

Dear Senators GOEDDE, Mortimer, Malepeai, and
Representatives NONINI, Shirley, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the State Board of and State Department of Education - State Board of Education:
IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (Docket No. 08-0203-1201).

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 06/18/2012. 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 07/17/2012.

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 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee
FROM: Principal Legislative Research Analyst - Eric Milstead
DATE: May 30, 2012
SUBJECT: State Board of and State Department of Education - State Board of Education

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (Docket No. 08-0203-1201)

The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.03 - Rules Governing Thoroughness. The temporary and proposed rule clarifies that the State of Idaho recognizes home school students as having received a secondary education. The State Board notes that eligibility for federal financial aid requires that students who do not have a high school diploma must obtain a GED unless the student has been educated in a home school recognized by the state. The State Board states that currently Idaho Code does not clearly state that home schooled students are recognized as having received a secondary education. Absent that recognition, the student would be required to obtain a GED prior to applying for federal financial aid for public institutions for the Fall 2012 semester.

The State Board notes that negotiated rulemaking was not conducted because the changes were of a non-controversial nature.

The temporary and proposed rule appears to be authorized pursuant to section 33-105, 33-107, 33-116 and 33-1612, Idaho Code.

ANALYST NOTE: In light of the fact that the State Board notes that current Idaho Law is less than unambiguously clear on this matter, the Legislature might consider revising Idaho Code to clarify this situation.

cc: State Board of and State Department of Education - State Board of Education
Tracie Bent

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1201

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 19, 2012.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2012.

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:

Amendments to IDAPA 08.02.03 are intended to show that the state of Idaho recognizes home school students as having received a secondary education.

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:

Recent changes to the federal requirements for student eligibility for federal financial aid require that students who do not have a high school diploma obtain a GED, unless they have been educated in a home school recognized by the state. The existing language in Idaho Code implies, but does not clearly state, that home schooled students are recognized as having received a secondary education. Without this recognition, students would be required to obtain a GED prior to applying for federal financial aid at our public institutions for the Fall 2012 semester.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes were of a non controversial nature.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2012.

DATED this 25th day of April, 2012

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State St
PO Box 83720
Boise, ID 83720-0037
Phone: (208)332-1582
Fax: (208)3342632

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY AND PROPOSED RULE
FOR DOCKET NO. 08-0203-1201**

118. HOME SCHOOL.

Any student not attending a public or private school within the state of Idaho may, as an alternative, receive educational instruction in a home school setting at the direction of the student's parent or guardian. A home schooled student is required to receive such instruction in subjects commonly and usually taught in the public schools of the state of Idaho. (4-19-12)T

~~118~~. -- 127. (RESERVED)