

Dear Senators GOEDDE, Mortimer & Malepeai, and
Representatives NONINI, Shirley & Boe:

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

1. IDAPA 08.01.04 - Rules Governing Residency Classification
(Docket No. 08-0104-0901);
2. IDAPA 08.01.11 – Registration of Postsecondary Educational Institutions and Proprietary
Schools (Docket No. 08-0111-0901) FEE RULE;
3. IDAPA 08.01.14 - Rules Governing the Idaho Rural Physician Incentive Program
(Docket No. 08-0114-0901);
4. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0906);
5. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0907);
6. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-0902);
7. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-0906);
8. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-0907).

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 11-20-09. 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 12-
21-09.

_____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: Rules Review Subcommittees of the Senate Education Committee and the House Education Committee

FROM: Research & Legislation Staff - Eric Milstead

DATE: October 30, 2009

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

1. IDAPA 08.01.04 - Rules Governing Residency Classification
(Docket No. 08-0104-0901)

The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.01.04 - Rules Governing Residency Classification. The temporary and proposed rule incorporates changes to Rule Section 005 to reflect changes to Idaho Code stemming from House Bill 211 which was passed during the 2009 session. Specifically, the temporary and proposed rule provides that students shall retain status as residents of this state when they leave the state because of educational purposes, i.e., attending a postsecondary educational program.

The temporary rule took effect June 18, 2009.

The department's temporary and proposed rule appears to be authorized pursuant to Sections 67-5226 and 33-3717B, Idaho Code.

2. IDAPA 08.01.11 – Registration of Postsecondary Educational Institutions and Proprietary Schools (Docket No. 08-0111-0901) FEE RULE

The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.01.11 – Registration of Postsecondary Educational Institutions and Proprietary Schools. The temporary and proposed rule reflects changes to Idaho Code stemming from the passage of Senate Bill 1012 during the 2009 legislative session. The temporary and proposed rule revises certain definitions, makes certain revisions relating to registration requirements, including changes to the registration period. The temporary and proposed rule also revises registration fees for post-secondary educational institutions (Rule Section 200.08) and registration fees for proprietary schools (Rule Section 300.06). The temporary and proposed registration fees are set

in the amount of one-half of one percent of the gross Idaho tuition revenue of the institution, but not less than \$100 and not to exceed \$5,000.

The temporary and proposed rule also revises provisions relating to the certificate of identification for a proprietary school's agent. (Rule Section 302.07). Further, the temporary and proposed rule now provides a number of reasons (principally felony offenses against a child) that the Board may revoke or deny an application for an agent's certificate of identification. (Rule Section 302.07). Finally, the temporary and proposed rule revises provisions relating to the requirements for surety bonds.

The temporary rule took effect on August 20, 2009.

The proposed rule appears to be authorized pursuant to Sections 33-2402 and 33-2403, Idaho Code.

3. IDAPA 08.01.14 - Rules Governing the Idaho Rural Physician Incentive Program (Docket No. 08-0114-0901)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.01.14 - Rules Governing the Idaho Rural Physician Incentive Program. The proposed rule establishes a new chapter for the Board's administrative rules. This proposed rule implements the provisions of sections 33-3723, 33-3724 and 33-3725, Idaho Code, which were approved by the 2003 Legislature. That legislation established the Rural Physician Incentive fee assessment and fund and also authorized how monies from that statutory fund are to be spent. The Board states that sufficient monies have now been collected to implement rules governing the dispensing of monies.

It appears that the provisions of the proposed rule are consistent with the relevant Idaho Code sections, 33-3723, 33-3724 and 33-3725.

The rule appears to be authorized pursuant to Section 33-105, Idaho Code.

4. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0906)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.02 - Rules Governing Uniformity. The proposed rule establishes requirements relating to eligibility for endorsement as a mathematics consulting teacher. Requirements include education requirements, demonstrated competencies, experience and assessment of teaching performance. The Board states that the proposed rule relates to a professional development opportunity found in a three credit course called Mathematical Thinking for Instruction (MTI). According to the Board, at this point only in-service teachers will be required to participate in the course.

The rule appears to be authorized pursuant to Sections 33-105 and 33-1201, Idaho Code.

5. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0907)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.02 - Rules Governing Uniformity. The proposed rule provides recertification requirements relating to mathematics and directs that certain teachers shall successfully complete the “Mathematical Thinking for Instruction” course in order to recertify.

The Board notes that negotiated rulemaking was not conducted because the revisions in the proposed rule came from the Idaho Math Initiative Task Force, which included many stakeholders including administrators, teachers, parents, a higher education professor, a representative from the school boards association, and representatives from various Idaho institutions of higher education.

The rule appears to be authorized pursuant to Sections 33-105 and 33-1258, Idaho Code.

6. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-0902)

[**ANALYST NOTE:** This rule was not provided to LSO as a proposed rule; it has been provided to LSO as a pending rule.]

The State Department of Education submits notice of pending rulemaking at IDAPA 08.02.03 - Rules Governing Thoroughness. The pending rule has been adopted by the Department. The rule revises content standards for Chemistry and Humanities. These revisions were introduced as a temporary rule last year. The Department states that negotiated rulemaking was not conducted because various stakeholders participated in revising the standards.

The pending rule appears to be authorized by section 33-107 and 33-1612, Idaho Code.

7. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-0906)

The State Department of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.03 - Rules Governing Thoroughness. The temporary and proposed rule revises certain rules governing special education.

Among other things, the rule revises certain definitions including the definition of the Idaho Special Education Manual. Federal law requires states to establish certain policies and procedures, which the State Board of Education has done, and has approved and adopted in the Idaho Special Education Manual. The proposed rule specifically notes that the Manual’s policies and procedures are consistent with state and federal law. (See, Section 109.01). According to the Department, certain obsolete references have been removed. See, for example, Rule Section 109.03., where the reference to noncategorical eligibility procedures and criteria has been removed. The Department notes that Idaho does not have noncategorical eligibility and consequently the reference is superfluous.

The rule also revises provisions relating to due process hearings by clarifying references to applicable law, rules and governing manuals.

The Department states that negotiated rulemaking was not conducted because the revisions are in accord with federal regulation. The Department also notes that various stakeholders have been consulted in updating the Idaho Special Education Manual. These stakeholders include district special education directors and staff, parents of students with disabilities and related parent organizations, state staff and regional consultants.

The temporary rule took effect on August 20, 2009. The rule appears to be authorized pursuant to Sections 33-105, 33-116 and 33-2002, Idaho Code.

8. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-0907)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.03 - Rules Governing Thoroughness. The proposed rule updates terminology and provides a correct reference.

The rule appears to be authorized pursuant to Section 33-105, Idaho Code.

cc: State Board of Education, Tracie Bent
State Department of Education, Superintendent Tom Luna, Christina Linder,
Cindy Johnstone & Luci Willits

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.04 - RULES GOVERNING RESIDENCY CLASSIFICATION

DOCKET NO. 08-0104-0901

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 18, 2009.

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, 33-107, 33-2402, 33-2403, and 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 21, 2009.

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 changes bring the rule into alignment with changes made to Section 33-3171B, Idaho Code, during the 2009 legislative session, and clarify language allowing students to retain resident status when they leave the state for educational purposes.

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

To be in compliance with amendments to governing law and confers a benefit to Idaho residents.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the rulemaking is non controversial in nature. Informal meetings were conducted with registrars from Idaho's public postsecondary institutions around the state to notify them of the changes and gather feedback.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582.

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 28, 2009.

DATED this 28th day of August, 2009.

Tracie Bent
Chief Planning, Policy and HR Officer
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone
(208) 334-2632 FAX

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 08-0104-0901

005. DEFINITIONS.

01. Resident Student. For any public institution of higher education in Idaho, ~~Resident student is defined in Section 33-3717B, Idaho Code, and specifically includes:~~ ~~(5-8-09)~~(6-18-09)T

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. ~~(5-8-09)~~(6-18-09)T

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: (5-8-09)
- a. A student who does not qualify as a resident student as defined in Subsection 005.01. (1-1-94)
 - 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. (1-1-94)
 - 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)
- 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. (1-1-94)
- 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)
- 05. Accredited Secondary School.** “Accredited secondary school” means an Idaho secondary school accredited by the State Board of Education. (1-1-94)
- 06. Term Immediately Following Graduation.** For purposes of Subsection 005.01.c., “the term immediately following graduation” does not include the summer semester or term of a college or university. (1-1-94)
- 07. Armed Forces.** “Armed forces” means the United States Army, Navy, Air Force, Marine Corps, and United States Coast Guard. It does not include the National Guard or other reserve force. (3-30-01)
- 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. (1-1-94)
- 09. 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)

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.11 - REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-0901 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 20, 2009.

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, 33-2402, and 33-2403, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2009.

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:

Title 33, Chapter 1 and 24, Idaho Code, were amended to clarify that postsecondary institutions need to register to ensure they are legitimate degree granting institutions and that proprietary schools are legitimate. Criteria for evaluating these institutions and schools are set forth in this rule. Criteria are essential for determining the legitimacy of the institution for degree granting purposes and the legitimacy of proprietary schools.

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: To be in compliance with amendments to governing law or federal programs.

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:

The current fee of one hundred dollars (\$100) per course or course of study has been changed to the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the Institution during the previous registration year, but not less than one hundred dollars (\$100) not to exceed five thousand dollars (\$5,000). Fees assessed are to be dedicated for use by the Board in connection with its responsibilities under Section 33-2401, Idaho Code.

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, Idaho Code, negotiated rulemaking was not conducted because the nature of the changes are specific to bringing the rule in compliance with the new statute. Additionally, informal meetings were conducted by the Boards Proprietary/Postsecondary Schools Program Coordinator with those parties that will be impacted by this rule to inform them of the changes and gather feedback.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent at 332-1582.

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 28, 2009.

DATED this 28th day of August, 2009.

Tracie Bent
Chief Planning, Policy & HR Officer
State Board of Education
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 fax

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 08-0111-0901

010. DEFINITIONS.

01. Accredited. Defined in Section 33-2401(1), Idaho Code, and means that a post-secondary educational institution has been recognized or approved as meeting the standards established by an accrediting organization recognized by the Board. (4-9-09)

02. Agent. Defined in Section 33-2401(2), Idaho Code, and means any individual within the state of Idaho who solicits students for or on behalf of a proprietary school. (4-9-09)

03. Agent's ~~Permit~~ Certificate of Identification. Defined in Section 33-2401(3), Idaho Code, and means a nontransferable written document issued to an agent by ~~the Board or its designee~~ the proprietary school that the agent represents. (~~4-9-09~~)(8-20-09)T

04. Course. Defined in Section 33-2401(5), Idaho Code, and means instruction imparted in a series of lessons or class meetings to meet an educational objective. (4-9-09)

05. Course or Courses of Study. Defined in Section 33-2401(6), Idaho Code, and means either a single course or a set of related courses for which a student enrolls, either for academic credit or otherwise. A course of study is sometimes also referred to in this rule as a program. (4-9-09)

06. Degree. Defined in Section 33-2401(7), Idaho Code, and means any written or any academic, vocational, professional-technical or honorary title or designation, mark, appellation, series of letters, numbers, or words such as, but not limited to, that contains, in any language, the word "associate," "bachelor's," "baccalaureate," "master's," "doctorate," or "fellow," which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, vocational, professional-technical, educational or professional program of study beyond the secondary school level or for a recognized title conferred for meritorious recognition, and an associate of arts or associate of science degree awarded by a community college or other public or private post-secondary educational institution or other entity which may be used for any purpose whatsoever any abbreviation thereof, and that indicates or represents, or is intended to indicate or represent, that the person named thereon, in the case of any writing, or the person it is awarded thereto, in the case of any academic title, is learned in or has satisfactorily completed a prescribed course of study in a particular field or that the person has demonstrated proficiency in any field of endeavor as a result of formal preparation or training. (~~4-9-09~~)(8-20-09)T

07. Nonprofit. Means an entity that is recognized under the Internal Revenue Code and applicable regulations as being tax exempt, or an entity such as a nonprofit or not-for-profit organization that possesses the following characteristics that distinguish it from a business enterprise: (a) contribution of significant amounts of resources from resource providers who do not expect commensurate or proportionate pecuniary return, (b) operating purposes other than to provide goods or services at a profit, and (c) absence of ownership interests like those of business enterprises. (4-9-09)

08. Post-Secondary Educational Institution. Sometimes referred to in this rule simply as an institution, is defined in Section 33-2401(8), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to

operate, from a location within, the state of Idaho, and which provides a course or courses of study that lead to a degree, or which provides, offers or sells degrees. (4-9-09)

09. Proprietary School. Sometimes referred to in this rule simply as a school, is defined in Section 33-2401(9), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within the state of Idaho and which conducts, provides, offers or sells a course or courses of study, but which does not provide, offer or sell degrees. (4-9-09)

(BREAK IN CONTINUITY OF SECTIONS)

200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

01. Delegation. Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board. The Board delegates authority to its executive director, or his designee, and the Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (8-20-09)T

012. Registration Requirement. (4-9-09)

a. Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. An institution shall not solicit students on behalf of such institution, or advertise in this state, unless registered. ~~The Board shall maintain a register of approved postsecondary educational institutions pursuant to Section 33-107(6)(a), Idaho Code.~~ (4-9-09)(8-20-09)T

b. ~~Initial~~ Registration shall be for the period beginning on ~~July 1 of any year and~~ the date a certificate of registration is issued and continue through June 30 of the next succeeding year. ~~For an institution that has not previously registered with the Board, registration shall be for the period beginning on the date of issue of an initial certificate of registration and continue through June 30 of the next succeeding year.~~ A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (4-9-09)(8-20-09)T

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

023. Idaho Presence. An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-9-09)

034. Institutions Exempt from Registration. (4-9-09)

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

b. Certain Idaho private, not for profit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the effective date of this rule and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business

is located within the state of Idaho. (4-9-09)

045. Institutions that Must Register. (4-9-09)

a. Out-of-state public post-secondary educational institutions. A public institution that is supported primarily by taxation from another state, or from a local source not within the state of Idaho, must register as provided herein. (4-9-09)

b. Out-of-state private, nonprofit, post-secondary educational institutions. An out-of-state private, nonprofit, post-secondary educational institution must register as provided herein. (4-9-09)

c. Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is located within the state of Idaho, but that is not exempt under Subsection 200.03.b. of this rule, must register as provided herein. (4-9-09)

d. For-profit post-secondary educational institutions. A post-secondary educational institution that operates for profit, or which is an operating subsidiary of a publicly or privately held corporation that operates for profit, must register as provided herein. (4-9-09)

056. Exception Alternative to Registration Requirement for Certain Post-Secondary Institutions.
(4-9-09)(8-20-09)T

a. A post-secondary educational institution that demonstrates to the satisfaction of the Board that its primary mission and objectives are to offer courses or courses of study that do not lead to the awarding of degrees, may instead register as a proprietary school, in accordance with Section 300 of this rule. (4-9-09)

b. A request to register as a proprietary school must be submitted in writing to the Board by the first business day of December preceding a registration year. A decision on such request will be issued by the Board within thirty (30) days after it is received. A request to register as a proprietary school must be made on an annual basis. (4-9-09)

067. Application. A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on ~~a~~ the form approved provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (4-9-09)(8-20-09)T

078. Registration Fees. The Board shall assess an annual registration fee for initial registration or renewal of registration of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous registration year, but not less than one hundred dollars (\$100) for each course that the institution intends to conduct, provide, offer or sell during the registration year, as set forth in the registration application, not to exceed ~~two~~ five thousand dollars (\$25,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are not refundable. (4-9-09)(8-20-09)T

089. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes a registration year. (4-9-09)

0910. Information Required. Such application must include the information requested on the application form, as well as the following information: (4-9-09)

a. If an institution that is required to register under this rule is accredited by an accreditation organization recognized by the Board in Section 100 of this rule, such institution must submit documentation demonstrating that it has received accreditation status, and that it will maintain its accreditation from such agency

during the entire registration year. An institution that is so accredited qualifies for a streamlined registration process, and will not be required to submit information and/or documentation that documents compliance with Standards I through VI, set forth in ~~Subsections 200.10.a. through 200.10.f.~~ Section 301 of this rule. Such institution must submit the following information or documentation, or both, with its application for registration: ~~(4-9-09)~~(8-20-09)T

- i. Copy of most recent accreditation report; (4-9-09)
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii. Most recent copy of strategic plan; (4-9-09)
- iv. Enrollment data for current and past two (2) years; (4-9-09)
- v. Copy of annual audited financial statement; (4-9-09)
- vi. Any additional information that the Board may request. (4-9-09)

b. All other institutions applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards I through VI, set forth in ~~Subsections 201.01 through 201.06~~ Section 301 of this rule. ~~(4-9-09)~~(8-20-09)T

c. The Board may, in connection with a renewal of registration; request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.078 of this rule, shall remain applicable. ~~(4-9-09)~~(8-20-09)T

(BREAK IN CONTINUITY OF SECTIONS)

202. THE BOARD MAY NOTIFY THE POST-SECONDARY EDUCATIONAL INSTITUTION OF ADDITIONAL INFORMATION REQUIRED.

If the Board is unable to determine the nature and activities of an institution on the basis of the information provided by the institution under this rule, then the Board may notify the institution of additional information that it will be required to provide in connection with the application for registration. (4-9-09)

01. Verification of Information. The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. (4-9-09)

02. Criteria for Approval of Registration. To be approved for registration, the institution must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-9-09)

03. Public Information. All information submitted to the Board in connection with the application is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-9-09)

04. Certificate of Registration. ~~(4-9-09)~~

~~a.~~ A certificate of registration will be issued to a post-secondary educational institution that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution. (4-9-09)

~~**b.** If an institution wishes to offer additional courses, courses of study, or degrees during the course of a registration year that were not included in its application to the Board prior to issuance of the certificate of registration, then the institution may submit a supplemental application to the Board, on a form approved by the Board and pay any additional registration fees that are applicable. If approved, the Board will issue a revised certificate of registration evidencing such approval. (4-9-09)~~

05. Disapproval and Appeal. If a post-secondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the office within thirty (30) days of the date the institution is notified of the disapproval. (4-9-09)

06. Withdrawal of Approval. (4-9-09)

a. The Board may refuse to renew, or may revoke or suspend approval of, an institution's registration by giving written notice and the reasons therefore to the institution. The institution may request a hearing relating to such decision under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-9-09)

b. Withdrawal of approval may be for one (1) or more of the following reasons (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)

iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (4-9-09)

c. If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board of this event. (4-9-09)

203. -- 299. (RESERVED).

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Delegation. Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board ~~or its designee~~. The Board delegates authority to its executive director, or his designee, and the Idaho Division of Professional Technical Education (PTE) to register Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (4-9-09)(8-20-09)T

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

a. Unless exempted by statute or this rule, as provided herein, a proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually and hold a valid certificate of registration issued by ~~PTE~~ the Board. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of such school, or advertise in this state, unless registered. ~~The Board shall maintain a register of approved proprietary schools pursuant to Section 33-107(6)(e), Idaho Code.~~ (4-9-09)(8-20-09)T

b. Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with ~~PTE~~ the Board, registration shall be for the period beginning on the date of issue of a certificate of registration and continue through June 30 of the next

succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. ~~(4-9-09)~~(8-20-09)T

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

03. Idaho Presence. A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-9-09)

04. Exemptions from Registration. The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-9-09)

a. An individual or entity that offers instruction or training solely a vocational or recreational in nature, as determined by the Board. (4-9-09)

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

c. An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student. (4-9-09)

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to Title 54, Idaho Code. (4-9-09)

~~**e.** Aviation school or instructors approved by and under the supervision of the Federal Aviation Administration. (4-9-09)~~

fe. An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation. (4-9-09)

gf. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days. (4-9-09)

hg. A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-9-09)

ih. An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the western governors. (4-9-09)

05. Application. A proprietary school that is required to register under this rule must submit to ~~PTE~~ the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form ~~approved by PTE~~ provided by the Board office. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. ~~(4-9-09)~~(8-20-09)T

06. Registration Fees and Costs. ~~A The Board shall assess an annual registration fee shall accompany each application for initial registration or renewal of registration. The fixed portion of such annual registration fee shall be in the amount of one hundred dollars (\$100) for each school. The variable portion of such annual registration fee shall be in the amount of one hundred dollars (\$100) for each course to be offered by the school during the registration year.~~ The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous registration year, but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration #fees are not refundable.

~~(4-9-09)~~(8-20-09)T

07. Deadline for Registration. An initial application for registration may be submitted to ~~PTE~~ the Board at anytime. A school should expect ~~PTE's~~ the Board review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to ~~PTE~~ the Board on or before the first business day of May that precedes a registration year. Schools that have not completed annual renewal of registration by July 1st must cease all active operations until approval of registration is received.

~~(4-9-09)~~(8-20-09)T

08. Information Required.

~~(4-9-09)~~

~~a-~~ Such application must include the information requested on the application form. In addition, a school applying for registration must submit information and/or documentation with its application for registration that documents compliance with ~~all of the~~ Standards I through V set forth in ~~Subsections 400.08.a. through 400.08.e.~~ Section 301 of this rule.

~~(4-9-09)~~

~~b-~~ PTE The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 300.056 of this rule, shall remain applicable.

~~(4-9-09)~~(8-20-09)T

(BREAK IN CONTINUITY OF SECTIONS)

302. THE BOARD MAY NOTIFY THE PROPRIETARY SCHOOL OF ADDITIONAL INFORMATION REQUIRED.

If ~~PTE~~ the Board is unable to determine the nature and activities of a school on the basis of the information provided by the school under this rule, then ~~PTE~~ the Board may notify the school of additional information that it will be required to provide in connection with the application for registration.

~~(4-9-09)~~(8-20-09)T

01. Verification of Information. ~~PTE~~ The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant school shall be responsible for any costs PTE incurs including travel, associated with this review.

~~(4-9-09)~~(8-20-09)T

02. Criteria for Approval or Denial of Registration. To be approved for registration, the school must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule, including all of the standards described in ~~Subsections 300.08.a. through 300.08.e.~~ Section 301 of this rule. A school must remain in compliance for the registration year.

~~(4-9-09)~~(8-20-09)T

03. Public Information. All information submitted to ~~PTE~~ the Board is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code.

~~(4-9-09)~~(8-20-09)T

04. Certificate of Registration.

(4-9-09)

a. A certificate of registration will be issued to a proprietary school that has paid its registration fee and been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No school that is registered with ~~PTE~~ the Board shall advertise or represent in any manner that it is accredited by ~~PTE~~ the Board. An institution may only represent that it is "Registered with Idaho Division of Professional-Technical Education." Registration is not an endorsement of the school. ~~(4-9-09)~~(8-20-09)T

b. If a school wishes to offer additional courses or courses of study during the course of a registration year that were not included in its application to ~~PTE~~ the Board prior to issuance of the certificate of registration, then the school may submit a supplemental application to ~~PTE~~ the Board, on a form approved by PTE, and pay any additional registration fees that are applicable. If approved, ~~PTE~~ the Board will issue a revised certificate of

registration evidencing such approval.

~~(4-9-09)~~(8-20-09)T

05. Disapproval and Appeal. If a proprietary school's request for initial registration or a renewal of registration is disapproved by PTE the Board, then the school may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to PTE the Board within thirty (30) days of the date the school is notified of the disapproval.

~~(4-9-09)~~(8-20-09)T

06. Withdrawal of Approval.

(4-9-09)

a. PTE The Board may refuse to renew, or may revoke or suspend approval of a school's registration by giving written notice and the reasons therefore to the school. The school may request a hearing under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General."

~~(4-9-09)~~(8-20-09)T

b. Withdrawal of approval may be for one (1) or more of the following reasons:

(4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule.

(4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to PTE the Board.

~~(4-9-09)~~(8-20-09)T

iii. Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or

(4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by PTE the Board has been received.

~~(4-9-09)~~(8-20-09)T

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify PTE the Board of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately notify PTE the Board of this event.

~~(4-9-09)~~(8-20-09)T

07. Agent's ~~Permit~~ Certificate of Identification. Each proprietary school shall ensure that its agents have a valid ~~permit~~ certificate of identification, and that all of its agents are in compliance with Section 33-2404, Idaho Code. The school shall complete a criminal history check that includes, at a minimum, the State Bureau of Identification, and statewide sex offender registry for each agent having unsupervised contact with minors in the minor's home or at secondary schools, prior to making application for the agent's ~~permit~~ certificate of identification. The criminal history check shall be valid for five (5) years. When an employee returns to any proprietary school after a break in service of six (6) months or more a new criminal history check must be obtained. When an employee changes employment between proprietary schools, a new criminal history check must be obtained.

~~(4-9-09)~~(8-20-09)T

a. The Board shall revoke any agent's certificate of identification issued or authorized under this Section and shall deny the application for issuance of a new certificate of identification of a person who pleads guilty to, or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

(8-20-09)T

i. The aggravated assault of a child, Section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, Section 18-909, Idaho Code.

(8-20-09)T

ii. The aggravated battery of a child, Section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, Section 18-911, Idaho Code.

(8-20-09)T

iii. The injury or death of a child, Section 18-1501, Idaho Code.

(8-20-09)T

iv. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code.

(8-20-09)T

- v. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. (8-20-09)T
- vi. The sexual exploitation of a child, Section 18-1507, Idaho Code. (8-20-09)T
- vii. Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. (8-20-09)T
- viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. (8-20-09)T
- ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. (8-20-09)T
- x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. (8-20-09)T
- xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. (8-20-09)T
- xii. The kidnapping of a child, Section 18-4502, Idaho Code. (8-20-09)T
- xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. (8-20-09)T
- xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. (8-20-09)T
- xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. (8-20-09)T
- b.** The general classes of felonies listed in Section 302 shall include equivalent laws of federal or other state jurisdictions. For the purpose of Subsection 302.07, “child” means a minor or juvenile as defined by the applicable state or federal law. (8-20-09)T
- ~~**08.** *Annual Agent’s Permit Fee. The annual fee for the agent’s permit shall be fifty dollars (\$50.00). The agent’s permit must be renewed annually upon reapplication and proper qualifications, as required by Section 33-2404, Idaho Code.* (4-9-09)~~
- 098.** **Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-9-09)
- a.** The amount of the surety bond shall be equal to the total tuition and fees charged by the school during the previous registration year. If a school is just starting or expects a significant expansion during the next year, the surety bond must cover the expected total tuition and fees. (8-20-09)T
- b.** Schools shall ensure that all bonds include “extended coverage” clauses to remain in effect for one hundred twenty (120) days after the date of closure. (8-20-09)T
- c.** No party to the surety bond may cancel without one hundred twenty (120) day prior notice to all parties, including the Office of the State Board of Education. (8-20-09)T
- d.** The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools shall provide proof of the required bond and submit said documentation with their registration applications. (8-20-09)T
- ~~**10.** *Student Tuition Recovery Account. Each proprietary school shall comply with the provisions of Section 33-2407, Idaho Code, relating to a student tuition recovery account.* (4-9-09)~~

IDAPA 08 - STATE BOARD OF EDUCATION
08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM
DOCKET NO. 08-0114-0901 (NEW CHAPTER)
NOTICE OF RULEMAKING - 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, 33-2402, and 33-2403, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2009.

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

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

This rule sets out procedures for individuals to access the rural physicians incentive fund as described in Section 33-3724, 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 resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the non-controversial nature of this rule. The proposed language was worked on by Board staff and a group of stakeholders from around the state.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent at 332-1582.

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 28, 2009.

DATED this 28th day of August, 2009.

Tracie Bent
Chief Planning, Policy and HR Officer
State Board of Education
650 West State Street
PO Box 83720-0037
Boise, ID 83720-0037
(208) 332-1582 phone
(208) 334-2632 FAX

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0114-0901

**IDAPA 08
TITLE 01
CHAPTER 14**

08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105, and Sections 33-3723 through 33-3725, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.01.14, "Idaho Rural Physician Incentive Program." ()

02. Scope. These rules constitute the requirements for the Idaho Rural Physician Incentive Program. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code any written interpretation of the rules of this chapter are available at the Board office. ()

003. ADMINISTRATIVE APPEAL.

Unless otherwise provided for in the rules of the Board or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. ()

004. INCORPORATION BY REFERENCE.

There are no documents to incorporate by reference pursuant to, and in accordance with, Section 67-5229, Idaho Code. ()

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

The principal place of business of the Board is in Boise, Idaho. ()

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

02. Street Address. The Board'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. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. COMMUNICATION WITH STATE OFFICIALS.

All inquiries concerning the Rural Physician Incentive Program will be directed to the Office of the Board. ()

008. -- 009. (RESERVED).

010. DEFINITIONS.

These definitions are applicable to this chapter only. ()

01. Community Sponsoring Organization. A hospital, medical clinic or other medical organization which is located in an eligible area and that employs physicians for purposes of providing primary care medical services to patients. ()

02. Eligible Area. A medically underserved area of Idaho, further defined to mean an area designated by the U.S. Secretary of Health and Human Services as a health professions shortage area. ()

03. Oversight Committee. The committee constituted pursuant to Section 33-3724, Idaho Code, composed of knowledgeable individuals or organizations to assist in the administration of the rural physician incentive program. ()

04. Primary Care Medicine. Family medicine, general internal medicine, and general pediatrics, but if there is a demonstrated high level of need in an eligible area, as determined by the oversight committee, may also include obstetrics and gynecology, general psychiatry, general surgery and emergency medicine. ()

05. Qualified Medical Education Debt. Debt with a financial aid program or financial institution incurred to meet the educational costs of attending a medical school. ()

06. Rural Physician. A licensed Idaho physician, MD or DO, who spends a minimum of twenty-eight (28) hours per week, on average, providing primary care medicine services to patients in an eligible area. ()

07. Rural Physician Incentive Fee. The fee assessed by the State to students preparing to be physicians in the fields of medicine or osteopathic medicine who are supported by the state pursuant to an interstate compact for professional education in those fields, as those fields are defined by the compact. ()

08. Rural Physician Incentive Fund. The special revenue account in the state treasury created pursuant to Section 33-3724, Idaho Code, relating to the Rural Physician Incentive Program. ()

011. OBJECTIVES OF THE RURAL PHYSICIAN INCENTIVE PROGRAM.

This program is established as a tool to help recruit and retain rural physicians to serve in eligible areas. The granting of an award under this program requires the support of a community sponsoring organization in an eligible area that has experienced physician recruiting difficulties and that can demonstrate broad support for this program from the medical community and community leaders located in the eligible area. ()

012. ADMINISTRATION.

The Board, through the advice and recommendations of the oversight committee, is the administrative agent for the Rural Physician Incentive Program. The Board designates its executive director, or his designee, as its administrative officer for this program and delegates to its executive director, or his designee, and to the Office of the State Board of Education, such administrative responsibilities as are necessary to carry out and administer the Rural Physician Incentive Program in accordance with this rule. ()

013. ASSESSMENT OF A RURAL PHYSICIAN INCENTIVE FEE.

01. Assessment. Pursuant to Section 33-3723, Idaho Code, the rural physician incentive fee assessed to, and required to be paid by, all state-supported medical students who are preparing to be physicians in the fields of medicine or osteopathic medicine shall be equal to four percent (4%) of the average annual medical support fee paid by the State on behalf of each such student. ()

02. Annual Collection. The rural physician incentive fee assessed by the Board shall be collected by the Office of the State Board of Education annually from each state-supported student during each year of undergraduate medical training and shall be deposited into the state treasury as required by Section 33-3723, Idaho Code. ()

03. Deposits. Income and earnings from the rural physician incentive fund shall be returned to such fund. ()

014. ELIGIBILITY FOR A RURAL PHYSICIAN INCENTIVE PROGRAM AWARD.

01. Eligibility Requirements. A physician who meets the following requirements is eligible to apply for a Rural Physician Incentive Program award: ()

a. The physician, while pursuing a medical education, must have been assessed a rural physician incentive fee and paid into the rural physician incentive fund; ()

b. During the period covered by the award, the physician must be a rural physician providing primary care medicine in an eligible area. A physician may provide patient care services in primary care medicine in more than one (1) eligible area; ()

c. The physician must be a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) and have completed an Accreditation Council of Graduate; ()

d. Medical Education or American Osteopathic Association residency; ()

e. The physician must be Idaho Medical Board certified/Board eligible, hold an unrestricted Idaho medical license, and be able to meet the medical staffing requirements of the sponsoring organization when applicable; and ()

f. The physician must be eligible to care for Medicare and Medicaid patients within the scope of the physician's primary care medicine practice. ()

02. Ineligibility. Notwithstanding Subsection 014.01 of these rules, a physician shall not be entitled to receive an award under this program if the physician is receiving payments for purposes of repaying qualified medical education debt from another state or from a federal debt repayment program. ()

015. APPLICATION PROCESS.

01. Applications. Applications for the Rural Physician Incentive Program must be on a form prescribed by the Office of the State Board of Education and must include a letter of support, along with supporting documentation establishing the criteria in Subsections 021.01 and 021.02 of these rules, from a sponsoring organization. Applications must be received by the Office of the State Board of Education not earlier than October 1st and not later than December 31st for consideration for the award period beginning July 1st of the next succeeding year. ()

02. Announcement of Award. Announcement of program awards shall be made not later than April 30th each year, with awards to be effective beginning July 1st of that year. Applicants must respond by the date specified in any communication from officials of the Rural Physician Incentive Fund Program. Failure to respond within the time period specified will result in cancellation of the application and forfeiture of the award unless extenuating circumstances can be shown by the applicant. ()

016. SELECTION OF RURAL PHYSICIAN INCENTIVE FUND AWARD RECIPIENTS.

01. Selection of Recipients. The selection of recipients of Rural Physician Incentive Program awards shall be based on ranking and priority of applicants in accordance with the following criteria: ()

a. Demonstrated physician shortage in the eligible area to be benefitted; ()

b. Demonstrated physician recruiting difficulties in the eligible area to be benefitted; and ()

c. Support of the medical community and community leaders in the eligible area. ()

02. Relevant Factors. In reviewing and weighing these criteria, all relevant factors shall be considered. ()

03. Debt Payments Not Accepted. If a physician selected for an award of debt payments does not accept the award in the manner provided in these rules, then the award shall be awarded to the next eligible applicant who has not received an award. ()

017. MONETARY VALUE OF THE AWARD.

01. Award Amounts. A physician selected to receive a Rural Physician Incentive Program award shall be entitled to receive qualified medical education debt repayments for a period not to exceed five (5) years in such amount as is determined annually. The award shall not exceed the qualified medical education debt incurred by the recipient, and the maximum amount of educational debt repayments that a rural physician may receive shall be fifty thousand dollars (\$50,000) over such five (5) year period. Payments shall be limited to a maximum of ten thousand dollars (\$10,000) in a single year. ()

02. Establishing Award Amounts. Award amounts shall be established annually based on recommendations of the oversight committee utilizing such factors as availability of funding, the number of new applicants, and the hours an award recipient will devote to providing primary care services in an eligible area. ()

03. Repayment of Qualified Medical Education Debt. All qualified medical education debt repayments shall be paid directly to the financial organization holding such debt. ()

04. Incentive Fund. Pursuant to Section 33-3725, Idaho Code, the total of all awards from the rural physician incentive fund contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund that same year. ()

05. Annual Adjustments. An award payment to a recipient in a single year is not guaranteed or assured in subsequent years and may be increased or reduced. Annual award payments for new and existing award recipients will be announced no later than April 30th of each year. ()

018. ANNUAL CONTRACT.

01. Annual Contract. An award recipient physician must enter into an annual contract to be eligible for qualified medical education debt repayments. ()

02. Verification of Eligibility. Prior to entering into a contract covering a new award year, an award recipient must verify that he has met and will continue to meet the award eligibility requirements specified in this rule. Annual verification of continued eligibility must be on a form provided by OSBE and submitted to OSBE no later than December 31st each year. ()

03. Award Recipient Liability. Pursuant to Section 33-3725, Idaho Code, the contract must provide that the award recipient is liable to the Board for the award payments made on his behalf should the recipient cease to practice in the eligible area during the contract period or fail to perform according to the terms of the contract. ()

019. FRAUDULENT INFORMATION.

Providing false information on any application or document submitted under this chapter is grounds for declaring the applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the rural physician incentive fund. This Section shall not limit other remedies which may be available for the filing of false or fraudulent applications. ()

020. APPEAL PROCEDURE.

01. Filing an Appeal. Any Idaho Rural Physician Incentive Program award applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows: ()

a. The Idaho Rural Physician Incentive Program applicant or recipient must appeal no later than thirty (30) days following notice of the decision. The written statement must include a statement of the reason the applicant or recipient believes the decision should be changed or overturned. ()

b. The appeal must be submitted to the President of the Board. The Board must acknowledge receipt of the appeal within seven (7) days. The President of the Board may or may not agree to review the appeal, or may appoint a subcommittee of three (3) persons to review the appeal. ()

02. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ()

03. Subcommittee Recommendations. Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. ()

04. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the applicant or recipient in writing of the decision of the Board. ()

021. -- 999. (RESERVED).

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0906

NOTICE OF RULEMAKING - 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, 33-1201, 33-1204 and 33-1206, 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 Wednesday, October 21, 2009.

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:

A professional development opportunity has been developed in a three (3) credit course called Mathematical Thinking for Instruction (MTI). The foundation for the course is to focus on Teaching for Understanding and building mathematical thinking for students. Instructors emphasize five underlying principles of the course and encourage teachers to carry them out back in their classrooms. They include: taking students ideas seriously, pressing students conceptually, encouraging multiple strategies, addressing misconceptions, and focusing on the structure of the mathematics. Participants in the course increase both their content knowledge and their pedagogical knowledge.

Three MTI classes have been developed that are grade level specific including; K-3, 4-8, 6-12. Through this rule change, teachers and administrators will be required take one of the three courses developed that most closely aligns with their current assignment prior to September 1, 2014. Teachers are expected to take what is learned in the MTI class back to their classrooms and implement those practices in their instruction. Follow up support is being provided by regional math specialists and online webinars.

A five (5) year timeline has been established for over 10,000 educators to get through the MTI course. The Institute for Developing Mathematical Thinking through the Boise State Center for School Improvement and the State Department of Education are also working with other post secondary educational institutions to ensure the sustainability is in place for after the initial five (5) year phase. At this point only in-service teachers will be required to participate in this professional development opportunity. Priority will be given to public school math teachers for the first three years. The State Department of Education will provide stipends for the certified instructors, three (3) university credits for participants successfully completing the requirements of the course, and course materials for participants. The funding for this is provided through the Idaho Math Initiative State Funding.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the recommendations for change were proposed by the Idaho Math Initiative Task Force which was comprised of a variety of stakeholders. Stakeholder representation included administrators, teachers, parents, higher education representatives, business representatives, and a representative from the Idaho School Boards Association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Christina Linder at (208) 332-6886 or Cindy Johnstone at (208) 332-6932.

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 Wednesday, October 28, 2009.

DATED this the 21st Day of August, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-0906

029. CONSULTING TEACHER ENDORSEMENT.

~~01. **Technical Assistance to Teachers.**~~ 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 ~~with exceptional needs~~. They may also provide direct intervention for students with significant needs. (4-11-06)()

~~021. **Eligibility for a Consulting Teacher Endorsement**~~ **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: (3-16-04)()

a. 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). Plus completion, in an accredited college or university, of a master's degree or an approved fifth year program as defined by the Idaho State Board of Education, and have demonstrated competencies in the following areas: Assessment of learning behaviors; Individualization of instructional programs based on educational diagnosis; Behavioral and/or classroom management techniques; Program implementation and supervision; Knowledge in use of current methods, materials and resources available and management and operation of media centers; Ability in identifying and utilizing community or agency resources and support services; and Counseling skills and guidance of professional staff. (4-11-06)

b. 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. (3-16-04)

c. Letter of Recommendation. Provide a letter of recommendation from the superintendent of a school district that provides verification of demonstrated competencies in the following areas: assessment of learning behaviors; individualization of instructional programs based on educational diagnosis; behavioral and/or classroom management techniques; program implementation and supervision; knowledge in use of current methods, materials and resources available and management and operation of media centers; ability in identifying and utilizing community or agency resources and support services; and counseling skills and guidance of professional personnel and three (3) years of successful experience as a special education teacher working with classroom teachers in

elementary or secondary schools; and (4-11-06)

d. Three (3) years of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools. (4-11-06)

02. 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: ()

a. 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 competencies in the following areas through a minimum of twenty (20) semester credit hours of coursework. ()

b. The competencies are centered on four emphases: Big Ideas in Mathematics, Proof and Argumentation, Mathematics Knowledge for Teaching, and Rich Tasks. Coursework required includes the full series of Mathematics Thinking for Instruction (MTI), Geometry & Measurement, Algebraic Reasoning, and Data Analysis & Probability. ()

c. Experience. Completion of a minimum of three (3) years' teaching experience. ()

d. Assessment of Performance. Prior to being granted the Mathematics Consulting Teacher endorsement, candidates must have proof of successful performance through teacher portfolios. These portfolios will include both quantitative and qualitative measurements such as pre- and post-interviews, teacher knowledge inventories, classroom video, lesson plans, and student work samples. ()

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0907

NOTICE OF RULEMAKING - 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 33-1258, 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 Wednesday, October 21, 2009.

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 Math Initiative is offering a professional development opportunity for math educators and administrators. Many teachers that have taken the Mathematical Thinking for Instruction (MTI) course during the first year of implementation have requested additional classes in this field of study. Research shows that in order for a professional development opportunity to be successfully implemented, follow up opportunities must be made available. As part of the math initiative, the follow up support includes working closely with regional math specialists and district instructional coaches. To ensure that qualified educators are conducting this additional follow up support, a mathematical consulting teacher endorsement has been developed.

The MTI courses have already been developed and other courses will be developed in cooperation with all of the participating institutions of higher education and the State Department of Education. One primary goal of the endorsement program is to produce exemplar teachers, who will lead and build the knowledge of their colleagues throughout the state of Idaho.

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

No fee or charge is being imposed or changed through this rulemaking.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the recommendations for change were proposed by the Idaho Math Initiative Task Force (which included administrators, teachers, parents, business representatives, a higher education professor, and a representative from the Idaho School Boards Association) and representatives from the College of Southern Idaho, Idaho State University, Northwestern Nazarene University, University of Idaho, Boise State University, and BYU-Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Christina Linder at (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 Wednesday, October 28, 2009.

DATED this the 21st day of August, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-0907

016. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (Section 33-1201, Idaho Code)
(3-16-04)

01. Renewal Requirement - Mathematics In-Service Program. In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that each teacher deems to be most closely aligned with their current assignment prior to September 1, 2014. Successful completion of state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.01.a. through 016.01.e. shall successfully complete the “Mathematical Thinking for Instruction” course in order to recertify: ()

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

b. Each teacher holding a Standard Elementary Certificate (K-8); ()

c. Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I classrooms; ()

d. Each teacher holding a Standard Exceptional Child Certificate (K-12); and ()

e. Each school administrator holding an Administrator Certificate (Pre K-12). ()

02. Out-of-State Applicants. 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). ()

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified 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 33-107 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 for Social Studies, Physical Education, Health, Chemistry (as part of the Science standard), and Humanities are due for revision as part of the six year curricular materials adoption cycle. Idaho Curricular Materials Adoption Process provides review and evaluation of new curricular materials for these content areas in 2010 and requires the most up to date standards for textbook submission by vendors. Idaho Content Standards were also reviewed and revised in order to meet the needs of the increased high school graduation requirements for the Class of 2013. For each content area, committees were solicited to participate in the revision process.

The standards for Chemistry and Humanities were introduced as temporary rule in the last rulemaking year, because they needed to be used prior to the end of the 2009 legislative session as schools began to review their district curricular needs. They are now being presented in the current rulemaking year as a proposed rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 3, 2009 Idaho Administrative Bulletin, Vol. 09-6, pages 42 through 44.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Peter Kavouras at 332-6975, Pat Stewart at 332-6929, Rhonda DeMers at 332-6950, Peggy Wenner at 332-6949, or Scott Smith at 332-6952.

DATED this 21st Day of August, 2009.

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

DOCKET NO. 08-0203-0902 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 09-6, June 3, 2009, pages 42 through 44.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0906

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 20, 2009.

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 33-116, 33-2002, Idaho Code, and 20 U.S.C, Section 1412, Individuals with Disabilities Education Act (IDEA).

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 Wednesday, October 21, 2009.

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 changes to this rule provide greater clarity to these rules and reduce confusion. It also removes references to things that Idaho does not or cannot recognize. It also defines and establishes the Idaho Special Education Manual as the official policies, procedures and criteria for special education in Idaho in accordance with federal law.

In Subsection 109.03 Eligibility for Special Education references to noncategorical eligibility have been struck; Idaho and IDEA do not have noncategorical eligibility.

This change also removes 109.02.d. which addresses proportionate expenditures for home school students with disabilities. This subsection extends beyond the IDEA regulations which define the requirement for proportionate expenditures based on the number of students with disabilities who are parentally-placed in a private school. Subsection d applies the proportionate expenditure beyond IDEA requirement to include home school students which would be incalculable for the district as well as being in conflict with IDEA and the use of a district's special education funds.

IDEA (20 U.S.C, Section 1412) requires that states and districts establish policies, procedures and criteria – in accordance, Idaho developed the Special Education Manual (the manual was initially developed prior to 2001 and has undergone periodic revisions) to which all Idaho school districts already adhere. Idaho's application for the IDEA grant requires that the state give assurances related to policies and procedures and this will further strengthen these assurances.

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: Compliance with deadlines in governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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: 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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because changes were in accordance with federal regulation. A number of stakeholders have been included and consulted in updating the Idaho Special Education Manual including, state staff, regional consultants, district

special education directors and staff, and parents of students with disabilities and parent organizations supporting parents of children with disabilities.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jacqué Hyatt at (208) 332-6951.

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 Wednesday, October 28, 2009.

DATED this the 20th day of August, 2009.

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

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 08-0203-0906

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. (8-20-09)T
 - i.** Regular due process hearing regarding issues on any matter related to identification, evaluation, placement, or the provision of a free appropriate public education. (8-20-09)T
 - 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. (8-20-09)T
 - ed.** 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)
 - ~~**d.** Expedited due process hearing. An administrative hearing to resolve disputes concerning discipline for which shortened time lines are in effect in accordance with the Individuals with Disabilities Education Act. (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); ~~policies and procedures the State Department of Education is required to adopt to meet the eligibility requirements of 20 U.S.C. Section 1412~~ Idaho Special Education Manual; and special education case law that sets precedence in Idaho.

~~(4-5-00)~~(8-20-09)T

f. ~~Regular due process hearing. An administrative hearing that is conducted to resolve disputes on any matter related to identification, evaluation, placement, or the provision of a free appropriate public education except for disputes concerning discipline for which an expedited hearing may be requested under the Individuals with Disabilities Education Act. 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.~~

~~(4-5-00)~~(8-20-09)T

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.** The child find, services plan, and proportionate expenditure requirements of the Individuals with Disabilities Education Act that apply to students who are voluntarily enrolled in private schools by their parents shall also apply to home school students.~~

~~(4-5-00)~~

ed. 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)

fe. 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)

gf. 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)

hg. 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)

ih. 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 ~~and noncategorical~~ 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. ~~Noncategorical eligibility procedures and criteria may be used only by schools and education agencies that have applied for and been granted a noncategorical eligibility waiver.~~ (4-5-00)(8-20-09)T

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 date of receipt of written parental consent for an initial assessment to the date of IEP implementation shall 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. A new IEP shall be developed at least annually, on or before the date the previous IEP was developed. (4-5-00)

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. ~~(5-3-03)~~(8-20-09)T
- v. Nothing in this part requires education agencies to develop IFSPs rather than IEPs for three (3) through five (5) year olds 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, the parent or adult student may file a written objection to all or parts of the proposed change. If the written objection is postmarked or hand delivered within ten (10) calendar days of the date the parent or adult student receives written notice of the proposed change, the proposed change cannot be implemented. Informal methods such as additional IEP team meetings or voluntary mediation may be used to resolve the disagreement. If these methods fail, the education agency may request a due process hearing 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. (4-5-00)
- 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 ~~will reimburse the mediator for an honorarium and travel expenses~~ shall be responsible for compensating the mediator. All mediation participants shall be required to sign a confidentiality pledge. Attorney fees may not be awarded for a mediation that is conducted prior to a request for a due process hearing. ~~(4-5-00)~~(8-20-09)T
- 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 ~~Bureau~~ 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. ~~(4-5-00)~~(8-20-09)T
- 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 ~~the Idaho Administrative Procedures Act (APA) and the~~ 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. In case of any conflict between the IDAPA 04.11.01 and the IDEA, the IDEA shall supersede the IDAPA 04.11.01, and IDAPA 04.11.01 shall supersede the Idaho Special Education Manual. ~~(4-5-00)(8-20-09)T~~

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 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 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 AND DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0907

NOTICE OF RULEMAKING - 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, 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 Wednesday, October 21, 2009.

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 2005, Idaho submitted assessment materials for review under the standards and assessment requirements of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). External peer reviewers and U.S. Department of Education staff evaluated Idaho's submission and found it was not in compliance with certain regulator and statutory requirements. During the 2005-2006 school year, Idaho addressed critical elements summarized in the report findings including that the achievement standards should be reviewed and reorganized to solve the problems and inconsistencies that were revealed and that they be renamed the Idaho Content Standards. Since then, the term "state achievement standards" has been updated in IDAPA 08.02.03.004 to read "Idaho Content Standards." However, the term was not changed elsewhere in rule. The rule change will update the term usage, as well as correct an incorrect citation.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the changes being made to the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Luci Willits (208) 332-6814.

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 Wednesday, October 28, 2009.

DATED this the 21st day of August, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-0907

200. K-12 ~~STATE ACHIEVEMENT~~ IDAHO CONTENT STANDARDS.

As stated in Subsection 105.02 of these Thoroughness rules, all students graduating from Idaho public high schools must meet locally established ~~achievement content~~ standards. The standards set forth in Sections ~~250 through 954, inclusive, 004~~ are state ~~achievement content~~ standards that shall be the minimum standards used by every school district in the state in order to establish a level of academic ~~achievement content~~ necessary to graduate from Idaho's public schools. Each school district may set standards more rigorous than these state ~~achievement content~~ standards but no district shall use any standards less rigorous than those set forth in these Thoroughness rules. The implementation time and effective date for these ~~Achievement Content~~ Standards rules is the graduating senior class of 2005. (3-15-02)(_____)