).

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

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. Complete copies of the Arts and Humanities, Computer Science, English Language Arts/Literacy, Health, Mathematics, Physical Education, and Social Studies Content Standards, the incorporated by reference documents, can be found on our website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Scott Cook, Director of Academic Services, Support & Professional Development, at (208) 332-6927 or [scook@sde.idaho.gov](mailto:scook@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 19th day of August, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1601**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- ea.** Arts and Humanities Categories: (3-29-10) ( )
- #i.** Dance, as revised and adopted on April 17, 2009 August 11, 2016; (3-29-10) ( )
- iv.i.** Interdisciplinary Humanities, as revised and adopted on April 17, 2009 August 11, 2016; (3-29-10) ( )
- iii.** Media Arts, as adopted on August 11, 2016. ( )
- iv.** Music, as revised and adopted on April 17, 2009 August 11, 2016; (3-29-10) ( )
- ##v.** Drama Theater, as revised and adopted on April 17, 2009 August 11, 2016; (3-29-10) ( )
- v.** Visual Arts, as revised and adopted on April 17, 2009 August 11, 2016; (3-29-10) ( )
- vi.** World languages, as revised and adopted on April 17, 2009; August 11, 2016. (3-29-10) ( )

- b.** Computer Science, adopted on November 28, 2016. \_\_\_\_\_
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on August 11, 2010 November 28, 2016. (4-7-11) \_\_\_\_\_
- e.** Health, as revised and adopted on April 17, 2009 August 11, 2016. (3-29-10) \_\_\_\_\_
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2010 August 11, 2016. (4-7-11) \_\_\_\_\_
- i.** Physical Education, as revised and adopted on April 17, 2009 August 11, 2016. (3-29-10) \_\_\_\_\_
- j.** Science, as revised and adopted on April 17, 2009. (3-29-10)
- k.** Social Studies, as revised and adopted on April 17, 2009 November 28, 2016. (3-29-10) \_\_\_\_\_

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-14-16)T

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)

**07. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-12)

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**008. DEFINITIONS H - S.**

**01.** ***Interdisciplinary or Integrated Assessment.*** Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)( )

**02.** **International Baccalaureate (IB)** - Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

**03.** **Interdisciplinary Study.** An approach to leaning in two (2) or more disciplines that enables students to identify and apply authentic connections and integrate essential concepts that transcend individual disciplines. ( )

**04.** **Laboratory.** A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

**045.** **Learning Plan.** The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, career-technical education (CTE), or humanities aligned with the student's post-graduation goals. (4-11-06)

**056.** **Narrative.** Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

**067.** **Norm-Referenced Assessment.** Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

**078.** **On-Demand Assessment.** Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

**089.** **Performance Assessment.** Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

**0910.** **Performance-Based Assessment.** The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

**101.** **Performance Criteria.** A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

**112.** **Phonics.** Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

**123.** **Portfolio.** A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize

their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

**134. Professional Development.** A comprehensive, sustained, timely, and intensive process to improve effectiveness of teachers and administrators in raising student achievement, which: (4-4-13)

a. Aligns with rigorous state academic achievement standards, local educational agency goals, school improvement goals, effective technology integration, and Common Core standards. (4-4-13)

b. Utilizes data driven instruction using a thorough review and continual evaluation of data on teacher and student performance to define clear goals and distinct outcomes. (4-4-13)

c. Provides opportunities that are individualized enough to meet distinct and diverse levels of need for teachers and administrators. (4-4-13)

d. Is facilitated by well-prepared school administrators, coaches, mentors, master teachers, lead teachers, or third-party providers under contract with the State Department of Education, school district, or charter school, and supported by external research, expertise, or resources. (4-4-13)

e. Fosters a collective responsibility by educators within the school for improved student performance and develops a professional learning community. (4-4-13)

**15. Project Based Learning.** A hands-on approach to learning that encourages students to create, interpret/communicate an original work or project and assesses quality and success of learning through performance/presentation/production of that work or project. ( )

**146. Print Awareness.** In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

**157. Careertechnical Education.** Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

**168. Proficiency.** Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

**179. School-to-Work Transition.** A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

**1820. Service Learning.** Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

**1921. Skill Certificate.** Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

**202. Standards.** Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

**243.** **Standardization.** A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

**244.** **Standards-Based Education.** Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

**245.** **Structured Work Experience.** A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

**246.** **Student Learning Goals (Outcomes).** Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

**247.** **Synchronous Course.** A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

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

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

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (4-1-15)

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

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

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students graduating prior to 2017 may also use the Compass to meet this requirement. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-25-16)

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

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

- i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)
- ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)
- iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

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

**05.** **Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met. (3-25-16)

- a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)
- b. The course meets the same content standards that are required in high school for the same course; and (3-25-16)
- c. The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)
- d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript.

Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule. (3-25-16)

**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 unless specifically exempted from doing so as contained herein. Students who will graduate in 2016 and who received a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting this graduation requirement. A student who does not attain at least a proficient score prior to graduation will be given an opportunity to demonstrate proficiency of the content standards through a 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 ten (10) Idaho Standards Achievement Test prior to 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. Alternate plans that are not in conformance with the requirements of Subsection 105.06.b shall be returned to the LEA and must be resubmitted in conformance with the requirements contained herein prior to students attempting the alternate plan. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. The LEA must provide a descriptive summary of how each measure is aligned to the grade ten (10), or higher, state content standards and shows students proficiency. The Board may request plans to be submitted in a common format or request additional information as necessary to determine plans are in conformance with these rules. (3-25-16)

- a. Before entering an alternate plan, the student must be: (3-25-16)
  - 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, if alternate paths are available to the student within the LEA's alternate plan, each path must contain multiple measures; (3-25-16)
  - 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; (3-25-16)
  - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance; (3-25-16)
  - vi. At least one (1) measure must utilize an externally reviewed, validated assessment as the evaluation tool; and (3-25-16)
  - vii. Measures may not be duplicative of the State graduation requirements. (3-25-16)
- 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 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)

v. The student will graduate in 2017 and completed the grade ten (10) ISAT in math, reading and language usage in 2015. (3-25-16)

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)

**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. 08-0203-1603**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-4602, 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 rulemaking addresses changes made to the Advanced Opportunities. Separate sections of the rule previously authorized programs known as the “8 in 6” Program and the Master Advancement Program. The new provisions in Section 33-4602, Idaho Code, merge some of the opportunities from these programs with the program known as the Fast Forward Program. This rulemaking repeals the section of rule specific to the Master Advancement Pilot Program and adds provisions and clarity to the Advanced Opportunities section on the administration of the new Early Graduation Scholarship.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 286-291](#).

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

There is no known fiscal impact beyond what has already been identified in House Bill 458.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
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**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105 and 33-4602, Idaho Code.

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

**ALL MEETINGS START AT 6:00 pm LOCAL TIME**

<b>Thursday, October 13, 2016</b>	<b>Monday, October 17, 2016</b>	<b>Monday, October 24, 2016</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8<sup>th</sup> Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>	<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>

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

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

This rulemaking rule addresses changes made to the Advanced Opportunities funded by the state authorized in Section 33-4602, Idaho Code. Separate sections of the rule previously authorized programs known as the "8 in 6" Program and the Master Advancement Program. The new provisions in Section 33-4602, Idaho Code, merge some of the opportunities from these programs with the program known as the Fast Forward Program. The rulemaking repeals Section 117, the rule specific to the Master Advancement Pilot Program, and adds provisions and clarity to the Advanced Opportunities section on the administration of the new Early Graduation Scholarship.

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

This temporary rule is written to comply with the changes set forth by the passage of House Bill 458 and will confer a benefit on those students who participate in the Advanced Opportunities Programs for the 2016-2017 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:

There is no known fiscal impact beyond what has already been identified in House Bill 458.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the April 6, 2016 Idaho Administrative Bulletin, [Volume 16-4, pages 27-28](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@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 26, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 19th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1603**

**106. ADVANCED OPPORTUNITIES (*EFFECTIVE JULY 1, 2008*).**

**01. Advanced Opportunities Requirement.** All high schools in Idaho shall be required to provide Advanced Opportunities, as defined in Subsection 007-~~04~~, or provide opportunities for students to take courses at the postsecondary campus. *(3-29-12)(      )*

**02. Dual Credit.** *A student participating in the Dual Credit for Early Completers program (33-1626, Idaho Code) need not have completed a senior project prior to being eligible. However, a student must still complete a senior project by the end of grade twelve (12) or the student's final year of high school.* *(3-29-12)*

**02. Advanced Opportunities Early Graduation Scholarship Funding (Effective July 1, 2016).** *(      )*

**a. Scholarship Calculation.** *(      )*

**i.** *The statewide average daily attendance-driven funding per enrolled pupil shall be calculated by adding the previous fiscal year's statewide distributions for salary-based apportionment, benefit apportionment and discretionary funds, and dividing the total by the previous year's statewide public school enrollment for all grades.* *(      )*

**ii.** *The statewide average daily attendance-driven funding per enrolled pupil shall be recalculated each fiscal year.* *(      )*

**iii.** *All benefits paid for scholarships and to public schools shall be based on the statewide average daily attendance-driven funding per enrolled pupil figure for the fiscal year in which the benefit is paid.* *(      )*

**b. Payments to Idaho Colleges and Universities.** *(      )*

**i.** *Annual scholarship payments will be made in one installment during the first semester in which the student is enrolled, regardless of the number of years early the student graduated. Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payment is made.* *(      )*

**ii.** *The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 30 for the*

fall semester and January 30 for the spring semester. ( )

c. Payments to Public Schools. ( )

i. Public schools shall report to the State Department of Education, no later than June 15 of each school year, students who have graduated early. ( )

ii. The State Department of Education will make a single annual payment to public schools no later than October 1 of each year for all early graduates who are not attending the public school that school year as a result of early graduation. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**117. MASTER ADVANCEMENT PILOT PROGRAM (MAPP). (RESERVED)**

01. Definitions. The following definitions apply only to Section 117 of these rules. (4-7-11)

a. Challenge Exam. A test that is rigorous and covers the full depth and breadth of knowledge of a specific course. A challenge exam is more difficult than an End of Course exam which typically is counted only for a portion of a student's final grade and covers only a sampling of the course content. (4-7-11)

b. Elementary School grades K-6 (4-7-11)

e. Local Education Agency (LEA). A school district or a charter school that operates independently of any district and reports to the Idaho Public Charter School Commission. (4-7-11)

d. Secondary School grades 7-12 (4-7-11)

f. Alternate pathways. An alternate method for a student to receive a high school diploma early. The methods may include but are not limited to: portfolios, accelerated classes, online and independent study. (4-7-11)

02. LEA Participation. (4-7-11)

a. LEAs must apply for the MAPP program no later than September 2010. LEAs will not be allowed to participate in the program after the initial sign up period. (4-7-11)

b. LEAs may request from the State Department of Education in writing of the intent to opt out of the program during the six (6) year pilot. (4-7-11)

e. The State Department of Education will create and review LEA application submissions. (4-7-11)

d. LEAs may choose to include all or as few as one (1) school within the district. (4-7-11)

e. LEAs may participate in the secondary pilot or the elementary pilot or both. (4-7-11)

f. LEAs must include in the application a plan for public involvement and parental notification of the program. (4-7-11)

03. Secondary Pilot Program. (4-7-11)

a. To be eligible for the secondary pilot program LEAs must meet the following criteria: (4-7-11)

i. LEAs will provide a detailed plan for implementing the program. This plan will include at a minimum: a process for students to request a Challenge Exam, review of the exam scores and providing advice on course or grade advancement. (4-7-11)

*ii. Participating districts shall use and apply the "Standards for Educational and Psychological Testing" (AERA, 1999) if creating district challenge exams.* (4-7-II)

*iii. LEAs may choose to incorporate scores from national standardized test approved by the State Department of Education. The State Department of Education shall create and make public a list of approved tests.* (4-7-II)

*b. The State Department of Education, in cooperation with the vendors of the national standardized tests, will provide a list recommending the course of mastery and the standard (score) at which students would be successful in the next course.* (4-7-II)

*e. LEAs may require students to reimburse the LEA for any of the assessments administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district.* (4-7-II)

*d. LEAs may provide alternate pathways to students for early graduation.* (4-7-II)

**04. Elementary Pilot Program.** (4-7-II)

*a. To be eligible for the elementary pilot program LEAs must meet the following criteria:* (4-7-II)

*i. Elementary school participation in MAPP allows for schools to use measures other than assessments. LEAs must submit a plan including how students will be measured and advanced either to the next grade or class.* (4-7-II)

*ii. The State Department of Education will review the plans and provide direction or suggestions.* (4-7-II)

*iii. The State Department of Education will provide information on two research-based advancement programs for elementary schools as suggested models. LEAs may submit a plan that is different from the suggested models.* (4-7-II)

*b. LEAs may require students to reimburse the LEA for any of the assessments administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district.* (4-7-II)

**05. Reporting.** LEAs are required to submit to the State Department of Education, no later than June 10, the following data for all schools within the district regardless of whether the school is a site for MAPP: (4-7-II)

*a. Comprehensive list of all students who participated in MAPP, including the students who graduated early and the number of years that each student graduated early.* (4-7-II)

*b. Detailed information on the performance of participating students on Challenge Exams or other measures used.* (4-7-II)

*c. The number of requests for Challenge Exams or advancement and the requests granted.* (4-7-II)

*d. School and District disciplinary and/or behavioral incidents.* (4-7-II)

*e. School and District graduation and dropout rates.* (4-7-II)

*f. Number of students in each school and for the LEA participating in advanced placement concurrent enrollment, or college courses while still students in the LEA.* (4-7-II)

**06. Early Graduation Eligibility.** (4-7-II)

- a.** *Students must have attended an Idaho public school for four full school years, as defined in IDAPA 08.02.01, "Rules Governing Administration, State Board of Education Rules, Subsection 250.01, immediately prior to graduation to be eligible for a Mastery Scholarship." (4-7-II)*
- b.** *Students must have completed all LEA and State graduation requirements within eleven (11) full school years or nine thousand nine hundred (9,900) hours to be eligible for a one (1) year mastery scholarship, within ten (10) full school years or eight thousand nine hundred ten (8,910) hours to be eligible for a two (2) year mastery scholarship or within nine (9) full school years or seven thousand nine hundred twenty (7,920) hours to be eligible for a three (3) year mastery scholarship. (4-7-II)*
- c.** *Students must attend an Idaho public college or university for the entirety of the scholarship period in order to receive the scholarship payment. (4-7-II)*
- d.** *Students are eligible for a maximum of three (3) years of mastery scholarship. (4-7-II)*
- e.** *Students must enroll at an Idaho public college or university immediately within two (2) years following early graduation in order to receive scholarship funds. (4-7-II)*
- 07. ADA and Scholarship Funding. (4-7-II)**
- a.** *Guidelines; (4-7-II)*
- i.** *The statewide average daily attendance driven funding per enrolled pupil shall be calculated by adding the previous fiscal year's statewide distributions for salary-based apportionment, benefit apportionment and discretionary funds, and dividing the total by the previous year's statewide public school enrollment for all grades. (4-7-II)*
- ii.** *The statewide average daily attendance driven funding per enrolled pupil shall be re-calculated each fiscal year. (4-7-II)*
- iii.** *All benefits paid for scholarships and to LEAs shall be based on the statewide average daily attendance driven funding per enrolled pupil figure for the fiscal year in which the benefit is paid. (4-7-II)*
- b.** *Payments to Idaho Colleges and Universities. (4-7-II)*
- i.** *Annual scholarship payments will be made in two (2) equal installments, one (1) each at the beginning of each semester. (4-7-II)*
- ii.** *Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payments are made. This proof must be obtained for each semester in which scholarship payments are made. (4-7-II)*
- iii.** *Students may apply to the State Department of Education to receive a multi-year scholarship over fewer years if the student will graduate from an Idaho public college or university in less than the number of scholarship years. (4-7-II)*
- iv.** *The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 15 for the first semester and January 15 for the second semester. (4-7-II)*
- c.** *Payments to LEAs (4-7-II)*
- i.** *The State Department of Education will make a single annual payment to eligible LEAs by no later than October 1 of each year for all early graduates who are not attending the LEA that school year as a result of early graduation. (4-7-II)*
- ii.** *Payments will not be made to LEAs who fail to meet the reporting requirements. (4-7-II)*

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

### **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1604**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-2002, Idaho Code.

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

This rulemaking incorporates by reference the Idaho Special Education Manual into this rule that was previously only referenced in the rule. The manual meets the Individuals with Disabilities Education Act requirement of 20 US Code Section 1412, and is consistent with other state and federal regulations regarding the education of individuals with disabilities.

The pending rule has been adopted with minor changes to the Idaho Special Education Manual. These changes include removing the definition of “Modifications” and changing it to “accommodations or adaptations” to be consistent with administrative rule language. The definition and all references to “scientifically-based interventions” have been replaced with “evidence-based interventions” to be consistent with the Every Student Succeeds Act.

Changes to the pending rule were made in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, **Vol. 16-8, pages 46-53**.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-2002, Idaho Code.

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

<b>Thursday, October 13, 2016 - 6:00 PM</b>	<b>Monday, October 17, 2016 - 6:00 PM</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8th Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>
<b>Monday, October 24, 2016 - 6:00 PM</b>	
<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>	

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

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

This proposed rule would incorporate the Idaho Special Education Manual into this rule chapter. While the manual is referenced in the rule, it has not been formally incorporated by reference. The manual meets the Individuals with Disabilities Education Act requirement of 20 US Code Section 1412, and is consistent with other state and federal regulations regarding the education of individuals with disabilities.

Amendments to the manual since the December 2014 approval include: changing the manual to reflect federal guidance about confidentiality agreements; removing reference to No Child Left Behind due to the passage of the Every Student Succeeds Act (ESSA); removing outdated reference to psychosocial rehabilitation; changing references to highly qualified teacher to align with ESSA; clarifying language regarding Idaho's 10-day rule for parents objections to a district's proposal for an Individual Educational Program; adding additional resources to the Procedural Safeguards Notice and making introduction more parent friendly; removing references to the Appendices that are no longer attached to the manual; and fixing typos throughout document.

Additionally, several revisions within IDAPA 08.02.03.109 regarding Special Education are needed to comply with federal regulations, as well as to clarify language and update the rule to reflect current practice. Changes would clarify the scope of the 10-day rule for objection to a change in an individualized education program or placement, and would align mediation procedures with 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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the April 6, 2016, Idaho Administrative Bulletin, [Volume 16-4, page 29-30](#).

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

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the Idaho Special Education Manual can be found on our website at <http://sde.idaho.gov/topics/admin-rules/>. Incorporation by reference is necessary to ensure compliance with state and federal regulations regarding the education of individuals with disabilities.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 30th Day of June, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1604**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories:
  - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)

- iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
- iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
- v. Music, as revised and adopted on April 17, 2009; (3-29-10)
- vi. World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d. English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-14-16)T

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)

**07. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-12)

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on

the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).

(4-2-08)

**10.** **The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**109. SPECIAL EDUCATION.**

**01.** **Definitions.** The following definitions apply only to Section 109 of these rules. (4-5-00)

a. Adult Student. A student who is eligible for special education, is eighteen (18) years of age or older and to whom special education rights have transferred. (4-5-00)

b. Department. State Department of Education. (4-5-00)

c. Due Process Hearing. An administrative hearing that is conducted to resolve disputes. (3-29-10)

i. Regular due process hearing regarding issues on any matter related to identification, evaluation, placement, or the provision of a free appropriate public education. (3-29-10)

ii. For disputes concerning discipline for which shortened time lines are in effect, an expedited due process hearing may be requested in accordance with the Individuals with Disabilities Education Act. (3-29-10)

d. Education Agency. Each school district and other public agency that is responsible for providing special education and related services to students with disabilities, including the Department of Juvenile Corrections and the Idaho School for the Deaf and Blind. (4-5-00)

e. Governing Special Education Requirements. Sections 33-201, 33-2001 through 2002, 33-2004 through 2005, and 33-2010, Idaho Code; Section 109 of these rules; the Individuals with Disabilities Education Act (IDEA), Parts A and B, (20 U.S.C., Sections 1400-1419); IDEA Regulations (34 C.F.R. Part 300); Idaho Special Education Manual; and special education case law that sets precedence in Idaho. (3-29-10)

f. Idaho Special Education Manual. Policies and procedures, as approved by the State Board of Education, that the State Department of Education is required to adopt to meet the eligibility requirements of 20 U.S.C. Section 1412 and are consistent with state and federal laws, rules, regulations, and legal requirements. (3-29-10)

g. Special Education. Specially designed instruction as defined by the Individuals with Disabilities Education Act or speech-language pathology services to meet the unique needs of a special education student. (4-5-00)

**02.** **Legal Compliance.** The State Department of Education and education agencies shall comply with all governing special education requirements. (4-5-00)

a. The Board of Trustees or other comparable governing body of each education agency shall adopt policies and procedures for providing special education services and obtain approval from the State Department of Education for the same. Department approval shall be based on current governing special education requirements. Each education agency shall revise its policies and procedures as necessary to conform with changes in governing special education requirements. (4-5-00)

b. The State Department of Education shall provide education agencies with a sample set of policies and procedures that is consistent with governing special education requirements. The Department shall monitor all education agencies and private agencies who provide special education services to students with disabilities for

compliance with governing special education requirements and adopted policies and procedures. (4-5-00)

**c.** Each education agency shall ensure that charter schools and alternative schools located in its jurisdiction have nondiscriminatory enrollment practices. Each education agency shall ensure the provision of special education and related services to eligible students enrolled in charter and alternative schools in accordance with governing special education requirements. (4-5-00)

**d.** Each education agency contracting with a private school or facility shall ensure that the private school or facility is approved by the State Department of Education to provide special education services. The Department may approve a private school or facility to provide special education services upon application to the Department if it: (4-5-00)

- i. Is an accredited school or a licensed rehabilitation center; and (4-5-00)
- ii. Meets minimum health, fire and safety standards; and (4-5-00)
- iii. Is nonsectarian; and (4-5-00)
- iv. Provides special education services consistent with governing special education requirements. (4-5-00)

v. Any private school or facility aggrieved by the Department's final decision may appeal that decision to the State Board of Education. (4-5-00)

**e.** Education agencies shall employ special education and related services professional personnel using certification standards approved by the State Board of Education or licensing standards adopted by the Bureau of Occupational Licensing. Education agencies shall employ individuals who meet the highest entry-level standard that applies to a specific discipline unless there is a shortage of fully qualified candidates for a specific position. If there is a shortage of fully qualified candidates, the education agency shall hire the most qualified individual available who is making satisfactory progress toward meeting the highest entry-level standard within three (3) years. (4-5-00)

**f.** Education agencies may employ paraprofessional personnel to assist in the provision of special education and related services to students with disabilities if they meet standards established by the State Department of Education. (4-5-00)

**g.** Education agencies shall collect and report data as necessary to meet state and federal requirements concerning special education services, staff or students. Education agencies shall develop, implement and revise district improvement plans as necessary to improve results as measured by data on goals and indicators for the performance of special education students that are established by the State Department of Education in accordance with the Individuals with Disabilities Education Act. (4-5-00)

**h.** Education agencies shall establish a team process to problem solve and plan general education interventions to ensure that referrals to special education are appropriate. (4-5-00)

**03. Eligibility for Special Education.** The State Department of Education shall provide state eligibility criteria for special education services for categorical eligibility consistent with the Individuals with Disabilities Education Act. Education agencies shall consider eligibility under all disability categories set forth in the Idaho Special Education Manual with the exception of developmental delay, which is an optional category. If an education agency elects to use the developmental delay category, it shall consider developmental delay for students ages three (3) through nine (9) using the eligibility criteria adopted by the Department and set forth in the Idaho Special Education Manual. The total timeline from the date of receipt of written parental consent for an initial evaluation to the date of determination of eligibility for special education and related services must not exceed sixty (60) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive school days, unless all parties agree to an extension. (4-7-11)

**04. Individualized Education Programs.** Each education agency shall develop an individualized

education program (IEP) for each student who is eligible for special education. The IEP shall be implemented as soon as possible after it is developed. The total timeline from the determination that the student needs special education and related services to the date of implementation of the initial IEP shall not exceed thirty (30) calendar days. A new IEP shall be developed at least annually, on or before the date the previous IEP was developed. (3-25-16)

a. IEP team meetings shall be convened upon reasonable request of any IEP team member at times other than the annual review. If the education agency refuses to convene an IEP team meeting requested by a parent or adult student, the agency shall provide written notice of the refusal. (4-5-00)

b. Education agencies shall document the attendance of all participants at each IEP team meeting. Any participant who does not agree with an IEP team decision regarding a student's educational program may place a minority report in that student's file. A minority report shall not prevent implementation of an IEP team decision. (4-5-00)

c. The IEP team shall determine the student's placement in the least restrictive environment. (5-3-03)

d. At the discretion of the education agency, an individualized family service plan (IFSP) may be used in place of an IEP if: (4-5-00)

i. The child is ages three (3) through five (5), and (4-5-00)

ii. The child's parents are provided with a detailed explanation of the differences between an IFSP and an IEP, and (4-5-00)

iii. The child's parents provide written consent to use the IFSP, and (4-5-00)

iv. The IFSP is developed in accordance with IDEA Part B policies and procedures. (3-29-10)

v. Nothing in this part requires education agencies to develop IFSPs rather than IEPs for three (3) through five (5) year old nor to implement more than the educational components of the IFSP. (4-5-00)

e. When a student who has been determined eligible for special education, as indicated by a current IEP, transfers from one (1) Idaho education agency to another, the student is entitled to continue to receive special education services. The receiving education agency may accept and implement the existing IEP or may convene an IEP team meeting to develop a new IEP. If a new IEP cannot be developed within five (5) school days, or if the education agency wishes to re-evaluate the child, an interim (short-term) IEP shall be implemented pending development of the standard IEP. (4-5-00)

f. If a student who is eligible for special education in another state transfers to an Idaho education agency, the Idaho education agency shall request a copy of the student's most recent eligibility documentation and IEP within two (2) school days. Within five (5) school days of receipt of the eligibility documentation and IEP, the Idaho education agency shall determine if it will adopt the existing eligibility documentation and IEP. If the education agency disagrees with the existing eligibility documentation, or if the documentation is not available within a reasonable time period, consent for an initial assessment shall be sought. While the assessment and evaluation is in process, the education agency may implement an interim IEP if the parent or adult student agrees. If the parent or adult student does not agree to an interim IEP, the student shall be placed in general education. (4-5-00)

**05. Procedural Safeguards.** Education agencies will use appropriate procedural safeguards consistent with the Individuals with Disabilities Education Act. (8-4-99)

a. If a parent or adult student disagrees with an individualized education program *change or placement change proposed by the district (IEP) team's proposed IEP for the student*, the parent or adult student may file a written objection to all or parts of the proposed *change IEP*. If the written objection is *emailed*, postmarked or hand delivered within ten (10) calendar days of the date the parent or adult student receives written notice of the proposed *change IEP*, the proposed change cannot be implemented *for fifteen (15) calendar days, or as extended through mutual agreement by the district and the parent or adult student while the parties work to resolve the dispute. Informal methods such as additional Parties may choose to hold additional IEP team meetings which may be*

facilitated by the State Department of Education (SDE) or request voluntary mediation may be used to resolve the disagreement through the SDE. If these methods fail or are refused, the education agency may request the proposed IEP shall be implemented after fifteen (15) calendar days unless a due process hearing is filed by the parents or adult student, during which time the student shall remain in the current educational placement during the pendency of any administrative or judicial proceeding, unless the district/adult student agree otherwise, to obtain a hearing officer's decision regarding the proposed change. The written objection cannot be used to prevent the education agency from placing a student in an interim alternative educational setting in accordance with IDEA discipline procedures or to challenge an eligibility/identification determination. (1-5-00)

**b.** Mediation may be requested by an education agency, parent, or adult student, or offered by the State Department of Education at any time. The Department shall screen all such requests to determine appropriateness. Any time a hearing is requested, the Department shall offer mediation using policies and requirements set forth in the Individuals with Disabilities Education Act regulations. If the Department appoints a mediator, the Department shall be responsible for compensating the mediator. All mediation participants shall be required to sign a will receive a copy of the Notification of Mediation Confidentiality pledge form. Attorney fees may not be awarded for a mediation that is conducted prior to a request for a due process hearing. (3-29-10)

**c.** The State Department of Education shall administer a single-tiered due process hearing system to resolve disputes between education agencies and parents or adult students. When a due process hearing is requested, the superintendent, special education director, or other agency administrator shall inform the agency's board of trustees or other governing body of the request. The education agency shall immediately notify the Department's Director of Special Education of any request for a due process hearing. Within ten (10) calendar days of a written request for a regular hearing, or within five (5) business days of a written request for an expedited hearing, an impartial hearing officer shall be assigned by the Department. The Department shall maintain a list of trained hearing officers and their qualifications. (3-29-10)

**d.** The education agency that is a party to the hearing shall be responsible for compensating the hearing officer and paying for the cost of a verbatim transcript of the hearing. (4-5-00)

**e.** Due process hearings shall be conducted pursuant to IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Individuals with Disabilities Education Act IDEA requirements, and the Idaho Special Education Manual, incorporated by reference in Section 004 of this rule. In case of any conflict between the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General" and the IDEA, the IDEA shall supersede the IDAPA 04.11.01, and IDAPA 04.11.01 shall supersede the Idaho Special Education Manual. (3-29-10)

**f.** The hearing officer shall issue a written decision that includes findings of fact and conclusions of law within forty-five (45) calendar days of the date a regular hearing is requested, unless a specific extension of this time line is requested by one (1) of the parties and granted by the hearing officer. The hearing officer shall issue a written decision that includes findings of fact and conclusions of law within twenty (20) calendar days of a written request for an expedited hearing, unless a specific extension of this time line has been granted. An extension of the time line for an expedited hearing shall not exceed an additional twenty-five (25) calendar days, and may be granted only if requested by one (1) of the parties and agreed to by both parties. The decision shall be sent to the parent or adult student, the education agency administrator, their respective representatives, and the State Department of Education. (4-5-00)

**g.** The hearing officer's decision shall be binding unless either party appeals the decision by initiating a civil action. The hearing officer's decision shall be implemented not later than fourteen (14) calendar days from the date of issuance unless an appeal is filed by a parent or adult student or the decision specifies a different implementation date. An appeal to civil court must be filed within forty-two (42) calendar days from the date of issuance of the hearing officer's decision. (4-5-00)

**h.** During the hearing the education agency shall provide reasonable accommodations as required by federal and state regulations. Disputes concerning reasonable accommodations shall be referred to the U.S. Department of Education's Americans with Disabilities Act (ADA) Committee for resolution. (4-5-00)

**i.** During the pendency of any due process hearing or civil appeal the child's educational placement

shall be determined by the Individuals with Disabilities Education Act "stay put" requirements. (4-5-00)

j. A parent or adult student has the right to an independent educational evaluation (IEE) at public expense if the parent or adult student disagrees with an evaluation obtained by the education agency. Whenever an *independent educational evaluation IEE* is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria the education agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent or adult student's right to an IEE. If an education agency has cost as one (1) of the criteria the education agency uses when it initiates an evaluation, the education agency may apply that criteria to independent educational evaluations. However, the parent or adult student has the right to demonstrate that unique circumstances justify an IEE that falls outside the education agency's cost criteria, and if so demonstrated, that IEE shall be publicly funded. A due process hearing may be initiated by the education agency to determine if the evaluation conducted by the education agency is appropriate. If the final decision of a hearing officer, or civil court, if the hearing officer's decision is appealed, is that the evaluation conducted by the education agency is appropriate, the parent or adult student still has the right to an independent educational evaluation, but not at the education agency's expense. (4-5-00)

k. Student records shall be managed in accordance with IDEA and Family and Educational Rights and Privacy Act regulations governing security, confidentiality, access, maintenance, destruction, inspection and amendment. (4-5-00)

**06. Assistive Technology Devices.** Education agencies may hold a parent liable for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the education agency if it is lost, stolen, or damaged due to negligence or misuse at home or in another setting outside of school time. (4-5-00)

**07. Diplomas and Graduation.** School districts shall use a regular diploma for students who are eligible for special education at the completion of their secondary program. The transcript serves as a record of individual accomplishments, achievements, and courses completed. A modified or differentiated diploma or certificate may not be used for students who are eligible for special education unless the same diploma or certificate is granted to students without disabilities. If a student is not granted a regular high school diploma or if a regular high school diploma is granted for completing requirements that are not comparable to regular graduation requirements, a student who is eligible for special education is entitled to receive a free appropriate public education through the semester in which the student turns twenty-one (21) years of age or until the student completes requirements that are comparable to regular graduation requirements, whichever comes first. (4-5-00)

**08. Special Education Advisory Panel.** The State Superintendent of Public Instruction shall appoint members to serve on the Special Education Advisory Panel. Panel members shall elect annually an individual to serve a one (1) year term as vice-chair followed by a one (1) year term as chair. (4-5-00)

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

### **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1605**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1002, and 33-1612, Idaho Code.

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

This rulemaking updates the section of this chapter that governs Alternative Secondary Programs which has not been amended since 1997. Additionally, the passage of House Bill 300 in 2015 added sixth grade to the grades eligible for alternative secondary program funding.

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 3, 2016 Idaho Administrative Bulletin, [\*\*Vol. 16-8, pages 54-56\*\*](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michelle Clement Taylor, School Choice Coordinator, at (208) 332-6963 or at [\*\*mtaylor@sde.idaho.gov\*\*](mailto:mtaylor@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-1002, and 33-1612, Idaho Code.

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

<b>Thursday, October 13, 2016 - 6:00 PM</b>	<b>Monday, October 17, 2016 - 6:00 PM</b>
<b>Lewis &amp; Clark State College Williams Conference Center Clearwater Room 500 8th Avenue Lewiston, ID 83501</b>	<b>College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687</b>
<b>Monday, October 24, 2016 - 6:00 PM</b>	
<b>Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204</b>	

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

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

This proposed rule change will update the section of this chapter that governs Alternative Secondary Programs which has not been amended since 1997. Additionally, the passage of House Bill 300 in 2015 added sixth grade to the grades eligible for alternative secondary program funding. The changes include: updating terminology; including sixth grade as part of the student qualification; removing limited English proficiency as a qualifier; aligning the instruction section to current practices; and clarifying the obligation to follow the Individuals with Disabilities Education Act (IDEA).

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the April 6, 2016, Idaho Administrative Bulletin, [Volume 16-4, page 31](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Michelle Clement Taylor, Coordinator for School Choice, at (208) 332-6963 or at [mtaylor@sde.idaho.gov](mailto:mtaylor@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 30th Day of June, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1605**

**110. ALTERNATIVE SECONDARY PROGRAMS (SECTION 33-1002; 33-1002C; 33-1002F, IDAHO CODE).**

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. ~~Some~~ ~~d~~Designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours. (4-1-97)(      )

**01. Student Qualifications.** An at-risk youth is any secondary student grade ~~seven~~ ~~six~~ through twelve (7-12) who meets any three (3) of the following criteria, Subsections 110.01.a. through 110.01.~~f~~g, or any one (1) of criteria in Subsections 110.01.~~g~~h, through 110.01.~~m~~n. (3-30-07)(      )

- a. Has repeated at least one (1) grade. (4-1-97)
- b. Has absenteeism that is greater than ten percent (10%) during the preceding semester. (4-1-97)
- c. Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program. (4-1-97)
- d. Has failed one (1) or more academic subjects in the past year. (4-1-97)(      )
- e. Is below proficient, based on local criteria and/or standardized tests. (        )
- f. Is two (2) or more semester credits per year behind the rate required to graduate or for grade promotion. (4-1-97)(      )
- g. Is a limited English proficient student who has not been in a program more than three (3) years. Has attended three (3) or more schools within the previous two (2) years not including dual enrollment. (3-30-07)(      )
- h. Has documented or pattern of substance abuse behavior. (4-1-97)(      )
- i. Is pregnant or a parent. (4-1-97)
- j. Is an emancipated youth or unaccompanied youth. (4-1-97)(      )
- k. Is a previous dropout. (4-1-97)
- l. Has serious personal, emotional, or medical problems issue(s). (4-1-97)(      )
- m. Has a court or agency referral. (4-1-97)(      )
- n. Upon recommendation of the school district as determined by locally developed criteria for disruptive student behavior Demonstrates behavior that is detrimental to their academic progress. (4-1-97)(      )

**02. Instruction.** Special instruction courses for at-risk youth enrolled in an alternative secondary program will include: (4-1-97)

- a. *Academic skills that include language arts and communication, mathematics, science, and social studies* Core academic content that meets or exceeds minimum state standards. (4-1-97) ( )
- b. *A personal and career counseling component.* (4-1-97) ( )
- c. A physical fitness<sup>4</sup> and personal health component. (4-1-97) ( )
- d. *A state division approved vocational* Career and technical education component approved by the state division of career technical education. (4-1-97) ( )
- e. A personal finance, parenting, and child care component with parenting skills emphasized; and (4-1-97) ( )
- f. A personal and career counseling component. ( )

**03. Graduation Credit.** Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences. (4-5-00)

**04. Special Services.** Special services, *where appropriate* for at-risk youth enrolled in alternative secondary programs, include the following where appropriate: (4-1-97) ( )

- a. A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider. (4-1-97)
- b. Direct social services that may include officers of the court, social workers, counselors/ psychologists. (4-1-97)
- c. All services in accordance with the student's Individualized Education Program. ( )

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

### **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1606**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code.

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

The State Board of Education approved a revision to the Idaho Academic Achievement Standards, which is incorporated by reference into this rule. The updated standards include the proficiency level descriptors and the ISAT achievement levels at each performance level for each grade.

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 June 1, 2016 Idaho Administrative Bulletin, [\*\*Vol. 16-6, pages 24-26\*\*](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Karlynn Laraway, Director of Assessment, at (208) 332-6976 or [\*\*klaraway@sde.idaho.gov\*\*](mailto:klaraway@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
Fax: (208) 334-2228

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

**EFFECTIVE DATE:** The effective date of the temporary rule is April 14, 2016.

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 15, 2016.

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 State Board of Education approved a revision to the Idaho Academic Achievement Standards on April 14, 2016. These standards include the proficiency level descriptors and the ISAT achievement levels at each performance level for each grade. To clarify the description and avoid confusion, the term "standards" has been changed to "level descriptors." These new achievement level cut scores for the Idaho Standards Achievement Test (ISAT) are reflected in the document that is incorporated by reference. The revision date of the standards being incorporated by reference for the ISAT reflects the date the revisions were approved by the Board.

**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:

A temporary rule is necessary for the 2015-2016 school year to represent the achievement descriptive/cut scores for the ISAT and to be in compliance with the Elementary and Secondary Education Act. The students began testing in March 2016 and these cut scores need to be known in order to score the assessments.

**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: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is necessary to comply with the Elementary and Secondary Education Act.

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

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the incorporated by reference document can be found on our website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Cheryl Finley, Director of Assessment, at (208) 332-6976 or [cfinley@sde.idaho.gov](mailto:cfinley@sde.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 June 22, 2016. More information can also be found on our website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

DATED this 27th Day of April, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1606**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories:
  - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
  - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
  - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
  - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
  - vi. World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d. English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable

Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov).  
(4-7-11)

**04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov).  
(4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards Level Descriptors.** Achievement Standards Level Descriptors as adopted by the State Board of Education on May 30, 2007 April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).  
(4-2-08)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).  
(5-8-09)

**07. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).  
(3-29-12)

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).  
(4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).  
(4-2-08)

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.03 – RULES GOVERNING THOROUGHNESS**  
**DOCKET NO. 08-0203-1608**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-118, 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:

This rulemaking establishes the new accountability framework, and includes all federally required indicators, makes technical corrections, adds and amends defined terms, deletes unnecessary or outdated sections and updates language regarding the states comprehensive assessment program.

Amendments have been made to the pending rule and are based on feedback received during the public comment period. These amendments include: technical changes and additional language to provide more clarity and specificity around the accountability measures being used, the elimination of proposed accountability measures as well as replacement measures that were more widely accepted by stakeholder groups. The removal or addition of measures is largely based on discussion generated during six public forums that were held around the state as well as feedback provided during discussions held and the Idaho Association of School Administrators and Idaho School Boards Association's annual conferences. Concerns raised were largely based on a concern over the ability for some of the proposed measures to be measured consistently across school districts or in the case of those proposed around teacher quality could adversely impact districts in rural areas with limited pools of candidates to choose from. It was agreed teacher quality would be brought back for consideration at a later date when measures could be identified that could be consistently collected from all districts and charter schools and focused on those areas that school districts and charter schools could impact such as mentoring or retention.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 293-308](#).

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

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

DATED this 5th day of December, 2016

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-1582

**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, 33-118, 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>MEETINGS ARE FROM 6:00 - 8:00 pm LOCAL TIME</b>	
<b>Tuesday, October 18, 2016</b>	<b>Thursday, October 20, 2016</b>
<b>Coeur d'Alene School District Midtown Meeting Room 1505 N. 5th Street Coeur d'Alene, ID</b>	<b>Lewis-Clark State College Sacajawea Hall, Room 115 Lewiston, 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:

The state public school accountability system is currently outlined in Idaho Code and Administrative Code. Since the creation of the accountability provisions in 1997 there have been many changes at both the state and federal level. The current changes at the federal level with the reauthorization of the Elementary Secondary Education Act through the Every Student Succeeds Act provide the state with the opportunity to develop a single accountability system that meets both the state and federal accountability needs.

In January 2016, the State Board of Education Accountability Oversight Committee was charged with bringing forward recommendations to the Board that were in alignment with the Task Force recommendations for a new state accountability system (Recommendation 5 – 2013) and would meet the federal accountability requirements.

The proposed amendments create a new public school accountability system that incorporates the work of the Accountability Oversight Committee establishing three categories for schools to be grouped for accountability purposes as well as specific indicators for each group of schools. The proposed changes establish the new accountability framework, including all federally required indicators, makes technical corrections, adds and amends defined terms and deletes unnecessary or outdated sections.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, page 28](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1608**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories:
  - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
  - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
  - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
  - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
  - vi. World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d. English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)

- f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

**02.** **The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03.** **The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04.** ***The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov.*** (4-7-11)

**054.** **The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-14-16)T

**065.** **The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)

**076.** **The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-12)

**087.** **The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**098.** **The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**007. DEFINITIONS A - G.**

**01.** **Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and ~~“beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” level one (1) through level six (6)~~ on ~~the~~ Idaho’s English language assessment ~~IELA~~ by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level

descriptors or PLDs, and are provided by performance level, by content area, and by grade.

(4-2-08)(      )

**02. Advanced Opportunities.** Are defined as Advanced Placement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. (3-25-16)

**03. Advanced Placement® (AP) - College Board.** The Advanced Placement Program is administered by the College Board at <http://www.collegeboard.com>. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (4-11-06)

**04. All Students.** All students means all public school students, grades K-12. (4-11-06)

**05. Alternative Assessment (Other Ways of Testing).** Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (4-5-00)

**06. Assessment.** The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

**07. Assessment Standards.** Statements setting forth guidelines for evaluating student work, as in the "Standards for the Assessment of Reading and Writing." (4-5-00)

**08. Asynchronous Course.** An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school computer lab. (4-4-13)

**09. Authentic.** Something that is meaningful because it reflects or engages the real world. An "authentic task" asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (4-5-00)

**10. Basic Educational Skills Training.** Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (4-5-00)

**11. Classic Texts.** Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (4-5-00)

**12. Content Standards.** Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. (4-2-08)

**13. Context (of a Performance Assessment).** The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00)

**14. Cooperative Work Experience.** Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00)

**15. Criteria.** Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become

rubrics or scoring guides. (4-5-00)

**16. Cues.** Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics—the knowledge readers have about the ways in which language is understood by others in their culture. (4-5-00)

**17. "C" Average.** A combined average of courses taken on a four (4) point scale with "C" equal to two (2) points. (4-11-06)

**18. Decode.** (4-5-00)

a. To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (4-5-00)

b. To change communication signals into messages, as to decode body language. (4-5-00)

**19. Dual Credit.** Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student's permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06)

**20. Emergent Literacy.** Development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing. (4-5-00)

**21. Employability Skills.** Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00)

**22. Entry-Level Skills.** The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

**23. Evaluation (Student).** Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

**24. Experiential Education (Application).** Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

**25. Exploratory Experience (Similar to a Job Shadow).** An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

**26. Fluency.** The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (4-5-00)

**27. Genre (Types of Literature).** A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

**28. Graphophonic/Graphophonemic.** One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

**008. DEFINITIONS H - S.**

**01.** **Idaho Standards Achievement Tests.** Statewide assessments aligned to the state content standards and used to measure a student's knowledge of the applicable content standards. ( )

**02.** **Interdisciplinary or Integrated Assessment.** Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

**023.** **International Baccalaureate (IB)** - Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

**034.** **Laboratory.** A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

**045.** **Learning Plan.** The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, career-technical education (CTE), or humanities aligned with the student's post graduation goals. (4-11-06)

**056.** **Narrative.** Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

**067.** **Norm-Referenced Assessment.** Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

**078.** **On-Demand Assessment.** Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

**089.** **Performance Assessment.** Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

**0910.** **Performance-Based Assessment.** The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

**101.** **Performance Criteria.** A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

**112.** **Phonics.** Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

**123.** **Portfolio.** A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

**134.** **Professional Development.** A comprehensive, sustained, timely, and intensive process to improve effectiveness of teachers and administrators in raising student achievement, which: (4-4-13)

a. Aligns with rigorous state academic achievement standards, local educational agency goals, school improvement goals, effective technology integration, and Common Core standards. (4-4-13)

**b.** Utilizes data driven instruction using a thorough review and continual evaluation of data on teacher and student performance to define clear goals and distinct outcomes. (4-4-13)

**c.** Provides opportunities that are individualized enough to meet distinct and diverse levels of need for teachers and administrators. (4-4-13)

**d.** Is facilitated by well-prepared school administrators, coaches, mentors, master teachers, lead teachers, or third-party providers under contract with the State Department of Education, school district, or charter school, and supported by external research, expertise, or resources. (4-4-13)

**e.** Fosters a collective responsibility by educators within the school for improved student performance and develops a professional learning community. (4-4-13)

**145.** **Print Awareness.** In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

**156.** **Careertechnical Education.** Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

**167.** **Proficiency.** Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

**178.** **School-to-Work Transition.** A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

**189.** **Service Learning.** Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

**1920.** **Skill Certificate.** Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

**201.** **Standards.** Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

**242.** **Standardization.** A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

**223.** **Standards-Based Education.** Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

**234.** **Structured Work Experience.** A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is

supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

**245.** **Student Learning Goals (Outcomes).** Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

**256.** **Synchronous Course.** A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**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., 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 Idaho's English language assessment in lieu of the English language ISAT, but will still be required to take the ISAT (Mathematics and Science). 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 accountability purposes as described in Subsection 112.03. (4-11-15)()

**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.h. 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, Idaho Alternate Assessment, Idaho English Language Assessment. (4-11-15)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)()

e. Grade 4 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)()

f. Grade 5 - Grade 5 Idaho Standards Achievement Tests in English language usage, mathematics.

and science, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)( )

g. Grade 6 - Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment in English language usage and mathematics, Idaho English Language Assessment. (3-29-12)( )

h. Grade 7 - Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment in English language usage, mathematics, and science, Idaho English Language Assessment. (3-29-12)( )

i. Grade 8 - National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)( )

j. Grade 9 - Grade 9 High School Idaho Standards Achievement Tests (optional at the discretion of the school district or charter school), 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. (4-11-15)( )

m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)

n. Students are required to take a high school End of Course Assessment in science provided by the state and administered by the district as applicable to the course completed by the students. (4-11-15)( )

o. 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 33-161~~45~~, 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 in the Spring in a time period specified by the State Board of Education. (4-11-15)

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's 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. (4-11-15)*

**b.a.** 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-~~98~~ 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)

**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. School district, charter school district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement. The state accountability framework will be used to meet both state and federal school accountability requirements and will be broken up by school category and include measures of student academic achievement and school quality as determined by the State Board of Education.* (3-20-04)

**01. School Category.** ( )

a. Kindergarten through grade eight (K-8). Schools in this category include elementary and middle schools as defined in Subsection 112.05.f. ( )

b. High Schools, not designated as alternative high schools, as defined in Subsection 112.05.f. ( )

c. Alternative high schools. ( )

**02. Academic Measures by School Category.** ( )

a. K-8. ( )

i. Idaho Standards Achievement Tests (ISAT) Proficiency. ( )

ii. ISAT growth toward proficiency based on a trajectory model approved by the state board of education. ( )

iii. ISAT proficiency gap closure. ( )

iv. Idaho statewide reading assessment proficiency. ( )

v. English Learners achieving English language proficiency. ( )

vi. English Learners achieving English language growth toward proficiency. ( )

b. High school. ( )

i. ISAT proficiency. ( )

ii. ISAT proficiency gap closure. ( )

iii. English Learners achieving English language proficiency. ( )

iv. English Learners achieving English language growth toward proficiency. ( )

v. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )

vi. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )

c. Alternative high school. ( )

i. ISAT proficiency. ( )

ii. English Learners achieving English language proficiency. ( )

- iii. English Learners achieving English language growth towards proficiency. ( )
- iv. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )
- v. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )
- 03. School Quality Measures by School Category.** ( )
- a. K-8. ( )
- i. Students in grade 8 enrolled in pre-algebra or higher. ( )
- ii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ( )
- iii. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ( )
- b. High school. ( )
- i. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. ( )
- ii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ( )
- iii. Students in grade 9 enrolled in algebra I or higher. ( )
- iv. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ( )
- c. Alternative high school. ( )
- i. Credit recovery and accumulation. ( )
- ii. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. ( )
- iii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ( )
- iv. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ( )
- 04. Reporting.** Methodologies for reporting measures and determining performance will be set by the State Board of Education. ( )
- 05. Annual Measurable Progress Definitions.** For purposes of calculating and reporting progress, the following definitions shall be applied. ( )
- 04a.** 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)

**#2b.** IELA Idaho's English Language Assessment Proficiency Levels. There are five six (56) levels of language proficiency for students testing on the Idaho English Language Assessment: beginning, advanced beginning, intermediate, early fluent, and fluent Level 1, Level 2, Level 3, Level 4, Level 5, and Level 6. Definitions for these levels of language proficiency are adopted by reference in Subsections 004.02 and 004.04. (4-2-08)

**#3c.** Adequate Yearly Progress (AYP) Annual Measurable Progress. (3-20-04)

**a.i.** ISAT Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

**b.ii.** 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. (4-7-14)

**e.iii.** The State Board of Education will set long-term goals and measurements of interim progress targets toward those goals. The baseline for AYP determining measurable student progress will be set by the State Board of Education and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

**4.** Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

**#d.** 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 progress in any statewide assessment used for determining 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. (4-7-14)

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 progress in any statewide assessment used for determining proficiency. (4-2-08)

**#e.** 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 measurable progress in ISAT proficiency. 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)

**e.f.** Schools. Schools refers to any school within a school district or charter school district and public charter 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. An alternative high school is any school that contains grade twelve (12) and meets the requirements of Section 110 of these rules. ( )

v. 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)

vi. A “new school” for purposes of accountability is a wholly new entity receiving APP annual measurable progress 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)

**g.** 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 proficient on the state-approved language proficiency test and meet one (1) of the following criteria: (4-11-15)

(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.h.** Graduation Rate. The graduation rate will be based on the rate of the cohort of students entering grade nine (9) during the same academic year and attending or exiting the school within a four (4) year or five (5) year period as applicable to the measure being determined. In determining the graduation cohort the school year shall include the students who complete graduation requirements prior to the start of the school district or charter schools

next fall term. School districts may only report students as having graduated if the student has met, at a minimum, the state graduation requirements, pursuant to Section 105, and will not be returning to the school in following years to complete required academic course work. 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 subgroups listed in Subsection 112.04.d. in the event the "safe harbor" is invoked by the school/district. (4-7-14)()

**f1.** Additional Academic Indicator. The State Board of Education will establish a target for an all additional academic indicator and school quality measures. All elementary and middle schools must maintain or make progress toward the additional academic indicator and school quality measure target each year. The additional academic indicator and school quality measure targets 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)()

**056. 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 Idaho's English language assessment 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)

**113. Rewards. (RESERVED)**

**01.** Distinguished Schools. Distinguished School Awards are designed to recognize the highest performing schools. A school shall be recognized as a "Distinguished School" based on the following criteria: (3-20-14)

a. Achieved a Five Star Rating for at least two (2) out of the last three (3) years; (3-20-14)

b. Received no less than a Four Star Rating in the last three years; (3-20-14)

c. Meet the Annual Measurable Objectives (AMOs) in all subjects for overall students and all subgroups as outlined in Subsection 112.04.d. (3-20-14)

d. Be among the top five percent (5%) of schools in all students proficiency; and (3-20-14)

e. Be among the top ten percent (10%) of schools in the proficiency gaps between the highest and lowest achieving subgroups and between the at-risk and not at risk subgroups. (3-20-14)

**02.** Determination by State Department of Education. The State Board of Education will determine the schools eligible for the Distinguished School award each year based upon the criteria outlined in Subsection 113.01. The State Department of Education will provide the list of schools meeting the specified criteria to the State Board of Education no later than August 30th of each year. The State Board of Education will recognize the schools no later than the annual October Board Meeting. (3-20-14)

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

**01.** Accountability Measures and Timelines. Accountability measures and timelines will be

determined by the state board of education for school districts and schools who fail to meet annual measurable progress. ( )

**042.** **Compliance with Federal Law.** All schools and local educational agencies in this state shall comply with applicable federal laws governing specific federal grants. (4-6-05)

a. With respect to schools and local educational agencies in this state that receive federal grants under title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 Every Student Succeeds Act of 2015 (Title I schools), the State Department of Education shall develop procedures for approval by the State Board of Education, consistent with federal law, that describe actions to be taken by local educational agencies and schools in this state in regard to schools that fail to meet AYP interim and long-term progress goals. (4-6-05) ( )

b. With respect to schools and local educational agencies in this state that do not receive federal grants under Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 Every Student Succeeds Act of 2015, such non-Title I schools and local educational agencies shall be required to comply with federal law and state requirements with the procedures relating to failure to meet AYP interim and long-term progress goals as provided in Subsection 114.01.a. of this rule, as if they were Title I schools, except that any provisions relating to the use of federal grants to pay for such expenses shall not be applicable to such non-Title I schools and local educational agencies. In such event, non-title I schools shall be required to fund such compliance costs from general operating funds. (4-6-05) ( )

**023.** **State Department of Education.** With respect to the implementation of duties responsibilities described under Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 Every Student Succeeds Act of 2015, that are applicable to a state educational agency, the State Department of Education shall perform such duties and responsibilities delegated by the State Board of Education, including, but not limited to, making technical assistance available to local educational agencies that fail to meet AYP as required under federal law interim and long-term goals, and for providing technical assistance, developing improvement plans, and providing for mandatory corrective actions to local educational agencies as required under federal law and state law. (4-6-05) ( )

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.03 – RULES GOVERNING THOROUGHNESS**  
**DOCKET NO. 08-0203-1609**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-118, 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:

This rulemaking eliminates proficiency on the Idaho Standards Achievement Test (ISAT) as a graduation requirement from Idaho's public schools and clarifies the current language to allow students to earn credits toward graduation through mastery of content.

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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 309-313](#).

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

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

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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, 33-116, 33-118, 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

**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 19, 2016.

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

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

The proposed amendments to IDAPA 08.02.03.105.06 eliminate proficiency on the Idaho Standards Achievement Test (ISAT) as a graduation requirement from Idaho's public schools and adds clarification to the current language allowing students to earn credits toward graduation through mastery of content.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, page 29](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1609**

**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. ~~4 Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA.~~ (3-29-10)(~~4~~)

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

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

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

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

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

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

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

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

**e.** Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

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

**f.** Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and

world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

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

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

**i.** Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (4-1-15)

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

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

**a.** A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students graduating prior to 2017 may also use the Compass to meet this requirement. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-25-16)

i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)

ii. Was homeschooled during grade eleven (11); or (3-12-14)

iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

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

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

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

**05. Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met.

(3-25-16)

- a. The student completes such course with a grade of C or higher before entering grade nine (9);  
(3-12-14)
- b. The course meets the same content standards that are required in high school for the same course;  
and  
(3-25-16)
- c. The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught.  
(3-25-16)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule.  
(3-25-16)

**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 unless specifically exempted from doing so as contained herein. Students who will graduate in 2016 and who received a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting this graduation requirement. A student who does not attain at least a proficient score prior to graduation will be given an opportunity to demonstrate proficiency of the content standards through a 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 ten (10) Idaho Standards Achievement Test prior to 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. Alternate plans that are not in conformance with the requirements of Subsection 105.06.b shall be returned to the LEA and must be resubmitted in conformance with the requirements contained herein prior to students attempting the alternate plan. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. The LEA must provide a descriptive summary of how each measure is aligned to the grade ten (10), or higher, state content standards and shows students proficiency. The Board may request plans to be submitted in a common format or request additional information as necessary to determine plans are in conformance with these rules.*  
(3-25-16)

- a. *Before entering an alternate plan, the student must be:*  
(3-25-16)
- i. *Enrolled in a special education program and have an Individual Education Plan (IEP); or*  
(3-20-04)
- ii. *Enrolled in a 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, if alternate paths are available to the student within the LEA's alternate plan, each path must contain multiple measures;*  
(3-25-16)
- 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;* (3-25-16)
- v. *Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance;* (3-25-16)
- vi. *At least one (1) measure must utilize an externally reviewed, validated assessment as the evaluation tool; and* (3-25-16)
- vii. *Measures may not be duplicative of the State graduation requirements.* (3-25-16)
- e. *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)
  - v. *The student will graduate in 2017 and completed the grade ten (10) ISAT in math, reading and language usage in 2015.* (3-25-16)
  - vi. *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)

**076. 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)

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

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.03 – RULES GOVERNING THOROUGHNESS**  
**DOCKET NO. 08-0203-1610**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211, Idaho Code.

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

This rulemaking incorporates by reference the current Career Technical Education (CTE) content standards, approved by the Board at the June 2016 Board meeting, into administrative rule in a similar fashion as the existing non-career technical (academic) content standards. The standards being incorporated are the existing CTE content standards that are currently being used by Idaho public secondary CTE 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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 314-316](#).

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

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

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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, 33-116, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

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

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

The proposed amendments would incorporate by reference the current Career Technical Education (CTE) content standards into administrative rule as part of the existing academic content standards. The standards being incorporated by reference are the existing CTE content standards that are currently being used by our secondary CTE programs, these standards had not been formally approved by the State Board of Education in the past. As part of the rulemaking process, these standards were approved by the Board at the June 2016 Board meeting.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 53](#).

**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 standards being incorporated by reference are standards currently used by the Division of Career-Technical Education that have not previously been incorporated by reference.

**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 the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1610**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories:
  - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
  - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
  - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
  - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
  - vi. World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d. English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- k. Career Technical Education Categories:** (\_\_\_\_)
  - i. Agricultural and Natural Resources, as adopted on June 16, 2016. (\_\_\_\_)
  - ii. Business and Marketing Education, as adopted on June 16, 2016. (\_\_\_\_)
  - iii. Engineering and Technology Education, as adopted on June 16, 2016. (\_\_\_\_)
  - iv. Family and Consumer Sciences, as adopted on June 16, 2016. (\_\_\_\_)
  - v. Skilled and Technical Sciences, as adopted on June 16, 2016. (\_\_\_\_)
  - vi. Workplace Readiness, as adopted on June 16, 2016. (\_\_\_\_)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards.** Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)

**07. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-12)

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.02.03 – RULES GOVERNING THOROUGHNESS**  
**DOCKET NO. 08-0203-1611**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 33-1602, 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 rulemaking clarifies that in addition to the “civics test” defined in Section 33-1602, Idaho Code, a school district may choose an alternate path through single or multiple measures for a student to show they have met the state civics and government content standards.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 317-322](#).

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

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

DATED this 2nd day of November, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1602, 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 19, 2016.

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 proposed rule amendments adds new Subsection 105.05 to the rule clarifying that in addition to the "civics test" defined in Section 33-1602, Idaho Code, a school district may choose an alternate path through single or multiple measures for a student to show they have met the state civics and government content standards.

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

During the 2015 legislative session, changes were made to Section 33-1602, Idaho Code, requiring students to show they could meet the Idaho civics and government content standards either through the "civics test" or an alternate measure determined by the school district. During the 2016 legislative session it was discovered that districts did not understand what was allowed under the alternate measure. During the 2016 legislative session additional amendments were made to Section 33-1602, Idaho Code, specifying that the applicability of this subsection to a pupil who receives special education services is governed by the pupil's individualized education plan (IEP). While this language provided some additional clarification showing that the "alternate path determined by the school district" was different than provisions applied to student on an IEP, Board staff were asked to still provide additional clarification through administrative rule. The temporary rule provides that clarification in compliance with Section 33-1602, Idaho Code.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, page 54](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

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

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1611**

**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. (4-1-15)

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

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

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students graduating prior to 2017 may also use the Compass to meet this requirement. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-25-16)

i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)

ii. Was homeschooled during grade eleven (11); or (3-12-14)

iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

b. A student may elect an exemption in grade eleven (11) from the college entrance exam requirement

if the student is: (3-12-14)

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

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

**05. Civics and Government Proficiency.** Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. ( )

**056. Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met. (3-25-16)

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

b. The course meets the same content standards that are required in high school for the same course; and (3-25-16)

c. The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule. (3-25-16)

**067. 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 unless specifically exempted from doing so as contained herein. Students who will graduate in 2016 and who received a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting this graduation requirement. A student who does not attain at least a proficient score prior to graduation will be given an opportunity to demonstrate proficiency of the content standards through a 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 ten (10) Idaho Standards Achievement Test prior to 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. Alternate plans that are not in conformance with the requirements of Subsection 105.06.b shall be returned to the LEA and must be resubmitted in conformance with the requirements contained herein prior to students attempting the alternate plan. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. The LEA must provide a descriptive summary of how each measure is

aligned to the grade ten (10), or higher, state content standards and shows students proficiency. The Board may request plans to be submitted in a common format or request additional information as necessary to determine plans are in conformance with these rules. (3-25-16)

- a. Before entering an alternate plan, the student must be: (3-25-16)
    - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
    - ii. Enrolled in a 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, if alternate paths are available to the student within the LEA's alternate plan, each path must contain multiple measures; (3-25-16)
    - 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; (3-25-16)
    - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance; (3-25-16)
    - vi. At least one (1) measure must utilize an externally reviewed, validated assessment as the evaluation tool; and (3-25-16)
    - vii. Measures may not be duplicative of the State graduation requirements. (3-25-16)
  - 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)
    - v. The student will graduate in 2017 and completed the grade ten (10) ISAT in math, reading and language usage in 2015. (3-25-16)
  - 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)
- 078.** **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)

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

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

### **08.02.05 – RULES GOVERNING PAY FOR SUCCESS CONTRACTING**

**DOCKET NO. 08-0205-1601 (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 2017 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 33-125B, 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 33-125B, Idaho Code, was enacted by HB 170 (2015), and provides for an alternative means of fostering innovation in Idaho's schools and allows for a method by which the state could enter into an agreement with a private entity, whereby the entity bears the sole burden of financing the cost of a program up front and the state pays based on outcomes that are negotiated prior to entering into the contract. Additionally, Section 33-125B, Idaho Code, establishes an oversight committee to review the proposal and indicate whether or not the Department of Education should commence negotiations.

Based on the first year the Pay for Success Contracting was available, it has been determined that there was a need to outline the process and timelines for proposal reviews.

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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 323-327](#).

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

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

DATED this 2nd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 Section 33-125B, 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 19, 2016.

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:

Section 33-125B, Idaho Code, (enacted by HB 170 (2015)) is intended to provide for an alternative means of fostering innovation in Idaho's schools and to allow for the state to enter into an agreement with a private entity wherein the entity bears the sole burden of financing the cost of a program up front and the state pays based on outcomes that are negotiated prior to entering into the contract. Additionally, Section 33-125B, Idaho Code, establishes an oversight committee to review the proposal and determine whether or not the Department of Education should commence negotiations.

Based on the first year the Pay for Success Contracting was available, it has been determined that there was a need to outline the process and timelines for proposal reviews. The proposed rule would create a new section of Administrative Code outlining these processes.

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

No changes are being made to the existing fee schedule.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, page 30](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0205-1601**

**IDAPA 08  
TITLE 02  
CHAPTER 05**

**08.02.05 - RULES GOVERNING PAY FOR SUCCESS CONTRACTING**

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-125B(8), Idaho Code, the State Board of Education may promulgate rules implementing the provisions of Section 33-125B, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01.** **Title.** These rules shall be cited as IDAPA 08.02.05, "Rules Governing Pay for Success Contracting." ( )

**02.** **Scope.** These rules constitute the requirements for Pay for Success Contracting. ( )

**002. WRITTEN INTERPRETATIONS.**

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

**003. ADMINISTRATIVE APPEALS.**

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

**004. INCORPORATION BY REFERENCE.**

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

**005. OFFICE INFORMATION.**

**01. State Department of Education Office Hours and Contact Information.** The offices of the Department are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. ( )

**a.** Street Address. The offices of the Department are located at 650 W. State Street, Boise, Idaho. ( )

**b.** Mailing Address. The mailing address of the Department is P.O. Box 83720, Boise, Idaho 83720-0027. ( )

**c.** Electronic Address. The electronic address of the Department of Education is [www.sde.idaho.gov](http://www.sde.idaho.gov). ( )

**d.** Telephone Number. The telephone number of the Department is (208) 332-6800. ( )

**e.** Facsimile. The facsimile number of the Department is (208) 334-2228. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. ( )

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

**010. DEFINITIONS.**

- 01.** **Board.** The State Board of Education. ( )
- 02.** **Department.** The State Department of Education. ( )
- 03.** **Oversight Committee.** Committee formed pursuant to Section 33-125B(6), Idaho Code, to evaluate pay for success contracting proposals. ( )
- 04.** **Pay for Success Contracting.** Contracting for services with private entities whereby services are reimbursed based on the achievement of outcomes pursuant to Section 33-125B, Idaho Code. ( )

**011. -- 100. (RESERVED)**

**101. INITIATING CONTRACTING.**

Contracting may be initiated through two (2) separate routes. ( )

**01. Initiated by Department.** The Department may issue a request for information upon identification of a need for a service; or ( )

**02. Initiated by Interested Party.** An interested party or service provider may identify a need for service and submit a proposal to the State Department of Education. Proposals must include a letter of intent to participate in a pay for success contract and must include the following information: ( )

- a.** Special service(s) that the service provider will provide; ( )
- b.** How the services will enhance student academic achievement; ( )
- c.** Source of education funding from which savings will be realized; ( )
- d.** Identity of one (1) or more qualified external evaluators; ( )
- e.** Provide external evaluator's qualifications and expertise as required pursuant to Section 33-125B, Idaho Code; and ( )
- f.** Identify local education agencies (LEA) that have expressed interest in participating in the service and documentation that LEA meets the requirements pursuant to Section 33-125B, Idaho Code. ( )

**03. Additional Information.** As part of the review process, the oversight committee may request additional information. ( )

**04. Format.** Proposals may be submitted in electronic or hard copy format. ( )

**102. PROPOSAL EVALUATION.**

**01. Timeline.** ( )

**a.** Within five (5) business days of receipt of the complete proposal, the proposal will be forwarded electronically to the oversight committee. ( )

**b.** After receiving the proposal, the oversight committee will determine if additional information is needed to evaluate the proposal. The oversight committee will request additional information from the interested party within thirty (30) days of receiving the initial proposal. ( )

c. The interested party shall respond to a request for additional information within fifteen (15) days of receiving the request. ( )

i. Requests for additional response time may be granted at the discretion of the oversight committee. ( )

ii. If the interested party fails to respond or additional information is not received within the specified time, the oversight committee may reject the proposal without further consideration. ( )

d. The oversight committee shall hold an initial meeting either in-person, telephonically, or by other means to consider the merits of the proposal within forty-five (45) days of receipt of the proposal. ( )

e. The oversight committee chair shall inform the Department designated staff person, and the interested party, of its decision on a proposal within ninety (90) days of receipt of the complete proposal. ( )

**02. Oversight Committee Action.** Following consideration of a proposal, the oversight committee shall take one (1) of the following actions: ( )

a. Require the Department to start negotiations with the interested party; ( )

b. Require the Department to start negotiations with the interested party, subject to conditions imposed by the oversight committee; ( )

c. Reject the proposal with suggestions for improving the proposal prior to considering resubmittal, or; ( )

d. Reject the proposal. ( )

**03. Proposal Resubmittal.** Proposals that have been rejected may be resubmitted for consideration if amendments have been made to the proposal or additional information has been added for the oversight committee's consideration. ( )

### **103. CONTRACT NEGOTIATIONS.**

**01. Negotiation Teams.** Contract negotiations for accepted proposals shall involve the following individuals: ( )

a. The Department chief budget officer or designee; ( )

b. One (1) or more individuals with a background in complex financial instruments; ( )

c. One (1) or more individuals with a background in complex financial instruments, at least one (1) of which will be from the state treasurer's office or the state endowment fund board; ( )

d. One (1) or more financial officers from a local education agency. In the event a local education agency has already been identified to participate in the proposal, the chief financial officer for the local education agency shall participate. ( )

e. One (1) or more individuals representing the interested party. ( )

**02. Negotiation Timeline.** Negotiations shall be completed within ninety (90) days unless extended by the oversight committee. To be extended by the oversight committee, the committee must determine that all parties have made a best effort to negotiate the contract. ( )

**03. Negotiation Updates.** The Department shall provide regular contract negotiation updates to the oversight committee, not less than every thirty (30) days during contract negotiations. Failure to negotiate mutually agreeable terms within ninety (90) days shall be reported to the oversight committee. The committee may extend the

timeline for negotiations, appoint a new negotiations team or terminate the negotiations. ( )

**04. Time Tracking.** State employees' time spent on the evaluation or negotiation shall be tracked and recorded on a per proposal basis and be provided to the oversight committee, or to other interested parties upon request. ( )

**104. CONTRACT MONITORING.**

Contract monitoring reports will be submitted to the oversight committee by the Department in a timeline and format established by the oversight committee. ( )

**105. -- 999. (RESERVED)**

**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.05.01 – RULES GOVERNING SEED AND PLANT CERTIFICATION**  
**DOCKET NO. 08-0501-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 22-1504, Idaho Code.

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

The Idaho Crop Improvement Association (ICIA) identified a need for the Idaho Rapeseed/Canola/Mustard certification standards to be updated. Through the ICIA's annual review process, the ICIA identified an amendment to the Rapeseed/Canola/ Mustard Certification Standards that would help to make these seeds produced in Idaho be more competitive. This rulemaking incorporates by reference the updated version of the Idaho Rapeseed/Canola/ Mustard certification standards. The new standards adds a limit for allowable sclerotinia bodies where previously there was none.

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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 328-330](#).

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

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

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 Section 22-1504, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

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 Idaho Crop Improvement Association (ICIA) identified a need for the Idaho Rapeseed/Canola/Mustard certification standards to be updated. Through the ICIA's annual review process, the ICIA identified an amendment to the Rapeseed/Canola/ Mustard Certification Standards that would help to make these seeds produced in Idaho be more competitive. The amendment to the rule would update the currently incorporated version of the Idaho Rapeseed/Canola/Mustard certification standards with a new standard. The amendment to the standards adds a limit for allowable sclerotinia bodies where previously there was none.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was determined that it was not feasible. The proposed amendments to the standards were negotiated through the Idaho Crop Improvement Association's standards review committee and then reviewed by the Idaho Department of Agriculture. The process of negotiating the standards outside of this process would be a duplication of effort.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The seed and crop standards are incorporated by reference into administrative rule pursuant to Idaho Code Title 22 Chapter 15.

**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 26, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0501-1601**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (4-6-15)

**01. Prohibited Noxious Seed in Idaho Certified Seed.** The standard Prohibited Noxious Seed in Idaho Certified Seed of the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**02. Seed Certification Fee & Application Schedule.** The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on July 11, 2014. (4-6-15)

**03. Idaho Alfalfa Certification Standards.** The Idaho Alfalfa Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**04. Idaho Bean Certification Standards.** The Idaho Bean Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**05. Idaho Red Clover Certification Standards.** The Idaho Red Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**06. Idaho Chickpea Certification Standards.** The Idaho Chickpea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**07. Idaho Grain Certification Standards.** The Idaho Grain Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**08. Idaho Grass Certification Standards.** The Idaho Grass Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**09. Idaho Rapeseed/Canola/Mustard Certification Standards.** The Idaho Rapeseed/Canola/Mustard Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015 April 26, 2016. (3-25-16)

**10. Idaho Potato Certification Standards.** The Idaho Potato Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**11. Pre-Variety Germplasm Certification Regulations in Idaho.** The Pre-variety Germplasm Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**12. Idaho Lentil Certification Standards.** The Idaho Lentil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**13. Idaho Blue Flax Certification Standards.** The Idaho Blue Flax Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**14. Idaho Milkvetch Certification Standards.** The Idaho Milkvetch Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**15. Idaho Pea Certification Standards.** The Idaho Pea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**16. Idaho Sanfoin Certification Standards.** The Idaho Sanfoin Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**17. Idaho Birdsfoot Trefoil Certification Standards.** The Idaho Birdsfoot Trefoil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**18. Idaho White Clover Certification Standards.** The Idaho White Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**19. Idaho Penstemon Certification Standards.** The Idaho Penstemon Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

## **IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION**

### **47.01.01 – RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION**

**DOCKET NO. 47-0101-1601**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-2211, and 33-2301, Idaho Code, and the Rehabilitation Act of 1973 and all subsequent amendments.

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

The Idaho Division of Vocational Rehabilitation (IDVR) Field Services Policy Manual contains internal processes to IDVR, as well as eligibility and program requirements for the people and agencies IDVR serves. This rulemaking incorporates by reference the updated manual as approved by the State Board of Education on August 11, 2016.

Additional amendments are being made to update references to the Workforce Innovation and Opportunity Act and update the Order of Selection procedures with federal guidelines and best practices.

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 5th, 2016 Idaho Administrative Bulletin, [Vol.16-10, pages 752-755](#).

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

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

DATED this 3rd day of December, 2016

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 33-2211, and 33-2301, Idaho Code, and the Rehabilitation Act of 1973 and all subsequent amendments.

**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 19, 2016.

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 Idaho Division of Vocational Rehabilitation (IDVR) Field Services Policy Manual contains internal processes to IDVR as well as eligibility and program requirements for the people and agencies IDVR serves. Currently this manual is incorporated by reference into Idaho Administrative Code, IDAPA 47.01.01. When a document is incorporated by reference into administrative rule it has the force and effect of law and can only be changed through the rulemaking process. Proposed amendments update reference to governing federal regulation by replacing the Workforce Investment Act with the Workforce Innovation and Opportunity Act, to update the Order of Selection Process to current standards in compliance with federal regulations, and updates the Field Services Policy Manual with the amendments approved by the State Board of Education on August 11, 2016. Amendments to the Field Services Policy Manual included technical corrections, removal of outdated references, updates of definitions or new definitions in compliance with federal regulations, clarification to review and assessment data used for eligibility determinations, determination of significance of disability, and the removal of process internal to the agency.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, **Vol. 16-6, pages 57**.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 47-0101-1601**

**001. TITLE AND SCOPE.**

**01.** **Title.** The title of this chapter is IDAPA 47.01.01, “Rules of the Idaho Division of Vocational Rehabilitation.” (5-3-03)

**02.** **Scope.** The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the *1998 Amendments of the Rehabilitation Act of 1973, as amended*. (4-5-00)(        )

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. INCORPORATION BY REFERENCE.**

**01.** **General.** Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

**02.** **Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (3-30-01)

- a. All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)
- b. Idaho Division of Vocational Rehabilitation Field Services Policy Manual, [approved](#) August 131, 20156, available for review on the website at <http://www.vr.idaho.gov/>. (*3-25-16*)(        )
- c. Workforce [Investment Innovation and Opportunity Act \(WIOA\)](#), Public Law [105-220](#) [113-128](#). (*5-3-03*)(        )
- d. Federal Register, Department of Education, 34 CFR Parts 361-363 [and 397](#). (*2-17-09*)(        )
- e. The Rehabilitation Act of 1973, as amended. (2-17-09)

**03.** **Availability of Reference Material.** Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.02. (2-17-09)

**005. -- 009. (RESERVED)**

**010. DEFINITIONS.**

- 01.** **Authorization ~~to~~ for Purchase.** A purchase order issued on behalf of the Division. (*5-3-03*)(        )
- 02.** **CFR.** Code of Federal Regulations. (7-1-93)
- 03.** **Customer.** Any individual who has applied for or is eligible for Vocational Rehabilitation services. (7-1-13)

04. **Designated State Agency.** The Idaho State Board of Education. (5-3-03)
05. **Designated State Unit.** The Idaho Division of Vocational Rehabilitation. (7-1-93)
06. **IDVR.** The Idaho Division of Vocational Rehabilitation. (4-5-00)
07. **IPE.** Individualized Plan for Employment. (4-5-00)
08. **Most Significant Disability (MSD).** Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and defined in 34CFR Part 361.5 (b) 30 and is further defined as: (2-17-09)

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits three (3) or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and (7-1-13)

b. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (3-20-04)

09. **Method of Written Notification.** The written notification of findings and conclusions arising from an Informal Dispute Resolution, Mediation, or Fair Hearing, shall be served to the customer via the U.S. Postal Service. (7-1-13)()

10. **PM.** Policy Memorandum. (5-3-03)
11. **RSA.** Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)
12. **State Administrator.** The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (4-5-00)
13. **VRC.** Vocational Rehabilitation Counselor. (5-3-03)

**011. -- 099. (RESERVED)**

**100. CUSTOMER APPEALS.**

In accordance with 34 CFR Part 361.57, the customer appeals process is governed by Section 100 through 103 of these rules and is outlined in the Division's agency Field Services Policy Manual on the website at <http://www.vr.idaho.gov/> that is incorporated by reference into these rules in Subsection 004.02.b. (7-1-13)()

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. ORDER OF SELECTION.**

*The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible customers due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority one (Priority Number 1) being the most restrictive and priority four (Priority Number 4) being the least restrictive.* (7-1-13)

01. **Order of Selection.** In the event that the Division of Vocational Rehabilitation lacks the personnel or financial resources, or both, to provide the full range of vocational rehabilitation services to all eligible individuals, the following Order of Selection (OOS) will be used to prioritize service provision. ( )

a. **Students with disabilities (as defined by 34 CFR 361.5(c)(51)) who received pre-employment transition services prior to eligibility determination and assignment to a priority category shall continue to receive such services.** ( )

**b.** All customers who have an Individualized Plan for Employment (IPE) will continue to be served. ( )

**02.** Priority Status. Priority will be given to eligible individuals with the most significant disabilities, followed by those eligible individuals with significant disabilities, and finally those eligible individuals with disabilities. All eligible customers will be assigned to one (1) of the following priority categories: ( )

**01a.** Priority Number 1. At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized plan for employment (IPE) will continue to be served Eligible individuals with the Most Significant Disabilities (MSD). (5-3-03)( )

**02b.** Priority Number 2. At the time that a decision to move to an order of selection is made, it is determined that only those customers in Priority Number 1 above and current and future, otherwise eligible, customers rated to this or a more restrictive priority can be served. Customers meeting this priority rating are those customers with most significant disabilities Eligible individuals with Significant Disabilities (SD). (7-1-13)( )

**03c.** Priority Number 3. At the time that a decision to move to an order of selection is made, it is determined that only those customers in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, customers rated to this or a more restrictive priority can be served. Customers meeting this priority rating are those customers with significant disabilities All other eligible individuals with Disabilities (D). (7-1-13)( )

**03.** When Unable to Serve Eligible Individuals. If the Idaho Division of Vocational Rehabilitation cannot serve all eligible individuals within a given priority category, individuals will be released from the statewide waitlist based on priority category and date of application. ( )

**04.** Priority Number 4. All eligible customers for Vocational Rehabilitation services (no order of selection in place). (7-1-13)

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

**300. CUSTOMER SERVICES.**

**01.** Provision of Purchased Services Contingent Upon Financial Need of the Customer. The Idaho Division of Vocational Rehabilitation will apply a financial needs assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in allocating the cost of VR services, with some exceptions. (7-1-13)

**02.** Authorization to for Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or on, the beginning date of service. If services are provided without a Division approved authorization to for purchase, the Division reserves the right to not honor the vendor's invoice. (5-3-03)( )

**03.** General Provisions. Idaho Division of Vocational Rehabilitation will only pay for services that contribute to the determination of eligibility or to achieve an employment outcome. (3-20-04)

**04.** Residency Requirement. There is no duration of residency requirement. The customer must be living in the state of Idaho and legally be able to work within the United States (i.e., non U.S. citizens must show they are legally able to work within the United States). (7-1-13)( )

**05.** Provision of CRP (Community Rehabilitation Program) (CRP) Services. IDVR Idaho Division of Vocational Rehabilitation will purchase vocational services from CRPs that are accredited by either Commission Accreditation Rehabilitation Facilities (CARF), the Rehabilitation Accreditation Commission, or Rehabilitation Services Accreditation System (RSAS). In conjunction with the customer, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the customer to achieve an employment outcome. (7-1-13)( )

## **IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION**

### **47.01.02 – RULES AND MINIMUM STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES**

**DOCKET NO. 47-0102-1601**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-2211 and 33-2303, 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 Extended Employment Services Program is a program housed within the Idaho Division of Vocational Rehabilitation (IDVR). This rulemaking clarifies that the Extended Employment Services are a specific program separate from federal program managed by IDVR.

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 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 756-764](#).

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

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

DATED this 3rd day of December, 2016.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
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P.O. Box 83720  
Boise, ID 83720-0027  
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#### **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 33-2211 and 33-2303, 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 19, 2016.

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 Extended Employment Services Program is a program housed within the Idaho Division of Vocational Rehabilitation (IDVR). Proposed amendments clarify that the Extended Employment Services are a specific program separate from federal programs managed by IDVR. Additional changes make technical corrections, update references, remove outdated language and update provider qualification and referral process to be in alignment with current best practices, and provide clarification of the “program year.”

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, **Vol. 16-6, pages 58**.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 47-0102-1601**

**000. LEGAL AUTHORITY.**

The following rules and minimum standards for ~~e~~Extended ~~e~~Employment ~~s~~Services are made under sections 33-2211 and 33-2303, Idaho Code. ~~(3-14-07)~~

**001. TITLE AND SCOPE.**

**01. Title.** These rules govern the Extended Employment Services (~~EES~~) ~~P~~rogram of the Idaho Division of Vocation Rehabilitation (IDVR) and are to be cited as IDAPA 47.01.02, Idaho Division of Vocational Rehabilitation, “Rules and Minimum Standards Governing Extended Employment Services.” ~~(3-14-07)~~

**02. Scope.** In accordance with Section 33-2203, Idaho Code, the Extended Employment Services program of IDVR provides services to eligible Clients services customers that are intended to increase opportunities for such Client customers to work in their communities. IDVR The Extended Employment Services (EES) program will contract with providers that have been certified by IDVR approved to provide such services, as provided herein. (3-14-07)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**005. OFFICE INFORMATION.**

**01. Office Hours.** The IDVR administrative Extended Employment Services office is open from 8:00 am until 5:00 pm Monday through Friday. (3-14-07)( )

- 02. Mailing Address.** PO Box 83720, Boise, ID 83720-0096 (3-14-07)
- 03. Street Address.** Len B. Jordan Building, 650 W State Street, Room 150, Boise, Idaho. (3-14-07)
- 04. Telephone.** (208) 334-3390, Fax: (208) 334-5305 TDD: (208) 327-7040. (3-14-07)
- 05. Internet** website at <http://www.vr.idaho.gov/>. (3-14-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

For the purpose of the rules contained in this chapter, the following terms and abbreviations are used as herein defined. (3-14-07)

**01. CARF.** The Rehabilitation Accreditation Commission, an international accrediting body of employment services providers. *The internet website for CARF is http://www.carf.org.* (3-14-07)( )

**02. Client Customer.** An individual residing in the state of Idaho who has applied for, and who is eligible to receive, Extended Employment Services from IDVR EES. A Client customer must be at least eighteen (18) years of age, unless such person is participating as part of a school work transition program, in which case such person must be at least sixteen (16) years of age. (3-14-07)( )

**03. Certified Extended Employment Services (EES) Provider.** A community rehabilitation program services provider, sometimes referred to in these rules as a provider, that has been certified approved by IDVR EES program to provide Extended Employment Services. (3-14-07)( )

**04. Extended Employment Services (EES).** Long term maintenance services that assist Clients customers in maintaining employment, or in gaining employment skills in preparation for community employment, or which provide assistance to adult Clients customers with disabilities within an industrial industry/business community setting or a community rehabilitation program, intended to maintain paid employment. Such services include individual supported employment, group community-based non-integrated supported employment, and work services. (3-14-07)( )

**05. Individual Program Plan.** The EES plan of Extended Employment Services to be provided to individual Clients customers. (3-14-07)( )

**06. Idaho Division of Vocational Rehabilitation (IDVR).** The Idaho Division of Vocational Rehabilitation, a state agency under the Idaho State Board of Education, with administrative oversight of the Extended Employment Services EES program. (3-14-07)( )

07. RSAS. Rehabilitation Services Accreditation Systems, a national accrediting body of vocational services providers. *The internet website for RSAS is <http://www.rsasnet.org>.* (3-14-07) ( )

**011. -- 099. (RESERVED)**

**100. *CERTIFICATION OF PROVIDERS PROGRAM YEAR.***

**01.** *Certification Required.* A provider must apply for and receive certification from IDVR, as provided herein, to provide Extended Employment Services to Clients. Such certification shall be for only the Extended Employment Services Program region in which such provider intends to provide services, and for which approval is granted by IDVR. (3-14-07)

**021.** *Timeline Program Year and Application Submission Date.* For purposes of these rules, the Extended Employment Services EES Pprogram fiscal year is June July 1 of a given year through May 31 June 30 of the next succeeding year. An application for certification EES Provider Agreement for a fiscal year must be submitted on or before the first business day of April May preceding the fiscal year for which certification approval is sought. *A written decision on certification status in regard to such application will be issued by IDVR on or before the first business day of May preceding such fiscal year. If approved by IDVR, certification status for a provider becomes effective on June 1, the first day of such fiscal year. An application that is denied may be reconsidered during the course of a fiscal year if there have been significant developments in a region that require IDVR to add a new or additional provider after June 1. In such event, IDVR will give preference to denied applications based on date of application.* (3-14-07) ( )

**03.** *Criteria.* IDVR will determine to grant or deny certification based on the following criteria: (3-14-07)

*a. The provider must be accredited by CARF or RSAS;* (3-14-07)

*b. The provider must meet and maintain all the requirements for provider qualifications, specified in Section 300 of these rules;* (3-14-07)

**04.** *Grandfather Provision for Current Providers.* Upon the effective date of adoption of these rules, providers that have been paid by IDVR for Extended Employment Services that were provided to Clients during the month of May, 2006, and which comply in all respects with Section 300 of these rules, shall be grandfathered and deemed to be certified to provide Extended Employment Services in the region(s) in which they have provided services during such month. (3-14-07)

**05.** *Duration.* Once certified, an Extended Employment Service Provider (including a provider that is grandfathered under subsection 100.04.05 of these rules) retains certified status unless or until the certification is terminated or revoked by IDVR. (3-14-07)

**101. -- 199. (RESERVED)**

**200. EXTENDED EMPLOYMENT SERVICES PROVIDER AGREEMENT.**

**01. Standard Form.** ( )

**a.** Prior to providing Extended Employment Services, a Certified Extended Employment Services Pprovider shall enter into an annual Extended Employment Services EES Provider Agreement with IDVR the EES program which will specify the terms and conditions of the appointment approval. Such agreement shall be on a standard form approved by IDVR the EES program, after consultation with Certified Extended Employment Services the EES Pproviders. Such EES Provider Agreement shall detail the provider requirements, services, scope of work, other special provisions, and fees. *The EES program will make the EES Provider Agreement available the first business day of April.* (3-14-07) ( )

**b.** Approval to provide EES will be provided by the EES program on or before the first business day of June preceding such fiscal year. If approved by the EES program, a provider is eligible to deliver EES effective

July 1, the first day of such fiscal year. An agreement that is denied may be reconsidered during the course of a fiscal year. The EES program has the discretion to add a new or additional providers after July 1, if there have been significant developments in a region that justify the need for new or additional providers. In such event, the EES program will give preference to denied applications based on date of application. ( )

**02. Annual Agreement.** This agreement must be signed prior to the beginning of the Extended Employment Services EES fiscal year by an authorized representative of the Certified Extended Employment Services Provider and the IDVR ~~s~~State ~~A~~dministrator or a designee. (3-14-07) ( )

**03. Subject to Agreement Revision.** This agreement shall be entered into annually, and is subject to revision, as may be required by IDVR the EES program. The EES program will provide providers notification of any changes to the agreement, with as much notification as possible. (3-14-07) ( )

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

**300. PROVIDER QUALIFICATIONS.**

An approved EES Certified Extended Employment Services Provider shall meet all of the following requirements: (3-14-07) ( )

**01. Experience.** A new provider must have a minimum of three (3) full years of experience working with customers who are receiving Medicaid Waiver or must have worked with IDVR customers in employment services, or both. ( )

**042. Accreditation.** Receive and maintain accreditation by CARF or RSAS. (3-14-07)

**023. Staff.** All staff will meet the following requirements assure that all its employees and subcontractors hired after August 10, 2006 who are providing Extended Employment Services: (3-14-07) ( )

a. Satisfactorily complete a criminal history background check, to be obtained by the provider; (3-14-07)

b. Are not less than Be eighteen (18) years of age and, if less than twenty-one (21) years of age, have not less than six (6) months experience with people with disabilities; (3-14-07) ( )

c. Demonstrate the ability to deliver services as specified in the Individual Program Plan for each Client customer; and (3-14-07) ( )

d. Document completion of not less than forty (40) hours of training directly related to vocational support for people with disabilities. Training must be documented no later than six (6) months from the date of hire and include all of the following topics: (3-14-07)

i. Behavior technology, especially positive behavioral support; (3-14-07)

ii. Instructional techniques; (3-14-07)

iii. Strategies for dealing with aberrant or maladaptive behavior; (3-14-07)

iv. Integration/normalization; (3-14-07)

v. Functional impact of disabilities, particularly developmental disabilities and mental illness; and (3-14-07) ( )

vi. Strategies for remediation and accommodation. (3-14-07)

vii. Ethics and confidentiality; ( )

viii. The development and use of measurable objectives; and ( )

ix. Overview of assistive technology. ( )

**301. -- 399. (RESERVED)**

**400. TERMINATION OR REVOCATION OF PROVIDER STATUS.**

*IDVR* The EES program may terminate or revoke the certified approval status of, and discontinue authorizing or purchasing services from, Certified Extended Employment Services Providers for actions including, but not limited to, the following: (3-14-07)( )

**01. Loss of Accreditation.** Failure to maintain accreditation from either CARF or RSAS; (3-14-07)

**02. Out of Compliance.** The provider is determined by *IDVR* the EES program to be out of compliance with these rules or the Extended Employment Services EES Provider Agreement. (3-14-07)( )

**03. Business Practices.** The provider is determined to be engaged in business practices that are inconsistent with sound fiscal practice; or (3-14-07)

**04. Client Customer Rights.** The provider is determined to be in violation of Client a customer's rights. (3-14-07)( )

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

**500. EXTENDED EMPLOYMENT SERVICES CLIENTS CUSTOMER —REFERRAL, AND ELIGIBILITY, AND CASE CLOSURE.**

**01. Referral.** Each applicant to be a Client customer for Extended Employment Services EES under these rules will be referred by a Vocational Rehabilitation Counselor, employed by IDVR, who will provide the applicant with information on the services available from Certified Extended Employment Services EES Providers. (3-14-07)( )

**02. Eligibility.** Extended Employment Services Specialists at IDVR The EES program will assess the eligibility of each applicant for Extended Eligibility Services services. Applicants who are eligible for and have access to other public funding sources for long term support services are not eligible for EES services. Eligible applicants must have a disability that falls into one (1) of four (4) categories described below, and such disability must constitute a barrier to such person maintaining paid employment without long term vocational support: (3-14-07)( )

**a.** Developmental Disabilities. Pursuant to Section 66-402, Idaho Code, a chronic disability of a person that appears before the age of twenty-two (22) years; and (3-14-07)

i. Is attributable to impairment, such as mental retardation intellectual disability, cerebral palsy, epilepsy, autism, or other condition found to be closely related to or similar to one (1) of those impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; (3-14-07)( )

ii. Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and (3-14-07)

iii. Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of life-long or extended duration and individually planned and coordinated. (3-14-07)

**b.** Mental Illness. A person has been assessed by a qualified professional and been diagnosed under DSM-IV or later editions with schizophrenia, schizoaffective disorder, major affective disorder, delusional disorder or a borderline personality disorder and, in which this psychiatric disorder must be of sufficient severity to cause a disturbance in role performance or coping skills in at least two (2) of these areas on either a continuous or an

intermittent (at least once per year) basis: vocational/academic, financial, social/interpersonal, family, basic living skills, housing, community, or health. (3-14-07)

c. Specific Learning Disability. A disorder in one (1) or more of the psychological processes involved in understanding, perceiving, or using language or concepts (spoken or written). A disorder which may manifest itself in problems related to speaking, reading, spelling, or mathematical calculations (or to a lesser extent, listening, thinking, or writing), and seriously limit two (2) or more functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills). (3-14-07)

d. Traumatic Brain Injury. A traumatically acquired insult to the brain that may cause physical, intellectual, emotional, social, and vocational changes. A closed head injury may be caused by a rapid acceleration/deceleration, as in a motor vehicle accident. An open head injury is visible insult and may be the result of an accident, gun shot wound, or other physical injuries. Immediate effects are loss of consciousness, loss of memory, or change in vision, strength, coordination, or sensory function. Anatomical abnormalities may be present, such as cerebral hemorrhage or skull fracture. Long term effects may include physical, cognitive, and psycho-social-behavioral-emotional impairments. (3-14-07)

**03.** **Case Closure. Cases will be closed from the EES program for the following reasons and will include documentation in the case record that supports such reason:** ( )

- a. Unable to locate or contact customer; ( )
- b. Customer is utilizing Medicaid Waiver services for CSE; ( )
- c. Customer's disability too significant to benefit from services; ( )
- d. Customer is non-compliant or has not followed through with EES services; ( )
- e. Customer has retired from employment; ( )
- f. Customer no longer interested in employment or receiving EES services; ( )
- g. Customer no longer needs EES services; ( )
- h. Customer has moved out of state; or ( )
- i. All other appropriate reasons. ( )

**501. -- 599. (RESERVED)**

**600. COVERED SERVICES.**

The Extended Employment Services that may be provided to Clients customers by Certified Extended Employment Services Providers are described below. These services EES typically follow the completion of other vocational rehabilitation services, such as vocational evaluation, job site development, and initial training at the job site. (3-14-07)

**01. Individual Community Supported Employment.** Self-employment or paid employment that is: (3-14-07)

- a. For a Client customer paid not less than minimum wage and who, because of his or her disability(ies), needs ongoing support to maintain that employment; (3-14-07)
- b. Conducted in a community or industry setting where persons without known paid work supports are employed; and (3-14-07)
- c. Supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision, training, and transportation. (3-14-07)

**02.** **Group Community-Based Non-Integrated Supported Employment.** Self-employment or paid employment which is: (3-14-07)

a. For a group of no more than eight (8) *Clients customers* who are paid not less than minimum wage and who, because of their disability(ies), need ongoing support to maintain that employment; (3-14-07)

b. Conducted in a variety of community and industry settings where the *Clients customers* have opportunities to interact with co-workers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting; (3-14-07)

c. Supported by training and supervision needed to maintain that employment; and (3-14-07)

d. Not conducted in the work services area of an *Extended Employment Services EES P*rovider. (3-14-07)

**03.** **Work Services.** The work services program utilizes individual and group work to assist individuals in understanding the value and demands of work, enhancing positive work attitudes, and developing functional capacities that will enhance the ability to achieve and maintain an employment outcome. Limited non-paid work related activities and transportation may be billed only when authorized on an Individual Program Plan. Work services are typically conducted on *Certified Extended Employment Services EES P*rovider premises. (3-14-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**800. SERVICE PROVISION.**

**01. Services on Individual Program Plan.** *Extended Employment Services EES* for each individual *Client customer* must be based on the Individual Program Plan developed for such *Client customer*. (3-14-07)

**02. Development of Individual Program Plan.** Those involved in developing the Individual Program Plan must include, but are not limited to, the following: (3-14-07)

a. The *Client customer*. Efforts must be made to maximize the *Client customer*'s involvement in the planning process by providing him or her with information and education regarding rights, and available options; and (3-14-07)

b. The *Client customer*'s legal guardian, if one has been appointed by the court; and (3-14-07)

c. *Certified Extended Employment Services The EES P*rovider program staff, responsible for the implementation of the Individual Program Plan. (3-14-07)

**03. Submission of the Individual Program Plan.** The Certified *Extended Employment Services EES P*rovider must submit the Individual Program Plan to *an Extended Employment Services the EES P*rogram *Specialist* using the standard format provided or approved by *IDVR the EES program*. The *Extended Employment Services P*rogram *Specialist* will either accept the Individual Program Plan as submitted, or may require revisions to the Individual Program Plan before acceptance. (3-14-07)

**04. Timeline for Submission.** The Individual Program Plan must be submitted to *an Extended Employment Services the EES P*rogram *Specialist* within thirty (30) days from the beginning of the provision of *Extended Employment Services EES*. No payment will be made for *Extended Employment Services EES* without receipt of the Individual Program Plan covering those Extended Employment Services. (3-14-07)

**05. Revision.** The *Certified Extended Employment Services EES P*rovider must submit an updated Individual Program Plan for each *Client customer* to *an Extended Employment Services the EES P*rogram *Specialist*

at least annually. (3-14-07)()

**06. Progress Reports.** The *Certified Extended Employment Services EES P*rovider must submit a progress report on each *Client customer* to *an Extended Employment Services the EES P*rogram *Specialist* at six (6) month intervals. A standardized format provided or approved by *IDVR the EES program* must be used. (3-14-07)()

**801. RECORDS.**

**01. Client Customer Files.** *Certified Extended Employment Services EES P*roviders shall maintain individual *Client customer* files, which must include the following: (3-14-07)()

- a. Referral information; (3-14-07)
- b. Eligibility; (3-14-07)
- c. Authorization for services; (3-14-07)
- d. Contact information; (3-14-07)
- e. Legal guardianship information; (3-14-07)
- f. Individual Program Plan; (3-14-07)
- g. Progress Reports; (3-14-07)
- h. Documentation of service; (3-14-07)
- i. Satisfaction measures; (3-14-07)
- j. Releases of information; and (3-14-07)
- k. Documentation that updates to *Client customer* information were provided to IDVR. (3-14-07)()

**02. Storage.** Files must be maintained for five (5) years from the date of discharge of the Client to whom the file pertains. (3-14-07)

**802. -- 899. (RESERVED)**

**900. PAYMENT FOR SERVICES.**

**01. Fee for Service.** The IDVR State Administrator shall set the fees for covered services, after discussion with *Certified Extended Employment Services EES P*roviders. Such fees shall be set forth in the annual *Extended Employment Services EES* Provider Agreement. Such fees shall be reviewed annually, and may be adjusted by *the IDVR State Administrator* to take effect at the beginning of the fiscal year. (3-14-07)()

**02. Pre-Authorization.** All *Extended Employment Services EES* must be pre-authorized by *an Extended Employment Services the EES P*rogram *specialist*, and shall be set forth in the Individual Program Plan for each *Client customer*. (3-14-07)()

**03. Billing Procedures.** (3-14-07)

**a.** *Certified Extended Employment Services EES P*roviders must submit a monthly billing statement for each *Client customer* served, in a format approved by an *Extended Employment Services EES P*rogram *Specialist* and within timelines set forth in the annual *Employment Services EES* Provider Agreement. (3-14-07)()

**b.** Bills may only be submitted for Extended Employment Services EES that have been identified and accepted by IDVR the EES program, as set off stipulated in an Individual Program Plan. (3-14-07)( )

**c.** All bills submitted by Certified Extended Employment Services Providers are subject to prepayment and post payment review. Documentation sufficient to support each payment item shall be available for review, and must be maintained for five (5) years from the date of service. The Certified Extended Employment Services Providers must submit copies of the documentation regarding the provision of such services upon written request from an Extended Employment Services Specialist EES program. (3-14-07)( )

**04. Audits.** IDVR The EES program may perform audits of billing records and other documentation submitted by Certified Extended Employment Services Providers in order to verify the accuracy of such records. (3-14-07)( )

**05. Denial/Revocation of Payment.** IDVR The EES program may deny payment, or seek reimbursement or set-off for payments previously made, if the provider is not in compliance with these rules, the signed Employment Services Provider Agreement, or if the provider does not provide the services as set forth in a Client customer's Individual Program Plan. (3-14-07)( )