

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 & St. Dept. of Education:

08.02.02 - Uniformity/Teacher Evaluation Task Force

(Docket #08-0202-0901)

08.02.02 - Uniformity/Highly Qualified Teacher (HQT) Mandate

(Docket #08-0202-0902)

08.02.02 - Uniformity/Prof. Technical Ed (PTE) Certificates

(Docket #08-0202-0903).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 6-26-09. 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 7-27-09.

_____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: June 9, 2009

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

1. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0901)

The State Department of Education submits notice of proposed rulemaking at IDAPA 08.02.02 - Rules Governing Uniformity. The proposed rule incorporates changes to Section 120 of the current rule governing Local District Evaluation Policy. According to the department, the proposed rule incorporates portions of recommendations made by the Teacher Evaluation Task Force dealing with teacher performance evaluations. Specifically, the proposed rule establishes statewide standards for school districts for evaluating teacher performance. The department states that the proposed standards are based upon the “domains and components” of instruction found in Dr. Charlotte Danielson’s Framework for Teaching, (second edition).

The department notes that negotiated rulemaking was not conducted because the “recommendations for change were proposed by the Teach Evaluation Task Force which was comprised of a variety of stakeholders” and that the proposed rule changes were presented for public comment a number of times across the state and that the Task Force revised its recommendations in response to public comments.

One final comment--we note the reference to Idaho Code found in the proposed new section 120.02., appears to reference incorrect sections of Idaho Code. Specifically, the references to section 33-1001 (13) and 33-515, Idaho Code, should likely be changed to reference the correct sections.

The department’s proposed rule appears to be authorized pursuant to Section 33-107, Idaho Code.

2. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0902)

The State Department of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.02 - Rules Governing Uniformity. According to the State Department of Education, these rule revisions are consistent with No Child Left Behind and are in response to the “Highly Qualified Teacher” (HQT) requirements.

The Department states that the temporary and proposed rule provides four new options for professionals to attain endorsements in addition to the traditional routes to endorsement for professionals seeking other endorsement areas. The four options include traditional coursework through a college or university; national board certification; obtaining a content-specific graduate degree; and standardized content testing. The department states that the temporary and proposed rule is necessary because the current system is not adequately meeting the demands of school districts, particularly those in rural areas of the state.

The department notes that negotiated rulemaking was used and that the proposed changes were revised and ultimately approved by the Professional Standards Commission. Finally, the department states that the adoption of a temporary rule is justified to correct a rule error discovered after the alternate authorization rule change was approved by the 2009 Idaho Legislature.

The proposed rule appears to be authorized pursuant to Sections 33-1201 and 33-1258, Idaho Code.

3. IDAPA 08.02.02 - Rules Governing Uniformity (Docket No. 08-0202-0903)

The State Department of Education submits notice of proposed rulemaking at IDAPA 08.02.02 - Rules Governing Uniformity. The proposed rule includes revisions to three specific sections of administrative rule. The department states that negotiated rulemaking was conducted and that the proposed rule was brought before the Standards Committee of the Professional Standards Commission, where the proposed changes were presented, discussed, amended and ultimately voted on by the Commission.

Section 021: The proposed rule is designed to assist rural districts and should result in providing students more options to meet graduation requirements. The proposed rule will allow technical education teachers to obtain endorsements to become highly qualified in core content area endorsements so such instructors can take on additional teaching assignments.

Section 024: The proposed rule is in response to a directive from the U.S. Department of Education to revise the social studies endorsement to meet the requirements of federal law. The proposed rule revises the integrated social studies endorsement to comply with highly qualified status in the four core content areas of the endorsement: government, economics, geography and history.

Section 027: The proposed rule appears to simply provide for more uniform language relating to interim endorsements for school nurses and speech language pathologists.

The rule appears to be authorized pursuant to Section 33-1258, Idaho Code.

cc: State Board of Education, Tracie Bent
State Department of Education, Superintendent Tom Luna, Nick Smith & Christina Linder

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0901

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 Section 33-107, 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, June 17, 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:

According to surveys and testimony given to the Idaho Legislature, Idaho has a lack of consistency, reliability and validity in measuring teacher performance. Both the standards and procedures by which teachers are being evaluated have been found to lack consistency from one district to the next and often within a district from one school to another. Many teachers across Idaho have expressed concerns about the quality, fairness, consistency and reliability of teacher evaluation systems currently being used in their school district.

Part of the recommendations made by the Teacher Evaluation Task Force included making changes to Idaho Administrative code, IDAPA 08.02.02. - Section 120, Local District Evaluation Policy. The changes establish state wide minimum standards for a fair, thorough, consistent and efficient system for evaluating teacher performance in Idaho based on Dr. Charlotte Danielson's Framework For Teaching. Dr. Danielson is a nationally recognized expert on school improvement. Danielson developed the Framework for Teaching as a guide to help teachers become more effective and help them focus on areas in which they could improve. The framework groups teachers' responsibilities into four major areas, which are clearly defined, and then further divided into components that highlight the practice of effective teaching.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the recommendations for change were proposed by the Teacher Evaluation Task Force which was comprised of a variety of stakeholders. These revisions were then presented for public comment a number of times throughout the state. After receiving public comment, the teacher Evaluation Task Force revised their recommendations as a result of the public comments received during the statewide tour. If necessary, the Teacher Evaluation Task Force will work together with the State Department of Education to refine and address the public comment received after the close of the official public comment period.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nick Smith, Deputy Superintendent of School Support Services, at 208-332-6959.

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, June 24, 2009.

DATED this 23rd Day of April, 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. 08-0202-0901

120. LOCAL DISTRICT EVALUATION POLICY.

Each school district board of trustees will develop and adopt policies for teacher performance evaluation in which criteria and procedures for the evaluation of certificated personnel are established research based and aligned to Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators and teachers. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (4-1-97)()

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

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

- iii. Engaging Students in Learning: ()
- iv. Providing Feedback to Students: ()
- v. Demonstrating Flexibility and Responsiveness; and ()
- vi. Use Assessment to Inform Instruction and Improve Student Achievement. ()
- d.** Domain 4 - Professional Responsibilities: ()
 - i. Reflecting on Teaching: ()
 - ii. Maintaining Accurate Records: ()
 - iii. Communicating with Families: ()
 - iv. Contributing to the School and District: ()
 - v. Growing and Developing Professionally; and ()
 - vi. Showing Professionalism. ()

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

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

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

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

c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated personnel performance. The individuals assigned this responsibility should have received training in evaluation. (4-1-97)

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

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

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

g. Personnel actions -- the action, if any, available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (4-1-97)

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

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

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

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

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

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

n. A plan for how evaluations will be used to identify proficiency and define a process that identifies and assists teachers in need of improvement. ()

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

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

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

b. All renewable contract personnel will be evaluated at least once annually. (4-1-97)

045. Evaluation Policy - Personnel Records. Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). (4-1-97)

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0902

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 8, 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 33-1201 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, June 17, 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:

This rule change is in response to the Highly Qualified Teacher (HQT) mandate. In order to assist teachers in meeting highly qualified teacher status this immediate rule change is necessary. The traditional route to endorsement for in-service professionals seeking other endorsement areas is not sufficiently meeting the demands of school districts, particularly those in rural areas. These changes are in alignment with No Child Left Behind (NCLB) and allow for additional options to attain an endorsement. The four options include traditional coursework through a college or university, National Board certification, content specific graduate degree, and standardized content testing (Praxis II) with a mentoring component and/or pedagogical assessment.

These additional routes expedite the attainment of endorsements for teachers who are needed to teach in areas outside of their current endorsement. Under the alternative authorization provisions these additional routes are available to Idaho school districts requesting endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification and is only valid for up to three years and is nonrenewable. All of these additional options for endorsement bring Idaho rule into further alignment with NCLB and the Highly Qualified Teacher mandate.

Option I - Teacher to New Certification was pre-existing under this section before and is now designated option one and titled accordingly. This option is for initial certification and/or endorsement and is for traditional coursework through a postsecondary institution.

Option II - National Board for adding an endorsement. By earning National Board certification in a content specific area, candidates may add an endorsement in that same content area to a valid certificate.

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

Option IV - Testing and/or Pedagogical Assessment is for endorsement only. Two pathways are available to some candidates, depending upon endorsement(s) already held. Pathway I acknowledges content areas that are closely compatible in pedagogy with an endorsement area the candidate already qualifies and is experienced. This route requires no coursework once content competency has been shown as a result of a passing score on the appropriate Praxis II test and completion of a mentoring component. Pathway II addresses less closely aligned areas and therefore additional pedagogy in content area best practices is required in addition to content knowledge. Both Pathway I and II require a minimum of one year of supervision and mentoring.

Major additions to the alternate route to endorsement were already passed by the Legislature this 2009 session; however, the wording between Pathway I and Pathway II is in need of some minor clarifications. In addition, we are taking this opportunity to delete the “emergency” language. While all requests must still pass through the Professional Standards Commission Authorizations Committee, and districts must still communicate why it is in their best interest to choose this route rather than hire a person who is already appropriately certificated, the district will not need to prove that it is an emergency situation. The only other change is to include the option of awarding a teacher an additional endorsement for attaining a Master’s Degree in a specific content area. Both changes bring the state into greater alignment with Title II-A guidance.

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

An error was discovered after the alternate authorization rule change was approved by the 2009 Idaho Legislature. In order to correct the error before teachers beginning the alternate route to endorsement, this rule change is being run as temporary and proposed.

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: N/A

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote.

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 Katie Rhodenbaugh (208) 332-6885.

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, June 24, 2009.

DATED this 27th Day of April, 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. 08-0202-0902

043. ALTERNATIVE AUTHORIZATION – TEACHER TO NEW CERTIFICATION (EFFECTIVE JULY 1, 2006).

The purpose of this alternative authorization is to allow Idaho school districts to request ~~emergency~~ endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/

certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable.

~~(5-8-09)~~(5-8-09)T

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

~~(3-20-04)~~(5-8-09)T

02. Alternative Route Preparation Program. (3-20-04)

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

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

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

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

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

c. Option III - Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (5-8-09)T

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

i. Pathway 1 - Endorsements may be added through state-approved testing ~~only, provided that and a mentoring component.~~ ~~#The appropriate test is must be~~ successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and ~~are~~ is experienced. Additionally requires the successful completion of a one (1)-year state-approved mentoring component. ~~(5-8-09)~~(5-8-09)T

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

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0903

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 Section 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, June 17, 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:

Section 021: This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status and teacher shortages. In light of increased math and science graduation requirements, it is clear that the state may be facing an even greater shortage in these core content areas. This rule change proposes an avenue to head off a dramatic deficiency. It also allows for more local control and flexibility in meeting certification requirements, especially in consideration of rural districts that have difficulty in hiring and retaining qualified support personnel.

This rule change allows endorsements to be added to Professional Technical certificates. Up to this point, Professional Technical Education (PTE) issued full certificates but only in technical content areas. This will allow our technical education teachers to become highly qualified in core content area endorsements (math, science, language arts, etc.) so they can be highly qualified and take on additional assignments. This will particularly assist rural districts, provide students more options for meeting graduation requirements, and allow for more flexibility in assigning PTE certified teachers.

Section 024: In 2005 Idaho redesigned the social studies endorsement to meet the mandate of No Child Left Behind. An interdisciplinary endorsement was no longer sufficient; content expertise was to be proven in all four of the core content areas contained within the endorsement – government, economics, geography, and history. Though the original design intended to satisfy these requirements making social studies endorsed teachers highly qualified in all of these areas, it was found unacceptable to the US Department of Education (USDOE).

Because of the widely rural nature of Idaho, having teachers who can teach in more than one subject area is an absolute necessity. In accordance with direction given from the USDOE, changes have been made to the endorsement to bring the integrated social studies endorsement into compliance with highly qualified status in all four of the core content areas.

Section 027: This rule change is in response to a need for more uniform language. The term “provisional” is used erroneously to describe what is truly an “interim” certificate. A “provisional authorization” is granted as a one (1) year waiver whereas an “interim certificate” is granted for a period of three (3) years while educational requirements are actively being sought. This endorsement as it applies to the school nurse is an “interim endorsement” and needs to be worded appropriately.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote.

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 Katie Rhodenbaugh (208) 332-6885.

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, June 24, 2009.

DATED this 27th Day of April, 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. 08-0202-0903

021. ENDORSEMENTS.

Holders of a Secondary Certificate or a Standard Elementary Certificate, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching major or minor if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. ~~(3-16-04)~~()

(BREAK IN CONTINUITY OF SECTIONS)

024. ENDORSEMENTS M - Z.

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

a. Twenty (20) semester credit hours to include course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; and Curriculum and Materials Marketing, with remaining credit hours in the field of business. (3-16-04)

b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

02. Mathematics - Basic (6-12). Twenty (20) semester credit hours in Mathematics including course work in Algebra, Geometry, and Trigonometry. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in Mathematics. (3-16-04)

- 03. Mathematics (6-12).** Twenty (20) semester credit hours including course work in each of the following areas: Geometry, Linear Algebra, Discrete Mathematics, Probability and Statistics, and a minimum of three (3) semester credit hours of Calculus. Statistics course work may be taken from a department other than the mathematics department. (4-11-06)
- 04. Music (6-12 or K-12).** Twenty (20) semester credit hours to include course work in the following: Theory and Harmony; Aural Skills, Music History; Conducting; Applied Music; and Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary music methods course. (4-11-06)
- 05. Natural Science (6-12).** An endorsement in: Biological Science, Physical Science, Physics, Chemistry, Earth Science, Geology, or Agriculture Science and Technology. Twenty-four (24) semester credit hours are required in each endorsement area as follows: (4-11-06)
- a.** Biological Science Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. (4-11-06)
- b.** Physics Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. (4-11-06)
- c.** Chemistry Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology. (4-11-06)
- d.** Earth Science or Geology Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. (4-11-06)
- e.** Agriculture Science and Technology Endorsement. Minimum of four (4) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. Remaining course work must be from the sciences: Biology, Chemistry, Earth Science or Geology, and Physics. (4-11-06)
- 06. Physics (6-12).** Twenty (20) semester credit hours in the area of Physics. (3-16-04)
- 07. Physical Education (PE) (6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Sport, Movement, and Outdoor Skills; Elementary PE Methods; Secondary PE Methods; Student Evaluation in PE; Administration of a PE Program; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise Physiology; Kinesiology/Biomechanics; Sports Psychology or Sociology; Motor Behavior; and Current CPR and First Aid Certification. (3-30-07)
- 08. Physical Education/Health.** Must have an endorsement in both physical education and health. (3-30-07)
- 09. Physical Science (6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)
- 10. Psychology.** Twenty (20) semester credit hours in the area of Psychology. (3-16-04)
- 11. Social Studies (6-12).** Must have an endorsement in History, American Government/Political Science, Economics, ~~Sociology, Psychology,~~ or Geography plus a minimum of ~~twenty (20) semester credit hours of which the following are required: a minimum of six~~ twelve (6~~12~~) semester credit hours ~~of general U.S. history survey; a minimum of three (3) semester credit hours of American Government. The remaining semester credit hours must include course work from all of the following~~ in each of the remaining core endorsements areas: ~~World~~ History, Geography, Economics, ~~Sociology,~~ and ~~Psychology~~ American Government/Political Science. (4-11-06)()
- 12. Sociology (6-12).** Twenty (20) semester credit hours in the area of Sociology. (3-16-04)
- 13. Sociology/Anthropology (6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)

14. Technology Education (6-12). (3-16-04)

a. Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation; and Principles of Technology. (3-16-04)

b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

027. PUPIL PERSONNEL SERVICES CERTIFICATE.

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

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

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

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

02. School Psychologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-16-04)

a. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program. (3-16-04)

b. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology. (3-16-04)

c. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. (5-8-09)

03. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of ~~the following~~ either requirements in Subsections 27.03.a. or 27.03.b. in addition to the requirement of Subsection 27.03.c. (~~3-16-04~~)()

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

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

i. Health program management; (5-8-09)

ii. Child and adolescent health issues; (5-8-09)

iii. Counseling, psychology, or social work; or (5-8-09)

iv. Methods of instruction. (5-8-09)

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

04. Provisional Interim Endorsement - School Nurse. This certificate will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim Certificate - will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (~~5-8-09~~)(____)

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

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

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

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

b. A master's degree in guidance and counseling, sociology, or psychology plus thirty (30) semester credit hours of graduate work in social work education, including course work in all the following areas: understanding the individual; casework method; field placement; social welfare programs and community resources; and research methods. (3-16-04)

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