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**IDAPA 08
TITLE 02
Chapter 02**

08.02.02 - RULES GOVERNING UNIFORMITY

000. LEGAL AUTHORITY.

All rules in IDAPA 08.02.02, "Rules Governing Uniformity," are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. (7-1-02)

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.02.02, "Rules Governing Uniformity". (4-5-00)

02. Scope. Uniform standards and governance by the State Board of Education pertinent to Teacher Certification, School Facilities, Accreditation, Transportation, School Release Time, Driver's Education and Juvenile Detention Centers. (7-1-02)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State St., Room 307, Boise, Idaho 83702. (7-1-02)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in these rules, administrative appeals are by written application to the State Board of Education pursuant to IDAPA 08.02.01, "Rules Governing Administration," Section 001. (7-1-02)

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules: (4-5-00)

01. Incorporated Document. The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession as approved on October 19, 2000. (3-30-01)

02. Document Availability. The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession are available at the Idaho State Department of Education at 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0027. (3-30-01)

03. Incorporated Document. The Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. (3-30-01)

04. Document Availability. The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at <http://www.sde.state.id.us/osbe>. (3-30-01)

05. Incorporated Document. The Standards for Idaho School Buses and Operations as approved on November 15, 2001. (7-1-02)

06. Document Availability. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (7-1-02)

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

The principal place of business of the State Board of Education (SBOE) and State Department of Education (SDE) is in Boise, Idaho. Both offices are located at 650 W. State, Boise Idaho, 83702. The SDE is on the 2nd Floor, the SBOE is found in Room 307. Both offices are open from 8 a.m. to 5 p.m., except Sunday and legal holidays. The mailing address for the SBOE is PO Box 83720, Boise, ID, 83720-0037. The mailing address for the SDE is PO Box 83720, Boise, ID, 83720-0027. The SBOE phone numbers is (208) 334-2270 and the SDE phone number is (208) 332-6800.

(7-1-02)

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule has been promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and is a public record. (7-1-02)

007. -- 010. (RESERVED).

011. PRESERVICE TECHNOLOGY STANDARDS.

The proliferation of technology in our daily lives makes it essential that all students are provided an opportunity to become technologically literate. The State Board of Education has established a statewide goal that teachers and administrators be trained in the use of technology for education. (7-1-99)

01. Preservice Competency. Effective September 1999, all applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate beginning technology skills by passing a basic educational technology competency assessment. (7-1-99)

02. Assessment Methods. Preservice educators will be able to use the Idaho Technology Competency Exam, the Idaho Technology Portfolio Assessment, or another process which meets the express approval of the State Board of Education to demonstrate the required basic technology standards. (7-1-99)

03. Standards. The technology standards shall be based on the International Society for Technology in Education (ISTE) foundational standards. The assessments shall include the Idaho Technology Competency Exam, the Idaho Technology Portfolio Assessment or another process which meets the express approval of the State Board of Education. (7-1-99)

012. ACCREDITED INSTITUTION.

For purposes of teacher certification, an accredited school, college, university, or other teacher training institution is considered by the Idaho State Board of Education to be one that is accredited by a regional accrediting association recognized by the State Board of Education or an alternative model approved by the State Board of Education. (Sections 33-107; 33-114; 33-1203, Idaho Code) (4-1-97)

013. -- 019. (RESERVED).

020. CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS.

Considering credentials for teacher certification submitted by persons trained in the institutions of foreign countries will be initiated by a translation and evaluation of the applicant's credentials. (4-1-97)

01. Determination Of Eligibility. Determination of eligibility for certification will be made by the certification office as the agent of the State Board of Education. Appeals may be made to the Professional Standards Commission, (PSC). (Section 33-1209, Idaho Code) (4-1-97)

02. Other Procedures. All other procedures in effect at the time must be followed at the time of application. (4-1-97)

021. -- 029. (RESERVED).

030. 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 degree) in other states when they substantially meet the requirements for the Idaho Certificate. The Teacher Certification Office will determine if an applicant's official transcripts meet the requirements. (Sections 33-1203; 33-2203 Idaho Code) (4-1-97)

02. The State Division Of Vocational Education. The state division of vocational education is

authorized to determine whether applicants meet the requirements for instructing or administering vocational-technical programs at the secondary and postsecondary levels. (Section 33-2203, Idaho Code) (4-1-97)

031. -- 039. (RESERVED).

040. MISASSIGNMENTS - GRANDFATHERING.

01. Certificate. A person employed by a school district in a position requiring a certificate must hold a valid certificate for the service being rendered. In any situation in which a person not holding a specific endorsement is to provide educational services in a specific area, the employing district must apply to the State Department of Education's Certification Office for misassigned status to place the individual in that assignment for the school year. The district must demonstrate in a written report that it has made a good faith effort to employ properly certificated educators for those duties and that a conscientious effort is being made to remedy each specific problem. Criteria for acceptance of the report includes the following: (4-1-97)

a. The duties may comprise no more than one-half (1/2) of the teacher's full time assignment; (4-1-97)

b. Teachers who are misassigned must have a minimum of six (6) semester hours of college credit in each subject area in which service is rendered; and (4-1-97)

c. Teachers who are misassigned must comprise no more than five percent (5%) of the total number of the district's certificated, full-time teachers, or five (5) teachers, whichever is greater. Districts which have secondary schools located more than fifteen (15) miles from another secondary school may misassign up to an additional five (5) teachers upon approval of the Certification Office. However, in no circumstance will more than five (5) teachers be misassigned in any one building. (4-1-97)

02. Waiver. Districts may request a waiver of the misassignment policy, according to IDAPA 08.02.01, Section 001. The waiver request must include a rationale for the misassignment. (4-1-97)

03. Effect On Accreditation. All misassignments will be noted on the accreditation report. Any misassignments not meeting the above criteria may effect accreditation. Funds will be withheld for that portion of the misassigned person's time which exceeds the criteria included in this rule if a waiver has not been approved by the State Board of Education. (4-1-97)

04. Previous Exceptions. Any teacher authorized to teach under previous exceptions to the rules of the State Board of Education, based upon service or experience before September 1978, will continue to be authorized to teach as provided for under previous rule IDAPA 08.02.03, Subsection 180.06. (4-1-97)

041. -- 049. (RESERVED).

050. ENDORSEMENT OF OUT-OF-STATE CERTIFICATES.

A certificate issued by another state with equivalent education and currently valid may be endorsed for use in Idaho for the period of its validity, not in excess of five (5) years, providing the certificate to be endorsed has been issued for the same field in which the holder will provide services in Idaho. No emergency certificate from another state may be endorsed. (Section 33-1201, Idaho Code) (4-1-97)

01. Prerequisites. The following conditions must be met to qualify for endorsement: (4-1-97)

a. The applicant must have attended a regionally accredited institution of higher education. (4-1-97)

b. An endorsed certificate will be valid only for the grade levels and subject area approved for the certificate in the state from which it was issued. (4-1-97)

c. A certificate will be endorsed for the period of time for which it is valid, but not to exceed five (5) years, at which time a person must qualify for an Idaho certificate or verify three (3) years of satisfactory employment in Idaho in the area of endorsement. After completing experience and renewal requirements, an Idaho certificate may

be issued following application. (4-1-97)

02. Requirements. An endorsement requires the applicant to provide the following materials: (4-1-97)

a. The original or notarized copy of the original certificate to be endorsed; (4-1-97)

b. Official transcripts of record of all college work completed; (4-1-97)

c. A completed application for an Idaho certificate; (4-1-97)

d. Payment of fee sent with the application; (4-1-97)

051. -- 059. (RESERVED).

060. APPLICATION PROCEDURES.

01. Application For Idaho Certificate. To obtain, renew, or reinstate an Idaho certificate, the applicant will submit an application on a form supplied by the State Department of Education or the State Division of Vocational Education. Requirements are listed in the Idaho Certification Manual. (4-1-97)

02. 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)

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 inservice training to apply toward recertification must be made through the Teacher Certification Office upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Vocational Specialist Certificates must receive State Division of Vocational Education approval of inservice training and course work prior to applying for renewal. (4-1-97)

d. At least fifteen (15) hours of formal instruction must be given for each hour of inservice 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)

03. 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)

061. -- 069. (RESERVED).

070. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education will authorize the Office of Teacher Certification to issue the following certificates and endorsements on the IDAHO EDUCATOR CREDENTIAL to those individuals meeting the specific requirements for

each area. The requirements for each certificate and endorsement are outlined in the Professional School Personnel Certification Standards Manual. (Section 33-1201, Idaho Code)

TEACHING CERTIFICATES
Standard Elementary, K-8
Standard Exceptional Child, K-12
Standard Secondary, 6-12
Occupational Specialist

ENDORSEMENTS, K-12
Art
Bilingual Education
English as a Second Language
Exceptional Child, Generalist
Exceptional Child, Hearing Impaired
Exceptional Child, Multiple Handicapped
Exceptional Child, Physically Handicapped
Exceptional Child, Seriously Emotionally Disturbed
Exceptional Child, Severe Retardation
Exceptional Child, Visually Impaired
Foreign Language
Gifted and Talented
Media Generalist
Music
Physical Education
Reading

ENDORSEMENTS 6-12
Agriculture, Science and Technology
American Government
American Studies
Anthropology
Art
Art-Crafts

ENDORSEMENTS 6-12
Basic Math
Bilingual Education
Biological Science
Business Education
Chemistry
Communication
Computer Applications
Consumer Economics
Drafting
Dramatics
Driver Education
Early Childhood/Early Childhood--Special Education
Blended Certificate (Birth-Grade 3)
Earth Science
Economics
Electricity-Electronics
English
English as a Second Language (ESL)
Family and Consumer Sciences
Foreign Language
Geography
Health
History
Humanities
Journalism
Marketing Education
Music
Natural Science
Physical Education
Physical Education - Health
Philosophy
Physical Science
Physics
Political Science

ENDORSEMENTS 6-12
Psychology
Reading
Social Studies
Sociology
Sociology-Anthropology
Speech
Speech-Drama
Standard Math
Technology Education
Work-Based Learning Coordinator

ADMINISTRATOR CERTIFICATE
Director of Special Education and Related Services, Pre-K-12
Principal, Pre-K-12
Superintendent
Professional-Technical

PUPIL PERSONNEL CERTIFICATE
Counselor, K-12
Consulting Teacher
School Nurse
School Psychologist
School Social Worker
Speech Language Pathologist
Standard Audiology
Supervisor/Coordinator of Special Education

LIMITED CERTIFICATES
Consultant Specialist

LIMITED CERTIFICATES
Interim Occupational
Letter of Authorization
Limited Occupational Specialist
Limited Transitional
Postsecondary Specialist
Teacher Trainee

(4-5-00)

01. Letters Of Authorization. Letters of authorization allow Idaho school districts to request emergency certification when a professional position cannot be filled. A request for a Letter of Authorization for a teacher to serve in a position for which the teacher is not certificated will be sent to the State Department of Education, Certification Office. The request and supporting information will be reviewed by the Professional Standards Commission. The final recommendation of the Commission will be submitted to the State Board of Education by the Superintendent of Public Instruction. A detailed description of the procedure and policy for the above rule is found in the Teacher Certification Manual. (4-1-97)

02. Consultant Specialist. At the request of a school district, the State Department of Education may issue a consultant specialist certificate to highly and uniquely qualified persons. The use of the certificate is limited to the applicant's district and is valid for one (1) year. It is intended that use of the consultant specialist provision be exceptional and occasional and not used as a regular hiring practice. (4-1-97)

03. Certification Standards For Professional-Technical Educators. Teachers of professional-technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a secondary teaching credential or on an Occupational Specialist Certificate. Detailed description of the procedure and policy for the above rule is found in the Teacher Certification Manual. (4-5-00)

04. Postsecondary Specialist. A post-secondary specialist certificate will be granted to teaching faculty of Idaho public post-secondary institutions, who are not otherwise certificated, upon recommendation by the post-secondary institution (dean level or above) to be eligible to teach in the public schools. The certificate will be issued by the State Department of Education. It is intended that the certificate be used primarily for distance education and "virtual university" programs. (4-1-97)

05. Grandfathering. All credentials issued prior to July 1, 1997 and kept current are authorized for continued use. Current renewal requirements of the State Board of Education must be met for renewal of the credential. If a credential is allowed to lapse, all current requirements for initial certification apply. (4-1-97)

071. -- 079. (RESERVED).

080. ALTERNATE CERTIFICATION.

The purpose of this program is to provide an alternative for individuals to become certificated secondary teachers in Idaho without following a standard teacher education program. Qualified applicants will begin contracted teaching earlier and will be admitted to the program using criteria that are different from existing programs but more appropriate for the circumstances. A detailed description of the procedure and policy for the above rule is found in the Teacher Certification Manual. (4-1-97)

081. -- 089. (RESERVED).

090. INTERSTATE CERTIFICATION COMPACT.

Idaho participates in the Interstate Agreement of Qualification of Education Personnel. This agreement applies

equally to teachers entering Idaho from another compact-member state and to teachers entering another compact-member state from Idaho. The compact applies to classroom teachers only. Trades and industries teachers are not covered by the agreement. (Section 33-4104, Idaho Code) (4-1-97)

091. -- 099. (RESERVED).

100. OFFICIAL VEHICLE FOR APPROVING TEACHER EDUCATION PROGRAMS. (Section 33-114, Idaho Code) (4-1-97)

01. The Official Vehicle For The Approval Of Teacher Education Programs. The official vehicle for the approval of teacher education programs will be the National Council for Accreditation of Teacher Education (NCATE) approved Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. The Office of Teacher Certification will transmit to the head of each Idaho college or department of education a copy of all revisions to the Idaho Standards for the Initial Certification of Professional School Personnel. Such revisions will not take effect on approval evaluations of the Idaho program until two (2) years after notification of such revision. The two (2) year deferral may be waived upon written request of the head of the college or department to be evaluated (3-30-01)

02. Effective Date. The effective date for the NCATE approved Idaho Standards for the Initial Certification of Professional School Personnel is September 1, 2001. Students with junior or senior standing and currently enrolled in an institution's program that does not meet the Standards will be eligible for certification in Idaho after successfully completing their program if this program is completed within two (2) years of the September 1, 2001 effective date. All programs not meeting the Standards will be responsible for informing enrolled students of their non-compliance. (3-30-01)

03. Reference Availability. The Idaho Standards for the Initial Certification of Professional School Personnel are incorporated herein by reference and are available for inspection in the Office of the State Board of Education. (3-30-01)

04. Continuing Accreditation. The state of Idaho will follow the National Council for Accreditation of Teacher Education (NCATE) model and pursue continuing approval at the end of five (5) years following baseline approval. (3-30-01)

101. -- 109. (RESERVED).

110. PERSONNEL STANDARDS. The State Board of Education supports the efforts made by the Idaho Legislature to lower class size. Significant progress has been made in grades one through three (1-3). The State Board of Education believes that class sizes in grades four through six (4-6) are too high. Districts are encouraged to lower all class sizes as funds become available. Each district will develop personnel policies and procedures to implement the educational program of the district. The policies and procedures will address representation in each of the following personnel areas, as appropriate to student enrollment and the needs of each attendance area. Districts should strive to achieve ratios consistent with state class size ratio goals.

INSTRUCTIONAL PERSONNEL

TEACHERS	STATE GOALS
Kindergarten	20
Grades 1, 2, 3	20
Grades 4, 5, 6	26
Middle School/Jr. High	160 teacher load
High School	160 teacher load
Alternative School (7-12)	18 average daily class load

Schools are encouraged to explore technological options that provide for credible alternative delivery systems. Present and emerging information transmission technology may provide for greater teacher/pupil class size ratios.

PUPIL PERSONNEL	
(Certificated School Counselors, Social Workers, Psychologists)	400:1 * student/district average
Secondary Media Generalist and Assistants	500:1 * student/district average
Elementary Media Generalist or Assistants	500:1 * student/district average
Building Administrative Personnel	Not to exceed 500:1 * district average

* The stated pupil to personnel ratio is the goal; each school district will assign personnel as appropriate to student enrollment and the needs of each attendance area.

Classroom Assistants - State Goal: will be provided where the student/teacher ratio is deemed excessive by the district or where other student special needs exist (e.g., limited English proficiency or special education).

Classified Personnel - State Goal: will be employed in each building to support the needs of the staff, students, and community. (4-1-97)

111. -- 119. (RESERVED).

120. LOCAL DISTRICT EVALUATION POLICY.

Each school district board of trustees will develop policies in which criteria and procedures for the evaluation of certificated personnel are established. 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 and teachers. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (4-1-97)

01. Participants. Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 13, and each school nurse and librarian (Section 33-515, Idaho Code). Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (4-1-97)

02. 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 personnel performance. The individuals assigned this responsibility should have received training in evaluation. (4-1-97)

d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For classroom teaching personnel, classroom observation should be included as one (1) source of data. (4-1-97)

- 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, if any, 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. (4-1-97)
- 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)

03. Evaluation Policy - Frequency Of Evaluation. The evaluation policy should include a provision for evaluating all certificated personnel on a fair and consistent basis. At a minimum, the policy must provide standards for evaluating the following personnel: (4-1-97)

- a.** First-, second-, and third-year nonrenewable contract personnel will be evaluated at least once prior to the beginning of the second semester of the school year. (4-1-97)
- b.** All renewable contract personnel will be evaluated at least once annually. (4-1-97)

04. 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). (4-1-97)

121. -- 129. (RESERVED).

130. SCHOOL FACILITIES.

Each school facility consists of the site, buildings, equipment, services, and is a critical factor in carrying out educational programs. The focus of concern in each school facility is the provision of a variety of instructional activities and programs, with the health and safety of all persons essential. (4-1-97)

01. Buildings. All school buildings, including portable or temporary buildings, will be designed and built in conformance with current edition of the codes specified in the Uniform Building Code Advisory Act, Section 39-4109, Idaho Code, including but not limited to, the National Electrical Code, Uniform Plumbing Code, Life Safety Code, and Idaho General Safety and Health Standards. All school buildings, including portable or temporary buildings, will meet other more stringent requirements established in applicable local building codes. (4-1-97)

02. Inspection Of Buildings. All school buildings, including portable or temporary buildings, will be inspected as provided in Section 39-4130, Idaho Code, for compliance with applicable codes. Following this inspection, the school district will, within twenty (20) days, (1) correct any deficiencies specified in the inspection report or (2), if the corrective action involves structural modification, file a written plan with the inspecting agency for correction by the beginning of the following school year. (4-1-97)

131. -- 139. (RESERVED).

140. ACCREDITATION.

All public schools in Idaho will be state accredited. State Accreditation is voluntary for private and parochial schools.
(Section 33- 119, Idaho Code) (4-1-97)

01. Methods Of State Accreditation. State accreditation will consist of using one (1) of the four (4) options listed below: (4-1-97)

a. Schools may use the Idaho Elementary/Secondary Accreditation Standards, dated October 17, 1996. (4-1-97)

b. Schools may use the Northwest Accreditation Standards; (4-1-97)

c. Schools may use the Idaho School Accreditation School Improvement Model; (4-1-97)

d. Schools may submit an alternative model. (4-1-97)

02. Reporting. Accreditation models or reports will be submitted to the Elementary/Secondary Accreditation Committees, whose members are appointed by the State Board of Education. Each region of the state will be represented. The Committees will review the models and/or reports and make recommendations for action. Committee recommendations may be appealed to the State Board of Education. The requirements for thoroughness referenced in Section 33-1612, Idaho Code will be met with all options. (4-1-97)

141. -- 149. (RESERVED).

150. TRANSPORTATION.

Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as approved on November 15, 2001, as authorized in Section 33-1511, Idaho Code. (7-1-02)

151. -- 159. (RESERVED).

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. Certain equipment or parts of a school bus that are critical to its safe operation must be maintained at prescribed standards. When routine maintenance checks reveal any unsafe condition identified in the Standards for Idaho School Buses and Operation as approved on November 15, 2001, the school district will eliminate the deficiency before returning the vehicle to service. (7-1-02)

02. Annual Inspection. After completion of the annual school bus inspection, and if the school bus is approved for operation, an annual inspection sticker, indicating the year and month of inspection, will be placed in the lower, right-hand corner of the right side front windshield. The date indicated on the inspection sticker shall correlate to State Department of Education's annual school bus inspection certification report signed by pupil transportation maintenance personnel and countersigned by the district superintendent. (Section 33-1506, Idaho Code) (7-1-02)

03. Documentation Of Inspection. All inspections will be documented in writing. Annual inspections must be documented in writing on the form provided by the State Department of Education. (4-1-97)

04. Unsafe Vehicle. When a bus has been removed from service during a State Department of Education inspection due to an unsafe condition, the district will notify the State Department of Education on the appropriate form before the bus can be returned to service. When a bus has been found to have deficiencies that are not life-threatening, it will be repaired within thirty (30) days and the State Department of Education notified on the appropriate form. If the deficiencies cannot be repaired within thirty (30) days, the bus must be removed from service until the deficiencies have been corrected or an extension granted. (7-1-02)

161. -- 169. (RESERVED).

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as approved on November 15, 2001. (Section 33-1508; 33-1509, Idaho Code) (7-1-02)

171. -- 179. (RESERVED).

180. WRITTEN POLICY.

The board of trustees will establish and adopt a set of written policies governing the pupil transportation system. Each school district that provides activity bus transportation for pupils shall have comprehensive policies and guidelines regarding activity transportation. (7-1-02)

181. -- 189. (RESERVED).

190. PROGRAM OPERATIONS.

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, and commercial computerized routing and scheduling software shall be delineated in Standards for Idaho School Buses and Operations as approved on November 15, 2001. (Section 33-1006, Idaho Code) (7-1-02)

191. -- 219. (RESERVED).

220. RELEASE TIME PROGRAM FOR ELEMENTARY AND SECONDARY SCHOOLS.

In the view of the State Board of Education, public elementary and secondary school programs that permit the practice of releasing students from school for the purpose of attending classes in religious education or for other purposes should observe certain practices that are in keeping with the present state of the law. These practices are designed to ensure that the public school operation is not adversely affected and that public funds and property are not used for sectarian religious instruction in a way which violates the United States Constitution, the Idaho State Constitution, or state law. These practices should include the following: (Section 33-519, Idaho Code) (4-1-97)

01. Scheduling. The local school board will have reasonable discretion over the scheduling and timing of the release program. Release time programs may not interfere with the scheduling of classes, activities and programs of the public schools. (4-1-97)

02. Voluntary Decision. The decision of a school district to permit release time programs for kindergarten through grade eight (K-8), as well as the decision of individual students to participate, must be purely voluntary. (4-1-97)

03. Time Limit. Release time will be scheduled upon the application of a parent or guardian of a student in grades nine through twelve (9-12), not to exceed five (5) periods per week or one hundred sixty-five (165) hours during any one (1) academic school year. (4-1-97)

04. Location. Release time programs will be conducted away from public school buildings and public school property. (4-1-97)

05. Request By Parent. No student will be permitted to leave the school grounds during the school day to attend release time programs except upon written request from a parent or guardian filed with the school principal. Such written request by the parent will become a part of the student's permanent record. (4-1-97)

06. Record Maintenance. The public school will not be responsible for maintaining attendance records for a student who, upon written request of a parent or guardian, is given permission to leave the school grounds to attend a release time program. The school district will maintain a record of each student's daily schedule that indicates when a student is released for classes in religious education or for other purposes. (4-1-97)

07. Liability. The school district is responsible for ensuring that no public school property, public

funds or other public resources are used in any way to operate these programs. The school district is not liable for any injury, act or event occurring while the student participates in such programs. (4-1-97)

08. Course Credit. No credit will be awarded by the school or district for satisfactory completion by a student of a course or courses in release time for religious instruction. Credit may be granted for other purposes, at the discretion of the local school board. (4-1-97)

09. Separation From Public Schools. Public schools will not include schedules of classes for release time programs in school catalogs, registration forms or any other regularly printed public school material. Registration for release time programs must occur off school premises, and must be done on forms and supplies furnished by the group or institution offering the program. Teachers of release time programs are not to be considered members of any public school faculty and should not be asked to participate as faculty members in any school functions or to assume responsibilities for operation of any part of the public school program. (4-1-97)

10. Transportation Liability. Public schools and school districts will not be liable or responsible for the health, safety and welfare of students while they are being transported to and from or participating in release time programs. (4-1-97)

221. -- 229. (RESERVED).

230. DRIVER EDUCATION.

All driver education courses offered in Idaho public schools and commercial schools must be conducted in compliance with all the requirements in the Idaho Driver Education Administrative Manual dated October 17, 1996 and published by the State Department of Education and approved by the State Board of Education. (4-1-97)

231. -- 239. (RESERVED).

240. JUVENILE DETENTION CENTERS.

01. Definition Of Terms. (4-1-97)

a. Juvenile Detention Centers: Facilities that provide for the temporary care of children, as defined in the Juvenile Justice Reform Corrections Act, who require secure custody, for their own or the community's protection, in physically restricting facilities pending court disposition or subsequent to court disposition. (Section 33-2009, Idaho Code) (4-1-97)

b. Juvenile Offender: A person, as defined in the Juvenile Justice Reform Act, who has been petitioned or adjudicated for a delinquent act that would constitute a felony or misdemeanor if committed by an adult. (4-1-97)

02. Instructional Program. Every public school district in the state within which is located a public or private detention facility housing juvenile offenders pursuant to court order will provide an instructional program. The instructional program will: (4-1-97)

a. Provide course work that meets the minimum requirements of Idaho State Board of Education Rules. (4-1-97)

b. Provide instruction in the core of instruction. (4-1-97)

c. Include the following components, where appropriate: self-concept improvement, social adjustment, physical fitness/personal health, vocational/occupational, adult living skills, and counseling. (4-1-97)

d. Provide instruction and guidance that may lead to a high school diploma. School districts will accept such instruction for purposes of issuing credit when the detention center certifies to the school that the appropriate work is completed. (4-1-97)

e. Be directed by an instructor who holds an appropriate, valid certificate. (4-1-97)

- f.** Be provided to each student not later than two (2) school days after admission and continue until the student is released from the detention center. (4-1-97)
- g.** Be provided to students who have attained “school age” as defined in Idaho Code 33-201. (4-1-97)
- h.** Be provided for a minimum of four (4) hours during each school day. (4-1-97)
- i.** Be based on the needs and abilities of each student. The resident school district will provide pertinent status information as requested by the Juvenile Detention Center. (4-1-97)
- j.** Be coordinated with the instructional program at the school the student attends, where appropriate. (4-1-97)
- k.** Be provided in a facility that is adequate for instruction and study. (4-1-97)
- 03. State Funding Of Instructional Programs At Juvenile Detention Centers.** (4-1-97)
- a.** Every student housed in a juvenile detention center pursuant to court order and participating in an instructional program provided by a public school district will be counted as an exceptional child by the district for purposes of state reimbursement. (4-1-97)
- b.** Public school districts that educate pupils placed by Idaho court order in juvenile detention centers will be eligible for an allowance equivalent to the previous year’s certified local annual tuition rate per pupil. The district allowance will be in addition to support unit funding and included in the district apportionment payment. (4-1-97)
- c.** To qualify for state funding of instructional programs at Juvenile Detention Centers, school districts must apply for such funding on forms provided by the State Department of Education. Applications are subject to the review and approval of the State Superintendent of Public Instruction. School districts will submit attendance and enrollment reports as required by the State Superintendent of Public Instruction. Juvenile Detention Centers will submit reports to the local school district as required. (4-1-97)

241. -- 999. (RESERVED).

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