



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators MORTIMER, Thayn, Buckner-Webb and,  
Representatives CLOW, Kerby, McCrostie

**FROM:** Elizabeth Bowen - Principal Legislative Drafting Attorney

**DATE:** December 04, 2019

**SUBJECT:** Temporary Rule

IDAPA 08.02.01 - Rules Governing Administration - Adoption of Temporary Rule - Docket No.  
08-0201-1903

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Elizabeth Bowen at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.01 – RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1903**

**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 17, 2019.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 33-1027, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The temporary rule is required to comply with the requirements of Section 33-1027, Idaho Code. Section 33-1027, Idaho Code was enacted by the Legislature in 2019 and requires the State Board of Education to develop a methodology for determining full-time equivalencies for student enrollment reporting. This rule established that methodology. The temporary rule will identify how school districts will report student enrollment pursuant to the limitation and reporting deadlines established in Section 33-1027 and 33-1028, Idaho Code.

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

This rule is necessary to comply with Section 33-1027, Idaho Code.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary 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).

Dated this 23rd day of October, 2019.

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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0201-1903  
(Only Those Sections With Amendments Are Shown.)**

**008. DEFINITIONS.**

**01. Course.** A unit of instruction that may be designated based on the amount of instructional time or predetermined level of content and course outcomes. (10-17-19)T

**02. Virtual Course.** A course where instruction is provided in an on-line or virtual format and does not necessarily include face-to-face instruction. (10-17-19)T

**009. -- 049. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.**

(Section 33-512, Idaho Code)

(4-1-97)

**01. Required Instructional Time.** Excluding transportation to and from school, lunch periods, passing times, and recess, schools must schedule at least the following instructional times: kindergarten, four hundred fifty (450) hours per year; grades one through three (1-3), eight hundred ten (810) hours per year; grades four through eight (4-8), nine hundred (900) hours per year; and grades nine through twelve (9-12), nine hundred ninety (990) hours per year. (4-1-97)

**02. Required Attendance.** All pupils will complete four (4) years of satisfactory attendance in grades nine through twelve (9-12) to graduate from an accredited high school, except those who are approved for early graduation. (4-1-97)

**03. Day in Session When Counting Pupils in Attendance.** (4-1-97)

**a.** A school day for grades one through twelve (1-12) may be counted as a “day in session” when the school is open and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. (4-1-97)

**b.** Half-day Session. A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. (4-1-97)

**c.** Teacher In-service Activities. For grades one through twelve (1-12), not more than twenty-two (22) hours may be utilized for teacher in-service activities, based on the district approved calendar. In the event a school district chooses to utilize full days instead of half-days, the attendance reported for these full days will be the average of the attendance for the other days of that same week. (4-1-97)

**04. Day of Attendance - Kindergarten.** A day of attendance for a kindergarten pupil is one in which a pupil is physically present for a period of two and one-half (2 1/2) hours under the direction and guidance of a teacher while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half-day increments. Attendance reports for any day in the school year will reflect only those students physically present. Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. (Section 33-1001(5), Idaho Code.) (4-1-97)

**05. Day of Attendance (ADA) - Grades One Through Twelve (1-12).** A day of attendance is one in which a pupil is physically present for the full day under the guidance and direction of a teacher or other authorized school district personnel while school is in session or is a homebound student under the instruction of a teacher employed by the district in which the pupil resides, with the exception as stated in “day in session” above. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident

or an unusual disabling condition. Attendance will be reported in full or half-days. Attendance reports for any day in the school year will reflect only those students physically present or under homebound instruction. (Section 33-1001(4), Idaho Code) (4-1-97)

**06. Average Daily Attendance.** In a given school year, the average daily attendance for a given school is the aggregate days attendance divided by the number of days school was actually in session. (Section 33-1001(2), Idaho Code) (4-1-97)

**07. Full-time Equivalent (FTE) Enrollment Reporting. (10-17-19)T**

**a.** Grade 1 through grade 12 students enrolled in one (1) LEA for a total number of courses that equal one thousand two hundred (1,200) or more minutes per week shall equal one (1) FTE. (10-17-19)T

**b.** Grade 1 through grade 12 students enrolled in one (1) or more LEAs for a total number of courses at all LEAs that equal one thousand two hundred (1,200) minutes per week or less, the FTE shall be based on the percentage of time each student's courses are of one thousand two hundred (1,200) minutes. (10-17-19)T

**c.** Grade 1 through grade 12 students enrolled in more than one (1) LEA for a total number of courses at all LEAs that equal one thousand two hundred (1,200) or more minutes per week and less than or equal to the respective amounts in the following subsections the FTE shall be fractionalized based on percentage of time for which the student is enrolled: (10-17-19)T

**i.** Grade 1 through grade 3: one thousand three hundred fifty (1,350) minutes. (10-17-19)T

**ii.** Grade 4 through grade 8: one thousand five hundred (1,500) minutes. (10-17-19)T

**iii.** Grade 9 through grade 12: one thousand six hundred fifty (1,650) minutes. (10-17-19)T

**d.** Students enrolled in more than one (1) LEA for a total number of courses at all LEAs that equal more than the following minutes the FTE shall be based on the percentage of time for which the student is enrolled: (10-17-19)T

**i.** Grade 1 through grade 3: 1,one thousand three hundred fifty (1,350) minutes. (10-17-19)T

**ii.** Grade 4 through grade 8: one thousand five hundred (1,500) minutes. (10-17-19)T

**iii.** Grade 9 through grade 12: one thousand six hundred fifty (1,650) minutes. (10-17-19)T

**e.** Courses in LEAs with block scheduling that results in students attending courses for a period greater than one (1) week in order to encompass all courses the student is enrolled in for the term will use average minutes per week over the applicable time period to determine the courses minutes per week. (10-17-19)T

**f.** Students enrolled in regional career technical schools, as defined in Section 33-2002G, Idaho Code, will be included in the enrollment FTE of the sending LEA. Course information for these programs must include the school providing the instruction in a way that allows students to be identified as attending the applicable courses through the regional career technical school. (10-17-19)T

**g.** Students enrolled in an alternative summer school or night school program of two hundred twenty-five (225) or more hours of instruction may be counted as an additional point two five (.25) FTE. (10-17-19)T

**h.** Students enrolled in an alternative summer school or night school program of less than two hundred twenty-five (225) hours FTE will be determined based on the proportional share of two hundred twenty-five (225) hours the program consists of. (10-17-19)T

**i.** Students enrolled in more than one LEA in grade 7 through grade 12 shall count enrollment at all LEAs for determining eligibility of overload courses identified in Section 33-4601 and 33-4602, Idaho Code. (10-17-19)T