

2020-2019 SBOE ADMINISTRATIVE RULES – Summary 7/21/03

Pursuant to Executive Order 2020-01 – Zero-Based Regulation, there is moratorium on rulemaking for the current year (subsection 5). The purpose of the moratorium is to “create a more stable regulatory environment and provide businesses with certainty following the significant rulemaking volume undertaken in 2019.” This executive order provides provisions for agencies to work with the Division of Financial Management (DFM) to initiate limited rulemaking this year. Working with DFM, the following education rules have been approved to move forward in the rule making process this year. Other rulemakings considered will be resubmitted during the next rulemaking cycle.

08.02.02. Temporary Rule – Reimbursable Mileage

In response to the pandemic, the Board approved a temporary rule allowing mileage for the delivery of instructional materials and food services to be counted toward reimbursable mileage for the purpose of the transportation funding program. This rule only applies to miles reported in the 2019-2020 school year and any long-term changes would be brought forward through the legislative process. This amendment was an amendment to the Standards for Idaho School Buses and Operation that are incorporated by reference into the rule. Action was taken at a special Board meeting on March 23, 2020.

08.02.01 Temporary and Proposed Rule (Debbie – Marilyn indicated Tim Hill will talk about this rule during the Departments update, if he does you might want to just mention that is one of our rules)

Average Daily Attendance Reporting – blended learning courses, including virtual and hybrid courses – Pursuant to 33-1002(3), Idaho Code, the Board is required to establish rules setting procedures for reporting average daily attendance – This rule would amend the existing ½ day and full dual provisions for reporting average daily attendance. In response to the coronavirus pandemic, the Board has been asked to broaden how schools report average daily attendance (ADA) to accommodate for students receiving instruction through different blended learning modalities as well as when buildings are required to close or have only limited access and student instruction in continuing remotely. This would include virtual courses and hybrid courses as well as instances where a student is attending in-person and then the building needs to close and the student transitions for a short period of time to virtual learning. The rule would allow school district and charter schools to use the enrollment reporting mechanism established last year (it breaks down courses to minutes per week) to identify the amount of time a student is receiving instruction as a proxy for the historical in-person attendance. This rule will combine moving last year’s temporary enrollment rule forward as a final rule.

Enrollment rule – Required pursuant to Section 33-1027, Idaho Code - last year the Board ran a temporary rule in order to test run the data collection process and assure the resulting enrollment were a valid representation of student enrollment in public schools. This rule would re-promulgate the enrollment rule as a final rule.

08.02.02 Proposed Rule

This rule will make two amendments to IDAPA 08.02.02 to bring it into alignment with HB523 (2020) and SB 1329 (2020). This rule will update subsection 028. Professional Endorsement, to include the Advanced Professional Endorsement, pursuant to Section 33-1201A, Idaho Code, as amended by HB523 (2020). Additionally, the rule will amend subsection 015.06. Industry-Based Occupational Specialist Certificate (CTE Certificate) to align with Section 33-2205, Idaho Code, as amendment by SB1329 (2020), setting provisions for career technical educator degree based certification, hours of professional experience.

08.05.01 Proposed Rule to Vacate Chapter

This rule will vacate the entire chapter

IDAPA 08.05.01 Seed Certification Standards – Repeal obsolete section including seed certification Standards incorporated by reference into rule.

47.01.01 Temporary and Proposed Rule – Idaho Division of Vocational Rehabilitation (IDVR)

IDVR is half way through a two-year process to re-promulgate rules governing the vocational rehabilitation program. The vocational rehabilitation program is heavily governed through federal requirements. This rule provides clarification to some of those federal requirements. During the previous year, the Division operated under a temporary rule while they gathered stakeholder feedback. This year the Board approved a temporary and proposed rule that will move the rule forward to final rule for consideration by the 2021 legislature. This rule does not apply to the Extended Employment Services Program. The Board took action on this at the June 10, 2020 Board meeting.