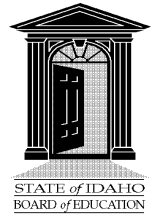


**STATE BOARD OF EDUCATION SPECIAL MEETING
November 17, 2010
Office of the State Board of Education
Len B. Jordan Building
650 W State Street, 3rd Floor
Boise, Idaho**



Teleconference Number: (877)322-9654, **Participant Code:** 897032

Wednesday November 17, 2010, 11:00 a.m. (MST),

DEPARTMENT OF EDUCATION

1. Vallivue School District – Request to Change Trustee Zone Boundaries
2. Pending Rule – Docket 08-0202-1003
3. Pending Rule – Docket 08-0202-1004
4. Pending Rule – Docket 08-0203-1001
5. Pending Rule – Docket 08-0203-1003
6. Pending Rule – Docket 08-0203-1004

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

1. Pending Rule – Docket 08-0202-1002
2. Pending Rule – Docket 08-0203-1002
3. Pending Rule – Docket 08-0111-1011

**STATE DEPARTMENT OF EDUCATION
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TAB	DESCRIPTION	ACTION
1	REQUEST TO CHANGE VALLIVUE SCHOOL DISTRICT #139 BOARD OF TRUSTEE ZONE BOUNDARIES	Motion to Approve
2	PENDING RULE – DOCKET 08-0202-1003	Motion to Approve
3	PENDING RULE – DOCKET 08-0202-1004	Motion to Approve
4	PENDING RULE – DOCKET 08-0203-1001	Motion to Approve
5	PENDING RULE – DOCKET 08-0203-1003	Motion to Approve
6	PENDING RULE – DOCKET 08-0203-1004	Motion to Approve

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**STATE DEPARTMENT OF EDUCATION
NOVEMBER 17, 2010**

SUBJECT

Request to change Vallivue School District #139 Board of Trustee zone boundaries

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section 33-313, Idaho Code

BACKGROUND/DISCUSSION

Upon accepting the resignation of the chairperson, it was brought to the attention of the remaining Vallivue Board of Trustees that the number of patrons represented in each of the trustee zones had, through the years, become unbalanced. The new boundaries of the five trustee zones have been drawn so that each zone has approximately the same population, anticipating growth in the near future in the least populated zone.

Below is the expiration dates for the five zone terms

Zone 1 July 1, 2013
Zone 2 July 1, 2013
Zone 3 July 1, 2011 (*vacant*)
Zone 4 July 1, 2011
Zone 5 July 1, 2011

IMPACT

There will be minimal impact anticipated from this item.

ATTACHMENTS

Attachment 1 – Existing boundaries map	Page 3
Attachment 2 – Proposed boundaries map (with population in each zone)	Page 5
Attachment 3 – Legal description of each zone	Page 7

STAFF COMMENTS AND RECOMMENDATIONS

Section 33-313, Idaho Code allows for a school district board of trustees to submit a proposal to redefine and change trustee zones within the district boundaries. The proposal must equalize the population in each zone; include a legal description of each zone, and the boundaries and the approximate population of the existing and proposed zones. The State Board of Education then has sixty (60) days to approve or disapprove the proposal. If the proposal is disapproved the school district has forty-five (45) calendar days to submit a revised proposal to the Board. Once the proposal is approved by the State Board of Education the trustee zones are then changed in accordance with the approved proposal. Vallivue School District's proposal is in compliance with the requirement of this section of code.

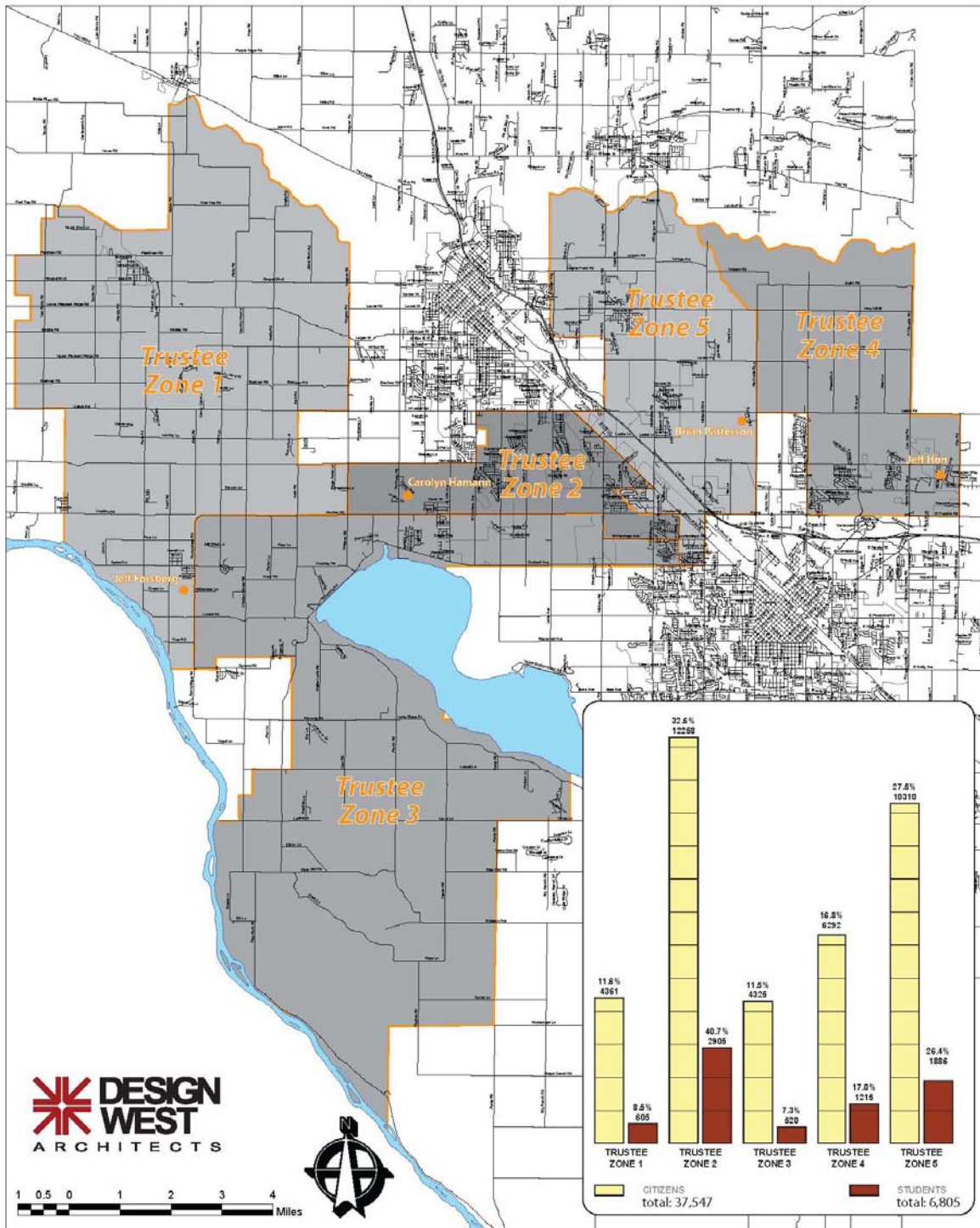
**STATE DEPARTMENT OF EDUCATION
NOVEMBER 17, 2010**

BOARD ACTION

I move to approve the request by Vallivue School District #139 to redefine the school district trustee zones as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

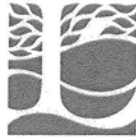
Existing Trustee Boundaries



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October 22, 2010
Project No. 110121
Vallivue School District 139

Trustee Zone Descriptions

Trustee Zone 1:

A tract of land situated in the Vallivue School District 139, Canyon County, Idaho, described as follows:

BEGINNING at the intersection of Homedale Road and Farmway Road;
Thence southerly along Farmway Road to Karcher Road;
Thence easterly along Karcher Road to 10th Avenue;
Thence southerly along 10th Avenue and the district boundary across Lake Lowell;
Thence southerly and westerly along the district boundary to the Snake River;
Thence northwesterly along the Snake River and the district boundary;
Thence departing the Snake River and easterly and northerly along the district boundary;
Thence westerly along the district boundary to the Snake River;
Thence northwesterly along the Snake River and the west district boundary;
Thence departing the Snake River and northerly and easterly along the district boundary to the Boise River;
Thence southeasterly along the Boise River and the district boundary to Wagner Road;
Thence southerly along Wagner Road to Ustick Road;
Thence westerly along Ustick road to Malt Road;
Thence southerly along the southerly extension of Malt Road and the district boundary to Homedale Road;
Thence easterly along Homedale Road to the POINT OF BEGINNING.

Trustee Zone 2:

A tract of land situated in the Vallivue School District 139, Canyon County, Idaho, described as follows:

BEGINNING at the intersection of Homedale Road and Farmway Road;
Thence easterly along Homedale Road to Montana Avenue;
Thence northerly along Montana Avenue;
Thence easterly, northerly and westerly along the district boundary to Montana Avenue;
Thence northerly along Montana Avenue to Ustick Road;
Thence easterly along Ustick Road to Lake Avenue;
Thence southerly along Lake Avenue to Karcher Road;
Thence easterly along Karcher Road to Midway Road;
Thence southerly along Midway road to Flamingo Avenue;

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Thence easterly along Flamingo Avenue to Midland Road;
Thence southerly along Midland Road to Orchard Avenue;
Thence westerly along Orchard Avenue to 10th Avenue;
Thence northerly along 10th Avenue to Karcher Road;
Thence westerly along Karcher Road to Farmway Road;
Thence northerly along Farmway Road to the POINT OF BEGINNING.

Trustee Zone 3:

A tract of land situated in the Vallivue School District 139, Canyon County, Idaho, described as follows:

BEGINNING at the intersection of Ustick Road and Lake Avenue;
Thence easterly along Ustick Road to Cleveland Boulevard;
Thence southeasterly along Cleveland Boulevard and Caldwell Boulevard to Karcher Road and the northerly extension of the easterly most portion of Cassia Street;
Thence southerly along Cassia Street and the northerly extension of easterly most portion thereof to Flamingo Avenue;
Thence westerly along Flamingo Avenue to Midway Road;
Thence northerly along Midway Road to Karcher Road;
Thence westerly along Karcher Road to Lake Avenue;
Thence northerly along Lake Avenue to the POINT OF BEGINNING.

Trustee Zone 4:

A tract of land situated in the Vallivue School District 139, Canyon County, Idaho, described as follows:

BEGINNING at the intersection of Middleton Road and US Highway 20/26;
Thence northerly along Middleton Road to the Boise River;
Thence easterly along the Boise River and the district boundary to Can-Ada Road;
Thence southerly along Can-Ada Road to Ustick Road;
Thence easterly along Ustick Road to Star Road;
Thence southerly along Star Road to Franklin Road;
Thence westerly along the district boundary to Franklin Boulevard;
Thence northerly along Franklin Boulevard to Ustick Road;
Thence westerly along Ustick Road to Northside Boulevard;
Thence northerly along Northside Boulevard to Linden Road;
Thence westerly along Linden Road to Midland Road;
Thence northerly along Midland Road to US Highway 20/26;
Thence westerly on US Highway 20/26 to the POINT OF BEGINNING.

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Trustee Zone 5:

A tract of land situated in the Vallivue School District 139, Canyon County, Idaho, described as follows:

BEGINNING at the intersection of Ustick Road and Cleveland Boulevard;
Thence easterly along Ustick Road to the westerly district boundary;
Thence northerly and westerly along the district boundary to the Boise River;
Thence easterly along the Boise River and the district boundary to Middleton Road;
Thence southerly along Middleton Road to US Highway 20/26;
Thence easterly along US Highway 20/26 to Midland Road;
Thence southerly along Midland Road to Linden Road;
Thence easterly along Linden Road to Northside Boulevard;
Thence southerly on Northside Boulevard to Karcher Road;
Thence westerly along Karcher Road to Midland Road;
Thence southerly along Midland Road to Flamingo Avenue;
Thence westerly along Flamingo Avenue to Cassia Street;
Thence northerly along eastern most portion of Cassia Street and the northerly extension thereof to Karcher Road and Caldwell Boulevard;
Thence northwesterly along Caldwell Boulevard and Cleveland Boulevard to the POINT OF BEGINNING.

Prepared By: THE LAND GROUP, INC.
462 E. SHORE DRIVE, SUITE 100
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208-939-4445 (FAX)



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SUBJECT

Pending Rule—Docket 08-0202-1003.

REFERENCE

August 12, 2010

M/S (Luna/Terrell): To approve the proposed rule change to IDAPA 08.02.02.004, Rules Governing Uniformity, Incorporation by Reference. Motion carried unanimously.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1254 and 33-1258, Idaho Code

BACKGROUND/DISCUSSION

During the August 12, 2010 Board meeting the Board approved proposed rule changes to IDAPA 08.0202 incorporating the Idaho Standards for the Initial Certification of Professional School Personnel, and Operating Procedures for Idaho Public Driver Education Programs and changes to various certifications. Proposed changes to certifications included clarification language for the Standard Elementary Certification (IDAPA 08.0202.018), Endorsements A-D (IDAPA 08.0202.022), Endorsements E-L (IDAPA 08-0202-023), Endorsements M-Z (IDAPA 08.0202.024). Changes to the Pupil Personnel Services Certificate (IDAPA 08.0202.027) included the requirement for the completion of a minimum of twelve hundred (1,200) clock-hour internship. Changes to the Exceptional Child Certificate (IDAPA 08.0202.028) adding an Early Childhood Special Education Endorsement (PK-3) and the addition of an Online Teacher Endorsement (IDAPA 08.0202.033). Changes to Driver Education (IDAPA 08.0202.230) eliminated language regarding commercial schools and changed the title of the Standards for Public School Driver Education and Training to Operating Procedures for Idaho Public Driver Education Programs; changes to the Operating Procedures for the Idaho Public Driver Education Programs were also approved and incorporated by reference as noted above.

No public comments were received during the open comment period for the proposed rules, docket number 08-0202-1003.

The only change to these rules between the proposed and pending stage is due to changes made to the Operating Procedures for the Idaho Public Driver Education Programs which are incorporated by reference to this rule, thereby requiring re-approval of the Operating Procedures and change to the pending rule amending the date to the new approval date.

The changes to the Operating Manual consist of clarifications on which sections apply to public and private driving schools as well as clean up of inconsistent language.

ATTACHMENTS

**STATE DEPARTMENT OF EDUCATION
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Attachment 1 –Pending Rule docket number 08-0202-1003

Page 3

Attachment 2 –Proposed changes to the Operating Procedures For
Idaho Public Driver Education Programs

Page 15

BOARD ACTION

A motion to approve the proposed changes to the Operating Procedures for
Idaho Public Driver Education Programs as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

A motion to approve pending rule Docket 08-0202-1003 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on November 17, 2010.

a. Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. ()

02. Standards for Idaho School Buses and Operations as approved on November 7, 2008.

a. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov>. ()

03. Operating Procedures for Idaho Public Driver Education Programs as approved on November 17, 2010.

a. The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at http://www.sde.idaho.gov/site/driver_edu/public_docs/Public%20Driver%20Education.pdf. ()

(BREAK IN CONTINUITY OF SECTIONS)

018. STANDARD ELEMENTARY CERTIFICATE.

A Standard Elementary Certificate makes an individual eligible to teach grades Kindergarten (K) through eight (8), and may be issued to any person who has a bachelor's degree from an accredited college or university and who meets the following requirements: (3-16-04)

01. General Education Requirements. Completion of the general education requirements at an accredited college or university is required. (3-30-07)

02. Professional Education Requirements. (3-30-07)

a. A minimum of twenty-four (24) semester credit hours, or thirty-six (36) quarter credit hours, in the philosophical, psychological, and methodological foundations and in the professional subject matter of elementary education, which shall include at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading and its application to the content area. (3-16-04)

b. At least six (6) semester credit hours, or nine (9) quarter credit hours, of elementary student teaching or two (2) years of satisfactory experience as a teacher in grades K-8. (3-16-04)

03. Additional Requirements. An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades Kindergarten (K) through eight (8). (3-16-04)

04. Area of Endorsement. All individuals seeking a Standard Elementary Certificate shall complete the requirements for a subject area endorsement as outlined under requirements for a Standard Secondary Certificate. An endorsement allowing teaching of that subject through grade nine (9) or a K-12 endorsement shall be added to the Standard Elementary Certificate. ()

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05. Proficiency. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved elementary content area and pedagogy assessments. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

022. ENDORSEMENTS A - D.

01. Agriculture Science and Technology (6-12). (3-16-04)

a. Forty-five (45) semester credit hours including course work in each of the following areas: agriculture education; agriculture mechanics; agriculture business management; soil science; animal science; and plant science. (3-16-04)

b. Occupational teacher preparation coursework as provided in Sections 034 through 038. (3-16-04)

02. American Government /Political Science (6-12). Twenty (20) semester credit hours to include: a minimum of six (6) semester credit hours in American Government, six (6) semester credit hours in U.S. History Survey, and a minimum of three (3) semester credit hours in Comparative Government. Remaining course work must be selected from Political Science. Course work may include three (3) semester credit hours in World History Survey. (4-11-06)

03. Art (K-12 or 6-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers in the area of Art to include a minimum of nine (9) semester credit hours in: Foundation Art and Design. Additional course work must include at least two (2) Studio Areas and Secondary Arts Methods. To obtain an Art (K-12) endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. ()

04. Bilingual Education (K-12). Twenty (20) semester credit hours to include six (6) upper division credits in Modern Languages, including writing and literature; three (3) semester credit hours in cross-cultural or multi-cultural course work; three (3) semester credit hours in ENL/Bilingual Methods; three (3) semester credit hours in Linguistics; three (3) semester credit hours in Foundations, Federal and State Law, Theory, Testing/identification of Limited English Proficient Students; one (1) semester credit hour in Bilingual Practicum; and one (1) semester credit hour in Bilingual Field Experience. (3-30-07)

05. Biological Science (6-12). Twenty (20) semester credit hours to include at least six (6) semester credit hours of course work in each of the following areas: Botany and Zoology. (3-16-04)

06. Business Technology Education (6-12). (3-16-04)

a. Twenty (20) semester credit hours to include course work in each of the following areas: Intermediate or Advanced Keyboarding; Accounting; and Business/Office Procedures. (3-16-04)

b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

07. Chemistry (6-12). Twenty (20) semester credit hours in the area of Chemistry. (3-16-04)

08. Communication (6-12). Follow one (1) of the following options: (3-16-04)

a. Option I: Twenty (20) semester credit hours to include Methods of Teaching Speech/

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Communications plus course work in at least four (4) of the following areas: Interpersonal Communication/Human Relations; Argumentation/Personal Persuasion; Group Communications; Nonverbal Communication; Public Speaking; and Drama/Theater Arts. (3-16-04)

b. Option II: Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: Interpersonal Communication/Human Relations, Public Speaking, and Methods of Teaching Speech/Communication. (3-16-04)

10. Drama (6-12).

a. Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Drama Teachers, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts, including course work in each of the following: Acting, Directing, and Technical Stage Production, and four (4) semester credit hours in Communications. To obtain a Drama (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theatre. ()

11. Driver Education (6-12). Two (2) semester credit hours in Basic Driver Education for Teachers and two (2) semester credit hours in any of the following: Advanced Driver Education; Driver Simulation Education; Traffic Engineering; General Safety Education; or Highway Transportation. Additionally, an individual must have three (3) years of satisfactory driving experience immediately prior to endorsement as verified by the Motor Vehicle Division of the State Department of Transportation. (3-16-04)

023. ENDORSEMENTS E - L.

01. Earth Science (6-12). Twenty (20) semester credit hours including course work in each of the following: Earth Science, Astronomy, and Geology. (4-11-06)

02. Economics (6-12). Twenty (20) semester credit hours to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of Personal Finance/Consumer Economics/Economics Methods. Remaining course work may be selected from economics and finance course work in one (1) or more of the following areas: Agriculture Science and Technology, Business Education, Economics, Family and Consumer Science, or Marketing Education. (4-11-06)

03. English (6-12). Twenty (20) semester credit hours, including three (3) semester credit hours in Linguistics/Grammar, three (3) semester credit hours in American Literature, three (3) semester credit hours in English Literature, six (6) semester credit hours in Advanced Composition, excluding the introductory sequence designed to meet general education requirements. Remaining credits must be completed in the English Department, and must include some course work in Writing Methods for Teachers of Secondary Students. (3-16-04)

04. English as a New Language (ENL) (K-12). Twenty (20) semester credit hours to include four (4) semester credit hours in Modern Languages; three (3) semester credit hours in Cultural Diversity; three (3) semester credit hours in ENL Methods; three (3) semester credits in Linguistics; three (3) semester credit hours in Foundations, Federal and State Law, Theory, Testing/Identification of Limited English Proficient Students; one (1) semester credit in ENL Practicum or Field Experience; and three (3) semester credit hours in an ENL related elective. (3-30-07)

05. Family and Consumer Science (6-12). (3-16-04)

a. Thirty (30) semester credit hours to include coursework in each of the following: Child/Human Development; Human/Family Relations; Directed Laboratory Experience in Childcare; Clothing and Textiles, Cultural Dress, Fashion Merchandising, or Design Nutrition; Food Preparation,

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Food Production, or Culinary Arts; Housing, Interior Design, Home Management, or Equipment; Consumer Economics or Family Resource Management; Introduction to Family Consumer Sciences; and, Integration of Family Consumer Sciences or Family Consumer Science Methods. (3-16-04)

b. Occupational Teacher Preparation as provided in Sections 034 through 038. (3-16-04)

06. Foreign Language (6-12 or K-12). Twenty (20) semester credit hours in a specific foreign language including course work in two (2) or more of the following areas: Grammar, Conversation, Composition, Culture, and Literature; and course work in Foreign Language Methods. To obtain an endorsement in a specific foreign language (K-12), applicants holding a Secondary Certificate must complete an elementary methods course. (4-11-06)

07. Geography (6-12). Twenty (20) semester credit hours including course work in Cultural Geography and Physical Geography, and a maximum of six (6) semester credit hours in World History Survey. Remaining semester credit hours must be selected from Geography. (4-11-06)

08. Geology (6-12). Twenty (20) semester credit hours in the area of Geology. (3-16-04)

09. Gifted and Talented (K-12). Twenty (20) semester credit hours, to include a minimum of three (3) semester credits hours in each of the following: Foundations of Gifted and Talented Education; Creative/Critical Thinking Skills for Gifted and Talented Students; Social and Emotional Needs of Gifted and Talented Students; Curriculum and Instruction for Gifted and Talented Students; and Practicum and Program Design for Gifted and Talented Education. Remaining course work must be in the area of gifted education. (5-8-09)

10. Health (6-12 or K-12). Twenty (20) semester credit hours to include course work in Organization/Administration/Planning of a School Health Program; Health and Wellness; Secondary Methods of Teaching Health; Elementary methods of Teaching Health; Mental/Emotional Health; Nutrition; Human Sexuality; Substance Use and Abuse; Remaining semester credits must be in health-related course work. ()

11. History (6-12). Twenty (20) semester credit hours to include a minimum of six (6) semester credit hours of U.S. History Survey and a minimum of six (6) semester credit hours of World History Survey. Remaining course work must be in History. Course work may include three (3) semester credit hours in American Government. (4-11-06)

12. Humanities (6-12). An endorsement in English, History, Music, Visual Art, Drama, or Foreign Language and twenty (20) semester credit hours in one of the following areas or ten (10) semester credit hours in each of two (2) of the following areas: Literature, Music, Foreign Language, Humanities Survey, History, Visual Art, Philosophy, Drama, Comparative World Religion, Architecture, and Dance. (4-11-06)

13. Journalism (6-12). Follow one (1) of the following options: (3-16-04)

a. Option I: Twenty (20) semester credit hours to include a minimum of sixteen (16) semester credit hours in Journalism and four (4) semester credit hours in English. (3-16-04)

b. Option II: Possess an English endorsement with a minimum of six (6) semester credit hours in Journalism. (3-16-04)

14. Library Media Specialist (K-12). Twenty (20) semester credit hours in the field of Education Media or Library Science, including a minimum of: (5-8-09)

a. Collection Development/Materials Selection; (5-8-09)

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- b.** Literature for Youth or Children; (5-8-09)
- c.** Organization of Information (Cataloging and Classification); (5-8-09)
- d.** School Library Administration/Management; and (5-8-09)
- e.** Library Information Technologies and Information Literacy. (5-8-09)

15. Literacy (K-12). Twenty (20) semester credit hours in the area of Literacy including a minimum of three (3) semester credit hours in each of the following areas: Foundations of Reading or Developmental Reading; Reading in the Content Area; Literature for Youth; Psycholinguistics or Language Development; Corrective/ Diagnostic/Remedial Reading; and Teaching Writing. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. Remaining credits must be taken in the area of teaching literacy. (5-8-09)

024. ENDORSEMENTS M - Z.

01. Marketing Technology Education (6-12). (3-16-04)

a. Twenty (20) semester credit hours to include course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; and Curriculum and Materials Marketing, with remaining credit hours in the field of business. (3-16-04)

b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

02. Mathematics - Basic (6-12). Twenty (20) semester credit hours in Mathematics including course work in Algebra, Geometry, and Trigonometry. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in Mathematics. (3-16-04)

03. Mathematics (6-12). Twenty (20) semester credit hours including course work in each of the following areas: Geometry, Linear Algebra, Discrete Mathematics, Probability and Statistics, and a minimum of three (3) semester credit hours of Calculus. Statistics course work may be taken from a department other than the mathematics department. (4-11-06)

04. Music (6-12 or K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Music Teachers to include course work in the following: Theory and Harmony; Aural Skills, Music History; Conducting; Applied Music; and Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants must complete an elementary music methods course. ()

05. Natural Science (6-12). Follow one (1) of the following options: ()

a. Option I: Must hold an existing endorsement in one of the following areas: Biological Science, Chemistry, Earth Science, Geology, or Physics; and complete a total of twenty-four (24) semester credit hours as follows: ()

i. Existing Biological Science Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. ()

ii. Existing Physics Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. ()

iii. Existing Chemistry Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology. ()

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iv. Existing Earth Science or Geology Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. ()

b. Option II: Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty (20) semester credit hours with at least four (4) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. ()

06. Physics (6-12). Twenty (20) semester credit hours in the area of Physics. (3-16-04)

07. Physical Education (PE) (6-12 or K-12). Twenty (20) semester credit hours to include course work in each of the following areas: Sport, Movement, and Outdoor Skills; Elementary PE Methods; Secondary PE Methods; Student Evaluation in PE; Administration of a PE Program; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise Physiology; Kinesiology/Biomechanics; Sports Psychology or Sociology; Motor Behavior; and Current CPR and First Aid Certification. (3-30-07)

08. Physical Education/Health. Must have an endorsement in both physical education and health. (3-30-07)

09. Physical Science (6-12). Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)

10. Psychology. Twenty (20) semester credit hours in the area of Psychology. (3-16-04)

11. Social Studies (6-12). Must have an endorsement in History, American Government/Political Science, Economics, or Geography plus a minimum of twelve (12) semester credit hours in each of the remaining core endorsements areas: History, Geography, Economics, and American Government/Political Science. (3-29-10)

12. Sociology (6-12). Twenty (20) semester credit hours in the area of Sociology. (3-16-04)

13. Sociology/Anthropology (6-12). Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)

14. Technology Education (6-12). (3-16-04)

a. Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation; and Principles of Technology. (3-16-04)

b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

027. PUPIL PERSONNEL SERVICES CERTIFICATE.

Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-16-04)

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01. Counselor Endorsement (K-12). To be eligible for a Pupil Personnel Services Certificate endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (5-8-09)

a. Hold a master's degree and provide verification of completion of an approved program of graduate study in school guidance and counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. Substantial amounts of this K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement. (5-8-09)

b. An institutional recommendation is required for a Counselor K-12 Endorsement. (5-8-09)

02. School Psychologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-16-04)

a. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. ()

b. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. ()

c. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. (5-8-09)

03. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 027.03.a. or 027.03.b. in addition to the requirement of Subsection 027.03.c. (3-29-10)

a. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a bachelor's degree in nursing, education, or a health-related field from an accredited institution. (5-8-09)

b. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (5-8-09)

i. Health program management; (5-8-09)

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- ii. Child and adolescent health issues; (5-8-09)
- iii. Counseling, psychology, or social work; or (5-8-09)
- iv. Methods of instruction. (5-8-09)

c. Additionally, each candidate must have two (2) years' full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (5-8-09)

04. Interim Endorsement - School Nurse. This certificate will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim Certificate - will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-10)

05. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-16-04)

06. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-16-04)

07. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through possession of a social work certificate issued by the Idaho Bureau of Occupational Licenses, an institutional recommendation, and completion of one (1) of the following options: (3-16-04)

a. A master's degree in social work from an Idaho college or university approved by the State Board of Education, or a master's degree in social work from an out-of-state college or university. The program must be currently approved by the state educational agency of the state in which the program was completed. (3-16-04)

b. A master's degree in guidance and counseling, sociology, or psychology plus thirty (30) semester credit hours of graduate work in social work education, including course work in all the following areas: understanding the individual; casework method; field placement; social welfare programs and community resources; and research methods. (3-16-04)

08. Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a bachelor's degree in Speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An Interim Certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-10)

028. EXCEPTIONAL CHILD CERTIFICATE.

Holders of this certificate work with children who have been identified as having an educational impairment. (3-16-04)

01. General Education Requirements. Completion of the general education requirements at an accredited college or university is required. (3-30-07)

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02. Generalist Endorsement (K-12). The Generalist K-12 endorsement is non-categorical and allows one (1) to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: (3-16-04)

- a. Completion of a baccalaureate degree from an accredited college or university. (3-16-04)
- b. Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion, in an out-of-state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed. (3-16-04)
- c. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program. (3-16-04)
- d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-16-04)

03. Early Childhood Special Education Endorsement (Pre-K-3). The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Standard Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements: ()

- a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: Child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); Curriculum and program development for young children ages three to eight (3-8); Methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); Guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); Identifying and working with atypical young children ages three to eight (3-8) Parent-teacher relations; and, Field work to include an internship and student teaching at the Pre-K - 3 grades. ()

04. Hearing Impairment Endorsement (K-12). Completion of a minimum of thirty (30) semester credit hours in the area of hearing impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Hearing Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)

- a. Completion of a baccalaureate degree from an accredited college or university; (4-11-06)
- b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)
- c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)

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d. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Hearing Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)

05. Visual Impairment Endorsement (K-12). Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)

a. Completion of a baccalaureate degree from an accredited college or university; (4-11-06)

b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)

c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)

d. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

033. ONLINE TEACHER ENDORSEMENT (PRE-K-12).

01. Online-Teacher Endorsement. To be eligible for an Online-Teacher Endorsement (Pre-K-12), a candidate must have satisfied the following requirements: ()

a. Meets states' professional teaching and/or licensure standards and is qualified to teach in his/her field of study. ()

b. Provides evidence of online experience or course time both as a student and as a learner, and demonstrates online learning and teaching proficiency. ()

c. Has completed (completes) an eight (8) week online teaching internship in a Pre-K-12 program, or have one (1) year of verifiable and successful experience as a teacher delivering curriculum online in grades Pre-K-12 within the past three (3) years. ()

d. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study in online teaching and learning at an accredited college or university or a state-approved equivalent. ()

02. Proficiency in Idaho Standards for Online Teachers. Demonstrates proficiency in the Idaho Standards for Online Teachers including the following competencies: ()

a. Knowledge of Online Education and Human Development; ()

b. Facilitate and Inspire Student Learning and Creativity; ()

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- c.** Design and Develop Digital-Age Learning Experiences and Assessments Standards; ()
- d.** Model Digital-Age Work and Learning; Promote and Model Digital Citizenship and Responsibility Standards; and ()
- e.** Engage in Professional Growth and Leadership. ()

(BREAK IN CONTINUITY OF SECTIONS)

230. DRIVER EDUCATION.

01. Public Schools. Pursuant to Section 004 of these rules, all public driver education courses offered in Idaho public schools must be conducted in compliance with all the requirements in the Operating Procedures for Idaho Public Driver Education Programs, as incorporated. ()

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OPERATING PROCEDURES

For Idaho Public Driver Education Programs

*Published by the Idaho State Department of Education
PO Box 83720 Boise, ID 83720-0027*



State Board Approved
June 18, 2009

Mr. Tom Luna
State Superintendent of
Public Instruction

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IDAPA 08.02.02.004

PUBLIC DRIVER EDUCATION

All Idaho Public Driver Education Programs operated by a public school district must comply with the requirements of this Operating Procedure Manual. Sections one (1) through six (6) only apply to those programs that public school districts operate directly, and do not apply to any public school district that contracts with a private driving businesses licensed by the Idaho Driving Businesses Licensure Board. Section seven (7) only applies to public school districts that contract with private driving business licensed by the Idaho Driving Businesses Licensure Board.

**1.0 PUBLIC DRIVER EDUCATION STUDENT
REQUIREMENTS**

1.1 Enrolled Students

- 1.1.1 An individual between the ages of 14 ½ and 21 may enroll in an Idaho public driver education and training program.
- 1.1.2 Students under the age of 18 must provide a *Verification of Compliance Form* from their school to prove that they are currently enrolled in school.
 - ~~1.1.2.1 Home schooled students may check the appropriate box on the~~
~~Verification of Compliance form.~~
- 1.1.3 An Idaho driver training permit must be purchased before the student participates in any instruction.

1.2 Transfer Students From Out Of State

- 1.2.1 Students completing driver education in another state must have met or exceeded Idaho's minimum requirements of thirty (30) classroom hours, six (6) behind-the-wheel hours, and six (6) observation hours to qualify for or to complete the six (6) month supervised instruction period in Idaho. The documentation must be on an official school form, signed by the instructor or administrator.
 - 1.2.1.1 Online coursework is not transferable unless it meets or exceeds the International Association for K-12 online learning standards.
- 1.2.2 Students who have completed thirty (30) hours of classroom instruction in another state but fewer than six (6) hours of in-car instruction and less than six (6) hours of observation may complete the in-car instruction and observation in Idaho.

1.3 Student Transfers

- 1.3.1 If a student transfers out with a valid reason (illness, injury, etc.), the student list must show the student as "transferred out" to keep the permit valid. The school must hold onto the permit until that student can be "transferred in" to another class.

1.4 Failure/Removal from a Public Driver Education Program

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1.4.1 Students may be removed from or fail a public driver education program for reasons that include, but are not limited to, the following:

- 1.4.1.1 Not having purchased a permit before any instruction takes place.
- 1.4.1.2 Excessive tardiness or absences.
- 1.4.1.3 Attitude and/or behavior that detracts from safe driving or a positive driver education classroom environment.
- 1.4.1.4 Cheating (whether sharing or receiving answers or work without permission.)
- 1.4.1.5 Violation of Idaho's alcohol/age laws during driver education, while driving or not, will cancel the instruction permit and result in failing driver education.
- 1.4.1.6 Any violation of the driver education permit including driving without the instructor during the period of time the course is being offered.
- 1.4.1.7 Use of a mobile or electronic device during instruction without the instructor's permission.

1.5 Students with Special Needs

- 1.5.1 If a student has an Individualized Education Program (IEP), the IEP team should develop goals and objectives to determine if the student will need special accommodations in driver education and training. Once enrolled, every effort should be made to adapt lesson materials to the student's specific needs (Individuals with Disabilities Education Act, IDEA; PL101-476.) Students not eligible for special education services should consult with the district's school staff responsible for determining under the IDEA if the student could qualify and receive services under Section 504.
- 1.5.2 Public driver education programs will have procedures in place to assist instructors in identifying students with special needs.

2.0 PUBLIC PROGRAM INSTRUCTIONAL REQUIREMENTS

2.1 Classroom Environment

- 2.1.1 If the classroom is not located in a public ~~or private~~ school building, a *Certificate of Maximum Occupant Load* from the state fire marshal, local fire department, or local planning and zoning agency must be submitted. The classroom must, in addition to fire and safety approval, meet the standards required by the American with Disabilities Act.
- 2.1.2 The classroom environment will be conducive to learning, free from any disturbing influences and used exclusively for driver education instruction during the classroom period.

2.2 Minimum Hours and Days

- 2.2.1 All Idaho public driver education and training courses shall include a minimum of thirty (30) clock hours of classroom instruction, six (6) clock hours of behind the wheel instruction and six (6) clock hours of observation.

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- 2.2.2 With the exception of the approved Idaho online course, the thirty (30) clock hours of classroom instruction requires face to face interaction with the instructor.
- 2.2.3 Homework assignments completed outside the classroom shall not be counted in the thirty (30) clock hours of classroom instruction.
- 2.2.4 Students shall be regularly scheduled for concurrent and sequential classroom and behind the wheel instruction. Every student will receive instruction for the required number of hours.
- 2.2.5 Each behind-the-wheel lesson shall be taught in the classroom prior to practicing the lesson during behind the wheel instruction.
- 2.2.6 Classroom instruction shall not be substantially completed or completed before starting in-car practice.
- 2.2.7 Before students begin behind the wheel instruction on a public roadway, they will first be given classroom instruction for the basics of: approaching the vehicle with awareness; orientation to controls; use of vision to control the vehicle; proper use of the steering wheel; accelerator and brake control; turning left and right; signs, signals, and markings; and rules of the road.
- 2.2.8 A maximum of thirty-six (36) students shall be scheduled per class.
- 2.2.9 Classroom instruction shall not exceed ten (10) hours in a seven day period.
- 2.2.10 Classroom instruction shall not exceed three and a third (3.33) hours per day.
- 2.2.11 Instruction shall not begin earlier than 6 a.m. or end later than 10 p.m.

2.3 Behind the Wheel Driving Time

- 2.3.1 The optimum time each student will be behind the wheel is sixty (60) minutes or less per day.
- 2.3.1.1 When it is in the best interest of the program, students may drive a maximum of ninety (90) minutes per day in two forty-five (45) minute intervals. These intervals must be separated by a break or period of observation of at least forty-five (45) minutes.
- 2.3.2 Each student shall not receive more than three (3) hours of in-car instruction in a seven day period.
- 2.3.3 Behind the wheel lessons shall not begin earlier than 6 a.m. or end after 10 p.m.
- 2.3.4 Drive time shall not include time spent driving to pick up or drop off students unless the route meets the objective of the drive lesson.
- 2.3.5 Each drive must have specific, written objectives.
- 2.3.6 Detailed feedback will be provided to each student after each drive.

2.4 Observation Time

- 2.4.1 Students may observe from the rear seat for a maximum of three (3) hours per day.
- 2.4.2 Instructors will provide lessons to engage observing students in each drive lesson.
- 2.4.3 Students may complete the observation time with a parent or legal guardian when the instructor and parent/guardian agrees that it is in the best interest of the student.

2.5 Vehicle Occupants

- 2.5.1 Only the instructor and student driver may occupy the front seats.

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- 2.5.2 In-car instruction shall include not less than two (2) or more than three (3) students in the car.
 - 2.5.2.1 While not recommended, one student may be scheduled for in-car instruction when it is determined to be in the best interest of the student. This exception shall have prior written permission from the parent or legal guardian.
- 2.5.3 No person shall occupy a rear seat unless involved as a student, parent/guardian, instructor or student enrolled in a driver education teacher preparation course, translator, administrator or designee, or supervisor of the driver-training program.

2.6 Multiple-Car Driving Range

- 2.6.1 Two (2) hours of driving on a multiple-car driving range may be substituted for one (1) hour of behind-the-wheel instruction. Multiple-car instruction may be substituted for not more than three (3) of the total six (6) hours required for behind the wheel instruction.

2.7 Simulation Instruction

- 2.7.1 Simulators may be used for supplemental instruction only and not used for any part of the six (6) hours of behind the wheel or observation time.

2.8 Distance Learning Courses

- 2.8.1 Students taking the classroom portion of driver education online must find and hire a local certified in-car instructor prior to beginning the course.
- 2.8.2 Students must purchase a permit before being allowed to participate in any classroom or in-car instruction.
- 2.8.3 Approved online driver education courses must meet or exceed the International Association for K-12 online learning standards and be approved by the Idaho State Department of Education.

3.0 PUBLIC PROGRAM INSTRUCTOR REQUIREMENTS

3.1 Definition of Public Driver Education Instructor

- 3.1.1 A public driver education instructor is an individual who is licensed by the Idaho State Department of Education to teach the classroom instruction and behind-the-wheel phase of driver education in the public school system.

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3.2 Age

- 3.2.1 Idaho public driver education instructors must be at least twenty-one (21) years of age.

3.3 Driver's License

- 3.3.1 Applicants for an original or renewal public driver education instructor license shall possess a valid class A-D driver license and have a satisfactory driving record. A driving record will be determined satisfactory only if the applicant has not:
- received a court suspension or revocation that is not traffic related
 - been convicted of a traffic violation that carries a mandatory suspension or revocation of the driver's license within the preceding thirty-six (36) months.
 - been convicted of more than one (1) occasion of any moving traffic violation within any twelve (12) month period of the previous thirty-six (36) months.
 - been convicted for any moving traffic violation causing a fatal traffic collision
 - been convicted for driving while his/her driver's license was revoked or suspended.
 - been convicted for driving under the influence of a controlled substance within the past five (5) years.
- 3.3.2 Out-of-state residents working in the Idaho public school system must submit a state-issued copy of their driving record from their home state.

3.4 Education

- 3.4.1 Applicants for an original public driver education instructor license must have completed at least four (4) semester credit hours in a state-approved driver education licensing course.
- 3.4.2 Applicants for an original public license must have a valid Idaho educator credential.
- 3.4.3 Licensed instructors moving to Idaho from another state must take and pass the Idaho driver education certification course final exam with a grade of 80% or higher. If a new-to-the-state applicant fails the first attempt he or she may request a second attempt. If both attempts are failed, the Idaho Driver Education Licensing Course must be taken.
- 3.4.4 Idaho public driver education instructors who have let their licenses lapse must either attend fifteen (15) hours of driver education professional development or take and pass the Idaho Driver Education Licensing Course's final exam with a grade of 80% or higher. If the applicant fails the written final exam, he or she may request a second attempt but if the second attempt ~~if is~~ failed as well, he or she must retake the Idaho Driver Education Licensing Course or wait to attend fifteen (15) hours of driver education professional development.

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- 3.4.5 Public Driver Education Instructor applicants must submit an Idaho Transportation Department (ITD) skills test form that has been administered by an ITD skills tester within the past 12 months, with a passing score of not more than 7 penalty points. The applicant must wait three (3) days before retesting.
- 3.4.5.1 At the discretion of the Idaho State Department of Education, a renewal examination of the knowledge or skills may be required for a license renewal.
- 3.4.6 Instructors who once had a valid teaching credential may continue to teach Driver Education without having to keep their teaching credential current.

3.5 Medical Examination

- 3.5.1 Public driver education and training instructors shall have a medical examination that meets the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49).
- 3.5.2 The medical examination shall be completed within three months preceding the application.
- 3.5.3 The medical examination report must indicate whether the applicant has any ailment, disease, or physical or mental disability(ies) that may cause momentary or prolonged lapses of consciousness or control, which is or may become chronic. Applicants must not be suffering from a physical or mental disability or disease that may prevent the applicant from maintaining reasonable and ordinary control over a motor vehicle or that could impair the applicant's ability to drive safely or instruct automobile drivers.
- 3.5.4 The medical examination must be renewed every two years and a copy of the official form sent to the Idaho State Department of Education.
- 3.5.5 Public driver education instructors who cannot pass a physical may request permission to teach the classroom portion of the course only when they turn in a copy of their medical exam.

3.6 Professional Development

- 3.6.1 Public driver education instructors must complete and provide documentation of fifteen (15) hours of professional development training every two (2) years. Professional development hours will be accepted if for the purpose of enhancing instructional knowledge and skills in support of teaching best practices.
- 3.6.2 Professional development training, other than state offered workshops, must be pre-approved by the Idaho State Department of Education and may be obtained through a state agency, college or university, or professional education organization. Professional development training may be selected from independent study courses and may also include Continuing Education Units (CEU's) approved by the Idaho State Department of Education.

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3.7 License Renewal

- 3.7.1 The School district must submit the Public School Annual Program Plan Packet listing all instructors to be licensed for their district to teach driver education. Instructors are licensed each July 1 for a period of ~~twenty-four (24)~~ twelve (12) months.
- 3.7.2 Instructors are responsible to make sure their licensing requirements, including medical exam and professional development, are current.

3.8 Criminal History Check

- 3.8.1 Anyone affiliated with teaching public driver education must have a current criminal history check on file at the Idaho State Department of Education on an official SDE form.
- 3.8.2 If an employee remains continuously employed with a district, an additional criminal history check is not required. However, when a person begins employment with another district or if there is a break in service, a new criminal history check is required.
- 3.8.3 If an instructor works for two or more districts at the same time and a criminal history check has been done within the past three (3) months, an SDE *Multiple Assignment Form* may be filled out and one background check used for all schools on the form.
- 3.8.4 An individual convicted of a misdemeanor or felony crime against a child is not eligible for public driver education licensing.
- 3.8.5 A public driver education instructor convicted of a misdemeanor or felony crime against a child will lose his or her current Driver Education license.

3.9 Driving Under the Influence (D.U.I.)

- 3.9.1 If a public driver education instructor is convicted of a D.U.I. while holding a public driver education instructor's license, the license will be immediately revoked for a period of not less than five (5) years from the date of conviction.
- 3.9.2 If a conviction for D.U.I. has occurred within the past five (5) years, the individual with the conviction will not be eligible for a public driver education instructor's license until five (5) years from the date of conviction.
- 3.9.3 Refusal to take an evidentiary test will result in instructor license revocation for a period of five (5) years.
- 3.9.4 An individual with more than one D.U.I. is not eligible for a public driver education instructor's license.

4.0 PUBLIC PROGRAM COURSE ADMINISTRATION

4.1 Annual Application to Operate Packet

- 4.1.1 All public driver education programs, including those contracting with a private driving school, must submit an *Annual Program Plan* to the Idaho State Department of Education for approval no less than thirty (30) days prior to the start of the first class of the fiscal year.

4.2 Student Lists

- 4.2.1 All public driver education programs must submit a *Final Student List* provided by the SDE to their local Department of Motor Vehicles (DMV) within three (3) days after a course ends.
- 4.2.2 Course end dates on the final student lists must be the same date students begin their six (6) months of supervised driving.

4.3 Reimbursement

- 4.3.1 All public driver education programs must report all income generated by student fees and district expenses to the Idaho State Department of Education on the *Reimbursement Form*.
- 4.3.2 Public School Programs may choose to file a claim for reimbursement within forty-five (45) days after each class ends or submit all classes at once, annually.
- 4.3.3 Claims for reimbursement must include final student lists for each course taught.
- 4.3.4 Any public driver education program that fails to meet the standards within this document shall not be entitled to reimbursement.
- 4.3.5 Public school districts may include the cost of instructor training and required medical examinations for its instructors on their *Reimbursement Form*.
- 4.3.6 Two or more districts may cooperate in offering driver education and training. However, only one school district may submit a *Reimbursement Form*. All adjustments for payment of expenses will be between the cooperating districts.

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- 4.3.7 If a student fails, the student can re-enroll in another class, providing the student purchases a new driver-training permit. The student may again be added to another *Reimbursement Form*.
- 4.3.8 Public schools are eligible for full reimbursement at the current rate for each student that completes the required thirty (30) hours of classroom, six (6) hours of driving, and six (6) hours of observation.
- 4.3.8.1 Public schools will be reimbursed half the current reimbursement rate for students who complete more than fifteen (15) but fewer than thirty (30) hours of classroom.
- 4.4 Students outside a School District
- 4.4.1 Students enrolled in any Idaho public school district may enroll in driver education and training outside their home district with approval from both districts.
- 4.5 Student Records
- 4.5.1 At the end of the course, the student's driving logs shall be included in the student's record and maintained by the school. All original student records shall be maintained for a minimum of five years, including students who passed, failed, withdrew, cancelled or transferred. Each student's record shall include:
- student's full name, address, telephone number
 - driver-training permit number
 - attendance records
 - behind-the-wheel driving log
 - quizzes and tests grade results
 - final grades.
- 4.5.2 Students will be given a certificate of completion upon passing a public Idaho driver education course.
- 4.5.3 Original student records shall be made in ink and updated after each lesson.
- 4.5.4 The original records shall be made available to the Idaho State Department of Education upon request.
- 4.5.5 Loss, mutilation, or destruction of records must be reported immediately to the Idaho State Department of Education by affidavit, stating the date the records were lost, destroyed, or mutilated; the circumstances involving the loss, destruction, or mutilation; the name of the law enforcement officer or fire department official to whom the loss was reported; and the date of the report.

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4.6 Collision/Incident Report

- 4.6.1 Within two (2) weeks following any incident involving a public driver-training vehicle, the school district must submit a current SDE *Collision/Incident Report Form* to the Idaho State Department of Education.

4.7 Driving Logs

- 4.7.1 A driving log for each student shall be maintained by the instructor and include the following minimum information: (1) student name, (2) driver training permit number, (3) home phone number, (4) emergency contact name and phone number, (5) instructor's name, (6) date and clock time of each drive, (7) skills taught, (8) driving time, (9) instructor remarks, (10) student initials verifying time/date for each drive and observation, (11) final behind-the-wheel grade, (12) total driving time, and (13) special accommodations if used (hand controls, a seat cushion, etc.).

4.8 Instructor Cell Phone and Mobile Device Use During Instruction

- 4.8.1 Instructor cell phone use while a student is driving shall be limited to emergency purposes only.

4.9 Assessments

- 4.9.1 The standards for passing a public driver education and training program shall be clearly set forth in writing to students prior to starting the course of instruction.
- 4.9.2 Students shall be assessed in the following three (3) areas: knowledge, skills, and attitude. A student who fails in any one of these three areas shall fail the entire course.
- 4.9.3 Each student shall be assessed for knowledge and understanding of the classroom lessons with quizzes that require students to list, define, describe, identify, demonstrate, explain, compare, predict, estimate, or solve.
- 4.9.4 Successful completion for the course is earning a grade of 80% or higher.
- 4.9.5 A final knowledge test will be administered at the completion of the course.
- 4.9.6 A final behind-the-wheel skills test will be administered that measures the essential skills required for operating a motor vehicle safely on public roadways.

4.10 Parental Involvement

- 4.10.1 Contact with each student's parent or guardian is required at least once during the

course.

4.10.1.1 Contact may be by phone, email, mail, or in person.

4.11 Make Up Policy

4.11.1 The school will have a written policy for missed coursework and driving.

4.11.2 A make-up policy shall ensure that all required hours of instruction and course content are completed. Students will not be allowed to make up missed lessons in a scheduled classroom session unless the lesson missed is being taught. Make-up lessons may be provided on an individual basis.

4.11.3 The school may charge an extra fee for missed coursework and driving.

4.12 Curriculum

4.12.1 An Idaho public driver education and training program's classroom and behind the wheel essential knowledge and skills shall meet or exceed those in the most recent *Idaho Public Driver Education Curriculum Guide*.

4.12.2 Idaho public driver education programs may create their own curricular materials as long as they meet or exceed the most recent *Idaho Public Driver Education Curriculum Guide*.

4.12.3 Idaho public driver education programs must meet or exceed the most current *Idaho Teen Driver Education and Training Program Content Standards and Benchmarks*.

4.12.4 The *Idaho Public Driver Education Curriculum Guide* will be based on nationally accepted standards and best practices.

4.12.5 A school's curriculum may be audited as part of a regular review.

4.13 Lesson Plans

4.13.1 Each instructor shall have lesson plans for the lesson they are teaching in the classroom and/or behind the wheel based upon the program's approved curriculum content outline. Lesson plan content shall meet or exceed the most current *Idaho Public Driver Education Curriculum Guide*.

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4.14 Student Instructional Materials

4.14.1 Each student shall have access to instructional materials to read and study during the course. The instructional material shall be equal to or exceed the content of current state-adopted driver education textbooks and be compatible with the school's curriculum content outline.

4.14.2 Textbooks, if used, shall be selected from the list adopted by the Idaho State Department of Education.

4.15 Idaho Driver's Manual

4.15.1 Each student shall have access to a current copy of the *Idaho Driver's Manual*. The manual shall not be used as the only source of instructional material, but shall be used as an aid for instruction on Idaho's traffic laws, rules of the road, driver licensing and vehicle registration.

4.16 Practice Guide/Log

4.16.1 Each student and their parent or legal guardian shall be informed of the requirements of the Graduated Driver Licensing laws and provided a *Supervised Driving Guide* and driving log for their use during the required six (6) months of the Graduated Driver Licensing practice period.

5.0 PUBLIC DRIVER EDUCATION VEHICLE REQUIREMENTS

5.1 Vehicle Type

5.1.1 Only passenger vehicles may be used. All motor vehicles used for in-car instruction shall be properly registered in compliance with the Idaho Transportation Department's vehicle registration laws and be maintained in safe operating condition.

5.2 Vehicle Use

5.2.1 If any of the mileage will be included for reimbursement and a vehicle is not used exclusively for driver training, the school will maintain a mileage log. The log will remain on file with the driver education program's expenses.

5.3 Annual Vehicle Inspection

5.3.1 Before a vehicle is used for instruction, a certified mechanic must inspect the vehicle using the *Vehicle Inspection Form* provided by the Idaho State Department of Education

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- 5.3.2 Vehicles not passing the inspection shall be placed out of service until the needed repairs are made and the vehicle is re-inspected by a certified mechanic using the *Vehicle Inspection Form*.
- 5.3.3 Annual inspections expire on June 30th each year.
- 5.3.4 Inspections serve to verify the integrity of the vehicle's critical safety components that are necessary to ensure that the vehicle is in safe operating condition.
- 5.3.5 Following any motor vehicle crash involving the vehicle, the public driver training school shall withdraw the vehicle from the fleet and not use it for instruction until it has passed a new mechanical inspection. This new inspection must be submitted to the Idaho State Department of Education before the vehicle can be returned to service.
- 5.3.6 Mechanics may use the *Vehicle Inspection Form* provided by the Idaho State Department of Education or their own, provided it meets or exceeds the inspection standards recommended by the American Association of Motor Vehicle Administrators.
- 5.3.7 A dual brake must be included in the inspection.
- 5.3.8 A copy of the Annual Vehicle Inspection must be included in the Annual Program Plan.

5.4 Required Vehicle Equipment

- 5.4.1 All motor vehicles used to practice driving lessons shall be equipped with a dual control brake pedal within easy reach of the instructor and capable of bringing the vehicle to a stop in accordance with Idaho Code §49-933(7).
- 5.4.2 Driver training vehicles shall be equipped with:
 - Operating safety belts and all occupants in the driver-training vehicle shall be properly secured in a safety belt when the vehicle is moving.
 - An inside rear view mirror for the exclusive use of the instructor.
 - Side-view mirror on each side of the vehicle, adjusted for the driver's use.
- 5.4.3 Signs and/or lettering that can be seen from outside the vehicle to the rear and both sides of the vehicle.
 - 5.4.3.1 The signs and/or letters will be of contrasting colors so as to be clearly readable at one hundred feet in clear daylight.
 - 5.4.3.2 Signs and/or lettering to the rear and sides will have "STUDENT DRIVER," "DRIVER EDUCATION," or "DRIVING SCHOOL" with no less than 2 ½ inch high lettering.
 - 5.4.3.3 Signs and/or lettering to both sides of the vehicle will have the name of the school or school district with not less than two-inch (2) high lettering.

5.4.3.4 All signs and/or lettering must be safely secured while the vehicle is in motion.

5.4.3.5 When replacing worn or installing new signs, the lettering will comply with these standards.

5.4.4 Vehicles used on a multiple car, off-street "range" are not required to be equipped with a dual control brake, car signage, or rear-view mirror for the instructor.

5.5 Vehicle Insurance

5.5.1 Insurance coverage shall be maintained in full force and effect while the vehicle is used for driver training and will meet the requirements in Idaho Statute §6-924. The current statute states the policy will have a limit of not less than \$500,000 for bodily or personal injury, death, or property damage or loss as the result of any one (1) occurrence or accident, regardless of the number of persons injured or the number of claimants.

6.0 MONITORING AND REVIEWING PUBLIC DRIVER EDUCATION PROGRAMS

6.1 The Idaho State Department of Education may review public driver education classroom and behind-the-wheel instruction and program records for compliance with instructional, statutory, and regulatory requirements.

6.2 Complaints against a public driver education program or instructor will result in an investigation and/or compliance review.

6.3 Reviewed public schools and/or instructors will be given feedback in areas they are doing well in and areas they can improve in.

6.4 Public schools and/or instructors that are out of compliance with policy will be put on an improvement plan that provides the support and time necessary to make the suggested or required changes that come from a review.

6.5 Public Schools and/or instructors that refuse or fail to make the necessary changes to be in compliance within the agreed upon timeframe will not be eligible for reimbursement or be able to offer a program until they are back in compliance.

7.0 PUBLIC SCHOOL DISTRICTS CONTRACTING WITH A PRIVATE DRIVING SCHOOL

7.1 School districts may contract with a private driving school to provide a driver education and training program. To qualify for reimbursement, the district shall have a written contract with the private driving school specifying the responsibilities of each party.

7.1.1 Contracts must be renewed annually.

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- 7.2 A copy of the contract shall be included in the ~~a-Annual a-Program a-Plan~~ submitted by the school district to the Idaho State Department of Education at least thirty (30) days prior to a program starting for that fiscal year.
- 7.3 The school district is responsible for ensuring that the contractor is teaching content that meets or exceeds the Idaho State Board of Education approved Public Driver Education Content Standards and Benchmarks.
- 7.4 All private contractors must have a valid license as issued by the [Idaho Driving Businesses Licensure Board](#).
- 7.5 All record keeping and required reporting to the Idaho State Department of Education shall be completed by the school district.
- 7.6 All student records are the property and responsibility of the school district.
- 7.7 In accordance with Idaho Code § 33-512, school districts shall ensure that all private driver education instructors who are contracting with a public school and who will have unsupervised contact with students, have a current criminal history check on an official SDE fingerprint card on file at the Idaho State Department of Education. School districts will also be responsible for cross-checking all private driver education instructors working as contractors for the school district against the statewide sex offender register.

Federal law prohibits discrimination on the basis of race, color, religion, sex, national origin, age, or disability in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to the State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 3326800, or to the Director, Office of Civil Rights, Department of Education, Washington, D.C.

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SUBJECT

Pending Rule—Docket 08-0202-1004.

REFERENCE

June 16, 2010

M/S (Atchley/Edmunds): To approve the temporary and proposed rule change to IDAPA 08.02.02.016, Rules Governing Uniformity, Idaho Educator Credential as submitted. Motion carried unanimously.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105, Idaho Code

BACKGROUND/DISCUSSION

During the June 16, 2010 Board meeting the Board approved temporary and proposed rule changes to IDAPA 08.0202 Rules Governing Uniformity, Idaho Educator Credential.

No public comments were received during the open comment period for the proposed rules, docket number 08-0202-1004.

No changes have been made to the pending rule.

ATTACHMENTS

Attachment 1 –Pending Rule docket number 08-0202-1004

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BOARD ACTION

A motion to approve pending rule Docket 08-0202-1004 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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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: (8-11-10)T (____)

- 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); (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 classrooms; (3-29-10)
- d. Each teacher holding a Standard Exceptional Child Certificate (K-12); and (3-29-10)
- e. Each school administrator holding an Administrator Certificate (Pre K-12). (3-29-10)

02. Out-of-State Applicants. 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)

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SUBJECT

Pending Rule—Docket 08-0203-1001.

REFERENCE

June 17, 2010

M/S (Atchley/Lewis): To approve the temporary and proposed rule change to IDAPA 08.02.03.112, Rules Governing Thoroughness, Accountability as submitted. Motion carried unanimously.

August 12, 2010

M/S (Luna/Terrell): To approve the Temporary and Proposed rules for:

- IDAPA 08.02.03.004.03-Incorporation by Reference, The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.
- IDAPA 08.02.03.004.04-Incorporation by Reference, The Idaho English Language Assessment (IELA) Achievement Standards; and
- IDAPA 08.02.03.112-Accountability, Adequate Yearly Progress (AYP) Definitions.

Motion was approved unanimously.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-313, Idaho Code

Idaho Administrative Code, IDAPA 08.02.03-1001 Section 112, Accountability

Idaho Administrative Code, IDAPA 08.02.03.004 Incorporation by Reference

Idaho Administrative code, IDAPA 08.02.03.112

No Child Left Behind Act of 2001, Title III, Part A: Language Instruction for Limited English Proficient and Immigrant Students, Section 3113(b)(2);

Title I, Part A, Section 1111(b)(7)

BACKGROUND/DISCUSSION

During the August 12, 2010 Board meeting the Board approved temporary and proposed rule changes to IDAPA 08.0203 Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures, the Idaho English Language Assessment (IELA) Achievement Standards and Adequate Yearly Progress (AYP) Definitions.

No public comments were received during the open comment period for the proposed rules, docket number 08-0203-1001.

There are no changes to these rules.

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ATTACHMENTS

Attachment 1 –Pending Rule docket number 08-0203-1001

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BOARD ACTION

A motion to approve pending rule Docket 08-0203-1001 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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004. Incorporation By Reference.

The following documents are incorporated into this rule:

(3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories: (3-29-10)
 - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
 - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
 - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
 - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
 - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
 - vi. World languages, as revised and adopted on April 17, 2009. (3-29-10)
- d. Language Arts, Part I: reading, as revised and adopted on August 21, 2008. (3-29-10)
- e. Language Arts, Part II: language arts, as revised and adopted on August 21, 2008. (3-29-10)
- f. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- g. Mathematics, as revised and adopted on August 21, 2008. (3-29-10)
- h. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- i. Science, as revised and adopted on April 17, 2009. (3-29-10)
- j. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 17, 2010. Copies of the document can be found on the State Department of Education website at <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. ()

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of

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Education on November 17, 2010. Copies of the document can be found on the State Department of Education website at <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. ()

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

07. The Idaho Alternative Assessment Extended Achievement Standards. Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on February 28, 2008. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

112. Accountability.

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (3-20-04)

01. ISAT Student Achievement Levels. There are four (4) levels of student achievement for the ISAT: Below Basic, Basic, Proficient, and Advanced. Definitions for these levels of student achievement are adopted by reference in Subsection 004.05. (4-2-08)

02. IELA Language Proficiency Levels. There are five (5) levels of language proficiency for students testing on the Idaho English Language Assessment: beginning, advanced beginning, intermediate, early fluent, and fluent. Definitions for these levels of language proficiency are adopted by reference in Subsections 004.02 and 004.04. (4-2-08)

03. Adequate Yearly Progress (AYP). (3-20-04)

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

b. The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. ()

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

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04. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

a. Full Academic Year (continuous enrollment). (3-20-04)

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved AYP in proficiency. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. ()

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. (4-2-08)

iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved AYP. (4-2-08)

b. Participation Rate. (3-20-04)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (4-6-05)

(2) Students who are absent for the entire state-approved testing window because of medical reasons or are homebound are exempt from taking the ISAT if such circumstances prohibit them from participating. Students who drop out, withdraw, or are expelled prior to the beginning of the final makeup portion of the test window are considered exited from the school. ()

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (4-6-05)

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder

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school. (3-20-04)

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who score in the low range on the state-approved language proficiency test and meet one of the following criteria: (4-6-05)

(1) Individuals whose native language is a language other than English; or (4-6-05)

(2) Individuals who come from environments where a language other than English is dominant; or (4-6-05)

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (4-6-05)

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must maintain or make progress toward the target each year. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

f. Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

05. Annual Measurable Achievement Objectives (AMAOs). Local school districts are responsible for ensuring district progress of Limited English Proficient (LEP) students in their acquisition of English. Progress and proficiency are measured by the IELA and determined based on three (3) AMAOs: (4-2-08)

a. Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency; (4-2-08)

b. Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year; and (4-2-08)

c. Each school district must make Adequate Yearly Progress for LEP students on the spring ISAT. (4-2-08)

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SUBJECT

Pending Rule—Docket 08-0203-1003.

REFERENCE

August 12, 2010	M/S (Luna/Terrell): To approve the proposed rule change to IDAPA 08.02.03.004, Rules Governing Thoroughness to incorporate by reference the Idaho Content Standards for English Language Arts. Motion was approved unanimously.
August 12, 2010	M/S (Luna/Terrell): To approve the proposed rule change to IDAPA 08.02.03.004, Rules Governing Thoroughness to incorporate by reference the Idaho Content Standards for Math. Motion was approved unanimously.

APPLICABLE STATUTE, RULE, OR POLICY

IDAPA 08.02.03.004, Rules of the Board Governing Thoroughness
Section 33-1612, Idaho Code

BACKGROUND/DISCUSSION

During the August 12, 2010 Board meeting the Board approved proposed rule changes to IDAPA 08.0203 Rules Governing Thoroughness to incorporate by reference the Idaho Content Standards for Math and English Language Arts.

16 public comments were received during the open comment period for the proposed rules, docket number 08-0203-1003. The comments were generally in favor of the standards. The concerns addressed were financial burdens, teacher preparedness and assessment.

No changes have been made to the pending rules.

Also included in this docket was the use of restraint and seclusion in schools. The Department has decided to pull this item and conduct further research and planning before resubmitting to the State Board.

ATTACHMENTS

Attachment 1 –Pending Rule docket number 08-0203-1003

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BOARD ACTION

A motion to approve pending rule Docket 08-0203-1003 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories: (3-29-10)
 - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
 - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
 - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
 - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
 - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
 - vi. World languages, as revised and adopted on April 17, 2009. (3-29-10)
- d. English Language Arts as revised and adopted on November 17, 2010. ()
- e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f. Mathematics, as revised and adopted on November 17, 2010. ()
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on November 17, 2010. ()

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on

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August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 17, 2010. Copies of the document can be found on the State Board Department of Education website at <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. ()

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 17, 2010. Copies of the document can be found on the State Board Department of Education website at <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. ()

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

07. The Idaho Alternative Assessment Extended Achievement Standards. Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on February 28, 2008. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

(BREAK IN CONTINUITY OF SECTION)

~~160. SAFE ENVIRONMENT AND DISCIPLINE.~~

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

School Climate
Discipline
Student Health
Violence Prevention
Gun-free Schools
Substance Abuse—Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills
<u>Use of Restraints, Seclusion and other Aversive Techniques</u>

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612) _____ (4-1-97)(____)

~~161. USE OF RESTRAINT, SECLUSION AND OTHER AVERSIVE TECHNIQUES. Restraint and seclusion are prohibited except in an emergency as defined in Section 161 and only to the extent necessary to preserve the safety of students and others. The use of other aversive techniques is prohibited. This section does not apply to the duties and responsibilities of law enforcement personnel. Nothing in this section shall be construed as limiting a person's right of self-defense under Idaho law or as limiting any immunity from civil or criminal liability granted under Idaho law to a person who has lawfully exercised force in the defense of self or another.~~ _____ (____)

~~01. Definitions. The following definitions apply only to Section 161 of these rules.~~ _____ (____)

~~a. Aversive technique. Physical, emotional or mental distress as a method of redirecting or controlling behavior. Education agencies are prohibited from using aversive techniques.~~ _____ (____)

~~b. Crisis intervention. Implementation of a predetermined strategy to mitigate immediate harm to student, staff or property.~~ _____ (____)

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~~_____ c. _____ Education agency. Each school district, public agency, and governmental entity that is responsible for delivering public education, with the exception of the Department of Juvenile Corrections and Department of Corrections. _____ ()~~

~~_____ d. _____ Emergency. A situation in which a student's conduct creates a reasonable belief in another person that the student's conduct has placed the student or a third person in imminent danger of serious bodily harm. _____ ()~~

~~_____ e. _____ Positive behavioral interventions and supports. Application of a broad range of systematic and individualized strategies for achieving important social and learning outcomes, while preventing problem behaviors by making them irrelevant, inefficient, and ineffective. _____ ()~~

~~_____ f. _____ Restraint. A chemical, manual method, physical or mechanical device, material, or equipment for the purpose of immobilizing or reducing an individual's freedom of movement for the purpose of preventing harm to students and others. The term does not include seatbelts and other safety equipment when used to secure students during transportation. _____ ()~~

~~_____ g. _____ Seclusion. Involuntary confinement in a room or other space during which a student is prevented from leaving, or reasonably believes that he will be prevented from leaving, by means that include, but are not limited to, the following: _____ ()~~

~~_____ i. _____ Manually, mechanically, or electrically locked doors that when closed cannot be opened from the inside; _____ ()~~

~~_____ ii. _____ Blocking or other physical interference by staff; _____ ()~~

~~_____ iii. _____ Coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion. _____ ()~~

~~_____ 02. _____ District Wide Policy. In accordance with Section 160 of these rules each education agency, must have a comprehensive district wide policy and procedure addressing the use of restraint and seclusion. Each education agency must provide training to staff members covering these policies and procedures. Any education agency's policy that permits the use of seclusion or restraint will include: _____ ()~~

~~_____ a. _____ Circumstances under which seclusion or restraint will be applied; _____ ()~~

~~_____ b. _____ Written procedures to be followed by staff in cases of seclusion or restraint; _____ ()~~

~~_____ c. _____ Designation of school officials who will be informed of incidents when seclusion and physical restraint is used; _____ ()~~

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~~_____ d. _____ Process for notifying parents within twenty-four (24) hours of incident that includes contact information for education agency staff member to be contacted for further information; _____ ()~~

~~_____ e. _____ Training of personnel in crisis intervention; _____ ()~~

~~_____ f. _____ Preventative, alternative interventions to seclusion, restraint and other aversive techniques; _____ ()~~

~~_____ g. _____ Reporting of incidents as required by state and federal regulations; _____ ()~~

~~_____ h. _____ Observing and monitoring the use of seclusion and restraint; _____ ()~~

~~_____ i. _____ Locations used for seclusion are safe and clean. _____ ()~~

~~_____ 03. _____ Procedures. Any education agency's policy and procedures that permits the use of seclusion or restraint will include at a minimum procedures for the following: _____ ()~~

~~_____ a. _____ Observing and monitoring the use of seclusion and restraint includes continuous, direct visual contact with the student; _____ ()~~

~~_____ b. _____ Documentation when seclusion and restraint are contraindicated due to the student's psychiatric, medical, or physical conditions; _____ ()~~

~~_____ c. _____ Immediately terminate seclusion and restraint when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress; _____ ()~~

~~_____ d. _____ Establish time limits; _____ ()~~

~~_____ e. _____ Following an incident involving seclusion, restraint or both; _____ ()~~

~~_____ i. _____ Notification of appropriate school officials; _____ ()~~

~~_____ ii. _____ Notification of parents within twenty-four hours of incident that includes contact information for education agency staff member to be contacted for further information; _____ ()~~

~~_____ iii. _____ Required documentation in accordance with Subsection 161.05 of these rules; _____ ()~~

~~_____ 04. _____ Training. Seclusion and restraint techniques may only be employed by a person who has been trained in crisis intervention. Training in crisis intervention must include but is not limited to: _____ ()~~

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~~_____ a. _____ Evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion; _____ (_____) _____~~

~~_____ b. _____ Evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion; _____ (_____) _____~~

~~_____ c. _____ Evidence-based skills training related to positive behavioral interventions and supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management; _____ (_____) _____~~

~~_____ d. _____ First aid and cardiopulmonary resuscitation. _____ (_____) _____~~

~~_____ 05. _____ Documentation. In accordance with section 160 of these rules each education agency's annual review of the district wide policy and procedures addressing the use of restraint, seclusion and other aversive techniques must include a review of the documentation and reporting of incidents involving seclusion and restraint. _____ (_____) _____~~

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SUBJECT

Pending Rule—Docket 08-0203-1004.

REFERENCE

August 12, 2010	M/S (Luna/Lewis): To approve the temporary and proposed rules for IDAPA 08.02.03.105 to remove the science ISAT requirement and instruct the Department of Education to develop End of Course assessments in science to serve as a graduation requirement by the graduating class of 2017. Motion carried with a vote of 5 to 2 (Rod Lewis and Don Soltman voted nay).
August 12, 2010	M/S (Luna/Terrell): To approve the temporary and proposed rule change to IDAPA 08.02.03.109 – Special Education. Motion carried unanimously.
August 12, 2010	M/S (Luna/Terrell): To approve the Temporary and Proposed rules for IDAPA 08.02.03.111 to require a maximum of 3 weeks for dissemination of assessment results and communication to parents. Motion was approved unanimously.
August 12, 2010	M/S (Luna/Terrell): To approve the proposed rule of IDAPA code 08.02.03.117 to detail the Mastery Advancement Pilot Program as submitted. Motion carried unanimously.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.03.105
Idaho Administrative Code, IDAPA 08.02.03.111
No Child Left Behind, Title I, Part A.
Sections 33-116, 33-2002, Idaho Code
20 U.S.C, Section 1412; Individuals with Disabilities Education Act (IDEA); 34
CFR §§300.301; 300.323
House Bill No. 493

BACKGROUND/DISCUSSION

During the August 12, 2010 Board meeting the Board approved temporary and proposed rule changes to IDAPA 08.0203 to remove the science ISAT from the State high school graduation requirements, changes to the Special Education Individualized Education Programs, updates to the assessment timeline and the Mastery Advancement Pilot Program.

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One (1) public comment was received for Mastery Advancement Pilot Program addressing a concern with assessment and timeliness.

There were twenty (20) public comments received for the removal of Science ISAT. Fourteen (14) were in favor of the removal. Those against had concerns about the future of science being taught in Idaho and the growing science industry needing well educated students.

The only change to these rules between the proposed and pending stage is due to changes made to the Mastery Advancement Pilot Program as indicated.

The MAPP rules were changed to provide a format for a common practice of building tests rather than spelling out exactly the steps districts should take to have a rigorous, valid and reliable enough test to be used for this purpose. The reference is now listed in the rules. Additionally, based on comments received, an alternate pathway (such as accelerated or online classes or portfolios of work) were written in as acceptable measures to reach graduation early. The definitions for this section were also moved to only this section to eliminate the potential for conflicting definitions in other sections.

ATTACHMENTS

Attachment 1 –Pending Rule docket number 08-0203-1004

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Attachment 2 –Proposed changes to Mastery Advancement
Pilot Program

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BOARD ACTION

A motion to amend temporary rule and approve pending rule docket number 08-0203-1004 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

A motion to approve pending rule Docket 08-0203-1004 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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007. DEFINITIONS A - G.

01. Achievement Standards. Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and “beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” on the Idaho English Language Assessment (IELA) by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (4-2-08)

02. Advanced Opportunities. Are defined as Advanced Placement courses, Dual Credit courses, Tech Prep, or International Baccalaureate programs. (4-11-06)

03. Advanced Placement® (AP) - <http://www.collegeboard.com>. The Advanced Placement Program is administered by the College Board. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (4-11-06)

04. All Students. All students means all public school students, grades K-12. (4-11-06)

05. Alternative Assessment (Other Ways of Testing). Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (4-5-00)

06. Assessment. The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

07. Assessment Standards. Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing”; (4-5-00)

08. Authentic. Something that is meaningful because it reflects or engages the real world. An “authentic task” asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (4-5-00)

09. Basic Educational Skills Training. Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (4-5-00)

10. Classic Texts. Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (4-5-00)

11. Content Standards. Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. (4-2-08)

12. Context (of a Performance Assessment). The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00)

13. Cooperative Work Experience. Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may

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be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op.

(4-5-00)

14. Criteria. Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (4-5-00)

15. Cues. Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers have about the ways in which language is understood by others in their culture. (4-5-00)

16. "C" Average. A combined average of courses taken on a four (4) point scale with "C" equal to two (2) points. (4-11-06)

17. Decode. (4-5-00)

a. To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (4-5-00)

b. To change communication signals into messages, as to decode body language. (4-5-00)

18. Dual Credit. Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student's permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06)

19. Emergent Literacy. Development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing. (4-5-00)

20. Employability Skills. Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00)

21. Entry-Level Skills. The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

22. Evaluation (Student). Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

23. Experiential Education (Application). Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

24. Exploratory Experience (Similar to a Job Shadow). An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

25. Fluency. The clear, rapid, and easy expression of ideas in writing or speaking;

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movements that flow smoothly, easily, and readily. (4-5-00)

26. Genre (Types of Literature). A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

27. Graphophonic/Graphophonemic. One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

008. DEFINITIONS H - S.

01. Interdisciplinary or Integrated Assessment. Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

02. International Baccalaureate (IB) - <http://www.ibo.org/ibo/index.cfm>. Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

03. Laboratory. A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

04. Learning Plan. The plan that 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. (4-11-06)

05. Narrative. Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

06. Norm-Referenced Assessment. Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

07. On-Demand Assessment. Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

08. Performance Assessment. Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

09. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

10. Performance Criteria. A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

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11. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

12. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

13. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

14. Professional-Technical Education. Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

15. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

16. School-to-Work Transition. A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

17. Service Learning. Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others.

18. Skill Certificate. Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

19. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

20. Standardization. A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

21. Standards-Based Education. Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

22. Structured Work Experience. A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements

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between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

23. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

(BREAK IN CONTINUITY OF SECTION)

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.h. 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.b. through 105.01.g. (3-29-10)

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. Students 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

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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.

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.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. (5-8-09)

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, then the student has met the high school content area requirement for such course.

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However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.b. through 105.01.g. in addition to the courses completed in middle school. (3-29-10)

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 mechanism. All locally established mechanisms used to demonstrate proficiency will be forwarded to the State Board of Education for review and information. Districts with alternate measures on file with the Board on the effective date of this rule must re-submit their plans to the Board. Alternate mechanisms must be re-submitted to the Board when changes are made in their plans. (8-11-10)T

- 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)
 - less; or ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or (3-20-04)
 - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b.** The measure must be: (5-8-09)
 - i. Aligned at a minimum to tenth grade state content standards; (3-20-04)
 - ii. Aligned to the state content standards for the subject matter in question; (5-8-09)
 - iii. Valid and reliable; and (5-8-09)
 - iv. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. (3-20-04)
- 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

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Manual for guidance in addressing graduation requirements.

(4-11-06)

08. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA.

(4-11-06)

(BREAK IN CONTINUITY OF SECTION

109. SPECIAL EDUCATION.

01. Definitions. The following definitions apply only to Section 109 of these rules. (4-5-00)

a. Adult Student. A student who is eligible for special education, is eighteen (18) years of age or older and to whom special education rights have transferred. (4-5-00)

b. Department. State Department of Education. (4-5-00)

c. Due Process Hearing. An administrative hearing that is conducted to resolve disputes. (3-29-10)

i. Regular due process hearing regarding issues on any matter related to identification, evaluation, placement, or the provision of a free appropriate public education. (3-29-10)

ii. For disputes concerning discipline for which shortened time lines are in effect, an expedited due process hearing may be requested in accordance with the Individuals with Disabilities Education Act. (3-29-10)

d. Education Agency. Each school district and other public agency that is responsible for providing special education and related services to students with disabilities, including the Department of Juvenile Corrections and the Idaho School for the Deaf and Blind. (4-5-00)

e. Governing Special Education Requirements. Sections 33-201, 33-2001 through 2002, 33-2004 through 2005, and 33-2010, Idaho Code; Section 109 of these rules; the Individuals with Disabilities Education Act (IDEA), Parts A and B, (20 U.S.C., Sections 1400-1419); IDEA Regulations (34 C.F.R. Part 300); Idaho Special Education Manual; and special education case law that sets precedence in Idaho. (3-29-10)

f. Idaho Special Education Manual. Policies and procedures, as approved by the State Board of Education, that the State Department of Education is required to adopt to meet the eligibility requirements of 20 U.S.C, Section 1412 and are consistent with state and federal laws, rules, regulations, and legal requirements. (3-29-10)

g. Special education. Specially designed instruction as defined by the Individuals with Disabilities Education Act or speech-language pathology services to meet the unique needs of a special education student. (4-5-00)

02. Legal Compliance. The State Department of Education and education agencies shall comply with all governing special education requirements. (4-5-00)

a. The Board of Trustees or other comparable governing body of each education agency shall adopt policies and procedures for providing special education services and obtain approval from the State Department of Education for the same. Department approval shall be based on current governing special education requirements. Each education agency shall revise its policies and procedures as

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necessary to conform with changes in governing special education requirements. (4-5-00)

b. The State Department of Education shall provide education agencies with a sample set of policies and procedures that is consistent with governing special education requirements. The Department shall monitor all education agencies and private agencies who provide special education services to students with disabilities for compliance with governing special education requirements and adopted policies and procedures. (4-5-00)

c. Each education agency shall ensure that charter schools and alternative schools located in its jurisdiction have nondiscriminatory enrollment practices. Each education agency shall ensure the provision of special education and related services to eligible students enrolled in charter and alternative schools in accordance with governing special education requirements. (4-5-00)

d. Each education agency contracting with a private school or facility shall ensure that the private school or facility is approved by the State Department of Education to provide special education services. The Department may approve a private school or facility to provide special education services upon application to the Department if it: (4-5-00)

- i. Is an accredited school or a licensed rehabilitation center; and (4-5-00)
- ii. Meets minimum health, fire and safety standards; and (4-5-00)
- iii. Is nonsectarian; and (4-5-00)
- iv. Provides special education services consistent with governing special education requirements. (4-5-00)

v. Any private school or facility aggrieved by the Department's final decision may appeal that decision to the State Board of Education. (4-5-00)

e. Education agencies shall employ special education and related services professional personnel using certification standards approved by the State Board of Education or licensing standards adopted by the Bureau of Occupational Licensing. Education agencies shall employ individuals who meet the highest entry-level standard that applies to a specific discipline unless there is a shortage of fully qualified candidates for a specific position. If there is a shortage of fully qualified candidates, the education agency shall hire the most qualified individual available who is making satisfactory progress toward meeting the highest entry-level standard within three (3) years. (4-5-00)

f. Education agencies may employ paraprofessional personnel to assist in the provision of special education and related services to students with disabilities if they meet standards established by the State Department of Education. (4-5-00)

g. Education agencies shall collect and report data as necessary to meet state and federal requirements concerning special education services, staff or students. Education agencies shall develop, implement and revise district improvement plans as necessary to improve results as measured by data on goals and indicators for the performance of special education students that are established by the State Department of Education in accordance with the Individuals with Disabilities Education Act. (4-5-00)

h. Education agencies shall establish a team process to problem solve and plan general education interventions to ensure that referrals to special education are appropriate. (4-5-00)

03. Eligibility for Special Education. The State Department of Education shall provide state eligibility criteria for special education services for categorical eligibility consistent with the Individuals with Disabilities Education Act. Education agencies shall consider eligibility under all disability categories set

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forth in the Idaho Special Education Manual with the exception of developmental delay, which is an optional category. If an education agency elects to use the developmental delay category, it shall consider developmental delay for students ages three (3) through nine (9) using the eligibility criteria adopted by the Department and set forth in the Idaho Special Education Manual. The total timeline from the date of receipt of written parental consent for an initial evaluation to the date of determination of eligibility for special education and related services must not exceed sixty (60) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive school days, unless all parties agree to an extension. (8-11-10)T

04. Individualized Education Programs. Each education agency shall develop an individualized education program (IEP) for each student who is eligible for special education. The IEP shall be implemented as soon as possible after it is developed. The total timeline from the determination that the student needs special education and related services to the date of implementation of the initial IEP shall not exceed thirty (30) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive school days, unless all parties agree to an extension. A new IEP shall be developed at least annually, on or before the date the previous IEP was developed. (8-11-10)T

a. IEP team meetings shall be convened upon reasonable request of any IEP team member at times other than the annual review. If the education agency refuses to convene an IEP team meeting requested by a parent or adult student, the agency shall provide written notice of the refusal. (4-5-00)

b. Education agencies shall document the attendance of all participants at each IEP team meeting. Any participant who does not agree with an IEP team decision regarding a student's educational program may place a minority report in that student's file. A minority report shall not prevent implementation of an IEP team decision. (4-5-00)

c. The IEP team shall determine the student's placement in the least restrictive environment. (5-3-03)

d. At the discretion of the education agency, an individualized family service plan (IFSP) may be used in place of an IEP if: (4-5-00)

i. The child is ages three (3) through five (5), and (4-5-00)

ii. The child's parents are provided with a detailed explanation of the differences between an IFSP and an IEP, and (4-5-00)

iii. The child's parents provide written consent to use the IFSP, and (4-5-00)

iv. The IFSP is developed in accordance with IDEA Part B policies and procedures. (3-29-10)

v. Nothing in this part requires education agencies to develop IFSPs rather than IEPs for three (3) through five (5) year old nor to implement more than the educational components of the IFSP. (4-5-00)

e. When a student who has been determined eligible for special education, as indicated by a current IEP, transfers from one (1) Idaho education agency to another, the student is entitled to continue to receive special education services. The receiving education agency may accept and implement the existing IEP or may convene an IEP team meeting to develop a new IEP. If a new IEP cannot be developed within five (5) school days, or if the education agency wishes to re-evaluate the child, an interim (short-term) IEP shall be implemented pending development of the standard IEP. (4-5-00)

f. If a student who is eligible for special education in another state transfers to an Idaho education agency, the Idaho education agency shall request a copy of the student's most recent eligibility

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documentation and IEP within two (2) school days. Within five (5) school days of receipt of the eligibility documentation and IEP, the Idaho education agency shall determine if it will adopt the existing eligibility documentation and IEP. If the education agency disagrees with the existing eligibility documentation, or if the documentation is not available within a reasonable time period, consent for an initial assessment shall be sought. While the assessment and evaluation is in process, the education agency may implement an interim IEP if the parent or adult student agrees. If the parent or adult student does not agree to an interim IEP, the student shall be placed in general education. (4-5-00)

05. Procedural Safeguards. Education agencies will use appropriate procedural safeguards consistent with the Individuals with Disabilities Education Act. (8-4-99)

a. If a parent or adult student disagrees with an individualized education program change or placement change proposed by the district, the parent or adult student may file a written objection to all or parts of the proposed change. If the written objection is postmarked or hand delivered within ten (10) calendar days of the date the parent or adult student receives written notice of the proposed change, the proposed change cannot be implemented. Informal methods such as additional IEP team meetings or voluntary mediation may be used to resolve the disagreement. If these methods fail, the education agency may request a due process hearing to obtain a hearing officer's decision regarding the proposed change. The written objection cannot be used to prevent the education agency from placing a student in an interim alternative educational setting in accordance with IDEA discipline procedures. (4-5-00)

b. Mediation may be requested by an education agency, parent, or adult student, or offered by the State Department of Education at any time. The Department shall screen all such requests to determine appropriateness. Any time a hearing is requested, the Department shall offer mediation using policies and requirements set forth in the Individuals with Disabilities Education Act regulations. If the Department appoints a mediator, the Department shall be responsible for compensating the mediator. All mediation participants shall be required to sign a confidentiality pledge. Attorney fees may not be awarded for a mediation that is conducted prior to a request for a due process hearing. (3-29-10)

c. The State Department of Education shall administer a single-tiered due process hearing system to resolve disputes between education agencies and parents or adult students. When a due process hearing is requested, the superintendent, special education director, or other agency administrator shall inform the agency's board of trustees or other governing body of the request. The education agency shall immediately notify the Department's Director of Special Education of any request for a due process hearing. Within ten (10) calendar days of a written request for a regular hearing, or within five (5) business days of a written request for an expedited hearing, an impartial hearing officer shall be assigned by the Department. The Department shall maintain a list of trained hearing officers and their qualifications. (3-29-10)

d. The education agency that is a party to the hearing shall be responsible for compensating the hearing officer and paying for the cost of a verbatim transcript of the hearing. (4-5-00)

e. Due process hearings shall be conducted pursuant to IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Individuals with Disabilities Education Act (IDEA) requirements, and the Idaho Special Education Manual. In case of any conflict between the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General" and the IDEA, the IDEA shall supersede the IDAPA 04.11.01, and IDAPA 04.11.01 shall supersede the Idaho Special Education Manual. (3-29-10)

f. The hearing officer shall issue a written decision that includes findings of fact and conclusions of law within forty-five (45) calendar days of the date a regular hearing is requested, unless a specific extension of this time line is requested by one (1) of the parties and granted by the hearing officer. The hearing officer shall issue a written decision that includes findings of fact and conclusions of law within twenty (20) calendar days of a written request for an expedited hearing, unless a specific extension of this time line has been granted. An extension of the time line for an expedited hearing shall

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not exceed an additional twenty-five (25) calendar days, and may be granted only if requested by one (1) of the parties and agreed to by both parties. The decision shall be sent to the parent or adult student, the education agency administrator, their respective representatives, and the State Department of Education.

(4-5-00)

g. The hearing officer's decision shall be binding unless either party appeals the decision by initiating a civil action. The hearing officer's decision shall be implemented not later than fourteen (14) calendar days from the date of issuance unless an appeal is filed by a parent or adult student or the decision specifies a different implementation date. An appeal to civil court must be filed within forty-two (42) calendar days from the date of issuance of the hearing officer's decision.

(4-5-00)

h. During the hearing the education agency shall provide reasonable accommodations as required by federal and state regulations. Disputes concerning reasonable accommodations shall be referred to the Department of Education's Americans with Disabilities Act (ADA) Committee for resolution.

(4-5-00)

i. During the pendency of any due process hearing or civil appeal the child's educational placement shall be determined by the Individuals with Disabilities Education Act "stay put" requirements.

(4-5-00)

j. A parent or adult student has the right to an independent educational evaluation (IEE) at public expense if the parent or adult student disagrees with an evaluation obtained by the education agency. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria the education agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent or adult student's right to an IEE. If an education agency has cost as one (1) of the criteria the education agency uses when it initiates an evaluation, the education agency may apply that criteria to independent educational evaluations. However, the parent or adult student has the right to demonstrate that unique circumstances justify an IEE that falls outside the education agency's cost criteria, and if so demonstrated, that IEE shall be publicly funded. A due process hearing may be initiated by the education agency to determine if the evaluation conducted by the education agency is appropriate. If the final decision of a hearing officer, or civil court, if the hearing officer's decision is appealed, is that the evaluation conducted by the education agency is appropriate, the parent or adult student still has the right to an independent educational evaluation, but not at the education agency's expense.

(4-5-00)

k. Student records shall be managed in accordance with IDEA and Family and Educational Rights and Privacy Act regulations governing security, confidentiality, access, maintenance, destruction, inspection and amendment.

(4-5-00)

06. Assistive Technology Devices. Education agencies may hold a parent liable for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the education agency if it is lost, stolen, or damaged due to negligence or misuse at home or in another setting outside of school time.

(4-5-00)

07. Diplomas and Graduation. School districts shall use a regular diploma for students who are eligible for special education at the completion of their secondary program. The transcript serves as a record of individual accomplishments, achievements, and courses completed. A modified or differentiated diploma or certificate may not be used for students who are eligible for special education unless the same diploma or certificate is granted to students without disabilities. If a student is not granted a regular high school diploma or if a regular high school diploma is granted for completing requirements that are not comparable to regular graduation requirements, a student who is eligible for special education is entitled to receive a free appropriate public education through the semester in which the student turns twenty-one (21) years of age or until the student completes requirements that are comparable to regular graduation requirements, whichever comes first.

(4-5-00)

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08. Special Education Advisory Panel. The State Superintendent of Public Instruction shall appoint members to serve on the Special Education Advisory Panel. Panel members shall elect annually an individual to serve a one (1) year term as vice-chair followed by a one (1) year term as chair. (4-5-00)

(BREAK IN CONTINUITY OF SECTION)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. The State Board of Education will provide oversight for all components of the comprehensive assessment program. (4-2-08)

02. Purposes. The purpose of assessment in the public schools is to: (3-15-02)

- a.** Measure and improve student achievement; (3-15-02)
- b.** Assist classroom teachers in designing lessons; (3-15-02)
- c.** Identify areas needing intervention and remediation, and acceleration; (3-15-02)
- d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
- e.** Inform parents and guardians of their child's progress; (3-15-02)
- f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
- g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
- h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), and the Idaho Alternate Assessment. (4-2-08)

04. Testing Population. All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

- a.** All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)
- b.** Each student's individualized education program team shall determine whether the

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student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.03.d.iv., who receive a score below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the reading/language usage ISAT, but will still be required to take the math and science ISAT with accommodations or adaptations as determined by the language proficiency score and ELP. Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.03. However, such LEP students are not required to be counted for AYP purposes in determining proficiency, as described in Subsection 112.02. (5-8-09)

05. Scoring and Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (8-11-10)T

a. Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (8-11-10)T

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (8-11-10)T

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (4-2-08)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

c. Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

f. Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

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g. Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

h. Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

j. Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

k. Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

l. Grade 11 - Idaho English Language Assessment. (4-2-08)

m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)

n. Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in their tenth grade year or later are not required to continue taking that portion or portions. (5-8-09)

07. Comprehensive Assessment Program Schedule. (5-3-03)

a. The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)

b. The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)

c. The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

d. The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. (5-3-03)

e. The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)

f. The Idaho English Language Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)

08. Costs Paid by the State. Costs for the following testing activities will be paid by the state: (4-1-97)

a. All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

b. Statewide distribution of all assessment materials; (3-15-02)

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c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program; and (3-15-02)

d. Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment. (3-15-02)

09. Costs of Additional Services. Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

10. Services. The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

11. Test Security, Validity and Reliability. Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (4-2-08)

a. All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window. (3-20-04)

b. The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010. (3-20-04)

c. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)

12. Demographic Information. Accurate demographic information must be submitted as required for each test to assist in interpreting test results. It may include but is not limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (4-2-08)

13. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

a. The Idaho Standards Achievement Tests (grades 2-9 and High School). (5-3-03)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (4-6-05)

i. Language Arts/Communications. (3-15-02)

ii. Math. (3-15-02)

iii. Science. (3-15-02)

iv. Social Studies. (3-15-02)

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- | | | |
|-----|-------------|-----------|
| v. | Health. | (3-15-02) |
| vi. | Humanities. | (3-15-02) |

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117. MASTER ADVANCEMENT PILOT PROGRAM (MAPP)

01. Definitions. The following definitions apply only to Section 117 of these rules. ()

a. Challenge Exam. A test that is rigorous and covers the full depth and breadth of knowledge of a specific course. A challenge exam is more difficult than an End of Course exam which typically is counted only for a portion of a student's final grade and covers only a sampling of the course content. ()

b. Elementary. School grades K-6 (8-11-10)T

c. Local Education Agency (LEA). A school district or a charter school that operates independently of any district and reports to the Idaho Public Charter School Commission (8-11-10)T

d. Secondary. School grades 7-12 (8-11-10)T

f. Alternate pathways. An alternate method for a student to receive a high school diploma early. The methods may include but are not limited to: portfolios, accelerated classes, online and independent study. ()

02. LEA Participation . (8-11-10)T

a. LEAs must apply for the MAPP program no later than September 2010. LEAs will not be allowed to participate in the program after the initial sign up period. (8-11-10)T

b. LEAs may request from the State Department of Education in writing of the intent to opt out of the program during the six (6) year pilot. (8-11-10)T

c. The State Department of Education will create and review LEA application submissions. (8-11-10)T

d. LEAs may choose to include all or as few as one (1) school within the district. (8-11-10)T

e. LEAs may participate in the secondary pilot or the elementary pilot or both. (8-11-10)T

f. LEAs must include in the application a plan for public involvement and parental notification of the program (8-11-10)T

03. Secondary Pilot Program . (8-11-10)T

a. To be eligible for the secondary pilot program LEAs must meet the following criteria: (8-11-10)T

i. LEAs will provide a detailed plan for implementing the program. This plan will include at a minimum: a process for students to request a Challenge Exam, review of the exam scores and providing advice on course or grade advancement. (8-11-10)T

ii. Participating districts shall use and apply the "Standards for Educational and Psychological Testing" (AERA, 1999) if creating district challenge exams. ()T

iii. LEAs may choose to incorporate scores from national standardized test approved by the State Department of Education. The State Department of Education shall create and make public a list of approved tests. ()T

b. The State Department of Education, in cooperation with the vendors of the national standardized tests, will provide a list recommending the course of mastery and the standard (score) at which students would be successful in the next course. (8-11-10)T

c. LEAs may require students to reimburse the LEA for any of the assessments administered. Costs

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could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district. (8-11-10)T

d. LEAs may provide alternate pathways to students for early graduation. ()T

04. Elementary Pilot Program . (8-11-10)T

a. To be eligible for the elementary pilot program LEAs must meet the following criteria: (8-11-10)T

i. Elementary school participation in MAPP allows for schools to use measures other than assessments. LEAs must submit a plan including how students will be measured and advanced either to the next grade or class. (8-11-10)T

ii. The State Department of Education will review the plans and provide direction or suggestions. (8-11-10)T

iii. The State Department of Education will provide information on two research-based advancement programs for elementary schools as suggested models. LEAs may submit a plan that is different from the suggested models. (8-11-10)T

b. LEAs may require students to reimburse the LEA for any of the assessments administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district. (8-11-10)T

05. Reporting. LEAs are required to submit to the State Department of Education, no later than June 10, the following data for all schools within the district regardless of whether the school is a site for MAPP: (8-11-10)T

a. Comprehensive list of all students who participated in MAPP, including the students who graduated early and the number of years that each student graduated early. (8-11-10)T

b. Detailed information on the performance of participating students on Challenge Exams or other measures used. (8-11-10)T

c. The number of requests for Challenge Exams or advancement and the requests granted. (8-11-10)T

d. School and District disciplinary and/or behavioral incidents. (8-11-10)T

e. School and District graduation and dropout rates. (8-11-10)T

f. Number of students in each school and for the LEA participating in advanced placement concurrent enrollment, or college courses while still students in the LEA. (8-11-10)T

06. Early Graduation Eligibility . (8-11-10)T

a. Students must have attended an Idaho public school for four full school years, as defined in IDAPA 08.02.01, "Rules Governing Administration, State Board of Education Rules, Subsection 250.01, immediately prior to graduation to be eligible for a Mastery Scholarship. (8-11-10)T

b. Students must have completed all LEA and State graduation requirements within eleven (11) full school years or nine thousand nine hundred (9,900) hours to be eligible for a one (1) year mastery scholarship, within ten (10) full school years or eight thousand nine hundred ten (8,910) hours to be eligible for a two (2) year mastery scholarship or within nine (9) full school years or seven thousand nine hundred twenty (7,920) hours to be eligible for a three (3) year mastery scholarship. (8-11-10)T

c. Students must attend an Idaho public college or university for the entirety of the scholarship

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period in order to receive the scholarship payment. (8-11-10)T

d. Students are eligible for a maximum of three (3) years of mastery scholarship. (8-11-10)T

e. Students must enroll at an Idaho public college or university immediately within two (2) years following early graduation in order to receive scholarship funds. (8-11-10)T

07. ADA and Scholarship Funding (8-11-10)T

a. Guidelines; (8-11-10)T

i. The statewide average daily attendance-driven funding per enrolled pupil shall be calculated by adding the previous fiscal year's statewide distributions for salary-based apportionment, benefit apportionment and discretionary funds, and dividing the total by the previous year's statewide public school enrollment for all grades. (8-11-10)T

ii. The statewide average daily attendance-driven funding per enrolled pupil shall be re-calculated each fiscal year. (8-11-10)T

iii. All benefits paid for scholarships and to LEAs shall be based on the statewide average daily attendance-driven funding per enrolled pupil figure for the fiscal year in which the benefit is paid. (8-11-10)T

b. Payments to Idaho Colleges and Universities. (8-11-10)T

i. Annual scholarship payments will be made in two (2) equal installments, one (1) each at the beginning of each semester. (8-11-10)T

ii. Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payments are made. This proof must be obtained for each semester in which scholarship payments are made. (8-11-10)T

iii. Students may apply to the State Department of Education to receive a multi-year scholarship over fewer years if the student will graduate from an Idaho public college or university in less than the number of scholarship years. (8-11-10)T

iv. The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 15 for the first semester and January 15 for the second semester. (8-11-10)T

c. Payments to LEAs (8-11-10)T

i. The State Department of Education will make a single annual payment to eligible LEAs by no later than October 1 of each year for all early graduates who are not attending the LEA that school year as a result of early graduation. (8-11-10)T

ii. Payments will not be made to LEAs who fail to meet the reporting requirements. (8-11-10)T

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TAB	DESCRIPTION	ACTION
1	PENDING RULE – DOCKET 08-0202-1002	Motion to Approve
2	PENDING RULE – DOCKET 08-0203-1002	Motion to Approve
3	PENDING RULE – DOCKET 08-0111-1011	Motion to Approve

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SUBJECT

Pending Rule Docket 08-0202-1002 - Idaho Comprehensive Literacy Assessment

REFERENCE

October 15, 2009 The State Board of Education approved the proposed changes to Section 33-1207A and directed the Executive Director to make any non-substantive changes as necessary for the legislation to move through the Governor's legislative process.

August 12, 2010 The State Board of Education approved proposed changes to IDAPA 08.02.02. rules governing uniformity to bring sections in compliance with section 33-1207A, Idaho code.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-1207A, Idaho Code
IDAPA 08.02.02.015.03a and 08.02.02.017

BACKGROUND/DISCUSSION

The Idaho Comprehensive Literacy Assessment was part of the legislation package that created the Idaho Reading initiative in 1999. In an effort to ensure preservice teachers entering the classroom were competent in literacy, the requirement for a single statewide assessment was put into Idaho Code. At that time, procedures were not developed and it was left to the literacy professors at the institutions to design and administer this statewide assessment. Changes to Section 33-1207A, Idaho code during the 2010 legislative session clarify the responsibility and procedures for the assessment necessitated changes to IDAPA 08.02.02.015 and 08.02.02.017.

There were no comments received during the open comment period. No changes have been made to the pending rule language.

IMPACT

All K-12 teacher preparation programs will be required to implement a preservice assessment measure for literacy comprehension. Previously K-8 teacher preparation programs required the literacy comprehension assessment.

ATTACHMENTS

Attachment 2 – Pending Rule Docket 08-0202-1002

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STAFF COMMENTS AND RECOMMENDATIONS

Approved Pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule and will go before the legislature and become effective at the end of the session if the legislature does not take action on them.

BOARD ACTION

I move to approve the Pending Rule docket 08-0202-1002 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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008. -- 011. (RESERVED).

012. ACCREDITED INSTITUTION.

For purposes of teacher certification, an accredited school, college, university, or other teacher training institution is considered by the Idaho State Board of Education to be one that is accredited by a regional accrediting association recognized by the State Board of Education or an alternative model approved by the State Board of Education. (Sections 33-107; 33-114; 33-1203, Idaho Code) (4-1-97)

013. CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS.

Considering credentials for teacher certification submitted by persons trained in the institutions of foreign countries will be initiated by a translation and evaluation of the applicant's credentials. (4-1-97)

01. Determination of Eligibility. Determination of eligibility for certification will be made by the State Department of Education as the agent of the State Board of Education. Appeals may be made to the Professional Standards Commission, (PSC). (Section 33-1209, Idaho Code) (3-16-04)

02. Other Procedures. All other procedures in effect at the time must be followed at the time of application. (4-1-97)

014. CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS.

01. The Department of Education. The department of education is authorized to issue Idaho Certificates to applicants from regionally accredited institutions meeting requirements for certification or equivalent (i.e., those based on a bachelor's degree) in other states when they substantially meet the requirements for the Idaho Certificate. (Sections 33-1203; 33-2203 Idaho Code) (3-16-04)

02. The State Division of Professional-Technical Education. The state division of professional-technical education is authorized to determine whether applicants meet the requirements for instructing or administering professional-technical programs at the secondary and postsecondary levels. (Section 33-2203, Idaho Code) (3-16-04)

015. IDAHO INTERIM CERTIFICATE.

01. Issuance of Interim Certificate. The State Department of Education is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement. An interim certificate is nonrenewable except under extenuating circumstances. (4-2-08)

a. **Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved reading instruction course shall be a one-time requirement for full certification. ()

b. **Technology.** Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve technology skills. ()

02. Foreign Institutions. An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the "Accredited Institutions of Postsecondary Education" and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three (3) year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (4-2-08)

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)

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(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. 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:

(3-29-10)

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);

(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 classrooms;

(3-29-10)

d. Each teacher holding a Standard Exceptional Child Certificate (K-12); and

(3-29-10)

e. Each school administrator holding an Administrator Certificate (Pre K-12).

(3-29-10)

02. Out-of-State Applicants. 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)

017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.

01. Assessments. State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho’s classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval.

(4-2-08)

02. Out-of-State Waivers. An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate.

(4-2-08)

03. Idaho Comprehensive Literacy Assessment. All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate competency in comprehensive literacy. Areas to be included as parts of the assessment are: phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and assessments and intervention strategies. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure teaching skills and knowledge congruent with current research on best literacy practices for elementary students or secondary students (adolescent literacy) dependent upon level of certification and English Language Learners. In addition the assessment must measure understanding and the ability to apply strategies and beliefs about language, literacy instruction, and assessments based on current research and best practices congruent with International Reading Association/National Council of Teachers of English standards, National English Language Learner’s Association professional teaching standards, National Council for Accreditation of Teacher Education standards, and state accreditation standards.

()

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04. **Technology Assessment.** All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate proficiency in relevant technology skills and practices to enhance classroom management and instruction. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure understanding and the ability to apply strategies and beliefs about the integration of technology based on current research and best practices congruent with the International Society for Technology in Education professional teaching standards, the National Council for Accreditation of Teacher Education standards, and state accreditation standards. ()

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SUBJECT

Pending Rule Docket 08-0203-1002 – Alternate Graduation Mechanisms

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.03.105.03

BACKGROUND/DISCUSSION

Currently IDAPA 08.02.03.105.03 states, if a student fails to achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) school districts and LEAs shall provide an alternate mechanism, or plan, for graduation from high school if the student requests it and is qualified. Changes to this section of rule require the districts to notify students who do not achieve a proficient or advanced score on the Grade 10 ISAT by the fall semester of the student's junior year.

There were no comments received during the open comment period. No changes have been made to the pending rule language.

IMPACT

School districts and LEAs will be required to develop an alternate plan for graduation for all students that fail the 10th grade ISAT. The plan shall include multiple measures and will be made available to all qualifying students during the fall semester of their senior year.

ATTACHMENTS

Attachment 1 – IDAPA 08.02.03.105.03

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STAFF COMMENTS AND RECOMMENDATIONS

Approved Pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule and will go before the legislature and become effective at the end of the session if the legislature does not take action on them.

BOARD ACTION

I move to approve Pending Rule docket 08-0203-1002 – Alternate Graduation Mechanisms as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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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. ()

- a.** Before entering an alternate plan, 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 junior year. (3-20-04)
 - b.** The alternate plan must: (5-8-09)
 - i. Contain multiple measures of student achievement;
 - ii. Be aligned at a minimum to tenth grade state content standards; (3-20-04)
 - iii. Be aligned to the state content standards for the subject matter in question; (5-8-09)
 - iv. Be valid and reliable; and (5-8-09)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (3-20-04)

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SUBJECT

Pending Rule Docket 08-0111-1011 – Registration of Post-Secondary education Institutions and Proprietary Schools

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative code, IDAPA 08.01.11
Section 33-2400, Idaho Code

BACKGROUND/DISCUSSION

The proposed changes to IDAPA 08.01.11 corrected references, provided general language clean up, eliminated the listing of the specific regional accrediting entities, eliminated the requirement for a new application should a postsecondary educational institution or proprietary school wish to add courses during the registration period, changed the requirement for notification of the additional courses, and required that all advertising material for proprietary schools must accurately represent the purpose of the school.

During the open comment period the Board received one comment. The concerns outlined in the comment were regarding statutory language and could not be addressed in rule until after the statute is changed, the amount of the registration fee, the information required for registration and the Bond requirement. None of the concerns specifically addressed the proposed changes.

There has been one change correcting an error in the reference of a subsection.

IMPACT

The proposed changes will clean up existing language within the rule and allow for staff to more efficiently administer the registration process.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0111-1001
Attachment 2 – Comment Submitted

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STAFF COMMENTS AND RECOMMENDATIONS

Approved Pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule and will go before the legislature and become effective at the end of the session if the legislature does not take action on them.

BOARD ACTION

I move to approve the Pending Rule docket 08-0111-1001 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

For purposes of registration of post-secondary educational institutions, the Board recognizes the regional and institutional accreditation organizations that are recognized by and in good standing with both the United States Department of Education and by the Council for Higher Education Accreditation, and which accredit entire colleges or universities, and which do not accredit only courses or courses of study (such as specialized accreditation organizations). Further, the Board may recognize other accreditation organizations on a case-by-case basis. A request for recognition of other accreditation organizations for purposes of registration should be made to the Board's Chief Higher Education Academic Officer, who will review and evaluate the request with the input and advice of the Board's Committee on Academic Affairs and Programs (CAAP). The Board will make a final decision based on such evaluation and review. (4-9-09)

101. -- 199. (RESERVED).

200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

01. Delegation. Section 33-2403, Idaho Code, provides that a post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its executive director, or his designee, and the Office of the State Board of Education to administer the registration of post-secondary educational institutions, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-10)

02. Registration Requirement. (4-9-09)

a. Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. An institution shall not solicit students on behalf of such institution, or advertise in this state, unless registered. (3-29-10)

b. Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

c. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

03. Idaho Presence. An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-9-09)

04. Institutions Exempt from Registration. (4-9-09)

a. Idaho public post-secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-9-09)

b. Certain Idaho private, not for profit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the effective date of this rule and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. (4-9-09)

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05. Institutions that Must Register. (4-9-09)

a. Out-of-state public post-secondary educational institutions. A public institution that is supported primarily by taxation from another state, or from a local source not within the state of Idaho, must register as provided herein. (4-9-09)

b. Out-of-state private, nonprofit, post-secondary educational institutions. An out-of-state private, nonprofit, post-secondary educational institution must register as provided herein. (4-9-09)

c. Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is located within the state of Idaho, but that is not exempt under Subsection 200.034.b. of this rule, must register as provided herein. (4-9-09)

d. For-profit post-secondary educational institutions. A post-secondary educational institution that operates for profit, or which is an operating subsidiary of a publicly or privately held corporation that operates for profit, must register as provided herein. (4-9-09)

06. Alternative to Registration Requirement for Certain Post-Secondary Institutions. (3-29-10)

a. A post-secondary educational institution that demonstrates to the satisfaction of the Board that its primary mission and objectives are to offer courses or courses of study that do not lead to the awarding of degrees, may instead register as a proprietary school, in accordance with Section 300 of this rule. (4-9-09)

b. A request to register as a proprietary school must be submitted in writing to the Board by the first business day of December preceding a registration year. A decision on such request will be issued by the Board within thirty (30) days after it is received. A request to register as a proprietary school must be made on an annual basis. (4-9-09)

07. Application. A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on the form provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (3-29-10)

08. Registration Fees. The Board shall assess an annual registration fee for initial registration or renewal of registration of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous registration year, but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are not refundable. (3-29-10)

09. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes a registration year. (4-9-09)

10. Information Required. Such application must include the information requested on the application form, as well as the following information: (4-9-09)

a. If an institution that is required to register under this rule is accredited by an accreditation organization recognized by the Board in Section 100 of this rule, such institution must submit documentation demonstrating that it has received accreditation status, and that it will maintain its accreditation from such agency during the entire registration year. An institution that is so accredited qualifies for a streamlined registration process, and will not be required to submit information and/or documentation that documents compliance with Standards I through V, set forth in Section ~~304~~ 201 of this rule. Such institution must submit the following information or documentation, or both, with its application for registration: (3-29-10)

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- i. Copy of most recent accreditation letter showing the period of approval; (4-9-09)
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii. Enrollment data for current and past two (2) years; (4-9-09)
- iv. Copy of annual audited financial statement; (4-9-09)
- v. Any additional information that the Board may request. (4-9-09)

b. All other institutions applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards I through V, set forth in Section 201 of this rule. (3-29-10)

c. The Board may, in connection with a renewal of registration; request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.08 of this rule, shall remain applicable. (3-29-10)

201. APPROVAL STANDARDS FOR POST-SECONDARY EDUCATIONAL INSTITUTIONS.

Except as provided in Subsection 200.10.a. of this rule, an institution applying for registration must meet, or demonstrate that it will meet, all of the following standards: (4-9-09)

01. Standard I - Legal Status and Administrative Structure. The institution must be in compliance with all local, state, and federal laws, administrative rules, and other regulations applicable to post-secondary educational institutions. (4-9-09)

a. The institution must have a clearly stated mission and objectives that are consistent with educational offerings under consideration for approval by the Board. The institution must demonstrate how its stated mission and objectives are being accomplished. (4-9-09)

b. The governing board or the board of directors must be comprised of at least five (5) members who are selected to represent students, faculty, and other constituents of the institution. Board members must be given the responsibility for assuring that the mission and objectives are achieved, for establishing policies and overseeing their implementation, and for providing oversight for the entire institution, including the financial stability of the institution. Board members should generally not be affiliated with the institution from an employment, contractual, familial, or financial standpoint. Any affiliation or financial interest in the institution must be fully disclosed, and provisions must be made to address any conflicts of interest. (4-9-09)

c. There must be sufficient distinction between roles and responsibilities of the institution's governing board and the administration, faculty, and staff to ensure appropriate separation and independence. (4-9-09)

d. Each of the administrative officers must be appropriately qualified with educational credentials to ensure programs are of high quality and that the rights of students are protected. In particular, the chief academic officer of the institution must be academically prepared at least at the Master's degree level, and have a minimum of five (5) years of post-secondary educational experience at an accredited institution. (4-9-09)

e. Administrators must be paid a fixed salary. Commissions may not be used for any portion of the compensation or to supplement an administrative salary. (4-9-09)

f. Policies must have been established to govern admissions, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; awarding of credit and grades that are comparable to other institutions; academic freedom; student and faculty rights and responsibilities; grievance

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procedures; approval of the curriculum and other academic procedures, etc.; to ensure the quality of educational offerings. (4-9-09)

g. The administration must establish procedures for evaluating the effectiveness of the entire institution and for assessing the quality of instruction through established and recognized methods of instructional assessment. Evaluation and assessment results must be used to improve institutional programs and services. Evaluative/assessment processes must involve internal constituents from the institution and appropriate external representatives. (4-9-09)

02. Standard II - Educational Program and Curriculum. Instruction must be the primary focus of the institution, and all instructional activities must be clearly related to the achievement of the institution's mission and objectives. (4-9-09)

a. The requirements for all instructional programs must be defined clearly, including applicable completion requirements for courses, credits, and clinicals. Faculty must be given the responsibility for developing the curriculum for all courses or courses of study or degrees, designing effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (4-9-09)

b. The institution must identify the number of credits required to earn a degree based on the following guidelines. Forty-five (45) clock-hours of student involvement are required for each semester credit, which includes a minimum of fifteen (15) student contact hours for each semester credit. Degrees are: (4-9-09)

i. Associate of Applied Science Degree. A credential awarded for completion of requirements entailing at least two (2) years, but less than four (4) years, of full-time professional-technical study with a minimum of sixty (60) semester credits (includes a minimum of sixteen (16) general education credits) and includes mastery of specific competencies drawn from requirements of business/industry; (4-9-09)

ii. Associate Degree. A credential awarded for completion of requirements entailing at least two (2) years, but normally less than four (4) years, of full-time academic work; (4-9-09)

iii. Baccalaureate Degree. A credential awarded for completion of requirements entailing at least four (4) years of full-time academic work; (4-9-09)

iv. Master's Degree. A credential awarded for completion of requirements entailing at least one (1) year, but normally not more than two (2) years, of full-time academic work beyond the baccalaureate degree, including any required research; and (4-9-09)

v. Doctoral Degree. A credential awarded for completion of requirements entailing at least three (3) years of full-time academic work beyond the baccalaureate degree, including any required research. (4-9-09)

vi. Written course descriptions must be developed for all courses and for all courses within a program or degree and include the following: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions, and course descriptions must be provided to the faculty. Faculty must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-9-09)

vii. For each course or courses of study leading to a degree, the institution shall assure that such courses will be offered with sufficient frequency to enable students to complete the courses of study and degree within the minimum time for completion. (4-9-09)

03. Standard III - Student Support Services. The institution must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students' rights and responsibilities, grievance procedures, and must define what services are available to support students and instructional programs. (4-9-09)

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a. The institution must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course of study and the capacity of the institution to provide instructional and other support services the student needs to complete the program. (4-9-09)

b. There must be a clearly defined policy for the readmission of students dismissed from the institution for academic reasons. The readmission of students dismissed under this policy should be consistent with the recognized academic standards of admission to the institution. (4-9-09)

c. The institution must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied to each student upon enrollment in the institution. The institution must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (4-9-09)

d. The institution must provide an effective program of academic advising for all students enrolled. The program must include orientation to the academic program, academic and personal counseling, career information and planning, placement assistance, and testing services. (4-9-09)

e. The institution must provide students, prospective students prior to enrollment, and other interested persons with a catalog containing, at a minimum, the following information: (4-9-09)

i. The institution's mission; (4-9-09)

ii. Admissions policies; (4-9-09)

iii. Information describing the purpose, length, and objectives for the courses or courses of study or degrees offered by the institution; (4-9-09)

iv. Credit requirements for all courses or courses of study or degrees offered by the institution; (4-9-09)

v. Procedures for awarding credit for work completed outside the collegiate setting; (4-9-09)

vi. Policies for acceptance of transfer credit; (4-9-09)

vii. The schedule of tuition, fees, and all other charges and expenses necessary for completion of the courses or courses of study or degrees; (4-9-09)

viii. Cancellation and refund policies; (4-9-09)

ix. A definition of the unit of credit as it applies at the institution; (4-9-09)

x. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)

xi. The institution's calendar, including the beginning and ending dates for each instructional term, holidays, and registration dates; (4-9-09)

xii. A complete listing of each regularly employed faculty member showing name, area of assignment, rank, and each earned degree held, including degree level, degree designation, and institution that awarded the degree; (4-9-09)

xiii. A complete listing of each administrator showing name, title, area of assignment, and each earned degree held, including degree level, degree designation, and institution that awarded the degree; (4-9-09)

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xiv. A statement of legal control with the names of the trustees, directors, and officers of the institution or corporation or other entity; (4-9-09)

xv. A complete listing of all scholarships offered, if any; (4-9-09)

xvi. A statement describing the nature and extent of available student services; (4-9-09)

xvii. Complete and clearly stated information about the transferability of credit to other post-secondary educational institutions, including two (2) year and four (4) year colleges and universities; and (4-9-09)

xviii. Any such other material facts concerning the institution and the courses or courses of study as are reasonably likely to affect the decision of the student to enroll at the institution. (4-9-09)

f. Accurate and secure records must be kept for all aspects of the student academic record including, at a minimum, admissions information, transcripts, and financial transactions. Standards established by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) must be used as a basis for establishing, maintaining, securing, and retaining student records. (4-9-09)

g. The institution must provide to each prospective student, newly-enrolled student, and returning student, complete and clearly presented information indicating the institution's current graduation rate by courses of study, and job placement rate by course of study. (4-9-09)

04. Standard IV - Faculty Qualifications, Duties, and Compensation. Faculty qualifications must be clearly defined for each discipline and the assigned location for each faculty member must be identified. (4-9-09)

a. Faculty must be qualified through academic preparation appropriate to their assigned classes and degree level. For bachelor degree programs, faculty must have a master's degree from an accredited institution. At the graduate level, faculty must have a doctoral degree from an accredited institution. Relevant teaching experience or evidence to indicate they will be successful in the classroom must also be considered. Relevant work experience must also be considered. Transcripts for all faculty must be obtained, reviewed, and retained at the institution. Faculty must be recruited from a variety of institutions and backgrounds to enhance diversity and to avoid hiring a disproportionate number of individuals who are graduates of institutional programs. (4-9-09)

b. There shall be a sufficient number of full-time faculty members to maintain the continuity and stability of academic programs and policies. At least one (1) full-time faculty must be located in Idaho for each course or courses of study or degree, unless the institution can demonstrate specifically why this is not feasible, and identify what provisions have been, or will be, made to serve students effectively. (4-9-09)

c. A group of faculty must be organized and given responsibility in conjunction with the institution's chief academic officer for reviewing and approving all courses and courses of study and degrees offered by the institution. This group must also be responsible for overseeing instructional assessment activities and setting standards for program review/evaluation. The group must be of sufficient size to effectively represent a variety of instructional disciplines and faculty perspectives. (4-9-09)

d. The ratio of faculty to students in each course must be sufficient to assure effective instruction. (4-9-09)

e. Faculty must be paid a fixed salary. Commissions may not be used for any portion of the compensation, to supplement faculty salaries, or be connected to recruitment or retention of students. (4-9-09)

f. Procedures for evaluating faculty must be established, including provisions for promoting faculty and recognizing scholarly contributions to their academic discipline. (4-9-09)

g. A faculty development program must be established to encourage professional advancement and to enhance one's knowledge and instructional expertise. (4-9-09)

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05. Standard V - Resources, Financial Resources, and Facilities. The institution must have adequate financial resources to accomplish its educational mission and objective. (4-9-09)

a. A financial officer in a managerial position must be designated for the institution and given responsibility for overseeing all of the financial aspects of the institution. (4-9-09)

b. Adequate financial resources must be provided to accomplish the institutional mission and to effectively support the instructional programs, including teaching facilities (i.e., classrooms, labs), instructional materials, supplies and equipment, faculty, staff, library, and the physical and instructional technology infrastructure. (4-9-09)

c. The institution must have sufficient reserves so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students, even if it were unable to admit any new students. (4-9-09)

d. Financial records and reports of the institution must be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a public or not for profit institution must be kept in accordance with the most current guidelines from the National Association of College and University Business Officers. Financial records and reports of a for-profit institution must be kept in accordance with generally accepted accounting principles. A for-profit institution must organize its reports and records under categories or cost centers comparable to accounting funds identified in the most current guidelines from the National Association of College and University Business Officers. (4-9-09)

e. An annual independent audit of all fiscal accounts of the educational institution must be authorized by the governing board, and must be performed by a properly authorized certified public accountant. (4-9-09)

06. Standard VI - Library and Instructional Resources. The institution must obtain and properly catalog library and other learning resources and make these resources readily available to its students and faculty. These holdings must be of sufficient quality and depth to support its mission and achievement of student and faculty learning objectives. (4-9-09)

a. The institution must have adequate library facilities for the library holdings, space for study, and workspace for the librarian and library staff. (4-9-09)

b. Library services and resources must be available for student and faculty use with sufficient regularity, and at appropriate hours, to support the mission of the institution and its instructional offerings. (4-9-09)

c. If the institution relies on other institutions or entities to provide library resources, or this is done through electronic means, the institution must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)

d. The library must be administered by professionally trained staff supported by sufficient personnel. (4-9-09)

202. THE BOARD MAY NOTIFY THE POST-SECONDARY EDUCATIONAL INSTITUTION OF ADDITIONAL INFORMATION REQUIRED.

If the Board is unable to determine the nature and activities of an institution on the basis of the information provided by the institution under this rule, then the Board may notify the institution of additional information that it will be required to provide in connection with the application for registration. (4-9-09)

01. Verification of Information. The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. (4-9-09)

02. Criteria for Approval of Registration. To be approved for registration, the institution must

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demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-9-09)

03. Public Information. All information submitted to the Board in connection with the application is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-9-09)

04. Certificate of Registration.

a. A certificate of registration will be issued to a post-secondary educational institution that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution or any of its courses, courses of study, or degrees. (4-9-09)

b. If a post-secondary educational institution wishes to offer additional courses, courses of study, or degrees during a registration year that were not included in its annual registration application, then the institution must submit a letter to the Board Office along with documentation of its accrediting agency's approval of those specific curriculum changes.

05. Disapproval and Appeal. If a post-secondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the office within thirty (30) days of the date the institution is notified of the disapproval. (4-9-09)

06. Withdrawal of Approval. (4-9-09)

a. The Board may refuse to renew, or may revoke or suspend approval of, an institution's registration by giving written notice and the reasons therefore to the institution. The institution may request a hearing relating to such decision under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-9-09)

b. Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)

iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board Office has been received. (4-9-09)

c. If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board Office of this event. (4-9-09)

203. -- 299. (RESERVED).

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Delegation. Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board. The Board delegates authority to its executive director, or his designee, and the Office of the State Board of Education to administer the registration of proprietary schools, in

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accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-10)

02. Registration Requirement. (4-9-09)

a. Unless exempted by statute or this rule, as provided herein, a proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually and hold a valid certificate of registration issued by the Board. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of such school, or advertise in this state, unless registered. (3-29-10)

b. Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issue of a certificate of registration and continue through June 30 of the next succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. (3-29-10)

c. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

03. Idaho Presence. A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-9-09)

04. Exemptions from Registration. The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-9-09)

a. An individual or entity that offers instruction or training solely a vocational or recreational in nature, as determined by the Board. (4-9-09)

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

c. An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student. (4-9-09)

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to Title 54, Idaho Code. (4-9-09)

e. An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation. (4-9-09)

f. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days. (4-9-09)

g. A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-9-09)

h. An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the western governors. (4-9-09)

05. Application. A proprietary school that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form provided by the Board office. The application must include a list of each course or courses of

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study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (3-29-10)

06. Registration Fees. The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous registration year, but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are not refundable. (3-29-10)

07. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. A school should expect the Board review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes a registration year. Schools that have not completed annual renewal of registration by July 1st must cease all active operations until approval of registration is received. (3-29-10)

08. Information Required. Such application must include the information requested on the application form. In addition, a school applying for registration must submit information and/or documentation with its application for registration that documents compliance with Standards I through V set forth in Section 301 of this rule. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 300.06 of this rule, shall remain applicable. (3-29-10)

301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.

The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. (4-9-09)

01. Standard I - Legal Status and Administrative Structure. The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. (4-9-09)

a. The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval- (4-9-09)

b. The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

c. Each owner, agent, and school official must be appropriately qualified to ensure courses are of high quality and the rights of students are protected. (4-9-09)

d. Written policies must be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-9-09)

e. Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. (4-9-09)

f. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll.

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02. Standard II - Courses or Courses of Study. Instruction must be the primary focus of the school, and all instructional activities must be clearly related to the achievement of the stated instructional objectives. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (4-9-09)

a. The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study will be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (4-9-09)

b. Written course descriptions must be developed for all courses or courses of study including: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions and course descriptions must be provided to instructors. Instructors must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-9-09)

c. The school must assure that a course or courses of study will be offered with sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. (4-9-09)

d. The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information must be provided in written form to students, and the refund policy must also be given to students in writing. (4-9-09)

e. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, job opportunities, and other relevant information to assist students in making an informed decision to enroll. The school must provide to each prospective student, newly-enrolled student, and returning student, complete and clearly presented information indicating the school's current completion and job placement rate. (4-9-09)

03. Standard III - Student Support Services. The school must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (4-9-09)

a. The school must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course or courses of study and the capacity of the school to provide instructional and other support services the student needs to complete the program. (4-9-09)

b. There must be a clearly defined policy for the readmission of students dismissed from the school. The readmission of students dismissed under this policy must be consistent with the recognized standards of admission to the school. (4-9-09)

c. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (4-9-09)

d. The school must provide written information to prospective students prior to enrollment to include the following: (4-9-09)

i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)

ii. Completion requirements for the courses or courses of study; (4-9-09)

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- iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)
- iv. Cancellation and refund policies; (4-9-09)
- v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)
- vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)
- vii. A complete list of instructors and their qualifications; (4-9-09)
- viii. A listing of available student services; and (4-9-09)
- ix. Other information about the courses or courses of study that are likely to affect the decision of the student to enroll in the school. (4-9-09)

e. Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-9-09)

04. Standard IV - Faculty Qualifications and Compensation. (4-9-09)

a. Instructor qualifications (training and experience) must be described and the assigned location for each instructor must be identified. (4-9-09)

b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)

c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)

d. Commissions may not be used for any portion of the faculty compensation. (4-9-09)

e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)

05. Standard V - Resources, Finance, Facilities, and Instructional Resources. (4-9-09)

a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including teaching facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (4-9-09)

b. The school must have sufficient resources so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements with another proprietary school to have students complete a comparable course or courses of study (a teach-out provision). (4-9-09)

c. Financial records and reports of the school must be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. (4-9-09)

d. The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to

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promote effective teaching. (4-9-09)

e. If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)

302. THE BOARD MAY NOTIFY THE PROPRIETARY SCHOOL OF ADDITIONAL INFORMATION REQUIRED.

If the Board is unable to determine the nature and activities of a school on the basis of the information provided by the school under this rule, then the Board may notify the school of additional information that it will be required to provide in connection with the application for registration. (3-29-10)

01. Verification of Information. The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant school shall be responsible for any costs PTE incurs including travel, associated with this review. (3-29-10)

02. Criteria for Approval or Denial of Registration. To be approved for registration, the school must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule, including all of the standards described in Section 301 of this rule. A school must remain in compliance for the registration year. (3-29-10)

03. Public Information. All information submitted to the Board is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-10)

04. Certificate of Registration. (4-9-09)

a. A certificate of registration will be issued to a proprietary school that has paid its registration fee and been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No school that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with Idaho State Board of Education." Registration is not an endorsement of the school or any of its courses, courses of study. (3-29-10)

b. If a school wishes to offer additional courses or courses of study during the course of a registration year that were not included in its application to the Board prior to issuance of the certificate of registration, then the school must submit a letter to the Board Office along with appropriate approval documentation by the applicable professional or trade board, council, or commission. This letter will be added to the school's registration file. (3-29-10)

05. Disapproval and Appeal. If a proprietary school's request for initial registration or a renewal of registration is disapproved by the Board, then the school may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the Board within thirty (30) days of the date the school is notified of the disapproval. (3-29-10)

06. Withdrawal of Approval. (4-9-09)

a. The Board may refuse to renew, or may revoke or suspend approval of a school's registration by giving written notice and the reasons therefore to the school. The school may request a hearing under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-29-10)

b. Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule. (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to the Board. (3-29-10)

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iii. Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (3-29-10)

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify the Board of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately provide written notice to the Board of this event. (3-29-10)

07. Agent's Certificate of Identification. Each proprietary school shall ensure that its agents have a valid certificate of identification, and that all of its agents are in compliance with Section 33-2404, Idaho Code. The school shall complete a criminal history check that includes, at a minimum, the State Bureau of Identification, and statewide sex offender registry for each agent having unsupervised contact with minors in the minor's home or at secondary schools, prior to making application for the agent's certificate of identification. The criminal history check shall be valid for five (5) years and be kept on file by the school. When an employee returns to any proprietary school after a break in service of six (6) months or more a new criminal history check must be obtained. When an employee changes employment between proprietary schools, a new criminal history check must be obtained by the new employer. (3-29-10)

a. The Board shall revoke any agent's certificate of identification issued or authorized under this Section and shall deny the application for issuance of a new certificate of identification of a person who pleads guilty to, or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child: (3-29-10)

i. The aggravated assault of a child, Section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, Section 18-909, Idaho Code. (3-29-10)

ii. The aggravated battery of a child, Section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, Section 18-911, Idaho Code. (3-29-10)

iii. The injury or death of a child, Section 18-1501, Idaho Code. (3-29-10)

iv. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code. (3-29-10)

v. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. (3-29-10)

vi. The sexual exploitation of a child, Section 18-1507, Idaho Code. (3-29-10)

vii. Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. (3-29-10)

viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. (3-29-10)

ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. (3-29-10)

x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. (3-29-10)

xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. (3-29-10)

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- xii. The kidnapping of a child, Section 18-4502, Idaho Code. (3-29-10)
 - xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. (3-29-10)
 - xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. (3-29-10)
 - xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. (3-29-10)
- b.** The general classes of felonies listed in Section 302 shall include equivalent laws of federal or other state jurisdictions. For the purpose of Subsection 302.07, “child” means a minor or juvenile as defined by the applicable state or federal law. (3-29-10)
- 08. Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-9-09)
- a.** The amount of the surety bond shall be not less than the total tuition and fees to be collected by the school from its students that covers the period from the beginning through completion of such students’ instructional program at the school during the upcoming registration year. This amount shall be based upon the tuition and fees collected by the school from its students covering such period during the previous registration year, subject to modification in the event a school is beginning operations and has no previous revenue or satisfactorily demonstrates that it expects significant changes in tuition and fee revenue during the upcoming year. The Executive Director shall determine the appropriate format and method by which this bond value is to be calculated and reported. (3-29-10)
- b.** Schools shall ensure that all bonds include “extended coverage” clauses to remain in effect for one hundred twenty (120) days after the date of closure. (3-29-10)
- c.** No party to the surety bond may cancel without one hundred twenty (120) day prior notice to all parties, including the Office of the State Board of Education. (3-29-10)
- d.** The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools shall provide proof of the required bond and submit said documentation with their registration applications. (3-29-10)

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From: Lorelei Sturkie [mailto:emsdoc@cableone.net]
Sent: Monday, October 18, 2010 11:21 PM
To: Tracie L. Bent
Subject: Comments on rules 08-0111-1001

200.05.c references 200.03.b (which does not exist.) Should be 200.04.b?

200.08 Registration fees are capped at \$5000. I assume that the Board thinks this is a reasonable amount for a large institution. However, at the current rate (.5% of gross tuition revenue) this maxes out for very small institutions (as an example, that would equal 100 students paying \$10,000 in annual tuition.) This is a substantial burden for schools that have a low profit margin. I would request that the Board revise the percentage so that the maximum fee is reached at the standard of small businesses set by the federal government, or \$7 million in revenue, instead of \$1 million, and that it would apply to both post-secondary and proprietary schools. That multiplier would be approximately .07% instead of .5%.

200.10.a Schools do not choose the dates of their accreditation based on the Board's registration year, and therefore cannot guarantee its accreditation in the years that they are reapplying for accreditation. As an example, my school's accreditation will need to be renewed by December, 2012. Would this provision require any school to use the Standards I-V instead of submitting their accreditation letter? I would suggest that any school simply send the Board the new accreditation letter within 30 days of its receipt to keep the Board informed of each school's status.

200.10.a.ii-vi. I would like to know the justification for requiring private schools to disclose this information to a government entity, other than to state its gross tuition revenue used to calculate the registration fee, or that it will pay the maximum fee. Once again, the Board is listing that this information is part of the public record, the financial information of which has already been rejected by the Legislature.

202.04.b This process is actually backward of the process required by most accreditors of private colleges. The school must first get permission from the state regulatory authority as part of the application process for a new program. Perhaps the Board can simply require notification once a new course or program is approved by the accreditor?

301 While the stated purpose is that the Board accepts the responsibility of ensuring quality educational programs and protecting consumers, I have seen no evidence that the Board is doing either in a reasonable and equitable manner. There is absolutely no consumer protection for any school that is exempt from registration (such as cosmetology or real estate schools) because of oversight of their course content by another government entity. There is no evidence of any effort to ensure quality, but rather an attempt to collect registration fees and information. While the standards listed help to make sure students are informed consumers, they do not indicate quality of education. There is no streamlined process for accredited, proprietary schools like there is for post-secondary schools listed in this rule. Instead, the standards that follow

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mirror those of an accredited school and are too high of a burden for the small businesses that teach short educational programs.

Think of a small business owner who thinks it would be a good idea to teach a class of 5-10 days to help pass on his or her expertise. Who would bother with all of these rules to complete before the first class can even be advertised?

301.01.c Who determines the qualification of the owner of a business? What if they are simply shareholders?

301.02.c I would like to see the same requirement applied to all public institutions that offer vocation education. Until then, it should not be required of private schools unless the state is willing to pay for the cost of obtaining that information.

301.03.b Readmission of students who are dismissed should be determined by the school. Under this wording, it looks like I would not be in compliance when I state that students who fail a course twice or those who are caught cheating will not be readmitted. As a private business, do I not have the right to determine whom I will allow at my school?

301.05.b How does this work with a school with a unique curriculum, such as the one in Idaho that teaches equine dentistry? Why require a teach-out when you already require all money to be returned to the student? It would make sense to allow schools that can have a teach-out policy to create one, which would then relieve them of the requirement of a bond.

302.04.b See the similar wording for post-secondary schools.

302.08.a I strongly protest the current bond requirement. The amount is excessive, the costs too high, and substantially adds to the cost of education. Schools should be expected to refund money to students if they are not able to complete the education promised. However, there is no option allowed that school assets could be sold to provide those funds, that standard liability coverage already applies in case of physical damage to a school, or that other insurance policies could be used in case of the death or disability of the school owner/instructor. Costs are especially high because schools must purchase individual policies based on the personal credit history and assets of the owners, not the financial stability of all proprietary schools as a group. The cost of the newly formulated registration fee and the bond is amounting to at least 10% of my net profit. This regulation is making it very difficult to add new programs and keep tuition reasonable and competitive with public schools that do not have this requirement. In order to find any bond that I could even remotely afford, I have been forced to completely change my tuition payment policies. Instead of requiring payments throughout the course, I have to wait until the end to collect up to half of the tuition. This gives any student who has dropped out or is failing the class no incentive to complete their payment, forcing me to pass this additional risk on to my responsible students by once again raising my tuition. It also makes my education program seem less credible;

after all, how often can you enroll in a course and not pay for half of it until the last day of class?

I would like to see an example of any public vocational education program who could operate under this scenario. When ISU eliminated its paramedic program, did it refund all of its students? When CWI dropped its LPN program, did it do the same? Ah, you might say, but they can transfer to another school and complete their program. I can do that, as well, because I am an accredited school; will you then allow me to operate without a bond as I could if I offered a degree?

I would be happy to contribute to a reasonable tuition recovery fund that calculated the actual risk to students in any given year based on the past 10 to 20 years of actual closure data of regulated schools. Unlike a bond paid to an insurance company, which disappears each year, the fund could grow until it was self-funding for schools who had paid in for an extended period with no history of failure. The only reason that the previous fund failed is that it was too small, not because the premise was bad.

General thoughts for the Board:

- There is a huge difference between a school that teaches a short class that would help someone find a job, and a career education program. I believe that the cutoff for my accrediting organization is around 700 hours of instruction. If the Board or attorney general has no history of complaints from students taking short, lower cost programs, why does the Board need to regulate them at all?
- A student who pays enough tuition to exceed the amount allowed for small claims court should have a higher degree of protection than a student who takes a lifeguarding course at the YMCA to qualify for a summer job. Schools that provide both individual classes and career education programs should not have to count the income from these short courses in the gross tuition calculation for school registration, bond, or tuition recovery fund. These consumer protections should apply equally to all students who invest a substantial sum of their own money, including those in otherwise regulated career schools, non-profit schools and public schools. They should not apply when someone else is paying the bill, such as the VA or an employer, since they have their own resources to seek redress.
- Institutional accreditation, which requires financial stability, consumer protection, and evidence of quality instruction, should be the goal of all career education programs. However, it is a costly and time consuming process. Schools (both post-secondary and proprietary) should be rewarded for their efforts to obtain and maintain accreditation by a streamlined registration process and a reduced cost.
- Adding regulation to a business is not without cost. Every hour a staff member has to fill out more forms, every dollar charged, makes it harder for schools to expand, improve, and provide a low-cost education for their students. It also slows the process of developing innovative education programs for new fields of study, making it more difficult for Idahoans to receive the training they need. You will never know what schools bypass Idaho or are never opened because of the regulatory burden you have created.
- Private education at a for-profit institution is not necessarily of a higher price or lower quality than what is offered at public institutions. The current rules imply that we are guilty of cheating students until we prove ourselves innocent. The long standing policy of not generally accepting credits for transfer implies that our education is inferior. It would be nice if there was a defined and equitable way for the board to evaluate the education programs of private schools and accept their credits at all Idaho public colleges. May I respectfully request that you consider VA

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approval as meeting the threshold. If the federal government considers a program of sufficient quality to pay for veterans to attend, it should be good enough for Boise State or CWI. My 57 credits awarded through a paramedic certificate would only be enhanced if it could be part of a health sciences degree program, and my students who boast a 98% graduation rate and 94% placement rate would be perfect to improve the statistics of Idaho public colleges. The current reluctance of the board to encourage private-public partnerships only hurts Idaho students.

- The \$11,000 I paid this year in registration and bond costs would have paid for the startup costs of a new career education program, which would have resulted in at least five part time jobs, one full time position, and at least 24 graduates. This expansion has been delayed because I must show a profit to remain accredited. I hope to be able to announce the new program in 2011, but fear that we will be unable to do so if the federal income tax rates rise as expected. Many laws have unexpected consequences.
- Please forgive me if you have found my tone somewhat combative. As a small business owner, I have been putting my own savings into my business this past year to make up for the increased state and federal regulations, rather than drawing a salary, which is very difficult with three of my own children in college. My only salvation in this economic climate has been my success at obtaining government contracts, which is keeping me afloat until I can find more students who can afford an education not paid for by federal financial aid. The healthcare reform bill, that eliminated private education loans, has forced me to self-finance my students, which once again increases the risk that I will not get paid for the services provided. It doesn't help that I now must compete with CWI's proposed paramedic course that will be offered for much less than I must charge, which was decided on in the absence of any lack of available programs (there are currently three in the Treasure Valley) or any particularly high demand. I predict that the programs currently at Kuna Fire Department and Ada County Paramedics will be eliminated because enrollment will drop as those students shift to CWI. Fortunately, I actually bring students to Idaho from all over the country, so I may be able to survive this latest assault on my business. I would be happy to speak with any board member to further explain the impact of 08-0111-1001 on private businesses who want to provide quality job training in Idaho.

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