

Dear Senators GOEDDE, Fulcher & Burkett, and
Representatives NONINI, Shirley & Boe:

The Office of the Legislative Services, Research and Legislation, has received the
enclosed rules of the State Dept. of Education:

IDAPA 08.02.02 - Rules Governing Uniformity (Docket #08-0202-0802)

(Recertification Coursework).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 6-2-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 6-30-08.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Senate Education Subcommittee on Administrative Rules and
House Education Subcommittee on Administrative Rules

FROM: Research & Legislation Staff, Maureen L. Ingram

SUBJECT: Rules of the State Board of Education and the State Department of Education

DATE: May 13, 2008

IDAPA 08.02.02 - Rules Governing Uniformity: Application Procedures/Professional Development

Under Docket Number 08-0202-0802, this action has been submitted as a temporary rule effective April 17, 2008, and as a proposed rule. The temporary rule promulgation has been approved by the Governor pursuant to Section 67-5226(1)(c), *Idaho Code*, for “conferring a benefit.” Authority for promulgation of the rule is authorized pursuant to Section 2, Article IX of the *Idaho Constitution*, Sections 33-105, 33-107, *Idaho Code*, and Chapter 12, Title 33, *Idaho Code*.

The purpose of this subsection of the rule is to ensure that credits taken by certificated personnel positively impact student learning, promote professional growth and are academic in nature. If classes taken for this purpose do not satisfy those requirements, such credits may not be approved when the certificated teacher applies for recertification.

The Idaho Education Association expressed objection to the possible abuse of the department’s power over teacher recertification. The amendments to this subsection are made in response to IEA’s request for certain assurances.

1. The language added in new subparagraph g. of subsection 060.02 is to notify teachers that the department will accept credits taken for classes which the teacher has taken or will take before September 1, 2008.
2. The language added in new subparagraph h. of subsection 060.02 merely restates that an appeals process is in place; it adds nothing to the current appeals process or access to it.

cc: State Board of Education
State Department of Education

IDAPA 08 – BOARD OF AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0802

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 17, 2008.

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) 33-1258 and 33-105, Idaho Code.

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

Friday, June 20, 2008

1:00 p.m.

**Lewis & Clark Conference Room, Len B. Jordan Building, 2nd Floor
650 West State Street, Boise, ID**

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:

This rule change addresses concerns regarding the definition of “educationally related” credits for recertification for educators and that it might limit discourage teachers from seeking another teaching degree or new endorsement. The rule change also explicitly states that all coursework commencing prior to September 1, 2008 will be accepted for recertification, and specifies the availability of an appeal procedure.

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

This temporary rule is necessary because it confers a benefit on educators.

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

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, Idaho Code, negotiated rulemaking was conducted. This rule is the result of discussion and negotiation between legislators, the State Department of Education and the Idaho Education Association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

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 June 25, 2008.

DATED this 1st Day of May, 2008.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State St, 2nd Floor
PO Box 83720
Boise, ID 83720-0027
(208) 332-6812; f (208) 334-2228

IDAHO ADMINISTRATIVE CODE IDAPA 08.02.02 State Board of Education Rules Governing Uniformity

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

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 Professional-Technical Education. (3-16-04)

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)

i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or ~~(4-2-08)~~(4-17-08)T

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 inservice training to apply toward recertification 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 Professional-Technical Specialist Certificates must receive State Division of Professional-Technical Education approval of inservice 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 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)

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. (4-18-08)T

h. An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission, 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. (4-18-08)T

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)