

Dear Senators LENT, Cook, Ward-Engelking, and
Representatives PICKETT, Hawkins, Mathias:

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 08.02.05 - Rules Governing Pay for Success Contracting (ZBR Chapter Rewrite)-Proposed Rule (Docket No. 08-0205-2501).

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 12/22/2025. 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 01/19/2026.

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 334-4854, or send a written request to the address on the memorandum attached below.



Terri Kondeff
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: Legislative Drafting Attorney - Monica Harrington
DATE: December 3, 2025
SUBJECT: State Board of and State Department of Education - State Department of Education

IDAPA 08.02.05 - Rules Governing Pay for Success Contracting (ZBR Chapter Rewrite)-Proposed Rule
(Docket No. 08-0205-2501)

Summary and Stated Reasons for the Rule

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.05 - Rules Governing Pay for Success Contracting (ZBR Chapter Rewrite)-Proposed Rule (Docket No. 08-0205-2501). The Board states that the rule has not been utilized by the State Department of Education in recent years or possibly ever and, therefore, the proposed rule will repeal the rule in its entirety.

Negotiated Rulemaking / Fiscal Impact

The State Board of Education states that negotiated rulemaking was conducted and that notice was published in the June 4, 2025, Idaho Administrative Bulletin. There is no anticipated fiscal impact associated with this proposed rule.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the State Board of Education pursuant to Section 33-125B, Idaho Code.

cc: State Board of and State Department of Education - State Department of Education
Nicholas Wagner

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 08 – STATE BOARD OF EDUCATION
08.02.05 – RULES GOVERNING PAY FOR SUCCESS CONTRACTING
DOCKET NO. 08-0205-2501 (ZBR CHAPTER REPEAL)
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 33-125B](#), 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 October 15, 2025.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule was promulgated and structured around statute 33-125B, Idaho Code. 33-125B and the rule have not been utilized by the State Department of Education in recent years or possibly ever. Additionally, IDAPA 08.02.05 is scheduled for review in reference to the Zero-based Regulation review process brought forth by Executive Order 2020-21. The process requires full chapter evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will also be removed. For this reason, the action of this rule is to repeal the rule in its entirety.

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 resulting from this rulemaking: NA.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6, p 20-21](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 October 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

IDAPA 08.02.05 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.