

Dear Senators GOEDDE, Mortimer, Durst, and  
Representatives DEMORDAUNT, Nielsen, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
State Board of and State Department of Education - State Department of Education:

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - ensures schools &  
students accounted for through accreditation & Idaho's Star Rating System (Docket  
No. 08-0202-1302);

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - removes barriers in Bd.  
approval of teacher preparation (Docket No. 08-0202-1303);

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho Educator Credential  
(Docket No. 08-0202-1304);

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - purported violations of  
Code of Ethics for Idaho Educators (Docket No. 08-0202-1305);

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - high school graduation  
requirements (Docket No. 08-0203-1302);

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - language replaces  
"Gun-free-Schools" language (Docket No. 08-0203-1303);

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (Fee Rule) - online  
course portal (Docket No. 08-0203-1304).

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 10/03/2013. 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 11/01/2013.

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:** September 16, 2013  
**SUBJECT:** State Board of and State Department of Education - State Department of Education

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - ensures schools & students accounted for through accreditation & Idaho's Star Rating System (Docket No. 08-0202-1302)

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - removes barriers in Bd. approval of teacher preparation (Docket No. 08-0202-1303)

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho Educator Credential (Docket No. 08-0202-1304)

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - purported violations of Code of Ethics for Idaho Educators (Docket No. 08-0202-1305)

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - high school graduation requirements (Docket No. 08-0203-1302)

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - language replaces "Gun-free-Schools" language (Docket No. 08-0203-1303)

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (Fee Rule) - online course portal (Docket No. 08-0203-1304)

1. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - (Docket No. 08-0202-1302)

The State Department of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.02 -- Rules Governing Uniformity. The temporary and proposed rule docket includes new language to clarify which alternative schools may operate as programs and which alternative schools must obtain standalone accreditation. The department states that the temporary and proposed rule will better ensure that schools and students are being properly accounted for.

Specifically, the rule provides that if an alternative school meets certain criteria, including criteria relating to attendance, enrollment, instructional models, then the school must seek and obtain accreditation. (Rule Section 140.01.a through 140.01.e)

The agency states that negotiated rulemaking was not conducted because of the need for temporary rulemaking.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The effective date of the temporary rule was June 20, 2013.

The agency's temporary and proposed rule appears to be authorized pursuant to sections 33-105, 33-107 and 67-5226, Idaho Code.

2. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - (Docket No. 08-0202-1303)

The State Department of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.02 -- Rules Governing Uniformity. The temporary and proposed rule in this docket revises the title of this route to teacher certification. The agency notes that this temporary and proposed rule includes no substantive changes in the requirements, approval process or procedures relating to this route to certification. The changes reflected in the text of this rule include eliminating the term "computer based alternative route to teacher certification" and using the term "alternative route to teacher certification" and "non-traditional route."

We make only one comment regarding the language in the temporary and proposed rule and that relates to the use of the term "alternative route certification program" and the term "non-traditional route." There may be a sound reason to use the two different terms -- "alternative" and "non-traditional," but it appears the two terms are used to describe the same "route." We note that perhaps using only one of the two terms may avoid confusion.

The effective date of the temporary rule was June 20, 2013.

The agency's temporary and proposed rule appears to be authorized pursuant to section 33-105, 33-17 and 33-5226, Idaho Code.

3. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho Educator Credential (Docket No. 08-0202-1304)

The proposed rule in this docket provides language that clarifies that provisions relating to certain renewal requirements governing the Mathematics In-Service Program and the Idaho Comprehensive Literacy Course apply only to active teachers (See, Rule 016.01 and 016.04).

The agency's proposed rule appears to be authorized pursuant to section 33-105, Idaho Code.

4. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - (Docket No. 08-0202-1305)

The proposed rule in this docket revises language relating to the Code of Ethics for Idaho Professional Educators. The agency states that these revisions were approved after lengthy discussion by the Professional Standards Commission (PSC). The agency also notes that the proposed rule in this docket reflects extensive research and consultation with the Deputy Attorney General assigned to the PSC. Some of the revisions found in the proposed rule reflect updating language to reflect changes in technology (See, Rule 076.03 and 076.11.f.--revising language to reflect new and virtual technology). Other revisions include specifying, in certain situations, that unethical conduct includes failure to notify licensing authorities of a prior conviction relating to the violation of statutes or rules governing teacher certification. (See Rule Sections 076.05.d and 076.05.i). Other changes simply involve adding clarifying or explanatory text to the titles of certain subsections of the rule (See, for example, 076.09--Principle VIII and 076.10 -- Principle 10, which both include new title descriptors.)

The agency states that negotiated rulemaking was not conducted because the rule was "created through a committee of practitioners appointed by the State Board of Education" and consequently, multiple stakeholders were informed.

The agency's proposed rule appears to be authorized pursuant to sections 33-105 and 33-107, Idaho Code.

5. IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - high school graduation requirements (Docket No. 08-0203-1302)

The temporary and proposed rule reflects changes relating to the possible accelerated graduation of students through two new programs authorized by the legislature. Senate Bill 33-1628 established the "8-in-6" program to help students complete 8 years of school work in years, while Senate Bill 1028 established the Master Advancement Program which allows districts to use mastery examination to permit students to progress more quickly through school. Both programs require revisions to certain sections of rule governing requirements for high school and middle school. The changes are found in Rule Section 104.03, which is eliminated; Rule Section 105.01.d, which revises text governing requirements relating to mathematics; and Rule Section 105.05, which revises requirements relating to middle school.

The agency notes that the temporary rule was implemented to allow students to begin taking advantage of the programs provided for in Senate Bills 1028 and 1628.

The agency does not speak to the issue of negotiated rulemaking.

The agency's temporary and proposed rule appears to be authorized pursuant to sections 33-105 and 33-107, Idaho Code.

6. IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - language replaces "Gun-free-Schools" language (Docket No. 08-0203-1303)

The proposed rule reflects a single change: in Section 160 that requires school districts to have policies encompassing, among other things, "Gun free Schools," that language has been stricken and replaced with the following phrase: "Students Prohibited from Possessing Weapons on Campus." The agency states that this change accurately reflects the prohibition of weapons on campus and the power of boards of trustees to authorize select employees to carry firearms on campus.

The agency's proposed rule appears to be authorized pursuant to sections 33-105 and 33-107, Idaho Code. The provisions of the proposed rule appear to be consistent with section 18-3302D, Idaho Code.

7. IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (FEE RULE) - online course portal (Docket No. 08-0203-1304)

The proposed Fee Rule reflects costs related to the process by which the Department will review and approve online courses, pursuant to Section 33-1024, Idaho Code. The Department states that it will charge online course providers a submission fee based upon the number of courses offered. While we note that no specific fee amount is provided for in the proposed rule, the Department states that such fee will not exceed the actual cost of the course review. See Rule Section 128.06)

The department states that negotiated rulemaking was not conducted because "this is a previously published rule in response to state law changes."

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

cc: State Board of and State Department of Education - State Department of Education  
Superintendent Tom Luna, Nick Smith, Christina Linder, Luci Willits, Matt McCarter

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1302**

### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 20, 2013.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105, Idaho Code, Section 33-107, Idaho Code, and Section 33-1612, Idaho Code and 33-118.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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:

Section 33-119, Idaho Code, requires the State Board of Education to establish standards for the accreditation of any secondary school and set standards for all elementary schools as it may deem necessary. In August, 2007, the State Board of Education eliminated the Idaho State Accreditation process and adopted the Northwest Association of Accredited Schools (NAAS) standards for accreditation purposes due to the fact that a duplication of efforts existed between the two processes. This change allowed the State Department of Education to reallocate funding to other program areas within the Department and provided an opportunity to divert some of those funds back into classrooms across Idaho.

In 2011, the Northwest Association of Accredited Schools changed their name to the Northwest Accreditation Commission (NWAC) to better reflect their organizational structure as a commission rather than an association due to changes in membership and representation. In 2012, the Northwest Accreditation Commission merged with AdvancEd, becoming an Accreditation division of AdvancEd.

In accordance with IDAPA 08.02.02.140, all public secondary schools, serving any grade(s) 9-12, will be accredited by the Northwest Accreditation Commission. In the past, many school districts have operated Alternative Schools that are sponsored programs under a traditional high school. Under this structure, these alternative schools that function as programs are accredited as part of the traditional high school and their accountability is combined with the traditional high school under Idaho's Star Rating system. Upon further analysis, the State Department of Education believes that this relationship is in violation of IDAPA 08.02.02.140, but sees the value in continuing relationships where Alternative Schools can be considered sponsored programs under a traditional high school for accreditation purposes. As a result, the State Department of Education is recommending revisions to IDAPA 08.02.02.140 that will solidify which schools can operate as programs and which schools must seek standalone accreditation. This rule revision will ensure that all schools and all students are being properly accounted for through accreditation and Idaho's Star Rating system. The proposed language before you has been reviewed and approved by the Idaho Accreditation Committee.

**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: This rule revision will ensure that all schools and all students are being properly accounted for through accreditation and Idaho's Star Rating System.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this temporary and proposed rule, contact Nick Smith, State Department of Education at [nwsmith@sde.idaho.gov](mailto:nwsmith@sde.idaho.gov) or 208-332-6954.

Anyone may submit written comments regarding this temporary and proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st Day of June, 2013.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; fax (208) 334-2228

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE TEXT OF THE PROPOSED RULE  
FOR DOCKET NO. 08-0202-1302**

**140. ACCREDITATION.**

All public secondary schools, serving any grade(s) 9-12, will be accredited. Accreditation is voluntary for elementary schools, grades K-8, ~~and~~ private and parochial schools, and alternative schools not identified in Subsection 140.01.a. through 140.01.e. of this rule. (Section 33- 119, Idaho Code) ~~(4-2-08)~~(6-20-13)T

**01. Alternative Schools.** Beginning with the 2014-15 school year, an alternative school serving any grade(s) 9-12 that meets any three (3) of the criteria in Subsections 140.01.a. through 140.01.e. of this rule, shall be required to be accredited. An alternative school that does not meet three (3) of the following criteria in Subsections 140.01.a. through 140.01.e. shall be considered as an alternative program by the district board of trustees and shall be included in the accreditation process and reporting of another secondary school within the district for the purposes of meeting the intent of this rule. (6-20-13)T

**a.** School has an Average Daily Attendance greater than or equal to 36 students based on previous years enrollment; (6-20-13)T

b. School enrolls any students full-time for the school year once eligibility determination is made as opposed to schools that enroll students for “make-up” or short periods of time; (6-20-13)T

c. School offers an instructional model that is different than that provided by the traditional high school within the district for a majority of the coursework, including but not limited to online/virtual curriculum; (6-20-13)T

d. School administers diplomas that come from that alternative school as opposed to students receiving a diploma from the traditional high school within the school district; or (6-20-13)T

e. School receives its own accountability rating for federal reporting purposes. (6-20-13)T

~~012.~~ **Continuous School Improvement Plan.** Schools will develop continuous school improvement plans focused on the improvement of student performance. (4-2-08)

~~023.~~ **Standards.** Schools will meet the accreditation standards of the Northwest Accreditation Commission. (3-29-12)

~~034.~~ **Reporting.** An annual accreditation report will be submitted to the State Board of Education. (4-2-08)

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1303**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 20, 2013.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-107, 33-1612, and 33-118, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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:

Changing the title of this route to certification removes unnecessary barriers in Board approval of qualified face-to-face and hybrid teacher preparation alternatives. No substantive changes are proposed in the requirements, approval process, or procedures.

**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:

There are no substantive changes in the requirements, approval process or procedures. This does, however, remove unnecessary barriers to board approval of qualified teacher preparation.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this temporary and proposed rule, contact Christina Linder, State Department of Education, at [cpinder@sde.idaho.gov](mailto:cpinder@sde.idaho.gov), or 208-332-6886.

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 August 28, 2013.



DATED this 21st Day of June, 2013.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; fax (208) 334-2228

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THE FOLLOWING IS THE TEMPORARY RULE AND THE TEXT OF THE PROPOSED RULE  
FOR DOCKET NO. 08-0202-1303

**045. ~~COMPUTER-BASED~~ ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.**

An individual may acquire interim certification as found in Section 015 of these rules through an ~~approved~~ ~~computer-based~~ alternative route certification program. ~~(4-6-05)~~(6-20-13)T

**01. Approval of the Program.** The State Board of Education must approve any ~~computer-based~~ ~~alternative non-traditional~~ route to teacher certification. The program must include, at a minimum, the following components: ~~(4-6-05)~~(6-20-13)T

- a. Preassessment of teaching and content knowledge; (4-6-05)
- b. An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)
- c. Exams of pedagogy and content knowledge. (4-6-05)

**02. Eligibility.** Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this ~~alternative non-traditional~~ route to an interim Idaho Teacher Certification. ~~(4-6-05)~~(6-20-13)T

**03. Requirements for Completion.** To complete this ~~alternative non-traditional~~ route, the individual must: ~~(4-6-05)~~(6-20-13)T

- a. Complete a Board approved program; (4-6-05)
- b. Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)
- c. Complete the Idaho Department of Education Criminal History Check. (4-6-05)

**04. Interim Certificate.** Upon completion of the ~~computer-based~~ certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. ~~(4-4-13)~~(6-20-13)T

**05. Interim Certificate Not Renewable.** Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (4-6-05)

**06. Types of Certificates and Endorsements.** The ~~computer-based alternative~~ non-traditional route may be used for ~~initial~~ first-time certification, subsequent certificates, and additional endorsements. ~~(4-11-06)~~ (6-20-13)T

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1304**

**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 33-1511(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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:

During the 2012 legislative session, IDAPA rule 08.02.02.016, Idaho Educator Credential, was approved with the agreement that additional language clarifying the conditions under which Idaho teachers must meet this requirement. Amendments to the Mathematics In-Service and Idaho Comprehensive Literacy Course renewal requirements clarify that only active teachers in the Idaho Public School system are required to fulfill this obligation for recertification.

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

There is no imposed or increased fee associated with these changes.

**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 rule was clarification in nature and did not require negotiated rulemaking.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder, State Department of Education, at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov) or 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 August 28, 2013.

DATED this 21st day of June, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
208-332-6800 telephone  
208-334-2228 fax

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THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 08-0202-1304

**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. Any teacher or administrator successfully completing said course shall be deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. 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: (4-7-11)

**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); (3-29-10)

**b.** Each teacher holding a Standard Elementary Certificate (K-8) who is employed in an elementary classroom (multi-subject classroom K-8); ~~(3-29-10)~~( )

**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 who is employed in an elementary classroom\* (multi-subject classroom K-8); ~~(3-29-10)~~( )

**d.** Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in an elementary classroom (multi-subject classroom K-8); and ~~(3-29-10)~~( )

**e.** Each school administrator holding an Administrator Certificate (Pre K-12) who is employed in an elementary classroom (multi-subject classroom K-8), including all school district and charter administrators. ~~(4-4-13)~~( )

**02. Out-of-State Applicants - Mathematical Thinking for Instruction.** (4-4-13)

**a.** 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). (3-29-10)

**b.** Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Mathematics In-service program requirement. (4-4-13)

**03. Waiver of Mathematics In-Service Program.** When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual ~~who lives~~ **living** outside of the state of Idaho ~~or~~ who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (~~4-4-13~~)(    )

**04. Renewal Requirement - Idaho Comprehensive Literacy Course.** In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy 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 016.04.a. through 016.04.c. shall successfully complete an Idaho Comprehensive Literacy course in order to recertify: (4-4-13)

**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); (4-4-13)

**b.** Each teacher holding a Standard Elementary Certificate (K-8) who is employed in an elementary classroom (K-8); and (~~4-4-13~~)(    )

**c.** Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in a K-12 classroom. (~~4-4-13~~)(    )

**05. Out-of-State Applicants - Idaho Comprehensive Literacy Course.** Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. (4-4-13)

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1305**

**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 33-1511(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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 Executive Committee, a decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission, has the prime duty to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. After extensive research and consultation with the Deputy Attorney General assigned to the PSC, the Executive Committee proposed to the full Commission a series of clarifications and revisions to the Code of Ethics for Idaho Professional Educators. The proposal was discussed at length and the Professional Standards Commission voted to recommend approval of the proposed revisions to the Code of Ethics for Idaho Professional Educators.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There is no imposed or increased fee associated with these changes.

**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 rule was created through a committee of practitioners appointed by the State Board of Education. Therefore, multiple stakeholder groups were informed and the recommendations vetted.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder, State Department of Education, at [cpilinder@sde.idaho.gov](mailto:cpilinder@sde.idaho.gov), or 208-332-6886.

Anyone may submit written comments regarding this temporary and proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st Day of June, 2013.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; fax (208) 334-2228

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**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 08-0202-1305**

**076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

**01. Aspirations and Commitments.** (3-20-04)

**a.** The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

**b.** The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his/~~her~~ goals and potential as an effective citizen. (~~4-11-06~~)(    )

**c.** The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other's cultures and beliefs. (~~3-20-04~~)(    )

**d.** The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

**e.** The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

**f.** The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

**02. Principle I - Professional Conduct.** A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct ~~may~~ shall include the conviction of any felony or misdemeanor

offense ~~as defined by set forth in~~ Section ~~18-110 and Section 18-111~~ 33-1208, Idaho Code. ~~All infractions (traffic) as defined by Section 18-113A, Idaho Code, are excluded.~~ (3-20-04)( )

**03. Principle II - Educator/Student Relationship.** A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-04)( )

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
- d. Committing any act of harassment as defined by district policy; (4-11-06)
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-20-04)( )
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases); (3-20-04)
- g. Taking or possessing inappropriate ~~pictures~~ images (digital, photographic, or video) of students; (3-20-04)( )
- h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)
- i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; ~~and~~ (4-11-06)( )
- j. Conduct that is detrimental to the health or welfare of students; ~~and~~ (4-11-06)( )
- k. Deliberately falsifying information presented to students.** ( )

**04. Principle III - Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)( )

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
- c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)
- e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

**05. Principle IV - Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)( )

- a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)



b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)

c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)

d. Failure to notify the state at the time of application for licensure of past criminal convictions ~~at the time of application for licensure~~ of any crime violating the statutes or rules governing teacher certification; (3-20-04)( )

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; ~~and~~; (3-20-04)( )

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; ~~and~~; (3-20-04)( )

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. ( )

**06. Principle V - Funds and Property.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-04)( )

a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

b. Failure to account for school funds collected from students, ~~or~~ parents, or patrons; (3-20-04)( )

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

e. Use of school ~~computers~~ property for ~~a~~ private ~~business~~ financial gain; (3-20-04)( )

f. Use of school computers to deliberately view or print pornography; and, (3-20-04)

g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

**07. Principle VI - Compensation.** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-04)( )

a. Unauthorized solicitation of students or parents of students to purchase equipment, ~~or~~ supplies, or services from the educator who will directly benefit; (3-20-04)( )

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

d. Soliciting, accepting, or receiving a ~~pecuniary~~ **financial** benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-04)( )

08. **Principle VII - Confidentiality.** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-04)( )

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

09. **Principle VIII - Breach of Contract or Abandonment of Employment.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-04)( )

~~a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)~~

~~ba.~~ Willfully refusing to perform the services required by a contract; and, (3-20-04)

~~eb.~~ Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

10. **Principle IX - Duty to Report.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-04)( )

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

11. **Principle X - Professionalism.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (4-11-06)( )

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)

b. Committing any act of harassment toward a colleague; (4-11-06)

~~e. Conduct that is offensive to the ordinary dignity, decency, and morality of others; (4-11-06)~~

~~dc.~~ Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)

- ed.** Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)
- f.** ~~Deliberately falsifying information presented to students;~~ (4-11-06)
- ge.** Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)
- hf.** Taking ~~or possessing~~ inappropriate ~~pictures~~ images (digital, photographic or video) of colleagues. (4-11-06)( )

**077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

- 01. Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. (3-20-04)
- 02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)
- 03. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code). (3-20-04)
- 04. Certificate Denial.** The refusal of the state to grant a certificate for an initial or reinstatement application. (3-20-04)
- 05. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. (3-20-04)
- 06. Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. (4-11-06)
- 07. Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). (3-20-04)
- 08. Contract.** Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. (3-20-04)
- 09. Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. (3-20-04)
- 10. Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). (3-20-04)
- 11. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). (3-20-04)
- 12. Ethics Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. (4-11-06)( )

13. **Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)
14. **Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)
15. **Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission ~~Ethics~~ **Executive** Committee, or following review by the ~~Ethics~~ **Executive** Committee at the request of the deputy attorney general assigned to the Department of Education. (~~4-11-06~~)(    )
16. **Minor.** Any individual who is under eighteen (18) years of age. (3-20-04)
17. **Not-Sufficient Grounds.** A determination by the ~~Ethics~~ **Executive** Committee that there is not-sufficient evidence to take action against an educator's certificate. (~~4-11-06~~)(    )
18. **Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. (3-20-04)
19. **Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. (3-20-04)
20. **Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)
21. **Revocation.** The invalidation of any Certificate held by the educator. (3-20-04)
22. **Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. (3-20-04)
23. **Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12. (3-20-04)
24. **Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. (3-20-04)

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1302**

### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 20, 2013.

**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 Section 33-105, Idaho Code, Section 33-107, Idaho Code, and Section 33-1612, Idaho Code and 33-118.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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:

At the November 1, 2006 Special Board Meeting, the Board approved a pending rule (Docket 08-0203-0605) amending the state high school graduation requirements. These changes included the requirement that students take 2 credits of math during their last year of high school along with several other revisions to the high school graduation requirements rule. The purpose of increasing math requirements at the high school level was two-fold: to increase rigor and to better prepare students for post-secondary education. This was to be attempted not only through increasing the number of credits required, but also by requiring students to take math during the senior year.

During the 2013 Legislative Session, the Idaho Legislature passed Senate Bills 1091 and 1028, which were both based on providing students with opportunities to advance through their coursework at a more rapid rate by taking online overload courses paid for by the State of Idaho. This would then allow eligible students to either graduate early or take dual credit courses at the expense of the State of Idaho.

The 8-in-6 Program outlined in Section 33-1628, Idaho Code, as established by Senate Bill 1091, is designed to help students complete 8 years of school work in 6 years:

- 2 years of middle school
- 4 years of high school; and
- 2 years of college, university, or professional technical education.

Students may begin the program in the 7th grade and must complete at least 1 online summer or online overload course, in addition to their full course load, each school year. The state will pay for up to 2 online summer courses and 2 online overload courses per student per school year, for a maximum of 4 courses per year. The state will pay for a maximum of 8 credits of online summer/overload courses per student during their participation in the 8-in-6 program. The state will pay \$225 per online course. If the cost exceeds \$225, the student must pay the difference.

The Master Advancement Program (MAP) outlined in Section 33-1620, Idaho Code, as established by Senate Bill 1028, is designed to allow districts and public charter schools to utilize mastery exams enabling students to

progress more quickly through school. Districts and public charter schools must apply to participate in MAP. Students must meet the eligibility criteria set by local districts and public charter schools to participate. The program is limited to 10% of students in each grade level in participating districts. Unfilled slots can be reallocated first within the school district, then at the state-level. The student receives 35 percent of ADA as a scholarship. 35 percent of the ADA is distributed to the school district, and the remaining 30 percent is savings to the state.

The Advanced Opportunities (previously titled Dual Credit for Early Completers) program outlined in Section 33-1626, Idaho Code, as established by Senate Bill 1091, is designed for students who have completed the state high school graduation requirements, with the exception of the senior project and math in the final year of high school, by no later than the beginning of the their final semester or trimester. Students meeting this criteria, are eligible for up to 36 postsecondary credits of dual credit courses paid for by the state or up to 12 AP or CLEP exams paid for by the state.

Currently, IDAPA 08.02.03.105 allows students to complete any required high school course with a grade of C or higher before entering grade nine. If that course meets the same standards that are required in high school, then the student will have met the high school content area requirement for such course. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. in addition to the courses completed in middle school. In reviewing these three programs, the State Department of Education believes that an amendment to IDAPA 08.02.03.105, is necessary for students to fully access and participate in these programs as intended by legislators. The amendments being proposed allows students to earn both the content and credit requirements for any high school course taken prior to a student entering the 9th grade, if that course meets the following criteria:

- The course meets the same standards that are required in high school;
- The course is taught by a properly certified teacher who meets the federal definition of being highly qualified for the course being taught; and
- The school providing the course is accredited as recognized by the state board.

In addition to the above changes, this rule revision addresses two points of clarification related to the math in the final year of school requirement. This revision clarifies that students who must return to school during the summer or the following fall (for less than a full load of courses due to failing a course) are not required to retake a math course as long as they have completed six credits of mathematics. This rule revision defines when a student's final year of high school begins as it pertains to the math in the final year of high school. This rule is necessary to clarify that the math requirement in the final year of high school may be taken during the summer preceding the student's final year of high school.

This rule has been adopted as a temporary rule to allow students to begin taking advantage of the programs outlined in Senate Bills 1091 and 1028.

**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:

This will allow students to take advantage of the programs outlined in Senate Bill 1091 and Senate Bill 1028 as was intended by the Idaho Legislature. This revision will also provide clarification around the math in the final year of school requirement.

**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: N/A

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this temporary and proposed rule, contact Luci Willits, State Department of Education, at [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov) or 208-332-6814.

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 August 28, 2013.

DATED this 21st Day of June, 2013.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; fax (208) 334-2228

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE TEXT OF THE PROPOSED RULE  
FOR DOCKET NO. 08-0203-1302**

**104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

**01. Elementary Schools.** (4-11-06)

**a.** The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**b.** Additional instructional options as determined by the local school district. For example:  
Languages other than English  
Career Awareness (4-1-97)

**02. Middle Schools/Junior High Schools.** (4-11-06)

**a.** No later than the end of Grade eight (8) each students shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the school district's or LEA's graduation standards. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)

**b.** (Effective for all students that enter the sixth grade in the fall of 2006 or later.) A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (4-11-06)

**c.** Other required instruction for all middle school students:

Health (wellness)  
Physical Education (fitness) (4-11-06)

- d. Other required offerings of the school:  
Family and Consumer Science  
Fine & Performing Arts  
Professional Technical Education  
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

~~03. **High Schools (Grades 9-12) (Effective for all students that graduate prior to January 1, 2012).** Students will maintain a parent approved student learning plan for their high school and post high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. The learning plan outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)~~

~~a. Other required instructional offerings of the high school. Each student must complete credit and achievement standards in at least two (2) of the following areas of instructional offerings:  
Physical Education (fitness)  
Humanities  
Professional Technical Education (including work based learning)  
Family and Consumer Science  
Fine and Performing Arts  
Languages other than English (may include indigenous languages or sign language) (4-11-06)~~

## 105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-29-12)

a. Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

b. Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements.



(3-29-10)

**d.** Mathematics. Four (4) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: (3-29-10)

i. Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

ii. Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

iii. Two (2) credits of mathematics of the student's choice. (3-29-10)

iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-29-10)(6-20-13)T

v. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. (4-4-13)

**e.** Science. Four (4) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-29-10)

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

**f.** Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

**g.** Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

**h.** Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. (3-29-10)

**02. Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) (3-29-12)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACCUPLACER, ACT or SAT. Scores must be included in the Learning Plan. (3-29-12)

b. A student may elect an exemption in their 11th grade year from the college entrance exam requirement if the student is: (3-29-12)

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; or (3-29-12)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less. (3-29-12)

**04. Senior Project.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-29-10)

**05. Middle School.** If a student completes any required high school course with a grade of C or higher before entering grade nine (9), ~~and~~ if that course meets the same standards that are required in high school, if the course is taught by a properly certified teacher who meets the federal definition of being highly qualified for the course being taught and if the school providing the course is accredited as recognized by the state board, then the student ~~has~~ will have met the high school content and credit area requirement for such course. ~~However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.e. through 105.01.h. in addition to the courses completed in middle school.~~ The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. (~~3-29-12~~)(6-20-13)T

**06. Proficiency.** Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (4-7-11)

a. Before entering an alternate measure, the student must be: (4-2-08)

i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

b. The alternate plan must: (4-7-11)

i. Contain multiple measures of student achievement; (4-7-11)

ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)

iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)

iv. Be valid and reliable; and (4-7-11)

v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)

c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)

i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)

ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)

iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)

iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)

**07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

**08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1303**

**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 33-1511(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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:

Districts are required to maintain a comprehensive policy and procedures regarding Gun-free Schools in addition to other components related to safe environments and discipline. To accurately reflect the prohibition of weapons on campus and the power of trustees to authorize select employees to carry firearms on campus, the State Department of Education proposes the following language replace the existing "Gun-free Schools" language.

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

There is no imposed or increased fee associated with these changes.

**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 this rule is a clarification of current nomenclature as it relates to safe schools.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt McCarter, State Department of Education at [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov) or 208-332-6961.

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 August 28, 2013.

DATED this 21st day of June, 2013

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
208-332-6800 telephone  
208-334-2228 fax

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**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 08-0203-1303**

**160. SAFE ENVIRONMENT AND DISCIPLINE.**

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

|  |
|--|
| School Climate   |
| Discipline   |
| Student Health   |
| Violence Prevention  |
| <del>Gun-free Schools</del> <u>Students Prohibited from Possessing Weapons on Campus</u> |
| Substance Abuse - Tobacco, Alcohol, and Other Drugs                                      |
| Suicide Prevention   |
| Student Harassment   |
| Drug-free School Zones   |
| Building Safety including Evacuation Drills  |
| Relationship Abuse and Sexual Assault Prevention and Response                            |

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612)

~~(4-4-13)~~( )

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: State Department of Education

Contact: Luci Willits Phone: 208-332-6814

Date: June 20, 2013

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 08.02.03.128 Curricular Materials Selection and Online Course Provider

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 08-0203-1304

### STATEMENT OF ECONOMIC IMPACT:

In order to cover the cost of review, the State Department of Education will charge providers a submission fee based on the number of courses offered, not to exceed the actual cost of review, in effect being cost neutral.

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

### DOCKET NO. 08-0203-1304 (FEE RULE)

#### 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 33-1511(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

The hearing site 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:

During the 2013 Legislative Session, the Idaho Legislature re-established an online course portal under Senate Bill 1091 (Section 33-1024, Idaho Code) that will display courses and customer ratings from students and parents. Additionally, parents will be able to enroll their students in online courses with the home school district and communicate with the home school district through the portal.

Section 33-118, Idaho Code, authorizes the Board by rule to determine the process by which the Department reviews and approves online courses, pursuant to Section 33-1024, Idaho Code. This rule outlines that process. Idaho certified classroom teachers will review the online course providers and courses under the direction of the State Department of Education. The providers will be approved for a period of four years. In order to cover the cost of review, the State Department of Education will charge providers a submission fee based on the number of courses offered, not to exceed the actual cost of review.

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

In order to cover the cost of review, the State Department of Education will charge providers a submission fee based on the number of courses offered, not to exceed the actual cost of review, in effect being cost neutral.

**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 this is a previously published rule in response to state law changes.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Luci Willits, State Department of Education, at [lbwillits@sde.idaho.gov](mailto:lbwillits@sde.idaho.gov) or 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 August 28, 2013.

DATED this 21st day of June, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
208-332-6800 telephone  
208-334-2228 fax

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**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR FEE DOCKET NO. 08-0203-1304**

**128. CURRICULAR MATERIALS SELECTION AND ONLINE COURSE APPROVAL (SECTIONS 33-118; 33-118A, IDAHO CODE).**

The State Board of Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years. Committee appointments shall consist of not less than ten (10) total members from the following stakeholder groups: certified Idaho classroom teachers, Idaho public school administrators, Idaho higher education officials, parents, trustees, local board of education members, members of the Division of Professional Technical Education, and State Department of Education personnel. The Executive Secretary will be an employee of the State Department of Education and will be a voting member of the committee. The State Department of Education shall charge publishers submission fees of sixty dollars (\$60) or equal to the retail price of each, whichever is greater, to defray the costs incurred in the curricular material review and adoption process. (3-27-13)

**01. Subject Areas.** Curricular materials are adopted by the State Board of Education for a period of six (6) years in the following subject areas: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, handwriting, literature, driver education, limited English proficiency. (4-11-06)

**02. Multiple Adoptions are Made in Each Subject Area.** (4-5-00)

**03. Bids.** Each publisher must deliver, according to the committee schedule, a sealed bid on all curricular materials presented for adoption. (4-5-00)

**04. Depository.** The State Board will appoint a depository for the state-adopted curricular materials. Resource materials are a local option. (4-5-00)

**05. Local Policies.** School districts will follow their own policies for adoption in subject areas offered by a school district for which materials are not covered by the state curriculum materials committee. (4-5-00)

**06. Online Course Review and Approval Process.** The State Department of Education shall administer the review and approval of online course providers and courses. Reviewers shall be certified Idaho classroom teachers. Online course providers are approved for a period of four (4) years. The State Department of Education shall charge online course providers submission fees based on the number of courses offered, not to exceed the actual costs incurred in the online course and course provider review and approval process. ( )