

Dear Senators GOEDDE, Mortimer, Buckner-Webb, and  
Representatives DEMORDAUNT, Nielsen, Pence:

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

IDAPA 08.02.01 - Rules Governing Administration (Docket No. 08-0201-1401) - Temporary and  
Proposed Rule.

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 08/26/2014. 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 09/24/2014.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office

## Idaho State Legislature

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*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 - Brooke Brouman

**DATE:** August 07, 2014

**SUBJECT:** State Board of Education - State Department of Education

IDAPA 08.02.01 - Rules Governing Administration (Docket No. 08-0201-1401) - Temporary and Proposed Rule

The State Board of and State Department of Education submits notice of temporary and proposed rule-making relating to Rules Governing Administration. This rulemaking was prompted by House Bill No. 521 passed during the 2014 legislative session. House Bill No. 521 requires each Idaho school district and public charter school to develop and maintain a strategic plan that focuses on improving the student performance of the district or public charter school. This bill also grants the State Board of Education rulemaking authority to establish procedures, qualifications and guidelines for qualified training providers, which include training for strategic planning, finance, superintendent and public charter administrator evaluations, ethics and governance. The Board's temporary and proposed rule establishes such procedures, qualifications and guidelines.

The Board states that the temporary rule is necessary to comply with new Section 33-320, Idaho Code, created by House Bill No. 521, which requires the adoption of strategic plans by September 1, 2014, and allows reimbursement for the cost of the training necessary to complete those plans. Negotiated rulemaking was not conducted.

The Board also submits a Proposed Rule Cost/Benefit Analysis stating that pursuant to House Bill No. 521, each school district and charter school is eligible to be reimbursed up to \$2,000 to be expended for training purposes for district superintendents and boards of trustees, public charter school administrators and boards of directors. The fiscal note that accompanied House Bill No. 521 was \$326,000. The Board states that review of the trainers' applications will take additional staff time; however, at present it is difficult to determine the time required to complete the review. The Board further states that the fiscal impact of the legislation did not anticipate the impact on the Board staff for the verification of trainer qualifications nor on the Department staff for processing reimbursement requests, which tasks will be completed using existing resources.

The Board's proposed rule is authorized pursuant to Section 33-320, Idaho Code.

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

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

## 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:** Idaho State Board of Education

**Agency Contact:** Tracie Bent **Phone:** (208)332-1582

**Date:** June 30, 2014

**IDAPA, Chapter and Title Number and Chapter Name:**

08-0201, Rules Governing Administration

**Fee Rule Status:**  **Proposed**  **Temporary**

**Rulemaking Docket Number:** 08-0201-1401

### **STATEMENT OF ECONOMIC IMPACT:**

Each school district and charter school is eligible to be reimbursed up to \$2,000. The amount was determined in HB 521 which passed during the 2014 legislative session. The fiscal note in HB 521 was \$326,000. This rule establishes the minimum qualifications for trainers if the district wishes to seek reimbursement from the state for the training. The review of the applications of trainers will take additional staff time, however, at this time it is difficult to determine how much time the review will take. The fiscal impact of the legislation did not anticipate the impact on Board of Education staff for the verification of trainer qualifications or Department of Education staff for processing the reimbursements and will have to be accomplished using existing resources.

# ***Please Return To The OARC By 5:00P.M., Thurs. July 31st***

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

### **08.02.01 - RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1401**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-107, 33-116, 33-1612, and 33-320, 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 August 27, 2014.

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:

House Bill 521 requires each school district and public charter school in Idaho to develop and maintain a strategic plan that focuses on improving the district or charter school students' performance. It also authorizes the Board to promulgate rules to establish appropriate procedures, qualifications, and guidelines for qualified training providers who will provide training to the LEAs in the development and maintenance of the strategic plans. During the first year, districts must have their plans in place by September 2014. In order to meet this deadline school districts and public charter schools must know what the required qualifications are prior to hiring potential trainers to help them develop these plans. The rule sets out the procedures to select qualified trainers and the qualifications necessary for one to become a qualified training provider.

The specific qualifications for a qualified training provider include two years' documented training experience in the subject area of training being provided to the LEA and three recommendations from individuals that have been trained in the past by the trainer. The rule also stipulates that the trainer may not be a current employee of the school district or charter school. Additionally, the strategic planning training session must include, at a minimum, the majority of the board of trustees or board of directors and the district administrator.

**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:

The temporary rule is necessary to comply with Section 33-320, Idaho Code (HB 521, 2014), which requires school districts to create and maintain strategic plans and allows them to seek reimbursement for the cost of the training necessary to complete those plans. The rule also sets out the procedures for the selection of a qualified training provider and the requirements and qualification needed to be a qualified training provider.

**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:

HB 521 which passed during the 2014 legislative session allows for each school district or charter school to seek reimbursement up to \$2,000 annually for training. The fiscal note in HB 521 was \$326,000. This rule establishes the minimum qualifications for trainers if the district wishes to seek reimbursement from the state for the training provided. The review of the trainers' applications will take additional staff time, however, at present it is difficult to determine the time required to complete the review. The fiscal impact of the legislation did not anticipate the impact on Board of Education staff for the verification of trainer qualifications nor on the Department of Education staff for processing the reimbursement requests. These tasks will have to be completed using existing resources.

**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, Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

No materials have been incorporated by reference into this rule.

**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](mailto: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 August 27, 2014.

DATED this July 5, 2014.

Tracie Bent  
Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State St.  
PO Box 83720  
Boise, ID 83720-0037

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 08-0201-1401  
(Only those Sections being amended are shown.)**

**801. STRATEGIC PLANNING AND TRAINING.**

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that focusses on improving the student performance of the LEA. (7-1-14)T

**01. Definitions.** (7-1-14)T

**a. Administrator.** As used in this section administrator means the superintendent of the school district or administrator of a charter school. (7-1-14)T

**b. Board.** Board means the Idaho State Board of Education. (7-1-14)T

**c. Executive Director.** Executive Director means the Executive Director of the Idaho State Board of Education. (7-1-14)T

**d. Local Education Agency Board.** As used in this section local education agency or LEA Board means the board of trustees of a school district or board of directors of a charter school. (7-1-14)T

**e. Local Education Agency.** As used in this section local education agency (LEA) means public school district or charter school. (7-1-14)T

**f.** Strategic Plan. As used in this section, a strategic plan is one that focuses on continuous process improvement and the analysis of data to assess and prioritize needs and measure outcomes. (7-1-14)T

**02.** Reimbursement Eligibility. LEA's may request reimbursement for training conducted pursuant to Section 33-320, Idaho Code. To be eligible for reimbursement the training and trainer must meet the following criteria: (7-1-14)T

**a.** Training. The training must cover one (1) or more the follow subjects: (7-1-14)T

**i.** Strategic planning training. Strategic planning training must include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes; (7-1-14)T

**ii.** School finance; (7-1-14)T

**iii.** Administrator evaluations, including, but not limited to, specifics on the Idaho state evaluation requirements and framework; (7-1-14)T

**iv.** Ethics; or (7-1-14)T

**v.** Governance. (7-1-14)T

**b.** Documentation of Training. Training records shall be kept by the LEA showing: (7-1-14)T

**i.** The length of the training in hours; (7-1-14)T

**ii.** The subject(s) covered by the training; (7-1-14)T

**iii.** The participants included in the training or validation of attendance of specific participants as applicable; and (7-1-14)T

**iv.** The curriculum, agenda, or other documentation detailing the content of the training. (7-1-14)T

**c.** Training Format. A majority of the LEA board and the administrator must collaborate on the strategic plan and engage students, parents, educators and the community, as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Sufficient time must be provided during the sessions to give the participants an opportunity to discuss issues specific to the LEA. (7-1-14)T

**d.** Trainer Qualifications. The trainer must meet the following qualifications: (7-1-14)T

**i.** May not be a current employee of the LEA; (7-1-14)T

**ii.** Must have two (2) years of documented training experience in the area of training being provided for the LEA; and (7-1-14)T

**iii.** Must provide at least three (3) recommendations from individuals who participated in past training sessions conducted by the trainer. These recommendations must be included with the application to determine the trainer's qualifications. (7-1-14)T

**e.** Qualified Trainers. Trainer qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. (7-1-14)T

**i.** An individual or company may submit an application for consideration to be placed on the list of qualified trainers or the LEA may submit the application on behalf of the individual or company. (7-1-14)T

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ii.      Applications must be submitted to the Executive Director in a format established by the Executive Director.      (7-1-14)T

iii.      Trainer qualifications must be determined prior to the LEA's request for reimbursement of training costs.      (7-1-14)T

03.      Reimbursement. Up to two thousand dollars (\$2,000) per state fiscal year will be reimbursed to the LEA for training costs. Reimbursement will be based on actual expenditures related to the training delivered.      (7-1-14)T

04.      Audit. If requested, LEA's must provide training documentation or other information to verify eligibility prior to reimbursement.      (7-1-14)T

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