

STATE BOARD OF EDUCATION SPECIAL MEETING
November 24, 2014
Office of the State Board of Education
Len B. Jordan Building
650 W State Street, 3rd Floor
Boise, Idaho



Teleconference Number: (877)322-9654

Public Participant Code: 896861

Monday, November 24, 2014, 2:00 p.m., Mountain Time

BUSINESS AFFAIRS & HUMAN RESOURCES

1. Boise State University – Litigation
2. Boise State University – Research Foundation

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. Pending Rule – Docket No. 08-0111-1401 – Proprietary Postsecondary Institution Registration
2. Pending Rule – Docket No. 08-0201-1401 – Qualified Trainer Criteria
3. Pending Rule – Docket No. 08-0501-1401 – Seed Certification
4. Pending Rule – Docket No. 55-0104-1401 – Quality Agriculture Program Grants

DEPARTMENT OF EDUCATION

1. Pending Rule - Docket No. 08-0201-1402 - Special Education Funding
2. Pending Rule - Docket No. 08-0202-1402 – Documents Incorporated by Reference – Idaho Standards for Initial Certification/Idaho Standards for Operating Driver Education Programs
3. Pending Rule – Docket No. 08-0202-1403 - Endorsements
4. Pending Rule – Docket No. 08-0202-1404 - Educator Evaluations
5. Pending Rule – Docket No. 08-0203-1401 - Graduation Requirements
6. Pending Rule – Docket No. 08-0203-1402 - Accountability
7. Pending Rule – Docket No. 08-0203-1403 - Assessment
8. Pending Rule – Docket No. 08-0203-1404 - Physical Education and Professional Technical Education
9. Pending Rule and Amendment of Temporary Rule Docket No. 08-0203-1406- Student Data System
10. Appointment of 30 Members to the Bias and Sensitivity Committee

**STATE DEPARTMENT OF EDUCATION
NOVEMBER 24, 2014**

TAB	DESCRIPTION	ACTION
1	BOISE STATE UNIVERSITY – LITIGATION	Motion to Approve
2	BOISE STATE UNIVERSITY – RESEARCH FOUNDATION	Motion to Approve

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BUSINESS AFFAIRS & HUMAN RESOURCES
NOVEMBER 24, 2014

BOISE STATE UNIVERSITY

SUBJECT

Boise State University seeks permission to initiate litigation.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.W.2.

BACKGROUND/DISCUSSION

Boise State University is seeking approval for the authority to initiate litigation where the amount in controversy could exceed \$200,000, pursuant to Policy V.W.2.

Attorneys from Boise State University have communicated with the Board members regarding this matter under Attorney-Client Privilege. The advent of such litigation is not yet necessary, but should it become necessary, the University seeks permission to initiate appropriate litigation.

IMPACT

If approved, the University will have the authority to initiate litigation in the matter.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval.

BOARD ACTION

I move to approve the request by Boise State University to initiate litigation pursuant to State Board Policy, Section V.W.2.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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BUSINESS AFFAIRS AND HUMAN RESOURCES
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BOISE STATE UNIVERSITY

SUBJECT

Formation of a Research Foundation

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.E.
Internal Revenue Code § 170(b)(1)(A)
Internal Revenue Code § 501(c)(3)
Internal Revenue Code § 509(a)(1) *et seq.*

BACKGROUND/DISCUSSION

Boise State University seeks approval to establish the Boise State University Research Foundation (Research Foundation), a 501(c)(3) entity formed to support the University's work in the areas of research, public service and other educational pursuits. The Research Foundation will foster cooperative research endeavors with public and private enterprises including institutions of learning, private businesses, individuals, and government agencies. These collaborations will lead to the dissemination and application of knowledge, discoveries, inventions and technologies for the greatest public good.

Pursuant to Board policy V.E.6., the University requests a variance from Board policies V.E.2(b)(vi) and V.E.2(c)(i)(1) and (ii)(2). Specifically, the University seeks approval for its VP for research and economic development to serve ex officio as the chair of the Research Foundation board and for the University's VP for finance and administration to serve ex officio as a Research Foundation board member. The University's president will appoint two faculty or staff members who are neither key administrators nor function in a policy-making capacity for the University to the Research Foundation board. The other three Research Foundation board members will be members of the community elected by a majority vote of the University board members.

The purpose of the variance request is to allow the University to establish the Research Foundation as a 509(a)(3) supporting organization, a controlled entity. The reasons for seeking 509(a)(3) status are strategic, operational and financial. First, the University believes it is prudent to retain control over any organization that may ultimately hold its intellectual property. In addition, it is important that the University be involved in shaping the Research Foundation's role and strategic initiatives, particularly during its inception and early years of operation.

Operational and financial reasons for organizing the Research Foundation as a controlled entity include:

1. Tax-exempt 509(a)(3) supporting organizations are classified as public charities thus avoiding the burdensome regulatory requirements placed on

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private foundations including minimum annual asset distributions, disadvantaged deductibility limits for donors, grant restrictions, and excise taxes on certain transactions; and

2. Tax-exempt 509(a)(3) organizations are not obligated to demonstrate public support through either the 509(a)(1) contributions test or the 509(a)(2) revenue test; public charity status is dependent solely upon the supported organization's (the University) qualifying status pursuant to §§ 509(a) and 170(b)(1)(A).

In accordance with Board policy V.E., the proposed operating agreement, Attachment 1, addresses the following:

- University Resources and Services
 - Terms for loaning University employees to the Research Foundation
 - Terms for University support staff services
 - Terms for use of University facilities and equipment
- Management and Operation of the Research Foundation
 - Applications for grants and sponsored programs
 - Acquisition of real property
 - Fund transfers between the Research Foundation and the University
 - Transfer of University assets to the Research Foundation
 - Transfer of University intellectual property rights to the Research Foundation
 - Separation of funds
- Research Foundation Relationship with the University
 - University representation on the Research Foundation's board
 - University access to the Research Foundation's records
 - Supplemental compensation of University employees
- Audits and Reporting Requirements
 - Annual audit requirement
 - Separate audit rights
 - Annual report to University
- Conflicts of Interest and Code of Ethics and Conduct
 - Conflict of interest
 - Contractual obligation of the University
 - Acquisition or development of real estate
- Terms
 - Right to terminate
 - Dispute resolution
 - Dissolution of the Research Foundation
 - State Board of Education approval
 - Liability
 - Indemnification

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IMPACT

As a separate legal entity with its own board of directors, the Research Foundation will conduct its own activities and manage its own finances and daily operations. As long as the Research Foundation follows all corporate formalities and both the University and the Research Foundation treat the Research Foundation as a separate legal entity, it will enjoy the limited liability protections afforded to Idaho corporations. Additionally, as a separate non-governmental entity, the Research Foundation may hold an equity interest in outside corporations.

Employees responsible for managing the day-to-day activities of the Research Foundation will either be employed solely by the Research Foundation or loaned employees subject to the provisions of the loaned employee agreement. In no case will a University vice president serve as the executive director of the Research Foundation.

In accordance with the operating agreement, the University may extend a limited line of credit to the Research Foundation until it is fully self-supporting. For the remainder of the current fiscal year, the University requests permission to extend a line of credit not to exceed \$75,000 to the Research Foundation with interest to be charged at London Interbank Offered Rate (LIBOR). Subsequent requests to extend a line of credit will be presented to the Board for approval as part of the University's annual budget approval process. The line of credit will be negotiated at arms-length with terms appropriate for the relationship between the University and the Research Foundation.

ATTACHMENTS

Attachment 1 – Proposed Operating Agreement	Page 5
Exhibit A – Loaned Employee Agreement	Page 17
Exhibit B – Administrative Support Services Agreement	Page 24
Exhibit C – Articles of Incorporation	Page 26
Exhibit D – Bylaws	Page 30

STAFF COMMENTS AND RECOMMENDATIONS

BSU is requesting a variance from Policy V.E.'s requirement of independence in order to control the entity that may hold its intellectual property. BSU's Foundation is set up as a non-profit corporation, a separate legal entity from BSU. Its Board of seven, however, is controlled by BSU. BSU's vice president of research will chair the Foundation. (It is noteworthy that the vice president for research serves three distinct yet overlapping roles: a university vice president, the university's "liaison" to the Research Foundation, and Chair of the Research Foundation Board.) BSU's vice president of finance is the second *ex officio* member. The president of BSU will appoint the two faculty or staff members. The four BSU employees then select the three community members. BSU's stated need for the variance from the requirement of independence is that it believes that it is prudent to retain control over the entity that might hold its

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intellectual property interests. The Board will need to weigh whether that reason outweighs the need for independence.

In contrast, Idaho State University's (ISU) Intellectual Property Foundation (the formation of which was approved by the Board in August 2014) with a stated purpose similar to that of BSU's foundation, is governed separately from the institution: two directors are ISU employees appointed by ISU's president and the three remaining directors are from the private sector appointed by the foundation board.

BOARD ACTION

I move to approve the request by Boise State University to establish the Boise State University Research Foundation, to obtain a variance as outlined herein pursuant to Board policy V.E.6, to enter into the proposed Operating Agreement, Loaned Employee Agreement and Administrative Support Services Agreement in substantial conformance with the documents attached hereto, and to approve an initial line of credit to the Research Foundation not to exceed \$75,000 consistent with the terms herein.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**OPERATING AGREEMENT
BETWEEN
BOISE STATE UNIVERSITY
AND
THE BOISE STATE UNIVERSITY RESEARCH FOUNDATION, INC.**

This agreement ("Operating Agreement") is entered into effective the ____ day of _____ 2014 by and between the Boise State University ("University") and the Boise State University Research Foundation, Inc. ("Research Foundation"). The University and Research Foundation are sometimes collectively referred to herein separately as a "Party" and collectively as the "Parties."

WHEREAS, Research Foundation is a nonprofit corporation incorporated on_____, pursuant to the Idaho Nonprofit Corporation Act;

WHEREAS, the Research Foundation will apply for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code;

WHEREAS, the Research Foundation's purpose and mission is to support the education, research and public service functions of the University

WHEREAS, the Research Foundation and the University desire to set forth in writing various aspects of their relationship with respect to matters such as the solicitation, receipt, management, transfer and expenditure of funds;

WHEREAS, the Idaho State Board of Education (the "State Board") has promulgated Policies and Procedures effective as of October of 2014 ("State Board's Policies and Procedures");

WHEREAS, Section V.E.2.c. of the State Board's Policies and Procedures requires the University to enter into a written operating agreement with the Research Foundation that sets forth their operating relationship; and

WHEREAS, the Research Foundation and the University intend for this agreement to be the written operating agreement required by Section V.E.2.c. of the State Board's Policies and Procedures.

NOW THEREFORE, in consideration of the mutual covenants herein, the University and Research Foundation hereby agree as follows:

ARTICLE I

RESEARCH FOUNDATION'S PURPOSES

The Research Foundation's purpose is conducting research in areas deemed appropriate by its governing Board of Directors and consistent with the charitable, scientific, literary, research, educational, and service goals of the University and acquiring and disseminating knowledge, supporting the education, research, and public service functions of the University.

In carrying out its purposes, the Research Foundation shall not engage in activities that conflict with federal or state laws, rules and regulations (including, but not limited to all applicable provisions of the Internal Revenue Code and corresponding Federal Treasury Regulations); applicable polices of the State Board; or the role and mission of the University.

ARTICLE II

RESEARCH FOUNDATION'S
ORGANIZATIONAL DOCUMENTS

The Research Foundation shall provide copies of its Articles of Incorporation and Bylaws to the University. All amendments of such documents shall also be provided to the University. Furthermore, the Research Foundation shall, to the extent practicable, provide the University with an advance copy of any proposed amendments to the Research Foundation's Articles of Incorporation and Bylaws.

ARTICLE III

UNIVERSITY RESOURCES AND SERVICES

A. *University Employees.*

1. *Liaison:* The University's Vice President for Research and Economic Development shall serve as the University's liaison to Research Foundation (the "Liaison"). The duties and responsibilities of the Liaison are as follows:

a. The Liaison shall be responsible for communicating with Research Foundation regarding the University's activities and programs relevant to Research Foundation's mission and for coordinating any administrative support provided by the University to Research Foundation.

b. The Liaison shall report on behalf of the University to Research Foundation's Board of Directors regarding the University's research efforts with regard to Research Foundation. The Liaison may also report other information to Research Foundation's Board of Directors that is pertinent to the common goals of the University and Research Foundation.

2. The University and Research Foundation may elect to enter into agreements for the loaning of employees to the Research Foundation by the University pursuant to terms

substantially similar to the Loaned Employee Agreement attached as Exhibit A. The loaned employees shall report to either the Research Foundation Board or the Executive Director of Research Foundation, in either case as determined by the Research Foundation Board and as specified in the loaned employee agreements. In no case will a University Vice President serve as the Executive Director of the Research Foundation.

3. *Limited Authority of University Employees.* Notwithstanding the foregoing provisions, no University employee other than an employee loaned to the Research Foundation shall be permitted to have responsibility or authority for Research Foundation policy making, financial oversight, spending authority, investment decisions, or the supervision of Research Foundation employees, provided however University employees appointed to the Research Foundation Board of Directors shall have authority to act as such within the laws of the State of Idaho governing conflicts of State officials as well as the policies of the Research Foundation Board of Directors regarding conflicts.

B. *Support Staff Services.* The University may provide administrative support in financial, accounting, and research compliance services to the Research Foundation, as set forth in the Service Agreement attached hereto as Exhibit B. Except as specifically provided otherwise herein, all University employees who provide support services to the Research Foundation shall remain University employees under the direction and control of the University, unless it is agreed that the direction and control of any such employee will be vested with the Research Foundation in a Loaned Employee Agreement. The Research Foundation will pay directly to the University the portion of the overhead costs associated with the services provided to the Research Foundation pursuant to the Service Agreement or as otherwise determined by the agreement of the Parties.

C. *University Facilities and Equipment.* The University may provide the use of the University's office space, laboratory space and equipment and associated services to the Research Foundation's employees upon the terms agreed to by the University and the Research Foundation. The terms of use (including amount of rent) of the University's office space, equipment and associated services shall be as set forth in the Service Agreement.

D. *No Research Foundation Payments to University Employees.* Notwithstanding any provision of this Agreement to the contrary, the Research Foundation shall not make any payments directly to a University employee in connection with any resources or services provided to the Research Foundation pursuant to this Article, provided however, nothing in this sub-section D shall limit or prohibit formal joint appointments of employees between the University and the Research Foundation under which the Research Foundation pays the percentage of salary and employee benefits allocated to the Research Foundation under the joint appointment agreement.

ARTICLE IV

MANAGEMENT AND OPERATION OF THE RESEARCH FOUNDATION

A. *Research Grant and Sponsored Programs.*

Applications for Grants and Sponsored Programs. Any and all Research Foundation applications for Grants or Sponsored Programs shall make clear to prospective grantors that the Research Foundation is a

separate legal and tax entity organized for the purpose of conducting research consistent with the charitable, scientific, literary, research, educational, and service goals of the University and acquiring and disseminating knowledge, supporting the education, research, and public service functions of the University and that responsibility for the governance of Research Foundation, including performance of the terms of any grants or sponsored program, resides in the Research Foundation's Board of Directors.

B. *Acceptance of Grants and Sponsored Program Agreements.*

1. *Approval Required Before Acceptance of Certain Grants and Sponsored Program Agreements.* Before accepting grants or sponsored program agreements that may require administration or direct expenditure by the University, the Research Foundation shall obtain the prior written approval of the University. Similarly, the Research Foundation shall also obtain the University's prior written approval of the acceptance of any grant or sponsored program agreement that would impose a binding financial or contractual obligation on the University. Prior to any approval by the University, the University shall obtain approval of the State Board where State Board policy requires such approval.

2. *Performance/Administration of Accepted Grants and Sponsored Program Agreements.* All grants and sponsored program agreements received by the Research Foundation shall be performed and administered by Research Foundation in accordance with the terms of such grant or agreement and in accordance with applicable state and federal laws, rules and regulations. To the extent the University furnishes support services to assist the Research Foundation in performing and administering any grant or agreement, such services shall be furnished in accordance with the Service Agreement between the Parties.

C. *Fund Transfers.* The Research Foundation may, from time to time, transfer funds to the University as part of the Research Foundation's educational and research mission in support of the University. The Research Foundation's Treasurer or other individual to whom such authority has been delegated by the Research Foundation's Board of Directors shall be responsible for transferring funds as authorized by the Research Foundation's Board of Directors. All transfers and expenditures noted in this Section must comply with applicable provisions of the Internal Revenue Code and be consistent with the Research Foundation's mission in support of the University.

1. *Competitive Grant Transfers.* The Research Foundation may transfer funds to the University by way of competitive grants or sponsored research agreements that are consistent with the role and mission of the University. Any such grant or agreement will only be expended by the University pursuant to the terms of the grant or agreement. The University shall account for such grant or agreement in the same fashion as other grants and sponsored program agreements and shall notify the Research Foundation on a timely basis regarding the uses of such grant or agreement funds.

2. *Unrestricted Gift Transfers.* The Research Foundation may make unrestricted donations to the University, consistent with the Research Foundation's mission. Such donated funds will be expended under the oversight of the University President in compliance with state law, State Board and University policies. If the Research Foundation elects to use unrestricted gifts to make grants to the University, such grants shall be made at such times and in such amounts as the Research Foundation's Board of Directors may determine in such Board's sole discretion.

D. *Research Foundation Expenditures and Financial Transactions.*

1. *Signature Authority.* The Research Foundation designates the Research

Foundation Chairperson as the individual with signature authority for the Research Foundation in all financial transactions. The Research Foundation's Chairperson may delegate signature authority on a temporary basis consistent with the Research Foundation's Bylaws to another Research Foundation employee, a University employee loaned to the Research Foundation, or a Research Foundation Board member.

2. *Expenditures.* All expenditures of the Research Foundation shall be consistent with the purposes of the Research Foundation and shall not violate restrictions imposed by any applicable grant or sponsored program agreement as to the use or purpose of the specific funds.

E. *Transfer of University Financial Assets to Research Foundation.* While the goal is for the Research Foundation to be self-supporting, the University may, from time to time, transfer funds to the Research Foundation to support it in pursuing its purpose and allow it to fulfill its responsibilities hereunder. Proposed funding requirements for the Research Foundation will be determined on an annual basis as part of the operating budget process, but presented to the State Board for approval in a separate review. Funding transfers will constitute a debt the Research Foundation will be contractually obligated to repay in accordance with terms proposed by the University and approved by the State Board.

F. *Transfer of University Intellectual Property Rights to Research Foundation.* The University may convey, license or assign intellectual property rights to the Research Foundation. All such transfers of intellectual property will be made pursuant to State Board policies and guidelines, University policies, and state and federal law. Such transfers shall be made pursuant to a written agreement detailing the financial arrangement between the Parties applicable to the intellectual property conveyance.

G. *Separation of Funds.* All Research Foundation assets (including bank and investment accounts) shall be held in separate accounts in the name of the Research Foundation using the Research Foundation's Federal Employer Identification Number. The financial records of the Research Foundation shall be kept using a separate chart of accounts and shall be kept in a secured database that is protected by separate password-only access. For convenience, however, some Research Foundation expenses may be paid through the University such as payroll and campus charges. These expenses will be paid through accounts clearly titled as belonging to the Research Foundation and shall be reimbursed by the Research Foundation on a regular basis.

H. *Insurance.* The Research Foundation shall maintain insurance to cover the operations and activities of its directors, officers and employees. The Research Foundation shall also maintain general liability coverage.

I. *Organizational Structure of Research Foundation.* The organizational structure of the Research Foundation is set forth in the Research Foundation's Articles of Incorporation which are attached hereto as Exhibit C and the Research Foundation's Bylaws, which are attached at Exhibit D. The Research Foundation agrees to provide copies of such Articles and Bylaws as well as any subsequent amendments to such documents to the University. Any such amendments to the Articles and Bylaws shall be attached hereto as additions to Exhibit C and Exhibit D, respectively.

J. *Equity Positions and Cash Investments.* The Research Foundation will not be involved in the day to day operations in any company in which it holds an equity interest but will exercise its voting rights in its own best interests. The Research Foundation will not use funds that it receives from

the University to make a cash investment in any company in return for equity, nor will the Research Foundation hold a majority interest in a corporation without prior approval of the State Board.

ARTICLE V

RESEARCH FOUNDATION RELATIONSHIPS WITH THE UNIVERSITY

A. *Joint Participation.* The parties hereto recognize that joint participation and regular interaction among employees of both the Research Foundation and the University is beneficial and encouraged. This may include service on committees, councils, review boards and/or other activities identified by either party for the mutual benefit and interest of both parties.

B. *University's Representation on Research Foundation's Board.* The University will be allowed representation on the Research Foundation's Board of Directors as set forth in the Bylaws as attached hereto, the terms of which, with respect to appointment of the Board members and University representation on the Board, shall not be changed without the prior written agreement of the University and approval of the State Board.

C. *Cost Recovery.* The parties shall allocate costs associated with joint operations in a fair and equitable manner so that the respective parties can each recover the full and independent costs of such operations.

D. *Classified Activities.* The Research Foundation shall be responsible for site security and providing all applicable registrations, approvals and reviews.

E. *Export Activities.* The Research Foundation shall be responsible for all matters pertaining to export control and providing all applicable registrations, approvals and reviews.

F. *Research Compliance.* The Research Foundation shall be responsible for all matters pertaining to research compliance.

G. *Subsequent Agreements.* The parties hereto anticipate that they may enter into subsequent written agreements on a project-by-project basis setting forth the parties' respective duties and obligations in regard to such projects. As such, the parties hereto acknowledge and agree that any such agreement shall govern for the purpose of any such specified project. Provided, however, that if there is a conflict between the terms of the Operating Agreement and the terms of a subsequent agreement, the terms of the Operating Agreement will be controlling and supersede any inconsistent terms in the subsequent agreement.

H. *Access to Records.* The University shall have reasonable access to the financial records of Research Foundation upon permission granted by the Research Foundation from time to time, which shall not be unreasonably withheld. All access by the University of such records shall be made in accordance with applicable laws, Research Foundation policies, and guidelines. In addition, upon request of the Research Foundation, the University shall execute a proprietary and confidentiality agreement and instruct its agents and employees that all confidential information of the Research Foundation shall be protected from disclosure. Except as specifically authorized under this agreement or any applicable proprietary and confidentiality agreement between the University and the Research Foundation, the University's access shall not include proprietary information of the Research Foundation or of entities contracting with the Research Foundation for research services, such as

information protected by trade secret or by specific confidentiality agreements.

I. *Records Management.*

1. The Research Foundation shall be responsible for maintaining all permanent records of Research Foundation including but not limited to the Research Foundation's Articles, Bylaws and other governing documents, all necessary documents for compliance with Internal Revenue Service regulations, research grants, and all other Research Foundation records as required by applicable laws.

2. The Research Foundation's Board of Directors shall foster an atmosphere of openness in its operations, consistent with the prudent conduct of its business. The parties understand that the Research Foundation is not a public agency or a governing body as defined in the Idaho Code and the Idaho Open Meeting Law and Access to Public Records statutes. Nothing in this Operating Agreement shall be construed as a waiver of the Research Foundation's right to assert exemption from these statutes.

J. *Identification of Source.* The Research Foundation shall be clearly identified as the source of any correspondence, activities and advertisements emanating from the Research Foundation.

K. *Establishing Research Foundation's Annual Budget.* The Research Foundation shall provide the University with its proposed annual operating budget and any capital expenditure plans prior to the date of the Research Foundation's Board of Directors meeting at which the Research Foundation's Board of Directors will vote to accept such operating budget and expenditure plan.

L. *Attendance of the University's Representatives at Research Foundation's Board of Director Meetings.* The University's President and a designated representative from the Office of the General Counsel shall be invited to attend all meetings of the Research Foundation's Board of Directors.

M. *Supplemental Compensation of University Employees.* No University employee shall receive direct payments, compensation, or other benefits from the Research Foundation, provided that the Research Foundation may pay for those benefits which are necessary for its normal course of operation, including, but not limited to, travel and continuing professional education. Any such payment must be paid by the Research Foundation to the University and the University shall then pay or reimburse the employee in accordance with the University's normal practice. No University employee shall receive any payments or other benefits directly from the Research Foundation. Provided however, nothing in this sub-section shall limit or prohibit formal joint appointments of employees between the University and the Research Foundation under which the Research Foundation pays the percentage of salary and employee benefits allocated to Research Foundation under the joint appointment agreement.

ARTICLE VI

AUDIT AND REPORTING
REQUIREMENTS

A. *Fiscal Year.* The Research Foundation and the University shall have the same fiscal year.

B. *Annual Audit.* The Research Foundation shall have an annual financial audit conducted in accordance with Government Accounting Standards Board or Financial Accounting Standards Board principles as appropriate. The audit shall be conducted by an independent certified public accountant who is not a director or officer of the Research Foundation. Such audit shall be conducted at the same or similar time as the University audit and shall be reported to the Research Foundation's Board of Directors. Such audit reports shall contain the Research Foundation's financial statements and the auditor's independent opinion regarding such financial statements. All such reports and any accompanying documentation shall protect donor privacy to the extent allowable by law.

C. *Separate Audit Rights.* The University agrees that the Research Foundation, at its own expense, may at any time during normal business hours conduct or request additional audits or reviews of the University's books and records pertinent to the expenditure of granted funds from the Research Foundation. The Research Foundation agrees that the University, at its own expense, may, at reasonable times, inspect and audit the Research Foundation's financial books and accounting records in accordance with this Agreement.

D. *Annual Reports to University President.* Upon request, the Research Foundation shall provide a written report to the University President setting forth the following items:

1. the annual financial audit report;
2. an annual report of Research Foundation transfers made to the University, summarized by University department;
3. a list of all of the Research Foundation's officers, directors, and employees;
4. a list of University employees for whom the Research Foundation made payments to the University for approved purposes during the fiscal year, and the amount and nature of each payment;
5. a list of all state and federal contracts and grants managed by the Research Foundation;
6. an annual report of the Research Foundation's major activities;
7. an annual report of any actual litigation involving the Research Foundation during its fiscal year, identification of legal counsel used by the Research Foundation for any purpose during such year, and identification of any potential or threatened litigation involving the Research Foundation limited to the extent necessary to protect attorney-client privilege and litigation strategy; and
8. an annual report of grants and sponsored program awards received by the Research Foundation.

ARTICLE VII

CONFLICT OF INTEREST AND CODE OF ETHICS AND
CONDUCT

A. *Conflicts of Interest Policy Statement.* The Research Foundation will adopt a written policy addressing the manner in which it will address conflict of interest situations.

B. *Contractual Obligation of University.* The Research Foundation shall not enter into any contract that would impose a financial or contractual obligation on the University without first obtaining the prior written approval of the University. University approval of any such contract shall comply with policies of the State Board with respect to the State Board's approval of University contracts.

C. *Acquisition or Development of Real Estate. Acquisition of Real Property.* The Research Foundation shall not acquire or develop real estate for the University's use or otherwise build facilities for the University's use unless the University first obtains the approval of the State Board. In the event of a proposed purchase of real estate for such purposes by the Research Foundation, the University shall notify the State Board, at the earliest possible date, of such proposed purchase for such purposes. Furthermore, any such proposed purchase of real estate for the University's use shall be a coordinated effort of the University and the Research Foundation.

ARTICLE VIII

GENERAL TERMS

A. *Effective Date.* This Agreement shall be effective on the date set forth above.

B. *Right to Terminate.* This Operating Agreement shall terminate upon the mutual written agreement of both Parties. In addition, either Party may, upon 90 days prior written notice to the other, terminate this Operating Agreement, and either Party may terminate this Operating Agreement in the event the other Party defaults in the performance of its obligations and fails to cure the default within 30 days after receiving written notice from the non-defaulting Party specifying the nature of the default. Should the University choose to terminate this Operating Agreement by providing 90 days written notice or in the event of a default by the Research Foundation that is not cured within the time frame set forth above, the Research Foundation may require the University to pay, within 180 days of written notice, all debt incurred by the Research Foundation on the University's behalf including, but not limited to, lease payments, advanced funds, and funds borrowed for specific initiatives. Should the Research Foundation choose to terminate this Operating Agreement by providing 90 days written notice or in the event of a default by the University that is not cured within the time frame set forth above, the University may require the Research Foundation to pay any debt it holds on behalf of Research Foundation in like manner. The Parties agree that in the event this Operating Agreement shall terminate, they shall cooperate with one another in good faith to negotiate a new agreement within six (6) months. In the event negotiations fail, the Parties will initiate the Dispute Resolution mechanism described below (through reference to the Research Foundation's Board of Directors and the State Board) to further attempt to negotiate a new agreement. Termination of this Operating Agreement shall not constitute or cause dissolution of the Research Foundation, provided however, in the event a new operating agreement is not achieved upon completion of the dispute resolution process, the association between the Research Foundation and the University will be ended, and the Research Foundation will cease all references to the University in its name and with respect to its operations other than as is necessary to complete projects or contracts pending as of the final date of the dispute resolution process.

C. *Dispute Resolution.* The Parties agree that in the event of any dispute arising from this Operating Agreement, they shall first attempt to resolve the dispute by working together with the appropriate staff members of each of the Parties. If the staff cannot resolve the dispute, then the dispute will be referred to the Research Foundation's Board of Directors and the University's President. If the Research Foundation's Board of Directors and University's President cannot resolve the dispute, then the dispute will be referred to the Research Foundation's Board of Directors and the State Board for resolution. If the aforementioned Parties do not resolve the dispute, the University and the Research Foundation shall submit the dispute to mediation by an impartial third party or professional mediator mutually acceptable to the Parties. If and only if all the above mandatory steps are followed in sequence and the dispute remains unresolved, then, in such case, either Party shall have the right to initiate litigation arising from this Operating Agreement. In the event of litigation, the prevailing Party shall be entitled, in addition to any other rights and remedies it may have, to reimbursement for its expenses, including court costs, attorney fees, and other professional expenses.

D. *Dissolution of Research Foundation.* Upon dissolution of the Research Foundation, it shall transfer the balance of all property and assets of the Research Foundation in a manner consistent with its Articles of Incorporation.

E. *Board Approval of Operating Agreement.* Prior to the Parties' execution of this Operating Agreement, an unexecuted copy of this Operating Agreement must be approved by the State Board. Furthermore, this Operating Agreement, including any subsequent modifications and restatements of this Operating Agreement, shall be submitted to the State Board for review and approval no less frequently than once every three (3) years or more frequently if otherwise requested by the State Board.

F. *Modification.* Any modification to the Agreement or Exhibits hereto shall be in writing and signed by both Parties.

G. *Providing Document to and Obtaining Approval from the University.* Unless otherwise indicated herein, whenever documents are to be provided to the University or whenever the University's approval of any action is required, such documents shall be provided to, or such approval shall be obtained from, the University's Vice President for Finance and Administration.

H. *Providing Documents to and Obtaining Approval from Research Foundation.* Unless otherwise indicated herein, whenever documents are to be provided to Research Foundation or whenever the Research Foundation's approval of any action is required, such document shall be provided to, or such approval shall be obtained from, the Research Foundation's Board of Directors or an individual to whom such authority has been properly delegated by the Research Foundation's Board of Directors.

I. *Notices.* Any notices required under this agreement may be mailed or delivered as follows:

To the University:

Vice President for Finance and Administration
Boise State University
1910 University Drive
Boise, Idaho 83725

With copy to:

Office of the General Counsel
Boise State University
1910 University Drive
Boise, Idaho 83725

To Research Foundation:

J. *No Joint Venture.* At all times and for all purposes of this Operating Agreement, the University and Research Foundation shall act in an independent capacity and not as an agent or representative of the other Party.

K. *Liability.* The University and Research Foundation are independent entities and neither shall be liable for any of the other's contracts, torts, or other acts or omissions, or those of the other's trustees, directors, officers, members or employees.

L. *Indemnification.* To the extent allowed by Idaho law, the University and Research Foundation each agree to indemnify, defend and hold the other Party, their officers, directors, agents and employees harmless from and against any and all losses, liabilities, and claims, including reasonable attorney's fees arising out of or resulting from the willful act, fault, omission, or negligence of the Party, its employees, contractors, or agents in performing its obligations under this Operating Agreement. This indemnification shall include, but not be limited to, any and all claims arising from an employee of one Party who is working for the benefit of the other Party. Nothing in this Operating Agreement shall be construed to extend to the University's liability beyond the limits of Idaho laws, including the Idaho Tort Claims Act.

M. *Assignment.* This Agreement is not assignable by either Party, in whole or in part.

N. *Governing Law.* This Agreement shall be governed by the laws of the State of Idaho.

O. *Articles, Sections, Subsections and Subparagraphs.* This Agreement consists of text divided into Articles that are identified by roman numeral (for example Article I), Sections that are identified by an uppercase letter followed by a period (for example A.), subsections that are identified by a number followed by a period (for example 1.) and subparagraphs that are identified by a lower case letter followed by a period (for example a.). The organization is hierarchical meaning that a reference to a division of the document includes all of its subsections (for example a reference to a Section includes the Section and all of its subsections and subparagraphs).

P. *Severability.* If any provision of this Agreement is held invalid or unenforceable to any extent, the remainder of this Agreement is not affected thereby and that provision shall be enforced to the greatest extent permitted by law.

Q. *Entire Agreement.* This Agreement constitutes the entire agreement among the Parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining thereto.

R. *Cooperation of the Parties.* The parties hereto agree to do all acts and things necessary to make, execute and deliver any and all written instruments as shall from time to time be reasonably required to carry out the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the University and the Research Foundation have executed this agreement on the above specified date.

Boise State University

Boise State University Research Foundation,
Inc.

Robert Kustra, PhD., President

Mark Rudin, PhD., Chairman of the Board

EXHIBIT A**LOANED EMPLOYEE AGREEMENT**

This AGREEMENT is entered into by and between the BOISE STATE UNIVERSITY, state educational institution, and a body politic and corporate organized and existing under the Constitution and laws of the State of Idaho ("University"), and the BOISE STATE UNIVERSITY RESEARCH FOUNDATION ("Research Foundation") and is effective the __day of _____, 2014.

BACKGROUND

WHEREAS, the Research Foundation has asked University to make certain university employees available to the Research Foundation for fulfilling various operational requirements of the Research Foundation;

WHEREAS, University desires to make certain employees available to the Research Foundation to assist the Research Foundation in achieving its mission as set forth in the Operating Agreement between the Research Foundation and University; and

WHEREAS, University has agreed to loan its certain employee, _____ ("Loaned Employee"), to the Research Foundation to act in the capacity of _____ for the Research Foundation pursuant to the terms of this Agreement.

AGREEMENT

The parties agree as follows:

A. Relationship between Loaned Employee and University.

1. Status. At all times under this Agreement. Loaned Employee shall be a(n) **[insert either classified or exempt here]**, **[insert either fiscal or academic here]** year employee of the University subject to all applicable policies and procedures of the State Board of Education and the University. The Research Foundation shall have control over all aspects of Loaned Employee's day-to-day work, and Loaned Employee shall devote 100% of his or her working time to performing services for the Research Foundation. Only University may terminate the employment of Loaned Employee. Notwithstanding the foregoing, the Research Foundation may discipline the Loaned Employee for cause, which may include taking action up to and including termination of this Agreement, such discipline and determination of cause to be in accordance with the Research Foundation policies and procedures and applicable law. The parties acknowledge that University and Loaned Employee have agreed and acknowledged that Loaned Employee's contract with the University is contingent upon continuation of this Agreement and in the event this agreement is terminated Loaned Employee's contract with the University will also terminate. Loaned Employee will be considered a loaned employee under the worker's compensation law of the State of Idaho.

2. Compensation. University shall pay Loaned Employee a **[insert either fiscal or academic here]** year salary rate of \$_____ payable on the regular biweekly paydays of the University, and subject to adjustment in accordance with the University's regular policies and procedures. Loaned Employee will be entitled to University benefits to the same extent and on the

same terms as other full-time University employees of her/his classification. The Research Foundation shall pay University for this cost as provided in this Agreement. Any supplemental compensation payable to employee shall also be subject to the requirements of this section.

3. Travel Expenses. University shall reimburse directly to Loaned Employee costs incurred for the Research Foundation travel that is approved in advance by the Research Foundation or the University. The Research Foundation shall pay the University for this cost as provided in this Agreement.

4. No Prohibition on Leasing Employee to the Research Foundation. University represents and warrants to the Research Foundation that there is no agreement with Loaned Employee nor any University policy or procedure (including, without limitation, any agreement, policy, or rule of the Idaho State Board of Education or the University) that prohibits the University from leasing Loaned Employee to the Research Foundation pursuant to the terms of this Agreement. University further represents and warrants that Loaned Employee is eligible for benefits as a full-time, leased employee under the term of all applicable University benefit plans. University shall indemnify, defend, and hold the Research Foundation harmless from any breach of the foregoing representations.

B. Relationship between the Research Foundation and Loaned Employee.

1. Supervision. Loaned Employee will work full-time under the supervision and direction of the Research Foundation Board of Directors. Loaned Employee will report directly to the Research Foundation Executive Director or her/his designee, who shall determine her/his duties for the Research Foundation.

2. Performance Evaluations. The Research Foundation will evaluate the performance of Loaned Employee on an annual basis, at a time consistent with the annual reviews of exempt employees at the University. The Research Foundation will provide University with a copy of any written documentation regarding the evaluation within fourteen (14) days after the evaluation is complete.

C. Relationship between the Research Foundation and University

1. Lease of Loaned Employee. During the term of this Agreement, so long as University employs Loaned Employee, University shall make available to the Research Foundation the full-time services of Loaned Employee, subject to University's continued employment of Loaned Employee. The furnishing of Loaned Employee shall not be considered a professional service of the University to the Research Foundation, nor shall University be considered a contractor of the Research Foundation.

2. University to Provide Salary and Benefits. As indicated above, University shall provide Loaned Employee with a(n) **[insert either fiscal or academic here]** year salary rate of \$_____ and other University benefits to the same extent and on the same terms as other full-time University employees of her/his classification. University shall be responsible for all facets of payroll and benefits administration with respect to Loaned Employee, including, without limitation, withholding and payment of payroll taxes, unemployment compensation, worker's

compensation coverage, social security, and providing any fringe and welfare benefit programs for Loaned Employee. To the extent allowed by Idaho law, University shall indemnify, defend, and hold the Research Foundation harmless for the payment of all items set forth herein and any claims or losses resulting from the administration of any employee benefits pursuant to any applicable law including, without limitation, the Fair Labor Standards Act, the Employee Retirement Income Security Act, and the Internal Revenue Code.

3. Reimbursement of Salary and Benefits by the Research Foundation. The Research Foundation will reimburse University for one hundred percent (100%) of the University's total cost of Loaned Employee's salary and benefits and any reimbursable costs such as travel expenses. Such costs will be billed annually and paid to the University in one annual installment. University shall maintain accurate books and account records reflecting the actual cost of all items of direct cost for which payment is sought under this Agreement. At all reasonable times, the Research Foundation shall have the right to inspect and copy said books and records, which the University agrees to retain for a minimum period of five (5) years following the termination of this Agreement.

4. Review of Loaned Employee's Status/Discipline/Termination for Cause. Loaned Employee shall at all times remain an employee of University. Accordingly, University shall have the power to evaluate, discipline, and terminate Loaned Employee in its discretion and in accordance with any of its policies, procedures, or agreements between University and Employee. As provided above, the Research Foundation will conduct an annual review of Loaned Employee. The Research Foundation will provide a copy of any documents related to its evaluation to the University no later than fourteen (14) days after the evaluation is completed. Based on its annual review of Loaned Employee's performance or any interim review or concerns regarding Loaned Employee's performance, the Research Foundation may discipline the Loaned Employee for cause, which may include taking action up to and including termination of this Agreement. Such discipline and determination of cause shall be in accordance with the Research Foundation policies and procedures and applicable law. If the Research Foundation makes such a determination, the Research Foundation shall provide notice to the University that it will no longer lease the services of Loaned Employee effective as of the date specified in the notice with a reasonable amount of detail as to the reason the Research Foundation is discontinuing the services of Loaned Employee.

5. Indemnification by the Research Foundation for Act of Loaned Employee. University shall have no liability to the Research Foundation for loss or damage directly resulting from the fault, negligence, misconduct, or other acts of the Loaned Employee while Loaned Employee is performing activities on behalf of or at the direction of the Research Foundation. the Research Foundation therefore agrees to release, defend, indemnify and hold harmless the state of Idaho, the State Board of Education, the University and its officers, employees, and agents, from and against any and all claims, demands, losses, damages, costs, expenses, and liabilities, for injuries (including death) to persons and for damages to property (including damage to property of the Research Foundation or others) arising out of, or in connection with, the activities of the Loaned Employee performed on behalf of or at the direction of the Research Foundation. Notwithstanding the foregoing, both parties may maintain any liability insurance coverage as it shall deem appropriate with respect to liabilities arising out of the acts or omissions of Loaned Employee.

6. Compliance with Employment laws. The Research Foundation agrees to comply with all laws regarding employment discrimination, including, without limitation, the Americans with Disabilities Act, Age Discrimination in Employment Act, Title VII of the Civil Rights Act, the Equal Pay Act, and the Idaho Human Rights Act with respect to Loaned Employee as if Loaned Employee were an employee of the Research Foundation. The Research Foundation shall notify University within five (5) days of any claim by Loaned Employee alleging a violation of any laws relating to employment discrimination. The Research Foundation shall indemnify and hold University harmless from any claims or losses resulting from the Research Foundation's failure to comply with any applicable employment discrimination laws. University agrees to comply with all laws regarding employment discrimination, including, without limitation, the Americans with Disabilities Act, Age Discrimination in Employment Act, Title VII of the Civil Rights act, the Equal Pay Act, and the Idaho Human Rights Act with respect to Loaned Employee. University shall notify the Research Foundation within five (5) days of any claim by Loaned Employee alleging a violation of any laws relating to employment discrimination. To the extent allowed by Idaho law, University shall indemnify, defend, and hold the Research Foundation harmless from any claims or losses resulting for University's failure to comply with any applicable employment discrimination laws.

D. General Terms

1. Term and Termination. The term that University shall lease Loaned Employee to the Research Foundation shall extend to _____ and is the term of employment specified in Loaned Employee's contract as an exempt employee of the University, unless it is terminated earlier upon the occurrence of any of the following:

a. Notice to University Due to Loaned Employee Performance Problems. The Research Foundation may discipline Loaned Employee pursuant to this Agreement by taking action up to and including termination of this Agreement for cause based on its annual review of Loaned Employee's performance or any interim review or concerns regarding Loaned Employee's performance. If the Research Foundation makes such a determination, the Research Foundation shall provide notice to the University that it will no longer lease the services of Loaned Employee effective as of the date specified in the notice with a reasonable amount of detail as to the reason the Research Foundation is discontinuing the services of Loaned Employee; or

b. Termination in the Event of Default. Either party may terminate the lease of Loaned Employee by University to the Research Foundation upon the material default of the other's performance provided that the non-defaulting party first provides the other with at least ten (10) days' notice of the default and an opportunity to cure such default within the notice period; or

c. Discontinued Employment of Loaned Employee by University. The lease of Loaned Employee to the Research Foundation shall automatically terminate if Loaned Employee is no longer an employee of University for any reason. The parties may extend the term of this Agreement at any time upon mutual agreement for a new term that is equal to the term of the Loaned Employee's renewed contract with the University. the Research Foundation is under no obligation to extend the term of this Agreement for a new term, however, in the event the Research Foundation determines that it will not agree to an extension of the term of this Agreement the Research Foundation will give University notice of its intention not to extend the term of this agreement at least 60 days prior to the expiration of the term of this Agreement,

2. No Third Party Beneficiaries. The parties acknowledge that there are no intended third party beneficiaries of this Agreement. Without limiting the foregoing, this Agreement shall not be construed as a promise of continuing employment to Loaned Employee, who remains subject to all applicable State Board of Education and University policies including, but not limited to, policies regarding nonrenewal of fixed term appointments and termination or discipline.

3. Governing Law. This Agreement will be governed by the laws of the state of Idaho as an agreement to be performed within the state of Idaho. The venue for any legal action under this Agreement shall be in Ada County.

4. Notice. Any notice made under this Agreement shall be in writing and be delivered in person or by public or private courier service (including U.S. Postal Service Express Mail) or certified mail with receipt requested or by facsimile. All notices shall be addressed to the parties at the following addresses or at such other addresses as the parties may from time to time direct in writing:

To the Research Foundation:

To UNIVERSITY:

Vice President for Finance and Administration
Boise State University
1910 University Drive
Boise, ID 83725

With copy to:

Office of the General Counsel
Boise State University
1910 University Drive
Boise, Idaho 83725

Notice shall be deemed given on its date of mailing plus three business days or upon written acknowledgment of its receipt by personal delivery, whichever shall be earlier.

5. Waiver. Waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or any subsequent breach of the same or any other term, covenant or condition herein contained.

6. Attorney's Fees. In the event an action is brought to enforce any of the terms, covenants or conditions of this Agreement or in the event this Agreement is placed with an attorney for collection or enforcement the successful party to such an action or collection shall be

entitled to recover from the losing party a reasonable attorney's fee, together with such other costs as may be authorized by law.

7. Assignment. Neither party shall assign this Agreement without the prior written consent of the other.

8. Amendments. This Agreement may not be modified or amended except by an agreement in writing signed by both of the parties.

9. Acknowledgment by Employee. This Agreement shall not be effective until it is executed by University and the Research Foundation and acknowledged by Loaned Employee pursuant to the signature blocks below.

The parties have executed this Agreement effective as of the date first set forth above.

BOISE STATE UNIVERSITY

BOISE STATE UNIVERSITY RESEARCH
FOUNDATION

Stacy Pearson, Vice President
Finance and Administration

Mark Rudin, Chairman of the Board

Acknowledgment by Loaned Employee:

Loaned Employee, by his or her signature below acknowledges the terms of this Agreement between University and the Research Foundation and agrees that he or she is an employee of the University that is loaned to the Research Foundation pursuant to the terms of this Agreement. Loaned Employee further acknowledges that he or she is a 'loaned employee' pursuant to all state worker's compensation laws. Accordingly, Loaned Employee acknowledges and agrees that in the event of any work-related injury that is covered by workman's compensation insurance held for the benefit of Loaned Employee by University, Loaned Employee will be precluded from recovering damages from the Research Foundation for such injury in accordance with applicable state worker's compensation laws.

Signed: _____

Name: _____

EXHIBIT B

ADMINISTRATIVE SUPPORT SERVICES AGREEMENT

THIS ADMINISTRATIVE SERVICES AGREEMENT is entered into by and between the BOISE STATE UNIVERSITY, a public institution of higher education in the State of Idaho ("University"), and the Boise State University Research Foundation, Inc. ("Research Foundation").

The University agrees to provide to the Research Foundation the following administrative, financial, and accounting, support services:

1. Administrative Support for the Research Foundation's general accounting and operations, including cash, receivables, and disbursement processing, preparation of financial statement and work papers for external audit, support for the Research Foundation Audit Committee, and support for the Research Foundation tax return filings;
2. Administrative support for the Research Foundation through the University Human Resources Office, including payroll and benefits management;
3. Administrative support, including support for Research Foundation grant and contract management and compliance for the Research Foundation, through the University's Offices of Sponsored Programs and Research Compliance in the Division of Research and Economic Development; and
4. Administrative support for the Research Foundation, including support of technology management, protection, and licensing through the University's Office of Technology Transfer in the Division of Research and Economic Development.

All University employees who provide support services to the Research Foundation shall remain University employees under the direction and control of the University.

The University will supply the facilities, equipment, software and operating supplies necessary for the University employees supplying the above support services to the Research Foundation, the nature and location of which shall be in the University's discretion. In addition, the University shall furnish office space and office equipment for use by the Research Foundation Executive Director the nature and location of which shall be subject to agreement of the Parties.

The Research Foundation will pay directly to the University a reasonable consideration for the services, facilities, equipment, software and operating supplies provided to the Research Foundation pursuant to the Service Agreement based upon agreed upon budgets for the services and operations described herein. In conjunction with the University's annual budget process, the University will prepare and present to the Research Foundation for consideration and acceptance an operating budget for the services and operations to be provided under this Agreement upon which the consideration shall be based.

The Parties acknowledge that support services provided by the University to the Research Foundation hereunder are intended to continue only so long as is necessary for the Research Foundation to become a fully self-sufficient operational entity. As the Research Foundation gains in self-sufficiency, services provided hereunder may be assumed by the Research Foundation operations and discontinued by the University all as per the agreement of the Parties.

This Services Agreement shall be effective as of the date of the last signature thereto and shall

continue in annual terms matched to the University's fiscal year until terminated by either party.

This Services Agreement may be terminated by either party upon written notice of termination, such termination to be effective sixty (60) days after notice thereof. This Services Agreement shall also terminate at the same time as any termination of the Operating Agreement between the University and the Research Foundation dated_____. In the event of termination, all obligations of the parties hereto shall cease as of the date of termination except for obligations for payment or reimbursement that accrued prior to the date of termination.

BOISE STATE UNIVERSITY

BOISE STATE UNIVERSITY RESEARCH
FOUNDATION, Inc.

Stacy Pearson, Vice President
Finance and Administration

Mark Rudin, Chairman of the Board

Date: _____

Date: _____

EXHIBIT C

**ARTICLES OF INCORPORATION
OF BOISE STATE UNIVERSITY RESEARCH FOUNDATION**

The undersigned, being over the age of eighteen (18) years, and for the purpose of forming a nonprofit corporation under the provisions of the Idaho Nonprofit Corporation Act, Title 30, Chapter 3 of the Idaho Code, hereby certifies and adopts the following Articles of Incorporation:

FIRST: The name of the Corporation is: Boise State University Research Foundation ("Research Foundation").

SECOND: The registered office of the Research Foundation is in the State of Idaho and is located at _____. The name and address of its registered agent is _____.

THIRD: The Research Foundation is organized and shall at all times be operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of Boise State University ("University"), a state institution of higher education described in section 509(a)(1) of the Internal Revenue Code of 1986 (or the corresponding section of any future United States Revenue Law), to include the following:

- a. Promoting and assisting the educational, research, community service and economic development objectives of the University, and applying the funds and properties in its possession in order to further these objectives;
- b. Supporting scientific research in areas deemed appropriate by the University and consistent with the charitable, scientific, literary, research, educational and service goals of the University;
- c. Acquiring and disseminating knowledge, and supporting the education, research, economic development and public service functions of the University;
- d. Executing, administering, letting and performing any and all contracts, subcontracts and agreements desirable and proper in order to perform and complete the activities of the Research Foundation including, without limitation, contracts and agreements with the University and other entities;
- e. Acquiring facilities by lease, purchase, donation, exchange, transfer, gift or otherwise, and operating such facilities as may be desirable in order to carry out the charitable, scientific, literary, research, educational, and service programs of both the Research Foundation and the University;
- f. Purchasing or otherwise acquiring, holding, leasing, encumbering, selling, assigning, transferring, mortgaging, pledging, hypothecating, exchanging, or otherwise disposing of any securities or equity, evidence of debt or other property, real or personal, as may be desirable to support the activities of the Research Foundation and the University's research mission;

- g. Receiving real and personal property from public and private sources, receiving grants and other monies from agencies of the United States of America, the State of Idaho or other states, and receiving grants, contributions and endowments from foundations, public and private corporations, and the general public, in support of the Research Foundation or University's exempt activities; and
- h. Employing personnel and engaging contractors and consultants in order to accomplish the purposes of the Research Foundation and the University's research mission.

FOURTH: No part of the earnings of the Research Foundation shall inure to the benefit of, or be distributed to, its directors, officers, or other private persons, except that the Research Foundation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Three hereof. No substantial part of the activities of the Research Foundation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Research Foundation shall not participate or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the Research Foundation shall not carry on any activity not permitted to be carried on by (1) an organization exempt from Federal income tax as described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), (2) an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), or (3) an organization described in Section 509(a)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

The Research Foundation shall not have any members or capital stock and shall be strictly a non-profit, nonpolitical organization. Upon the dissolution of the Research Foundation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Research Foundation, dispose of all the assets of the Research Foundation exclusively for the purposes of the Research Foundation in such manner as the Board of Directors shall determine, or to such organization or organizations organized and operated exclusively for charitable, educational, or scientific purposes as shall at the time qualify as organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law). Any such assets not so disposed of shall be disposed of by the court of requisite jurisdiction in the county in which the principal office of the Research Foundation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine are organized and operated exclusively for such purposes. In no case will assets be distributed to private individuals.

FIFTH: (a) The name and mailing address of the incorporator are as follows:

<u>NAME</u>	<u>MAILING ADDRESS</u>
-------------	------------------------

(b) The names and mailing addresses of the Directors are as follows:

<u>NAME</u>	<u>MAILING ADDRESS</u>
-------------	------------------------

SIXTH: The Research Foundation shall have perpetual existence.

SEVENTH: The activities and affairs of the Research Foundation shall be managed by a Board of Directors. The number of Directors which shall constitute the whole Board shall be such as from time to time shall be fixed by, or in the manner provided in, the Bylaws.

EIGHTH: Meetings of members of the Board of Directors may be held outside the State of Idaho, if the Bylaws so provide. The books of the Research Foundation may be kept (subject to any provision contained in the Idaho Code) outside the State of Idaho at such place or places as may be from time to time designated by the Board of Directors. Elections of Directors need not be by ballot unless the Bylaws of the Research Foundation shall so provide.

NINTH: The Research Foundation reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation, in the manner now or hereafter prescribed by statute, provided, however, no change shall be made affecting its status as a non-profit organization.

ATTACHMENT 1

The undersigned, being the incorporator hereinbefore named, for the purpose of forming a corporation to do business both within and without the State of Idaho, and in pursuance of the Idaho Nonprofit Corporation Act, does hereby make and file these Articles of Incorporation, and does hereby declare and certify that this is his or her act and deed and the facts herein stated are true.

IN WITNESS WHEREOF, these Articles of Incorporation are executed in duplicate on the ___ day of _____ 2014.

Print Incorporator Name_____

STATE OF IDAHO

County of Ada

On this ___ day of _____ 2014, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared _____, being first duly sworn under oath, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same.

WITNESS my hand and official seal.

Notary Public for Idaho
Residing at _____
My commission expires: _____

EXHIBIT D

**BYLAWS
OF
BOISE STATE UNIVERSITY RESEARCH FOUNDATION**

ARTICLE I

NAME

The name of the Research Foundation shall be BOISE STATE UNIVERSITY RESEARCH FOUNDATION (“Research Foundation”). It is incorporated under Idaho Nonprofit Corporation Act.

ARTICLE II

GUIDING PHILOSOPHY

The directors, officers and employees of the Research Foundation will strive to enhance the ability of Boise State University (“University”) to meet its mission and goals by cooperative use of Research Foundation and University resources including facilities, faculty, researchers, staff and students. To do so, the Research Foundation will:

1. Promote ethical work standards where the highest quality of achievement is aspired to and expected;
2. Appoint and retain the highest caliber of staff and students that can be attracted where integrity, intelligence, self-motivation, expertise, performance, commitment, and fairness are prime considerations;
3. Create an efficient operation in which each individual expeditiously performs multiple tasks, as needed, to maximize quality output at the most attractive cost-performance tradeoff;
4. Create a stimulating, challenging, and fair work environment in which individuals are able to learn and advance professionally; and
5. Foster cooperative research endeavors with public and private enterprises including institutions of learning, private businesses, individuals, and government agencies, leading to the dissemination and application of knowledge, discoveries, inventions, and technology for the greatest public good.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Membership.

- a. Composition. The Board of Directors (“Board”) shall be comprised of seven

Directors, four of whom shall be “University Directors” and three of whom shall be “Community Directors.”

b. University Directors. Two of the four University Directors shall be those individuals who hold the following positions (whether permanent or acting) at the University: Vice President for Research and Economic Development and Vice President for Finance and Administration. The President of the University shall appoint two additional University Directors who must be current University faculty or staff who are neither key administrators nor function in a policy-making capacity for the University.

c. Community Directors. The University Directors shall, by a majority vote, elect three individual members of the general public to serve as Community Directors.

d. Term. University Directors who serve by virtue of their positions shall not have term limits. University Directors appointed by the President of the University shall serve four year terms, Community Directors shall serve three year terms, and each shall continue in office until his/her successor shall have been elected.

e. Removal. Any University Director who serves by reason of being a faculty or staff member of the University or any Community Director may be removed, with or without cause, at a regular or special meeting of the Directors, by the vote of a majority of all the Directors.

f. Compensation. Directors shall serve without compensation except that reasonable expenses incurred may be reimbursed for and in the interest of the Research Foundation under guidelines adopted by the Board.

Section 2. Vacancies. In the case of any vacancy with respect to a University Director who serves by reason of being a faculty or staff member of the University, a successor to fill the unexpired portion of the term shall be filled by a majority vote of the remaining University Directors. In case of any vacancy with respect to a Community Director, a successor to fill the unexpired portion of the term shall be filled by a majority vote of the University Directors. In all cases, vacancies shall be filled within ninety (90) days from the time that the vacancy occurred.

Section 3. Powers. The fundamental and basic purposes of the Research Foundation are to operate exclusively for the benefit of, to perform the functions of, or to carry out the purposes of the University and such purpose shall not be amended or changed. Within the structure of Sections 1 and 2 above, the Board of Directors shall have the power to manage and control the affairs and property of the Research Foundation; shall have the power, by majority vote, to adopt rules and regulations governing the actions of the Board and shall have full authority with respect to the activities of the Research Foundation, including fund transfers. The Board of Directors shall not permit any part of the net earnings or capital to inure to the benefit of any Director or other private individual who is related to or affiliated with the Research Foundation, and the sole beneficiary of such earnings or capital shall always be the University.

Section 4. Meetings. The Board of Directors may hold its meetings at such place or places within or without the State of Idaho as the Board may from time to time determine. Regular meetings of the Board of Directors shall be held at such time and place as may be determined by the Board, and when the schedule of regular meetings has been established, no further notice of such regular meetings need be given. Regular and special meetings may be conducted by telephone conference call. To the extent permitted by law, a resolution in writing, signed by at least 80 percent of the Directors, shall be as valid as if it had been passed at a meeting of the Directors duly called and constituted.

Section 5. Special Meetings. Special meetings of the Board may be called by the Chairperson of the Board ("Chair") or by the Secretary upon the written request of a majority of the Directors. Notice of the time, place and purpose of every special meeting of the Board shall be given by the Secretary by mailing (including electronic mail) or delivering the same to each Director, at least twenty-four (24) hours before the meeting.

Section 6. Open Meetings. All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board; provided, however, that the Board may hold closed sessions during any regular or special meeting to consider those matters that may lawfully be considered in such sessions.

Section 7. Resignations. Any University Director who serves by reason of being a faculty or staff member of the University or any Community Director may resign at any time. Such

resignation shall be made in writing, and shall take effect at the time specified therein, and if no time be specified, at the time of its receipt by the Chair or Secretary. The acceptance of the resignation shall not be necessary to make it effective.

Section 8. Quorum. A majority of the Directors in office shall constitute a quorum for the transaction of business. If at any meeting of the Board there shall be less than a quorum present, the Directors present shall adjourn the meeting until a quorum is obtained, and at any meeting subsequent to the adjourned meeting at which a quorum is present any business may be transacted which might have been transacted at the meeting as originally called.

Section 9. Proxy Voting. Proxy voting shall not be permitted.

ARTICLE IV

OFFICERS OF THE BOARD AND EXECUTIVE DIRECTOR

Section 1. Positions. The officers of the Research Foundation Board shall be a Chair, a Vice-Chair, a Secretary, a Treasurer and such other officers, if any, as the Board of Directors may from time to time appoint.

Section 2. Agents. The Board of Directors may appoint from time to time such agents as it shall deem necessary, each of whom shall hold office at the pleasure of the Board, and shall have such authority and perform such duties and shall receive such reasonable compensation, if any, as the Board of Directors may from time to time determine.

Section 3. Chair: Powers and Duties. The Chair of the Research Foundation Board shall be the University's Vice President for Research and Economic Development and shall preside at all meetings of the Board of Directors. He/she shall have general supervision of the affairs of the Research Foundation and shall keep the Board of Directors fully informed and shall freely consult with them concerning the activities of the Research Foundation. He/she shall have power to sign alone, unless the Board of Directors shall specifically require an additional signature, in the name of the Research Foundation all contracts authorized either generally or specifically by the Board. He/she shall perform such other duties as shall from time to time be assigned to him/her by the Board of Directors.

Section 4. Vice-Chair: Powers and Duties. The Vice-Chair of the Research Foundation Board shall be a Board member elected to that position by a majority of the Board and shall have such powers and duties as may be assigned to him/her by the Board of Directors. In the absence of the Chair, or as delegated by the Chair, the Vice-Chair shall perform the duties of the Chair.

Section 5. Secretary: Powers and Duties. The Secretary of the Research Foundation Board shall be a Board member elected to that position by a majority of the Board. He/she shall serve in that capacity until such time as his/her successor has been elected. The Secretary shall act as secretary of all meetings of the Board of Directors and shall keep the minutes of all such meetings in the books proper for that purpose. He/she shall attend to the giving and serving of all notices of the Research Foundation. He/she shall, in coordination with the Research Foundation Chairperson, establish the agenda for Research Foundation meetings. He/she shall perform all the duties customarily incident to the office of Secretary, subject to the control of the Board of Directors, and shall perform such other duties as shall from time to time be assigned to him/her by the Board of Directors. The Secretary shall be authorized to certify by signature copies of resolutions duly adopted by the Board of Directors.

Section 6. Treasurer: Powers and Duties. The Treasurer of the Research Foundation Board shall be a Board member elected to that position by a majority of the Board and shall have the custody of all funds and securities of the Research Foundation that may come into his/her hands. He/she shall keep or cause to be kept full and accurate accounts of receipts and disbursements of the Research Foundation, and shall deposit all moneys and other valuable effects of the Research Foundation in such banks or depositories as the Board of Directors may designate. He/she shall record and submit at least once each year to the Board of Directors a report of the receipts and disbursements, which the Board may, in its discretion, cause to be audited by a firm of chartered or certified accountants of its selection before approving the same. Whenever required by the Board of Directors, he/she shall render a statement of accounts. He/she shall at all reasonable times exhibit the books and accounts to any officer or Director of the Research Foundation, and shall perform all duties incident to the position of Treasurer subject to the control of the Board of Directors. The Treasurer shall, when required, give such security for the faithful performance of his/her duties as the Board of Directors may determine.

Section 7. Executive Director. The Board of Directors shall appoint an Executive Director of the Research Foundation who will report to and serve at the pleasure of the Board of Directors. The Executive Director, working together with the Board of Directors and officers of the Research Foundation, shall be responsible for providing direction and leadership toward the achievement of the Research Foundation's mission, strategy, goals, and objectives.

ARTICLE V
COMMITTEES

The Board may appoint one or more committees, each consisting of three or more Directors, and delegate to such committees such duties and responsibilities as the Board may deem appropriate except with respect to the following:

- a. The filling of vacancies on the Board or in any committee;
- b. The fixing of compensation of the Directors for serving on the Board or on any committee, should the Bylaws be amended to allow such compensation;
- c. The amendment or repeal of Bylaws or the adoption of new Bylaws;
- d. The amendment or repeal of any resolution of the Board;
- e. The appointment of other committees of the Board or the members thereof; or
- f. The approval of any self-dealing transaction.

Any such committee must report to the Board of Directors on its progress and actions at each Board meeting.

ARTICLE VI
GIFTS AND CONTRIBUTIONS

The Research Foundation will seek a determination from the Internal Revenue Service that it is exempt from federal income tax as an organization described in Internal Revenue Code §501(c)(3) and that contributions to the Research Foundation are deductible as charitable contributions under Internal Revenue Code §170. Should the Research Foundation receive a determination that it is exempt from federal income tax, it will perform any act required to retain such tax-exempt status and will refrain from conducting any activities forbidden by Internal Revenue Code §501(c)(3). As such, the following shall apply:

- a. Contributions and gifts may be solicited by representatives assigned by the Chair to promote, sponsor and carry out the purposes of the Research Foundation;
- b. Unless otherwise provided by the donor, all contributions received by the Research Foundation shall be deposited and held by the Research Foundation and may be used and disbursed by the Board to promote, sponsor and carry out the purposes for which the Research Foundation is organized;
- c. The limitations and restrictions upon any grant, gift, donation, bequest or devise shall be respected. Restricted gifts shall conform to all applicable state and federal laws and regulations; and
- d. The operating expenses of the Research Foundation may be defrayed by funds contributed directly to the Research Foundation or from income and other resources of the Research Foundation, from whatever source realized, except as restricted or specified in paragraph (c) above.

ARTICLE VII

CONTRACTS, CHECKS, BANK ACCOUNTS, INVESTMENTS, ETC.

Section 1. Selection. The Board of Directors is authorized to select such depositories as it shall deem proper for the funds of the Research Foundation and shall determine who shall be authorized on the Research Foundation's behalf to sign bills, notes, receipts, acceptances, endorsements, checks, releases, contracts, and documents.

Section 2. Investments. The funds of the Research Foundation may be retained in whole or in part in cash or be invested and reinvested from time to time in such property, real, personal or otherwise, or stocks, bonds or other securities, as the Board of Directors in its sole discretion may deem beneficial to the furtherance of the purposes and objectives of the Research Foundation.

ARTICLE VIII

FISCAL YEAR

The fiscal year of the Research Foundation shall be from July 1 – June 30.

ARTICLE IX

NOTICE AND WAIVER OF NOTICE

Whenever any notice is required by these Bylaws to be given, personal notice is not meant unless expressly so stated, and any notice so required shall be deemed to be sufficient if given by certified mail addressed to the person entitled thereto at his/her last known post-office address,

and such notice shall be deemed to have been given on the day of such mailing. Any notice required to be given by law or under these Bylaws may be waived by the person entitled thereto, and his/her attendance, either in person or by proxy, at any meeting shall constitute a waiver of notice thereof.

ARTICLE X

OFFICE

Section 1. Registered Office. The registered office of the Research Foundation shall be located in the City of Boise, Idaho.

Section 2. Other Offices. The Research Foundation may also maintain offices at such other places, either within or outside the State of Idaho, as the Board of Directors may from time to time require.

ARTICLE XI

INDEMNIFICATION

The Research Foundation shall indemnify officers and members of the Board of Directors who may be a party (or who may be threatened to be made a party) to any action or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that he/she is an officer or Director of the Research Foundation, and who is acting within the normal exercise of Board of Director functions, and exercising fiduciary responsibility. The indemnification shall include all expenses (including attorneys' fees), judgments, fines and amounts paid in settlement that are actually and reasonably incurred by the officer or Director in connection with such action, suit or proceeding, provided that the officer or Director acted in good faith and in a manner he/she reasonably believed to be in, or not opposed to, the best interests of the Research Foundation. If the action is criminal, in order to be indemnified, the officer or Director must have had no reasonable belief that his/her conduct was unlawful. In all respects, the indemnification provided for under this Article IX shall be in accordance with the indemnification provisions set forth in Section 30-3-88 of the Idaho Nonprofit Corporation Act. The Board shall budget sufficient funds in its annual budget for liability insurance that will assure full compliance with this article.

ARTICLE XII
AMENDMENTS, ETC.

These Bylaws may be amended, added to, or repealed by the Board of Directors by majority vote of the Directors then in office, provided notice of intention to amend the Bylaws shall be mailed to each Director at least five days before the meeting.

**STATE DEPARTMENT OF EDUCATION
NOVEMBER 24, 2014**

TAB	DESCRIPTION	ACTION
1	PENDING RULE – DOCKET NO. 08-0111-1401- POSTSECONDARY INSTITUTION REGISTRATION	Motion to Approve
2	PENDING RULE - DOCKET NO. 08-0201-1401- STRATEGIC PLANNING	Motion to Approve
3	PENDING RULE - DOCKET NO. 08-0501-1401- SEED CERTIFICATION	Motion to Approve
4	PENDING RULE - DOCKET NO. 55-0104-1401- AGRICULTUR EDUCATION QUALITY PROGRAM STANDARDS	Motion to Approve

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014

SUBJECT

Pending Rule Docket 08-0111-1401 – Registration of Post-Secondary Education Institutions and Proprietary Schools

REFERENCE

August 2014

Board approved the proposed amendments to IDAPA 08.01.11.

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 will amend the definition of what constitutes having an “Idaho presence.” Institutions, unless otherwise exempted, who have a physical presence within the state of Idaho are required to register with the State Board of Education. Idaho’s definition of physical presence includes all students participating in a clinical experience within the state even if the institution itself does not meet the other requirements for a physical presence. The State Authorization Reciprocity Agreement has a slightly broader definition in regards to a clinical experience and allows that if there are fewer than ten (10) students simultaneously present at the site and the institution does not have a multi-year agreement with the site then that institution still does not have a physical presence within the state.

An additional change is also being proposed to subsection 200.09 that would allow for the office to use financial instruments other than an institution’s audited financial statements as part of the registration process. Due to timing and varying differences in an institution’s operations, the audited financial statements may not be the best instrument for staff to use to calculate the registration fee of a specific institution.

IMPACT

If the language within the Administrative Rule were not amended the Board would have to waive that section of the rule for institutions that were participating in the State Authorization Reciprocity Agreement or choose not to participate.

ATTACHMENTS

Attachment 1 – Proposed Docket 08-0111-1401

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

No comments were received during the public comment period. No changes are being made between the proposed and pending stages of the rule.

All Pending rules will be brought back to the Board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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Rules Bulletin as a Pending Rule. Pending rules are forwarded to the legislature and become effective at the end of the legislative session in which they are submitted unless rejected by the legislature.

Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule Docket 08.-0111-1401 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014**

**IDAPA 08
TITLE 01
CHAPTER 11**

**08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS
AND PROPRIETARY SCHOOLS**

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 and the Office of the State Board of Education to administer the registration of post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

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. (3-29-12)

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)

d. A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. (3-29-12)

e. There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. (3-29-12)

03. Idaho Presence. (3-29-12)

a. 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, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

b. Idaho presence shall include medical/osteopathic education clinical instruction occurring in the state of Idaho as part of a course of study leading to a degree pursuant to a formal multiyear arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction where 11 or more students of the institution are physically present simultaneously at a single field site. (3-29-12)()

c. Idaho presence shall not include: (3-29-12)

i. Distance or online education delivered by an institution located outside of the state of Idaho to

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014

students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; (3-29-12)

ii. Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; (3-29-12)

iii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

iv. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

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, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the date when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), 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. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (3-29-12)

c. Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. (3-29-12)

05. Institutions That Must Register. Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (3-29-12)

06. 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)

07. 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 tax reporting year (Jan 1 - Dec 31), 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 nonrefundable. (4-4-13)

08. Deadline for Registration. An initial application for registration may be submitted to the Board at any time. 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 the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014

- 09. Information Required.** (3-29-12)
- a.** An application must include all the information requested on the application form, as well as the following information: (3-29-12)
- i. Copy of most recent accreditation letter showing the period of approval; (4-7-11)
 - 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, or other financial instrument as established by the executive director; (4-9-09)()
 - v. Any additional information that the Board may request. (4-9-09)
 - vi. 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, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. (4-4-13)
- b.** 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 200.07 of this rule, shall remain applicable. (3-29-12)

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014

SUBJECT

Pending Rule Docket 08-0201-1401, Rules Governing Administration – Strategic Planning

REFERENCE

June 2014

Board approved Temporary and Proposed Rule Docket 08-0201-1401.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-5201 to 5216, Idaho Code

BACKGROUND/DISCUSSION

During the June 2014 Board meeting the Board approved a Temporary and Proposed Rule establishing the qualification requirements for trainers and the procedures for school districts and charter schools to request reimbursement for qualified training in compliance with Section 33-320, Idaho code.

IMPACT

Approval of the Temporary and Proposed Rule will provide school districts and charter schools with the information they need to hire eligible trainers to conduct their professional development and develop their strategic plans in an attempt to meet the September deadline.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0201-1401

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

No comments were received during the public comment period. No changes have been made between the proposed and pending rule stages.

Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

BOARD ACTION

I move to approve Pending Rule Docket 08-0201-1401 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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IDAPA 08
TITLE 01
CHAPTER 09

08.02.01 - RULES GOVERNING ADMINISTRATION

801. STRATEGIC PLANNING AND TRAINING. In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that focusses on improving the student performance of the LEA. ()

01 DEFINITIONS ()

a. Administrator. As used in this section administrator mean the superintendent of the school district or administrator of a charter school. ()

b. Board. Board shall mean the Idaho State Board of Education. ()

c. Executive Director. Executive Director shall mean the Executive Director of the Idaho State Board of Education. ()

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

e. Local Education Agency. As used in this section local education agency (LEA) means public school district or charter school. ()

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

02. REIMBURSEMENT ELIGIBILITY. LEA's may request reimbursement for training conducted pursuant to section 33-320, Idaho code. To be eligible for reimbursement the training and trainer must meet the following criteria: ()

a. Training. The training must cover one or more the follow subjects: ()

i. Strategic planning, strategic planning training shall include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes. ()

ii. School finance ()

iii. Administrator evaluations, including but not limited to specifics on the Idaho state evaluation requirements and framework. ()

iv. Ethics ()

v. Governance ()

b. Documentation of Training. Training records shall be kept by the LEA showing: ()

i. the length of the training in hours, ()

ii. the subject(s) covered by the training, ()

iii. the participants included in the training or validation of attendance of specific participants as applicable, ()

iv. the curriculum, agenda, or other documentation detailing the content of the training()

c. Format. Strategic planning training sessions must include a majority of the LEA board and the administrator. All training shall include students, parents, educators and the community as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Time must be included that gives the participants the opportunity to discuss issues specific to the LEA. ()

d. Trainer Qualifications. ()

i. May not be a current employee of the LEA ()

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ii. Shall have two (2) years of documented experience providing training in the area of training they are conducting for the LEA ()

iii. Provide at least three (3) recommendations from participants of past training conducted. Recommendations must be included with the application for determining qualifications. ()

e. Qualified Trainers. Qualifications of all trainers must be determined prior to the submittal by the LEA for the reimbursement of costs. Qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. Individuals or companies may submit an application for consideration to be placed on the list of qualified trainers or LEA's may submit the application on behalf of the individual or company. Applications must be submitted to and in a format established by the Executive Director. ()

03. REIMBURSEMENT. Reimbursement to the LEA shall be based on actual expenditures related to the training delivered up to \$2,000 per state fiscal year. ()

04. AUDIT. If requested LEA's shall provide training documentation or other information to verify eligibility prior to reimbursement. ()

8012. -- 999. (Reserved) ()

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014

UNIVERSITY OF IDAHO

SUBJECT

Amendment to Temporary and Pending Rule Docket 08-0501-1401 – Rules Governing Seed and Plant Certification.

REFERENCE

May 14, 2014	Board approval of Temporary and Proposed Rule, IDAPA 08.05301, Rules Governing Seed and Plan Certification - as presented.
August 14, 2014	Board approval of Pending Rule, IDAPA 08.05301, Rules Governing Seed and Plan Certification with no changes.

APPLICABLE STATUTE, RULE, OR POLICY

Title 22 Chapter 15, specifically Sections 22-1504 & 22-1505, Idaho Code

BACKGROUND/DISCUSSION

At the May, 2014 meeting, the Board approved a temporary and proposed rule incorporating by reference the Seed Certification Standards of the Idaho Crop Improvement Association, Inc. as the first step in a process to come into compliance with Idaho Code Sections 22-1504 and 22-1505 and the Idaho Administrative Procedures Act (IDAPA).

Notice of the temporary and proposed rule was published and the comment period passed without comment or request for a public hearing. The Board approved the pending rule at the August meeting with no changes from the proposed rule.

The Idaho Crop Improvement Association, Inc. (ICIA) has since requested an amendment to the temporary and pending rule to incorporate updated certification fees for the 2015 calendar year. The 2015 certification fees were approved through the ICIA approval process July 11, 2014. In future years, this approval process will be dovetailed with the IDAPA rule-making process. The 2015 fees are as set out in Attachment 2.

IMPACT

The approval of the amendment would update the fee schedule that is incorporated by reference into the rule with ICIA's newly adopted fee schedule.

ATTACHMENTS

Attachment 1 – Amended Temporary and Pending Rule – Docket 08-0501-1401	Page 3
Attachment 2 – Certification Fees (2015)	Page 8

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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STAFF COMMENTS AND RECOMMENDATIONS

No comments were received during the open comment period. Following Board approval of the Pending Rule, the Idaho Crop Improvement Association requested the Board reconsider the rule. The ICIA had concerns regarding the fee schedule that was incorporated in the rules, as well as, some potential changes to their standards. The ICIA has worked with the University of Idaho staff to better define their concerns. As a result the University of Idaho is requesting the Board re-approve the pending rule with an updated fee schedule. The University of the ICIA will come back to the Board next year for adoption and incorporation of updated standards.

Staff recommends approval.

BOARD ACTION

I move to approve the Temporary and Pending Rule Docket 08-0501-1401 as presented in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 24, 2014

08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION

000. LEGAL AUTHORITY.

This chapter is adopted under the authority of Title 22, Chapter 15, Idaho Code. (11-24-14)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 08.05.01, "Rules Governing Seed and Plant Certification," by Idaho Crop Improvement Association, Inc. (11-24-14)T

02. Scope. These rules shall govern the standards and procedures for the certification of seeds, tubers, plants, or plant parts in the state of Idaho by the Regents of the University of Idaho through the Idaho Agricultural Experiment Station in the College of Agricultural and Life Sciences and its duly authorized agent, Idaho Crop Improvement Association, Inc., as an agent and instrumentality and servant of the State. (11-24-14)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rule of this chapter will be made available at the Idaho State Board of Education office. (11-24-14)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Board under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (11-24-14)T

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (11-24-14)T

01. General Seed Certification Standards. The General Seed Certification Standards of the Idaho Crop Improvement Association, Inc., as last modified and approved on February 25, 2014. (11-24-14)T

02. Seed Certification Fee & Application Schedule. The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~August 8, 2013~~ July 11, 2014. (11-24-14)T

03. Interagency Certification Regulations and Procedures. The Interagency Certification Regulations and Procedures of the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006. (11-24-14)T

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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04. Alfalfa Certification Regulations in Idaho. The Alfalfa Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006. (11-24-14)T

05. Beans Certification Regulations in Idaho. The Beans Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on December 12, 2009. (11-24-14)T

06. Red Clover Certification Regulations in Idaho. The Red Clover Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 6, 2006. (11-24-14)T

07. Chickpea (Garbanzo Beans) Certification Regulations in Idaho. The Chickpea (Garbanzo Beans) Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 6, 2006. (11-24-14)T

08. Grain Certification Regulations in Idaho. The Grain Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 10, 2014. (11-24-14)T

09. Grass Seed Certification Regulations in Idaho. The Grass Seed Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 10, 2014. (11-24-14)T

10. Canola, Mustard and Rapeseed Certification Regulations in Idaho. The Canola, Mustard and Rapeseed Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on January 29, 2014. (11-24-14)T

11. Rules of Certification for Seed Potatoes in Idaho. The Rules of Certification for Seed Potatoes adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 21, 2014. (11-24-14)T

12. Pre-Variety Germplasm Certification Regulations in Idaho. The Pre-variety Germplasm Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved April 11, 2014. (11-24-14)T

13. Miscellaneous Crop Certification Regulations in Idaho. The Miscellaneous Crop Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved April 6, 2006. (11-24-14)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Physical Addresses. The main office of the Idaho Crop Improvement Association, Inc. is located at 429 SW 5th Avenue, Suite 105, Meridian, ID 83642. The

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branch offices are located at: 1680 Foote Drive, Idaho Falls, ID 83402; 5920 N Government Way, Suite 10, Dalton Gardens, ID 83815; 2283 Wright Avenue, Suite C, Twin Falls, ID 83303 (11-24-14)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays. These office hours apply to each branch. (11-24-14)T

03. Mailing Addresses. The mailing address for the Idaho Crop Improvement Association, Inc. main office is 429 SW 5th Avenue, Suite 105, Meridian, ID 83642. The branch offices mailing addresses are: 1680 Foote Drive, Idaho Falls, ID 83402; 5920 N Government Way, Suite 10, Dalton Gardens, ID 83815; 2283 Wright Avenue, Suite C, Twin Falls, ID 83303. (11-24-14)T

04. Telephone Numbers. The telephone number for the Idaho Crop Improvement Association, Inc. main office is (208) 884-8225. The telephone numbers for the branches are: Idaho Falls (208) 522-9198; Dalton Gardens (208) 762-5300; Twin Falls (208) 733-2468. (11-24-14)T

05. Fax Numbers. The fax number for the Idaho Crop Improvement Association Inc. main office is (208) 884-4201. The fax numbers for the branches are: Idaho Falls (208) 529-4358; Dalton Gardens (208) 762-5335; Twin Falls (208) 733-4803. (11-24-14)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Idaho Crop Improvement Association Inc., and the State Law Library. (11-24-14)T

007. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in Title 22, Chapter 15, Idaho Code, the definitions found in the standards of the Idaho Crop Improvement Association, Inc., incorporated by reference in Section 004 of these rules, shall apply to these rules. (11-24-14)T

011. (RESERVED)

012. APPLICABILITY.

These rules shall apply to all seeds, tubers, plants, or plant parts located in, imported into, or exported from the state of Idaho that have an application for certification properly filed with a seed certification agency. (11-24-14)T

013. OFFICIAL IN CHARGE OF CERTIFIED SEED.

The Idaho Legislature, at its 35th Session, enacted Senate Bill No. 107, the "Seed and Plant Certification Act of 1959". This Act designated the Regents of the University of Idaho, through the Agricultural Experiment Station of the College of Agriculture, as the seed certifying agency for the State. This Act further gives the Regents of the University

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of Idaho the authority to designate an agent to administer and conduct the certification program. The Regents of the University of Idaho on April 27, 1959, appointed the Idaho Crop Improvement Association, Inc., as its duly authorized agent to administer and conduct seed certification in Idaho as provided by the Seed and Plant Certification Act of 1959. (11-24-14)T

014. SEED CERTIFICATION FEE AND APPLICATION SCHEDULE.

The Idaho Crop Improvement Association may assess a fee to defray the costs of seed testing and administration of the seed certification program. Fees are established through the Idaho Crop Improvement Association, Inc. (11-24-14)T

015. -- 999. (RESERVED)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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IDAHO CROP IMPROVEMENT ASSOCIATION, INC.										SEED CERTIFICATION FEE & APPLICATION SCHEDULE		
										ALL FEES DUE WITH APPLICATIONS & RENEWALS		
2015										Application due dates		
CROP	Acreage Fee	Minimum Acreage Fee	Membership Fee	Cancel Fee	Reinslate. Fee	Reinspection Fee	Production Fee (\$/cwt)	Interagency Production Fee	OECD Fee (\$/cwt)	New Seedings	Renewals	
ALFALFA	\$7.80	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.56	\$0.32	Fall 3/1	Spring 4/20	April 1st
BEANS	\$5.00	\$51.00	included	\$15.00	n/a	\$82.00	\$0.22	\$0.22	\$0.32	S.West June 15 - S.Central July 1		
BEANS - PHYTOSANITARY	\$8.90	\$51.00		\$15.00	n/a	\$82.00	\$0.11	n/a	n/a	S.West June 15 - S.Central July 1		
CLOVER	\$7.80	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.56	\$0.32	Fall 3/1	Spring 4/20	April 1st
CORN & SORGHUM	\$31.00	\$153.00	included	\$15.00	n/a	\$82.00	\$0.00	\$0.15	\$0.32	July 1st		
GRAIN	\$10.55	\$51.00	included	\$15.00	n/a	\$82.00	\$0.00	\$0.14	\$0.32	June 1st		n/a
GRASS - stock fields & new seed	\$2.05	\$102.00	included	\$15.00	n/a	\$82.00				60 days post plant		n/a
GRASS - renewals	\$6.90	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.76	\$0.32	n/a	n/a	May 1st
MISC. CROPS - ANNUAL	\$5.55	\$51.00	included	\$15.00	n/a	\$82.00	\$0.22	\$0.22	\$0.40	May 1st		n/a
MISC. CROPS - PERENNIAL	\$7.80	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.56	\$0.40	May 1st		April 1st
POTATOES	\$29.25	\$51.00	included	\$15.00	n/a	\$82.00	\$0.00	\$0.00		June 10th		n/a
PRE-VARIETY GERMLASM SEED				\$/Species								
COLLECTED : SOURCE IDENTIFIED SEED	\$61.00	n/a	included	n/a			\$10.00 (\$25 min)	\$10.00 (\$25 min)	n/a	10 days prior to collection		
FIELD INCREASE OF SOURCE IDENTIFIED; SELECTED; & TESTED CLASS SEED	\$6.90	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.76	n/a	60 days	post plant	April 1st
Grain: Seedling inspections \$5.10 / acre. Applications due within 15 days of planting.										Official Sampling		\$25.00
Grain: Late fee = \$ 100.00 per field prior to July 1st. After July 1st the fee = \$100.00 plus 100% of the acreage fees										Purity Testing		
All other crops: Late fees = 10% of the acreage fee with a minimum late fee of \$31.00										Grain Purity		\$25.00
Grass: Applications not accepted more than 120 days after planting					Grass: second reinspection fee = \$82.00 plus \$1.00 per acre					Bean Purity		\$18.00
No seed potato applications postmarked after June 25 will be accepted										Mill Check		
Reinstatement fees are to be charged for each delinquent year.										Grain Check		\$15.00
It is the growers responsibility that all fees are paid.										Bean Check		\$15.00

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS COMMITTEE
NOVEMBER 24, 2014

DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

SUBJECT

Pending Rule – Docket 55-0104-1401 - Rules Governing the Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants

REFERENCE

August 2014 Board approved the proposed amendments to IDAPA 55.01.14., the program quality standards, and the first reading of amendments to Board Policy IV.E. incorporating the standards into Board Policy.

October 2014 Board approved second reading of amendments to Board Policy IV.E. incorporating the Agriculture Education Program standards.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section IV.E.2. Section 33-1629, Idaho Code

BACKGROUND/DISCUSSION

The Idaho Legislature enacted Section 33-1629, Idaho code, Agricultural and Natural Resource Education Programs during the 2014 session. The purpose of this section is to establish (1) Idaho Quality Program Standards Incentive Grants, and (2) Agricultural Education Program Start-Up Grants.

Section 33-1629, Idaho Code requires the State Board for Professional-Technical Education to adopt rules to implement the Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants.

The Division of Professional-Technical Education entered into negotiated rulemaking that included formal and informal meetings with agricultural and natural resources stakeholders from education, industry, and agricultural-related agencies. Consensus was built on key elements of the attached rules, including award amounts, eligibility, and use of funds.

IMPACT

Implementation of the Idaho Quality Programs Standards Incentive Grants and Agricultural Education Program Start-Up Grants

ATTACHMENTS

Attachment 1 – Pending Rule Docket 55-0104-1401

Page 3

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS COMMITTEE
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STAFF COMMENTS AND RECOMMENDATIONS

No comments were received during the public comment period for the Proposed Rule. No changes have been made to the rule between the proposed and pending rule stages.

Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule Docket 55-0104-1401, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**55.01.04 - Rules Governing the Idaho Quality Program Standards Incentive Grants
and Agricultural Education Program Start-Up Grants**

000. LEGAL AUTHORITY

This chapter is adopted under authority of Section 33-1629, Idaho Code.

001. TITLE AND SCOPE

01. Title. The title of this chapter is IDAPA 55.01.04, "Rules Governing Idaho Quality Program Standards Incentive Grants and the Rules Agricultural Education Program Start-Up Grants."

02. Scope. These rules shall govern the standards and procedures for application to the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants as administered by the Idaho Division of Professional-Technical Education.

002. WRITTEN INTERPRETATIONS

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rule of this chapter will be made available at the Idaho Division of Professional-Technical Education.

003. ADMINISTRATIVE APPEALS

All appeals under these rules shall be conducted pursuant to the procedures outlined herein.

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules.

005. OFFICE INFORMATION

01. Office Hours. The offices of the Division of Professional-Technical Education are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays.

02. Street Address. The offices of the Division are located at 650 W. State Street, Boise, Idaho.

03. Mailing Address. The mailing address of the Division is P.O. Box 83720, Boise, ID 83720-0095

04. Telephone Number. The telephone number of the Division is (208) 334-3216

05. Facsimile. The facsimile number of the Division is (208) 334-2365

06. Website. The website of the Division is <http://pte.idaho.gov/>

006. PUBLIC RECORDS ACT COMPLIANCE

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

007-009. RESERVED

010. DEFINITIONS

01. Administrator means the administrator for the Division of Professional-Technical Education.

02. Agricultural and Natural Resources Program means a program approved by the Division of Professional-Technical Education that is a standards-based curriculum in agriculture, food and natural resources systems delivered through an integrated model that incorporates classroom and laboratory instruction, experiential learning and student leadership and personal development.

02. Board means the State Board for Professional-Technical Education.

03. Division means the Division of Professional-Technical Education.

04. FTE means a Full Time Equivalent employee.

05. School District or District means public school district or a charter school authorized by the Public Charter School Commission or school district.

011. – 099. (RESERVED)

100. INCENTIVE GRANT

01. Eligibility Requirements. Eligible applicants must meet quality program and instructor requirements as approved by the board. Applicants may re-apply each year regardless of whether they have received a previous grant award.

a. An agricultural and natural resources program in any grade 9 through 12 must first meet the minimum program-specific quality program standards as approved by the board.

b. Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program must meet each of the program quality indicators at the level of “basic” or higher. Programs must also have an overall average rating of no less than “distinguished” for all program-specific quality standards. This average will be calculated using the quality indicators within each standard. Programs that do not meet the minimum quality standards requirements in one year may be found eligible in subsequent year. Programs will be assessed by the division.

c. Instructors must teach in an agricultural and natural resources program that meets the quality program standards and must also meet the instructor-specific quality program standard as approved by the board.

d. Instructors will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the instructor must meet each of the program quality indicators at the level of “basic” or higher. Instructors must also have an average rating of no less than “distinguished” for all

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instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one year may be found eligible in subsequent year. All instructors of agricultural and natural resources programs in grades 9 through 12 are eligible to apply for the grant.

e. Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program.

f. Should the division request additional information from a school district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant.

02. Application Process. The application process consists of a formal application and assessment.

a. To be considered for the grant, a school district must first complete and submit a formal application and supporting documentation on behalf of an instructor for an approved program according to the timeline established by the administrator. Applications may be submitted electronically to the division. In the event of a mailed application, applications must be postmarked no later than the timeline specified by the division. Instructors may not apply on their own behalf.

b. Following the receipt of an application, the division will conduct an assessment of the program and instructor to ensure they both meet the minimum eligibility requirements, as outlined in the quality program standards. At the administrator's discretion, the division may partner with additional subject-matter experts to assist in the evaluation. Assessments will be conducted each school year the instructor and program participate in the grant program. Districts will only be eligible to apply for the grant during the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications.

03. Selection of Grant Recipients. Grants will be awarded annually based on the availability of grant funds and the number of qualified applicants. Grants will be awarded to applicants based on ranking in accordance with the following criteria:

a. Applicants will be ranked according to their overall score. Scores will be calculated using the sum of:

- i. the average score of the program quality indicators, and;
- ii. the average score of the instructor-specific program quality indicators.

04. Incentive Grant Award.

a. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. Prior to the distribution of the letter, the division will verify that the grant recipient continues to teach at the same school, in the same agricultural and natural resources program, and at the same FTE level as indicated on the formal application.

b. The total number of recipients will vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of \$10,000 until available funds are exhausted or all qualified recipients have been awarded the grant. Grants may be less than \$10,000 when certain conditions exist:

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- i. Tied ranking. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded evenly among those recipients with a tied score.
 - ii. Less than full-time employment in an approved program. Grants will be awarded using FTE to calculate the percent of time an instructor spends teaching within an approved agricultural and natural resources program. In the event an instructor teaches in an approved program in less than a full-time capacity, grants will be pro-rated according to the percent of time the instructor spends teaching in the approved program.
- c.** Grants are awarded on an annual basis and are not renewable or transferrable.
- d.** The use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application.
- e.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to:
- i. offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor;
 - ii. purchase or repair equipment; or
 - iii. purchase educational supplies/curricula
- f.** Grant funds may not be used to:
- i. cover the costs of salaries and/or benefits, including extended contracts;
 - ii. offset expenses associated with the FFA organization or other student organizations; or
 - iii. supplant other district funding sources, e.g. routine facility maintenance or improvements

101—199. (RESERVED)

200. START-UP GRANT

01. Eligibility Requirements. A school district may apply for a start-up grant for a newly-approved agricultural and natural resources program or to re-establish an agricultural and natural resources program in any grade 9 through 12 when specific eligibility requirements are met. Districts are only eligible to apply for the grant in the fiscal year their program is approved or re-established.

a. To start a new program, districts are required to first complete a request for new secondary program of study form for a new agricultural and natural resources program in one of the specified grades. The new agricultural and natural resources program must then be approved by the division prior to application for the grant. Expansions of existing programs, including the addition of new career pathways or additional staff, do not qualify as a new program.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS COMMITTEE
NOVEMBER 24, 2014

b. To re-start a program, districts are required to first complete a Request for New Secondary Program of Study form to re-establish an agricultural and natural resources program in any grade 9 through 12. The re-established agricultural and natural resources program must then be approved by the division prior to application for the grant. The re-established program must have been inactive for at least two academic years to qualify for the grant.

02. Application Process. A school district may submit an application for a new or re-established program. Completed applications, which must be authorized by the district superintendent, must be submitted to the division according to the timeline established by the administrator. In the event of a mailed application, the application must be postmarked no later than the timeline specified.

a. Applications must include all required information outlined in the grant application, including specific documents detailing the district's proposed budget and long-term strategy for sustaining the program.

b. Communication with state officials. Should the division request additional information from a district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant.

03. Selection of Grant Recipients. Grants will be awarded annually by the division based on the availability of grant funds and the number of qualified programs. Grants will be awarded to districts based on ranking and priority that considers factors including but not limited to: the strength of the budget proposal, sustainability potential of the proposed program, and the history of prior grant awards.

04. Start-up Grant Award. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. The total number of recipients will not exceed four awards annually, and may vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of \$25,000 until available funds are exhausted or all qualified recipients have been awarded the grant.

a. Grants are awarded on a one-time basis and are not renewable or transferrable. If a district is awarded the grant for a new program, the program is ineligible for future awards should the program terminate and then be re-established.

b. Use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. If a district fails to spend the entire award amount, those funds may not be carried forward to the next fiscal year.

c. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to:

- i.** offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor;
- ii.** purchase or repair equipment; or
- iii.** purchase educational supplies/curricula

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS COMMITTEE
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iv. start-up costs, up to \$1,000, associated with establishing a new chapter of FFA or other relevant student organization

d. Grant funds may not be used to:

- i. cover the costs of salaries and/or benefits, including extended contracts;
- ii. offset ongoing expenses associated with the FFA organization or other student organizations; or
- iii. supplant other district funding sources, e.g. routine facility maintenance or improvements

201-299 (RESERVED)

300. Payments. Payment of grant funds will be made to the district using a reimbursement process. For grants awarded under section 100, funds will be made to the district on behalf of the instructor. To receive reimbursement for eligible expenses, school districts must submit a reimbursement request no later than July 15 each year for the preceding school year, but may request reimbursement as costs are incurred.

301. Appeals. Any grant applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The grant applicant or recipient must appeal in writing no later than thirty (30) days following the announcement of the award, and the written statement must include the basis for the appeal. The appeal must be submitted to the administrator. The division shall acknowledge receipt of the appeal within seven (7) days. The administrator may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) agricultural and natural resources professional.

01. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the administrator within fifteen (15) days from the time the subcommittee receives the appeal document. The grant applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal.

02. Following the subcommittee's decision, the administrator will present the subcommittee's recommendation to the board at the next regularly scheduled meeting of the board. The grant applicant or recipient initiating the appeal may, at the discretion of the board, be permitted to make a presentation to the board.

03. The decision of the board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the board. The board will inform the incentive grant applicant or recipient in writing of the decision of the board.

**STATE DEPARTMENT OF EDUCATION
NOVEMBER 24 , 2014**

TAB	DESCRIPTION	ACTION
1	PENDING RULE – DOCKET NO. 08-0201-1402-SPECIAL EDUCATION FUNDING	Motion to Approve
2	PENDING RULE - DOCKET NO. 08-0202-1402-INCORPORATED BY REFERENCE, PSC AND DRIVER EDUCATION	Motion to Approve
3	PENDING RULE - DOCKET NO. 08-0202-1403-ENDORSEMENTS	Motion to Approve
4	PENDING RULE - DOCKET NO. 08-0202-1404-EDUCATOR EVALUATIONS	Motion to Approve
5	PENDING RULE - DOCKET NO. 08-0203-1401-GRADUATION REQUIREMENTS	Motion to Approve
6	PENDING RULE - DOCKET NO. 08-0203-1402-ACCOUNTABILITY	Motion to Approve
7	PENDING RULE - DOCKET NO. 08-0203-1403-ASSESSMENT	Motion to Approve
8	PENDING RULE - DOCKET NO. 08-0203-1404-PHYSICAL EDUCATION AND PROFESSIONAL TECHNICAL EDUCATION	Motion to Approve
9	PENDING RULE AND AMENDMENT OF TEMPORARY RULE - DOCKET NO. 08-0203-1406-STUDENT DATA SYSTEM	Motion to Approve
10	APPOINTMENT OF 30 MEMBERS TO THE BIAS AND SENSITIVITY COMMITTEE	Motion to Approve

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**STATE DEPARTMENT OF EDUCATION
NOVEMBER 24, 2014**

SUBJECT

Pending Rule Docket No. 08-0201-1402, Special Education Funding – Rules Governing Administration.

REFERENCE

August 14, 2014

Board approved Temporary and Proposed Rule change to IDAPA 08.02.01.400.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105 and 33-133, Idaho Code, Idaho Administrative Code, IDAPA 08.02.01.400

BACKGROUND/DISCUSSION

IDAPA 08.02.01.400.01.b and .c was last amended in 1997. This section of Administrative Rule outlines the formula for reimbursement to the school district for Exceptional Child Support Units. The current language contains two technical errors in the descriptor for the numbers used in calculating the reimbursement. The proposed changes would correct the technical errors.

IMPACT

This is a technical change and there will be no impact.

ATTACHMENTS

Attachment 1 – Pending Rule – 08.02.01.400

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Only one comment was received during the public comment period. There have been no changes between the proposed and pending rule. Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule, Docket No. 08-0201-1402, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**STATE DEPARTMENT OF EDUCATION
NOVEMBER 24, 2014**

**IDAPA 08
TITLE 02
CHAPTER 01**

RULES GOVERNING ADMINISTRATION

400. SPECIAL EDUCATION FUNDING FOR DISTRICTS WITH APPROVED PROGRAMS.

01. Reimbursement for Exceptional Child Support Units. State reimbursement provided by exceptional child support units is based on the following formula: (4-1-97)

a. Preschool students will generate funding based upon the weekly hours and minutes they are enrolled in special education. (4-1-97)

b. From the fall elementary enrollment of kindergarten through grade six (K-6), subtract elementary residential facility students and multiply the result by six one-hundredths (.06). Add the elementary residential facility students to the product. (Section 33-1002(4), Idaho Code.) ~~(4-1-97)~~(__)

c. From the fall regular secondary enrollment of grades seven through twelve (7-12), subtract secondary residential facility students and multiply the result by fifty-five one-hundredths thousandths (.055). Add the secondary residential facility students to the product. (Section 33-1002(4), Idaho Code. ~~(4-1-97)~~(__)

d. Add the juvenile detention facility students to the total. (4-1-97)

e. Use the exceptional child divisor to determine the number of exceptional child units. Secondary programs with a smaller divisor may use the smaller divisor for their secondary computation. (4-1-97)

f. Elementary and secondary exceptional child support units will be calculated using one hundred percent (100%) Average Daily Attendance (ADA): the ADA will be subtracted from their respective regular elementary and secondary administrative unit for computing the support unit. (4-1-97)

02. Contracting for Educational and Related Services. (Section 33-2004, Idaho Code) (4-1-97)

a. A school district which contracts for special education services with another agency may claim reimbursement up to a maximum amount of state funding, as annually determined by the State Department of Education, less the district's certified annual tuition rate. When any agency contracts for the education of exceptional children, all such children will be enrolled in the district of their residence and the agency will certify to the home school district the daily record of attendance of such student. (4-1-97)

b. For special education contracts between local school districts, the district receiving service will pay the district providing service the amount of the providing district's local annual tuition rate as certified under the provision of Idaho Code. The school district providing service will include students served within such contract within the total number of special education students used to calculate exceptional education support units. Charges for additional costs may be negotiated between the districts. (4-1-97)

c. The State Department of Education will determine if public and private schools and facilities meet state standards for an approved special education program. Any agency aggrieved by the Department of Education's final decision may appeal that decision to the State Board of Education. (4-1-97)

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**STATE DEPARTMENT OF EDUCATION
NOVEMBER 24, 2014**

SUBJECT

Pending Rule – Docket No. 08-0202-1402, Rules Governing Uniformity, Incorporation by Reference.

REFERENCE

August 14, 2014 Board approved amendments to the Initial Certification of Professional School Personnel standards and Proposed Rule incorporating the amended standards by reference.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105, 33-1254 and 33-1258 Idaho Code - Idaho Administrative code, IDAPA 08.02.02.004

BACKGROUND/DISCUSSION

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The Board approved amendments to the standards during the August 2014 Board meeting and the Proposed Rule incorporating those standards by reference into administrative rule. The following standards were amended: School Counselor, Special Education Generalist, Special Education Director and School Psychologist, and Driver Education Programs.

IMPACT

Approval of the Pending Rule will incorporate the standards by reference in the Administrative Rule.

ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0202-1402

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STAFF COMMENTS AND RECOMMENDATIONS

When standards are incorporated by reference into Administrative Rule they have the force and effect of law and may only be amended through the rulemaking process.

Three comments were received during the public comment period. No changes have been made to the rule between the proposed and pending rule stages.

Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule - Docket No. 08-0202-1402, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAPA 08
TITLE 02
CHAPTER 02

08.02.02 - RULES GOVERNING UNIFORMITY

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 August 15, 2013 August 14, 2014. Copies of this document can be found on the Office of the State Board of Education website at www.boardofed.idaho.gov. (~~3-20-14~~)(- -)

02. Standards for Idaho School Buses and Operations as approved on June 23, 2011 August 14, 2014. 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/site/transportation/library.htm> (3-29-12)

03. Operating Procedures for Idaho Public Driver Education Programs as approved on August 15, 2013. 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/forms_curriculum.htm. (~~3-20-14~~)(- -)

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SUBJECT

Pending Rule – Docket No. 08-0202-1403, Endorsements

REFERENCE

August 14, 2014

Board approved Proposed Rule amending endorsement requirements.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105, 33-1254, 33-1258, and 33-114, Idaho Code
Idaho Administrative Code, IDAPA 08.02.02 - Rules Governing Uniformity

BACKGROUND/DISCUSSION

08.02.02.027.01 PUPIL PERSONNEL SERVICES CERTIFICATE Counselor Endorsement (K-12). 08.02.02.028.02, Early Childhood Special Education Endorsement (Pre-K-3), Hearing Impairment Endorsement (K-12), Visual Impairment Endorsement (K-12).

The following endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014: School Counselor, Special Education Blind & Visually Impaired, and Special Education Hearing Impaired. The revised standards were approved by the Board at the August 2014 Board meeting. The Professional Standards Commission recommended approval of all the committee's proposed endorsement revisions including renaming the Hearing Impaired standards and endorsement to Deaf/Hard of Hearing to more accurately reflect medical and field terminology.

08-02-02-030. SUPERVISOR/COORDINATOR OF SPECIAL EDUCATION ENDORSEMENT.

This section of rule is being removed. There are no state approved preparation standards for this endorsement, nor are any Idaho Higher Education Institutions preparing candidates to fill this endorsement.

08-02-02-047. ALTERNATIVE AUTHORIZATION – PUPIL PERSONNEL SERVICES.

This clarification to rule is necessary in order to reflect the addition of the Interim Speech Language Pathologist endorsement and to clarify that districts do not need to declare an emergency to request alternative authorization for these interim certificates.

08-02-02-076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

This clarification to rule is necessary to increase clarity regarding the types of inappropriate images covered under this rule.

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IMPACT

Approval of the pending changes will update language used in describing the endorsements and update requirements with current best practices. Additional changes to the ethics section add greater clarity to Principle II and Principle X.

ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0202-1403 –
Endorsements, Rules Governing Uniformity.

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Five comments were received during the open comment period. No changes were made to the rule between the proposed and pending rule stages. Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule - Docket No. 08-0202-1403, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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08.02.02 - RULES GOVERNING UNIFORMITY

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)

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 t~~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. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). 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: (3-29-12)

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. (4-7-11)

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. (4-7-11)

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)

d. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-29-12)

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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)

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

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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)

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, with field work to include an internship and student teaching in a special education setting. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: (4-4-13)

- 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: (4-7-11)

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. (4-7-11)

04. ~~Deaf/Hard of Hearing Impairment~~ Endorsement (K-12). Completion of a minimum of thirty-~~three~~ (303) semester credit hours in the area of ~~deaf/hard of hearing impairment with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language.~~ An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Deaf/Hard of Hearing Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)(- -)

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- 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-three (303)~~ semester credit hours in the area of Deaf/Hard 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)~~
- 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. (- -)
- 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)(- -)
- d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (- -)

029. CONSULTING TEACHER/TEACHER LEADER ENDORSEMENT. Consulting teachers provide technical assistance to teachers and other staff in the school district with regard to the selection and implementation of appropriate teaching materials, instructional strategies, and procedures to improve the educational outcomes for students. Candidates who hold this endorsement are teacher leaders who will facilitate the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. This endorsement is valid for five (5) years and is renewable based upon successful completion and verification of an additional four (4) semester credits beyond those required for standard certification renewal. The additional credits shall be taken for university or college credit consistent with the Individual Professional Learning Plan (IPLP). (4-4-13)

01. Special Education Consulting Teacher - Eligibility for Endorsement. To be eligible for a Special Education Consulting Teacher endorsement on the Standard Exceptional Child Certificate, the Early Childhood /Early Childhood Special Education Blended Certificate (Birth-Grade 3), the Standard Elementary Certificate or the Standard Secondary Teaching Certificate, a candidate must have satisfied the following requirements: (3-29-10)

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a. Education Requirements. Qualify for or hold a Standard Exceptional Child Certificate and qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), and hold a master's degree or an approved fifth year program as defined by the Idaho State Board of Education, and have demonstrated content competencies in the following areas: (4-4-13)

- i. Assessment of learning behaviors; (4-4-13)
- ii. Individualization of instructional programs based on educational diagnosis; (4-4-13)
- iii. Behavioral and/or classroom management techniques; (4-4-13)
- iv. Program implementation and supervision; (4-4-13)
- v. Knowledge in use of current methods, materials and resources available and management and operation of media centers; (4-4-13)
- vi. Ability in identifying and utilizing community or agency resources and support services; and (4-4-13)
- vii. Counseling skills and guidance of professional staff. (4-4-13)

b. Experience. Completion of a minimum of three (3) years' teaching experience, at least two (2) years of which must be in a special education classroom setting. (3-16-04)

c. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (4-4-13)

i. Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (4-4-13)

ii. The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (4-4-13)

- (1) Understanding Adults As Learners to Support Professional Learning Communities; (4-4-13)
- (2) Accessing and Using Research to Improve Practice and Student Achievement; (4-4-13)
- (3) Promoting Professional Learning for Continuous Improvement; (4-4-13)
- (4) Facilitating Improvements in Instruction and Student Learning; (4-4-13)
- (5) Using Assessments and Data for School and District Improvement; (4-4-13)
- (6) Improving Outreach and Collaboration with Families and Community; and (4-4-13)
- (7) Advocating for Student Learning and the Profession. (4-4-13)

d. Not less than one (1) semester of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools. (4-4-13)

02. Mathematics Consulting Teacher - Eligibility for Endorsement. To be eligible for a Mathematics Consulting Teacher endorsement on the Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), a candidate must have satisfied the following requirements: (3-29-10)

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a. Education Requirements. Qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3) and have demonstrated content competencies. Coursework and content domains required include the full series of Mathematics Thinking for Instruction (MTI), Number and Operation, Geometry, Algebraic Reasoning, Measurement and Data Analysis, and Statistics and Probability which are centered on the following emphases: (4-4-13)

i. Structural Components of Mathematics; (4-4-13)

ii. Modeling, Justification, Proof and Generalization; (4-4-13)

iii. Mathematical Knowledge for Teaching (Ball, Thames, & Phelps, 2008). (4-4-13)

b. Experience. Completion of a minimum of three (3) years' teaching experience. (3-29-10)

c. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (4-4-13)

i. Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (4-4-13)

ii. The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (4-4-13)

(1) Understanding Adults As Learners to Support Professional Learning Communities; (4-4-13)

(2) Accessing and Using Research to Improve Practice and Student Achievement; (4-4-13)

(3) Promoting Professional Learning for Continuous Improvement; (4-4-13)

(4) Facilitating Improvements in Instruction and Student Learning; (4-4-13)

(5) Using Assessments and Data for School and District Improvement; (4-4-13)

(6) Improving Outreach and Collaboration with Families and Community; and (4-4-13)

(7) Advocating for Student Learning and the Profession. (4-4-13)

d. Not less than one (1) semester of successful experience as a mathematics teacher working with classroom teachers in elementary or secondary schools. (4-4-13)

030. SUPERVISOR/COORDINATOR OF SPECIAL EDUCATION ENDORSEMENT. (RESERVED)

~~01. Special Education Support. Supervisors/coordinators of special education support the district administrative team in ensuring that district practice is in compliance with the requirements of the Individuals with Education Disabilities Act. The assigned duties may include the evaluation of related services staff; supervision of the operations of special education programs within a school district; technical assistance and training to district staff and parents; assistance with student placement decisions; and representation for the school district regarding special education matters with other agencies and with the State Department of Education. (4-11-06)~~

~~02. Endorsement. To be eligible for this endorsement on the Standard Exceptional Child Certificate or the Pupil Personnel Certificate endorsed for School Psychologist, Speech Language Pathologist or Social Worker, a candidate must complete a master's degree program; have verification of a minimum of three (3) years of experience in a special education setting; and obtain college or university verification of demonstrated competencies~~

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~~in special education administration, supervision of instruction and counseling parents of exceptional children.~~
(4-11-06)

031. JUNIOR RESERVED OFFICER TRAINING CORPS (JUNIOR ROTC) INSTRUCTORS.

01. List of Names. Each school district with a Junior ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools. (4-11-06)

02. Notarized Copy. Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (4-11-06)

03. Authorization Letter. Upon receiving the items identified in Subsections 031.01 and 031.02, the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (4-11-06)

032. POSTSECONDARY SPECIALIST.

A Postsecondary Specialist certificate will be granted to a current faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-26-08)

01. Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-26-08)

02. Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-26-08)

03. Qualifications. The candidate must: (3-26-08)

a. Hold a masters degree or higher in the content area being taught; (3-26-08)

b. Be currently employed by the post secondary institution in the content area to be taught; and (3-26-08)

c. Complete and pass a criminal history check as required according to Section 33-130, Idaho Code. (3-26-08)

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: (4-7-11)

a. Meets states' professional teaching and/or licensure standards and is qualified to teach in his/her field of study. (4-7-11)

b. Provides evidence of online experience or course time both as a student and as a learner, and demonstrates online learning and teaching proficiency. (4-7-11)

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. (4-7-11)

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

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equivalent. (4-7-11)

02. Proficiency in Idaho Standards for Online Teachers. Demonstrates proficiency in the Idaho Standards for Online Teachers including the following competencies: (4-7-11)

- a. Knowledge of Online Education and Human Development; (4-7-11)
- b. Facilitate and Inspire Student Learning and Creativity; (4-7-11)
- c. Design and Develop Digital-Age Learning Experiences and Assessments Standards; (4-7-11)
- d. Model Digital-Age Work and Learning; Promote and Model Digital Citizenship and Responsibility Standards; and (4-7-11)
- e. Engage in Professional Growth and Leadership. (4-7-11)

034. CERTIFICATION STANDARDS FOR PROFESSIONAL-TECHNICAL EDUCATORS.

Teachers of professional-technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Secondary Teaching Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Professional-Technical Education, and application processes are managed by the Division of Professional-Technical Education. (3-16-04)

035. DEGREE BASED PROFESSIONAL-TECHNICAL CERTIFICATION.

01. Teacher Preparation Through Degreed Program. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural Science & Technology; Business Technology Education; Family & Consumer Science; Marketing Technology Education; and Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated four-thousand (4,000) clock hours of related work experience or shall have completed an approved practicum in their respective field of specialization. (3-16-04)

02. Professional-Technical Administrator Certificate. The Professional-Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of professional-technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Professional-Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the State Division of Professional-Technical Education. (3-16-04)

a. Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on the secondary teaching credential; (3-16-04)

b. Provide evidence of a minimum of three (3) years' teaching in an occupational discipline; (3-16-04)

c. Hold a masters degree; and, (3-16-04)

d. Completed at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of professional-technical education; administration of personnel; and legal aspects of professional-technical education. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and

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evaluation. (3-16-04)

e. To renew the Professional-Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for professional-technical teachers. (3-16-04)

03. Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Secondary Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-16-04)

04. Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate endorsed Counselor K-12 and who have satisfied the following professional technical requirement: Career Pathways and Professional Technical Guidance; Principles/Foundations of Professional-Technical Education; and Theories of Occupational Choice. (3-16-04)

036. INDUSTRY BASED PROFESSIONAL-TECHNICAL CERTIFICATION.

Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Occupations Education and to Trades & Industry Education; specialized occupational areas where specific degree-granting professional technical teacher education programs do not exist; and postsecondary professional-technical educators who teach courses to 9-12 students. (3-16-04)

01. General Requirements. Applicants must: be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-16-04)

a. Have sixteen-thousand (16,000) hours of full-time, successful, recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit can be counted toward the eight (8) years on a month-to-month basis for journeyman training and/or postsecondary training successfully completed as a full-time student in an approved/approvable, postsecondary, professional-technical education program. (3-16-04)

b. Have a bachelor's degree in the specific occupation or related area, plus six-thousand (6,000) hours of full-time, successful, recent, gainful employment in the occupation. (3-16-04)

c. Meet one (1) of the following: (3-16-04)

i. Have at least journeyman level plus two (2) years of recent, full-time, gainful, related work experience. A person who has completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved State Apprenticeship Agency; (3-16-04)

ii. Pass approved state or national certification/certification examination plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis); or (3-16-04)

iii. Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. (3-16-04)

02. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching trades and health occupations in public schools. The certificate is valid for three (3) years. (3-16-04)

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a. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the State Division of Professional-Technical Education and an approved course in professional technical methods and student assessment. (3-16-04)

b. Complete a new-teacher induction workshop at the state or district level. (3-16-04)

c. File a Professional Development Plan with the State Division of Professional-Technical Education. (3-16-04)

d. Within the three (3) year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete course work which includes competencies in four (4) of the following: Principles/Foundations of Occupational Education; Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; Measurement and Evaluation; and Methods of Teaching Occupational Education. (3-16-04)

03. Standard Occupational Specialist Certificate. This certificate is issued to individuals who have completed course work equivalent to that required of the Limited Occupational Specialist Certificate. The certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or verification of two hundred-forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and file of a Professional Development Plan for the next certification period. (3-16-04)

04. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who meet all the requirements outlined below: (3-16-04)

a. Meet the requirements for the Standard Occupational Specialist Certificate; (3-16-04)

b. Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-16-04)

c. File a new Professional Development Plan for the next certification period. (3-16-04)

d. This certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or submit verification of two hundred-forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes and workshops or any equivalent combination thereof, and file a new Professional Development Plan for the next certification period. (3-16-04)

037. -- 041. (RESERVED)

042. ALTERNATE ROUTES TO CERTIFICATION.

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. (4-4-13)

043. ALTERNATIVE AUTHORIZATION -- TEACHER TO NEW CERTIFICATION.

The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable. (5-8-09)

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01. Initial Qualifications. Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (5-8-09)

02. Alternative Route Preparation Program. (3-20-04)

a. Option I - Teacher to New Certification/Endorsement. (5-8-09)

i. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (3-20-04)

ii. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)

iii. Candidate shall meet all requirements for the endorsement/certificate as provided herein. (3-20-04)

b. Option II - National Board (endorsement only). By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area. (5-8-09)

c. Option III - Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (5-8-09)

d. Option IV - Testing and/or Assessment (endorsement only). Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (5-8-09)

i. Pathway 1 - Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1)-year state-approved mentoring component. (5-8-09)

ii. Pathway 2 - Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment.(5-8-09)

044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST.

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. (3-20-04)

01. Initial Qualifications. (3-20-04)

a. Prior to application, a candidate must hold a Bachelor's degree or have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion. (4-4-13)

b. The candidate shall meet enrollment qualifications of the alternative route preparation program. (3-20-04)

02. Alternative Route Preparation Program -- College/University Preparation. (3-20-04)

a. A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation must include mentoring and a minimum of one (1) classroom observation per month until certified. (3-20-04)

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b. Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. (3-20-04)

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)

d. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences. (3-20-04)

e. Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment. (3-20-04)

045. NON-TRADITIONAL ROUTE TO TEACHER CERTIFICATION.

An individual may acquire interim certification as found in Section 015 of these rules through an approved non-traditional route certification program. (3-20-14)

01. Approval of the Program. The State Board of Education must approve any non-traditional route to teacher certification. The program must include, at a minimum, the following components: (3-20-14)

a. Preassessment of teaching and content knowledge; (4-6-05)

b. An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)

c. Exams of pedagogy and content knowledge. (4-6-05)

02. Eligibility. Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this non-traditional route to an interim Idaho Teacher Certification. (3-20-14)

03. Requirements for Completion. To complete this non-traditional route, the individual must: (3-20-14)

a. Complete a Board approved program; (4-6-05)

b. Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)

c. Complete the Idaho Department of Education Criminal History Check. (4-6-05)

04. Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (3-20-14)

05. Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (4-6-05)

06. Types of Certificates and Endorsements. The non-traditional route may be used for first-time

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certification, subsequent certificates, and additional endorsements. (3-20-14)

046. (RESERVED)

047. ALTERNATIVE AUTHORIZATION - PUPIL PERSONNEL SERVICES.

The purpose of this alternative authorization is to allow Idaho school districts to request ~~emergency~~ endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for ~~this~~ these endorsements are already defined in Subsection 027.034 and 027.08 respectively, of these rules. (4-2-08)(- -)

01. Term of Validity. Alternative authorization in this area is valid for three (3) years and will be reviewed annually and is nonrenewable. (4-2-08)

02. Initial Qualifications. The applicant must complete the following: (4-2-08)

a. Prior to application, a candidate must hold a Masters degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and (4-2-08)

b. The employing school district must provide supportive information attesting to the ability of the candidate to fill the position. (4-2-08)

03. Alternative Route Preparation Program. (4-2-08)

a. The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. (4-2-08)

b. The candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (4-2-08)

c. The participating college/university or the State Department of Education will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (4-2-08)

d. The candidate must meet all requirements for the endorsement/certificate as provided herein. (4-2-08)

048. -- 059. (RESERVED)

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

01. Application for Idaho Certificate. To obtain, renew, or reinstate an Idaho certificate, the applicant will submit an application on a form supplied by the State Department of Education or the State Division of Professional-Technical Education. (3-16-04)

02. State Board of Education Requirements for Professional Growth. (4-1-97)

a. Credits taken for recertification must be educationally related to the professional development of the applicant. (4-1-97)

i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or (5-8-09)

ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or (4-2-08)

iii. Credits must be tied to a specific area of need designated by district administration. (4-2-08)

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b. Graduate or undergraduate credit will be accepted for recertification. Credit must be college transferable and completed through an accredited college or university. (4-1-97)

c. All requests for equivalent inservice training to apply toward recertification must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Professional-Technical Specialist Certificates must receive State Division of Professional-Technical Education approval of inservice training and course work prior to applying for renewal. (3-16-04)

d. At least fifteen (15) hours of formal instruction must be given for each hour of inservice credit granted. (4-1-97)

e. Recertification credits may not be carried over from one (1) recertification period to the next. (4-1-97)

f. Certificated personnel teaching in subjects outside their major area of preparation will be encouraged to complete the courses required for major certification endorsement. (4-1-97)

g. All credits gained through coursework taken during the validity period of the certificate and commencing prior to September 1, 2008 shall be accepted toward recertification. (5-8-09)

h. An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission, shall be available to applicants whose credits submitted for recertification, in part or as a whole, are rejected for any reason if such denial prevents an applicant from renewing an Idaho certificate. An applicant whose credits submitted for recertification are rejected, in part or as a whole, within six (6) months of the expiration of the applicant's current certification shall be granted an automatic appeal and a temporary certification extension during the appeal or for one (1) year, whichever is greater. (5-8-09)

03. State Board of Education Professional Development Requirements. (4-1-97)

a. Districts will have professional development plans. (4-1-97)

b. All certificated personnel will be required to complete at least six (6) semester hours or the equivalent within the five (5) year period of validity of the certificate being renewed. (4-1-97)

c. At least three (3) semester credits will be taken for university or college credit. Verification will be by official transcript. (4-1-97)

061. -- 065. (RESERVED)

066. FEES.

The state department of education shall maintain a record of all certificates issued, showing names, dates of issue and renewal, and if revoked, the date thereof and the reason therefor. A nonrefundable fee shall accompany each application for a prekindergarten through grade twelve (12) certificate, alternate certificate, change in certificate or replacement as follows: (3-16-04)

01. Initial Certificate. All types, issued for five (5) years -- seventy-five dollars (\$75). (3-16-04)

02. Renewal Certificate. All types, issued for five (5) years -- seventy-five dollars (\$75). (3-16-04)

03. Alternate Route Authorization. All types, issued for one (1) year -- one hundred dollars (\$100). (3-16-04)

04. Additions or Changes During the Life of an Existing Certificate. Twenty-five dollars (\$25). (3-16-04)

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05. To Replace an Existing Certificate. Ten dollars (\$10). (3-16-04)

067. -- 074. (RESERVED)

075. FINGERPRINTING AND CRIMINAL HISTORY CHECKS (SECTIONS 33-130 AND 33-512, IDAHO CODE).

All certificated and noncertificated employees and other individuals who are required by the provisions of Section 33-130, Idaho Code, must undergo a criminal history check. (4-9-09)

01. Definitions. (4-9-09)

a. Applicant. An individual applying for Idaho Certification or a certificated or non-certificated individual applying for employment. (4-9-09)

b. Break-in-Service. A voluntary or involuntary termination in employment, including retirement. (4-9-09)

c. Candidate. An individual attending a postsecondary program. (4-9-09)

d. Certificated Employee. An individual who holds an Idaho education certificate and is employed in a certificated position in a LEA. (4-9-09)

e. Contractor. An agency, company/business, or individual that has signed a contract or agreement to provide services to an LEA and private or parochial school. (4-9-09)

f. Conviction. The final judgment on a verdict or finding of guilty, a plea of guilty, a plea of nolo contendere, or the sentence has been suspended, deferred, or withheld on a felony or misdemeanor as defined by Section 18-110 and Section 18-111, Idaho Code. (4-9-09)

g. Criminal History Check (CHC). A ten (10) finger fingerprint process to determine if an applicant has criminal arrests and convictions in Idaho, any other state, or applicable jurisdictions. (4-9-09)

h. Criminal History Check Result. Information resulting from processing fingerprints through the databases maintained by the Bureau of Criminal Identification (BCI), Federal Bureau of Investigation (FBI) and the Idaho Statewide Sex Offender Registry. (4-9-09)

i. Irregular Contact. Contact that is not on a daily or weekly basis, or has a regular scheduled interaction with students. (4-9-09)

j. Multiple Assignments. When an individual works in two or more LEAs or an LEA and private school simultaneously. (4-9-09)

k. Non-Certificated Employee. An individual employed in a non-certificated position. (4-9-09)

l. Open Date. The date a fingerprint card or scan is entered into the database as an electronic file. (4-9-09)

m. Rejected Fingerprint Cards. A fingerprint card that has been returned by the BCI, FBI or SDE for poor quality prints, lack of signature, card being older than six (6) months, or other incomplete information. (4-9-09)

n. Scan. The process of capturing an individual's fingerprints by an electronic process. (4-9-09)

o. Unsupervised Contact. Direct contact or interaction with students not under the direct supervision of a school district employee on a continuing basis in a K-12 setting. This includes contact or interaction with students in scheduled school activities that occur outside of the school or outside of normal school hours. This

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excludes extra-curricular trips of one-day length starting during the school day. (4-9-09)

02. Fee. The SDE shall charge a forty dollars (\$40) fee for undergoing a criminal history check. (4-9-09)

03. Rejected Fingerprint Cards or Scans. (4-9-09)

a. When a fingerprint card has been rejected a new completed fingerprint card is required. (4-9-09)

b. The rejected fingerprint card will be sent back to the originating LEA, private or parochial school, contractors, postsecondary program, or individual. (4-9-09)

c. A new fingerprint card must be completed by a law enforcement agency to ensure legible fingerprints. Both the rejected fingerprint card and the new fingerprint card must be returned to the SDE within twenty (20) calendar days. (4-9-09)

d. If the new fingerprint card and rejected fingerprint card are returned after the twenty (20) calendar day time period a forty dollar (\$40) fee is required to be paid. (4-9-09)

04. Secured CHC Website. The SDE will maintain a CHC website listing the CHC results. The LEA, private or parochial school, contractor or postsecondary program may view the results or status of an applicant, employee or candidate. (4-9-09)

a. Upon a signed agreement the SDE will issue a password to access the CHC website. (4-9-09)

b. Each LEA, private or parochial school, contractor and postsecondary program will have access to the CHC secure site listing their employees, statewide substitute teacher list, newly certified list and student teacher list. (4-9-09)

05. Fingerprinting & Criminal History Checks. (4-9-09)

a. The SDE will maintain a list of newly certificated educators. Educators stay on this list for one (1) year from their individual open date. Educators on this list may be employed by a LEA without a new CHC. (4-9-09)

b. The SDE will make the final determination if an applicant is eligible for Idaho certification. (4-9-09)

c. If the SDE makes a determination that the applicant is not eligible for Idaho certification, the SDE may deny the applicant Idaho certification. Upon receiving the written denial the applicant may request a hearing pursuant to Section 33-1209, Idaho Code. (4-9-09)

06. Non-Certificated Employees. Non-certificated employees are required to complete a CHC pursuant to Section 33-130, Idaho Code. The CHC results will be posted on the CHC website for their employer to review. (4-9-09)

07. Substitute Teachers. Substitute teachers as defined in Section 33-512(15), Idaho Code, must undergo a criminal history check. The SDE shall maintain a statewide substitute teacher list. To remain on the list a substitute teacher shall undergo a criminal history check every five (5) years in accordance with Section 33-512, Idaho Code. Substitute teachers on the list do not need to complete a multiple assignment form nor are subject to break in service provisions. (4-9-09)

08. Break In Service. (4-9-09)

a. When an employee returns to any LEA after a break in service a new criminal history check must be completed. (4-9-09)

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b. When an employee changes employment between LEAs a new CHC must be completed regardless of the most recent CHC. (4-9-09)

09. Postsecondary. (4-9-09)

a. The postsecondary program will submit a completed fingerprint card or scan for all candidates who are applying for student teaching, internships or practicum. (4-9-09)

b. The SDE will make a preliminary determination based on the CHC result if the candidate is eligible for certification in Idaho. This decision will be forwarded to the postsecondary program concerning the eligibility of their candidate. (4-9-09)

c. The SDE will move a candidate from the student teacher list to the newly certified list when an application for certification is approved. (4-9-09)

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

01. Aspirations and Commitments. (3-20-04)

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-20-14)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-20-14)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense

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set forth in Section 33-1208, Idaho Code. (3-20-14)

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
- d. Committing any act of harassment as defined by district policy; (4-11-06)
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-20-14)
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases); (3-20-04)
- g. Taking or possessing ~~inappropriate~~ images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (~~3-20-14~~)(- -)
- h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)
- i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-20-14)
- j. Conduct that is detrimental to the health or welfare of students; and (3-20-14)
- k. Deliberately falsifying information presented to students. (3-20-14)

04. Principle III - Alcohol and Drugs Use or Possession. A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
- c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)
- e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

05. Principle IV - Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)

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b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)

c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)

d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-20-14)

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-20-14)

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-14)

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-20-14)

06. Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-14)

a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

b. Failure to account for school funds collected from students, parents, or patrons; (3-20-14)

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

e. Use of school property for private financial gain; (3-20-14)

f. Use of school computers to deliberately view or print pornography; and, (3-20-04)

g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-14)

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-20-14)

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

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d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-14)

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-14)

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-14)

a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)

b. Willfully refusing to perform the services required by a contract; and, (3-20-04)

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-14)

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

11. Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-20-14)

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)

b. Committing any act of harassment toward a colleague; (4-11-06)

c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)

d. Using institutional privileges for the promotion of political candidates or for political activities,

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except for local, state or national education association elections; (4-11-06)

e. Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)

f. Taking or possessing ~~inappropriate~~ images (digital, photographic or video) of colleagues of a harassing, confidential, or sexual nature; (~~3-20-14~~) (- -)

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SUBJECT

Pending Rule – Docket No. 08-0202-1404 – Educator Evaluations, Rules Governing Uniformity

REFERENCE

October 18, 2012

Board approved ESEA Waiver request.

August 15, 2013

Board approved pending rule revisions to IDAPA 08.02.02.120, and addition of .121

August 14, 2014

Board approved proposed rule revisions to IDAPA 08.02.02.120, and addition of .121 - Educator Evaluations

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code - IDAPA 08.02.02.120, .121

BACKGROUND/DISCUSSION

In August 2013, the Board approved the pending rule revising IDAPA 08.02.02.120 and creating, IDAPA 08.02.02.121, in order to meet the required elements of teacher and principal evaluation models in Principle 3 of the states ESEA Waiver.

In an effort to clarify the intent of the rule as well as meet the needs of varying situations, the following revisions were proposed for Board approval:

- In IDAPA 08.02.02.120, include the option of one (1) classroom observation in situations where the teacher is unavailable for two (2) classroom observations.
- In IDAPA 08.02.02.121, clarify those responsible for measuring teacher performance.

Eight (8) comments were received during the public comment period. Based on those comments the word “contracted” in IDAPA 08.02.02.121.01 is being removed. This is the only change from the proposed to the pending rule stage.

IMPACT

If the State Board of Education does not approve the changes, Idaho school administrators will be required to include two (2) classroom observations regardless of the situation and specific administrator staff will not be identified as responsible for measuring teacher performance.

ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0202-1404

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BOARD ACTION

I move to approve Pending Rule - Docket No. 08-0202-1404, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 08
TITLE 02
CHAPTER 02**

08.02.02 - RULES GOVERNING UNIFORMITY

120. LOCAL DISTRICT EVALUATION POLICY -- TEACHER AND PUPIL PERSONNEL CERTIFICATE HOLDERS.

Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-20-14)

01. Standards. Each district evaluation model shall be aligned to state minimum standards that are based on Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. Those domains and components include: (3-29-10)

- a.** Domain 1 - Planning and Preparation: (3-29-10)
 - i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)
 - ii. Demonstrating Knowledge of Students; (3-29-10)
 - iii. Setting Instructional Outcomes; (3-20-14)
 - iv. Demonstrating Knowledge of Resources; (3-29-10)
 - v. Designing Coherent Instruction; and (3-29-10)
 - vi. Designing Student Assessments. (3-29-12)
- b.** Domain 2 - The Classroom Environment: (3-29-12)
 - i. Creating an Environment of Respect and Rapport; (3-29-10)
 - ii. Establishing a Culture for Learning; (3-29-10)
 - iii. Managing Classroom Procedures; (3-29-10)
 - iv. Managing Student Behavior; and (3-29-10)
 - v. Organizing Physical Space. (3-29-10)

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- c. Domain 3 - Instruction and Use of Assessment: (3-29-10)
 - i. Communicating with Students; (3-29-12)
 - ii. Using Questioning and Discussion Techniques; (3-29-10)
 - iii. Engaging Students in Learning; (3-29-10)
 - iv. Using Assessment in Instruction; and (3-29-12)
 - v. Demonstrating Flexibility and Responsiveness. (3-29-12)
- d. Domain 4 - Professional Responsibilities: (3-29-10)
 - i. Reflecting on Teaching; (3-29-10)
 - ii. Maintaining Accurate Records; (3-29-10)
 - iii. Communicating with Families; (3-29-10)
 - iv. Participating in a Professional Community; (3-29-12)
 - v. Growing and Developing Professionally; and (3-29-10)
 - vi. Showing Professionalism. (3-29-10)

02. Professional Practice. For evaluations conducted on or after July 1, 2013, all certificated instructional employees must receive an evaluation in which at least sixty-seven percent (67%) of the evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition. The measures included within the Professional Practice portion of the evaluation shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations due to situation such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of all certificated instructional employee evaluations: (3-20-14)

- a. Parent/guardian input; (3-20-14)
- b. Student input; and/or (3-20-14)
- c. Portfolios. (3-20-14)

03. Student Achievement. For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three

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percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-20-14)

04. Participants. Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 16. Evaluations shall be differentiated for certificated non-instructional employees and pupil personnel certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (3-20-14)

05. Evaluation Policy - Content. Local school district policies will include, at a minimum, the following information: (4-1-97)

a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. (4-1-97)

b. Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. (4-1-97)

c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated instructional staff and pupil personnel performance. The individuals assigned this responsibility shall have received training in evaluation and prior to September 1, 2018, shall demonstrate proof of proficiency in conducting observations and evaluating effective teacher performance by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement. (3-20-14)

d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For certificated instructional staff, a minimum of two (2) documented classroom observations shall be included as one (1) source of data. At least one (1) of those observations must be completed prior to January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations due to situation such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. Parent/guardian input, student input and/or portfolios shall be considered as sources of data to support professional practice. (~~3-20-14~~)(____)

e. Procedure -- description of the procedure used in the conduct of certificated personnel evaluations. (4-1-97)

f. Communication of results -- the method by which certificated personnel are informed of the results of evaluation. (4-1-97)

g. Personnel actions -- the action available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school

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districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (3-20-14)

h. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. (4-1-97)

i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (4-1-97)

j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system. (4-1-97)

k. Professional development and training -- a plan for ongoing training for evaluators/administrators and teachers on the districts evaluation standards, tool and process. (3-29-10)

l. Funding -- a plan for funding ongoing training and professional development for administrators in evaluation. (3-29-10)

m. Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development. Aggregate data shall be considered as part of the district and individual schools Needs Assessment in determining professional development offerings. (3-20-14)

n. Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2013, districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings used to differentiate performance of teachers and pupil personnel certificate holders including: (3-20-14)

i. Unsatisfactory being equal to "1"; (3-20-14)

ii. Basic being equal to "2"; and (3-20-14)

iii. Proficient being equal to "3". (3-20-14)

o. A plan for including all stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their teacher evaluation plan. (3-20-14)

06. Evaluation Policy - Frequency of Evaluation. The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. (3-20-14)

07. Evaluation Policy - Personnel Records. Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation

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rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)

08. Evaluation System Approval. Each school district board of trustees will develop and adopt policies for teacher and pupil personnel certificated performance evaluation in which criteria and procedures for the evaluation are research based and aligned with the Charlotte Danielson Framework for Teaching Second Edition. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. (3-20-14)

121. LOCAL DISTRICT EVALUATION POLICY - SCHOOL PRINCIPAL.

For principal evaluations conducted on or after July 1, 2014, each school district board of trustees will develop and adopt policies for principal performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. Districts must, at a minimum, pilot such an evaluation during the 2013-2014 school year and report the results of that pilot to the State Department of Education no later than July 1, 2014, in a format determined by the Department. The process of developing criteria and procedures for principal evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. (3-20-14)

01. Standards. Each district principal evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state's adopted model, the Charlotte Danielson Framework for Teaching Second Edition. Proof of proficiency in evaluating teacher performance shall be required of all individuals assigned the responsibility for appraising, observing, or evaluating certificated personnel performance. Those responsible for measuring teacher performance include ~~contracted~~ district leadership such as, principals, assistant principals, special education directors and superintendents. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement prior to September 1, 2018. Principal evaluation standards shall additionally address the following domains and components: ~~(3-20-14)~~(____)

a. Domain 1: School Climate - An educational leader promotes the success of all students by advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional development. An educational leader articulates and promotes high expectations for teaching and learning while responding to diverse community interest and needs. (3-20-14)

i. School Culture - Principal establishes a safe, collaborative, and supportive culture ensuring all students are successfully prepared to meet the requirements for tomorrow's careers and life endeavors. (3-20-14)

ii. Communication - Principal is proactive in communicating the vision and goals of the school or district, the plans for the future, and the successes and challenges to all stakeholders. (3-20-14)

iii. Advocacy - Principal advocates for education, the district and school, teachers, parents, and students that engenders school support and involvement. (3-20-14)

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b. Domain 2: Collaborative Leadership - An educational leader promotes the success of all students by ensuring management of the organization, operations and resources for a safe, efficient and effective learning environment. In collaboration with others, uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs. The educational leader uses research and/or best practices in improving the education program. (3-20-14)

i. Shared Leadership - Principal fosters shared leadership that takes advantage of individual expertise, strengths, and talents, and cultivates professional growth. (3-20-14)

ii. Priority Management - Principal organizes time and delegates responsibilities to balance administrative/managerial, educational, and community leadership priorities. (3-20-14)

iii. Transparency - Principal seeks input from stakeholders and takes all perspectives into consideration when making decisions. (3-20-14)

iv. Leadership Renewal - Principal strives to continuously improve leadership skills through, professional development, self-reflection, and utilization of input from others. (3-20-14)

v. Accountability - Principal establishes high standards for professional, legal, ethical, and fiscal accountability for self and others. (3-20-14)

c. Domain 3: Instructional Leadership - An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The educational leader provides leadership for major initiatives and change efforts and uses research and/or best practices in improving the education program. (3-20-14)

i. Innovation - Principal seeks and implements innovative and effective solutions that comply with general and special education law. (3-20-14)

ii. Instructional Vision - Principal insures that instruction is guided by a shared, research-based instructional vision that articulates what students do to effectively learn. (3-20-14)

iii. High Expectations - Principal sets high expectation for all students academically, behaviorally, and in all aspects of student well-being. (3-20-14)

iv. Continuous Improvement of Instruction - Principal has proof of proficiency in assessing teacher performance based upon the Charlotte Danielson Framework for Teaching Second Edition. Aligns resources, policies, and procedures toward continuous improvement of instructional practice guided by the instructional vision. (3-20-14)

v. Evaluation - Principal uses teacher/principal evaluation and other formative feedback mechanisms to continuously improve teacher/principal effectiveness. (3-20-14)

vi. Recruitment and Retention -Principal recruits and maintains a high quality staff. (3-20-14)

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02. Professional Practice. For evaluations conducted on or after July 1, 2014, all principals must receive an evaluation in which sixty-seven percent (67%) of the evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Domains and Components listed in Subsection 121.01.a. through 121.01.c. of this rule. As a measure to inform the Professional Practice portion of all principal evaluations, district evaluation models shall also include at least one (1) of the following: (3-20-14)

- a. Parent/guardian input; (3-20-14)
- b. Teacher input; (3-20-14)
- c. Student input; and/or 3-20-14)
- d. Portfolios. (3-20-14)

03. Student Achievement. For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-20-14)

04. Evaluation Policy - Content. For evaluations conducted on or after July 1, 2014, local school district policies will include, at a minimum, the following information: (3-20-14)

- a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional leadership, personnel decisions. (3-20-14)
- b. Evaluation criteria -- statements of the general criteria upon which principals be evaluated. (3-20-14)
- c. Evaluator -- identification of the individuals responsible for appraising or evaluating principal performance. The individuals assigned this responsibility shall have received training in evaluation. (3-20-14)
- d. Sources of data -- description of the sources of data used in conducting principal evaluations. Proficiency in conducting observations and evaluating effective teacher performance shall be included as one (1) source of data. (3-20-14)
- e. Procedure -- description of the procedure used in the conduct of principal evaluations. (3-20-14)
- f. Communication of results -- the method by which principals are informed of the results of evaluation. (3-20-14)

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g. Personnel actions -- the action, available to the school district as a result of the evaluation, and the procedures for implementing these actions; e.g., job status change. (3-20-14)

h. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of an evaluations. (3-20-14)

i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (3-20-14)

j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's principal evaluation system. (3-20-14)

k. Professional development and training -- a plan for ongoing training and professional learning based upon the district's evaluation standards and process. (3-20-14)

l. Funding -- a plan for funding ongoing training and professional development for evaluators of principals. (3-20-14)

m. Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development for principals. (3-20-14)

n. Individualizing principal evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2014, districts shall have established an individualized principal evaluation rating system with a minimum of three rankings used to differentiate performance of principals including: (3-20-14)

i. Unsatisfactory being equal to "1"; (3-20-14)

ii. Basic being equal to "2"; and (3-20-14)

iii. Proficient being equal to "3". (3-20-14)

o. A plan for including stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their principal evaluation plan. (3-20-14)

05. Evaluation Policy - Frequency of Evaluation. The evaluation policy should include a provision for evaluating all principals on a fair and consistent basis. All principals shall be evaluated at least once annually no later than May 1 of each year. (3-20-14)

06. Evaluation Policy - Personnel Records. Permanent records of each principal evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local

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school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)

07. Evaluation System Approval. Each school district board of trustees will develop and adopt policies for principal performance evaluation in which criteria and procedures for the evaluation are research based and aligned with state standards. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. (3-20-14)

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SUBJECT

Pending Rule – Docket No. 08-0203-1401, Graduation Requirements

REFERENCE

November 1, 2013	Board approved Pending Rule amending high school graduation requirements
August 14, 2014	Board approved Proposed Rule amending high school graduation requirements

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105, Idaho Code, Idaho Administrative Code, IDAPA 08.02.03 –
Section 105, High School Graduation Requirements

BACKGROUND/DISCUSSION

IDAPA 08.02.03.105.i - At the request of the Legislature, the substitution clause for one credit of physical education for graduation is clarified. Student participation in one (1) season in any sport recognized by Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education to include a clause ensuring the student show mastery of the content standards in a format provided by the district.

IDAPA 08.02.03.105.03.b.iii - The rule currently states: students may elect an exemption in grade eleven (11) from the college entrance exam requirement if: Enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam. This should be corrected from spring to fall. The spring administration is for seniors and the College Board does not allow students to test outside of their grade level group.

IDAPA 08.02.03.105.05 - This rule currently contains the word required. It is being removed because it is too vague and this is meant for any class the student is enrolled that meets teacher certification requirements and content standards.

IDAPA 08.02.03.105.06.e-k - This rule makes changes to high school graduation requirements in regards to testing. This docket adds Idaho Standards Achievement Tests (ISAT) requirements to the previous docket for the class of 2018 and beyond, as well as a graduation requirement for biology and chemistry in the form of End of Course Assessments.

Idaho high school students have been required to pass the ISAT since the class of 2006. The previous requirement was for students to pass the 10th grade ISAT at a proficient level prior to receiving a diploma. The Board passed the requirement in 2003 with Legislative approval in 2004. The graduation requirement was phased in over three years. As Idaho continues to transition to

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higher standards, Idaho's graduation requirement must be retooled. The new ISAT will be a true college and career ready test and given for graduation in the student's junior year. Previously, the Board made accommodations for the Class of 2016 as students took the field test. For the class of 2017, the Department recommends students are required to take the test in 11th grade and phase in the graduation requirement similar to the phase in when the graduation requirement was initiated in 2006. The class of 2018 will be required to pass the ISAT in math and English language usage at a 9th grade level. The class of 2019 will be required to pass the math and English language usage ISAT at a 10th grade level and then the class of 2020 must pass at the college and career level. The rule also allows for students who are advanced to create a mastery element in the requirement. Therefore, students who can pass the ISAT in 9th or 10th grade at an 11th grade college and career ready level will be exempt from taking the ISAT in the future and their graduation requirement will be met.

In 2010, the State Board of Education removed the requirement for students to pass the ISAT science test in 10th grade. At that time, the Department began work on replacing the science test with a more appropriate measure of science knowledge in the form of an End of Course assessment. Tests in biology and chemistry were developed and field tested. For the class of 2017 (sophomores in 2014-2015) and class of 2018, students will be required to take either biology or chemistry. Beginning in the class of 2019, students will be required to pass the EOC in biology or chemistry.

Five comments were received during the public comment period. After the Public Comment period ended, changes to IDAPA 08.02.03.105.06 were made per stakeholder input. Those changes included changing the requirement that students "pass" the statewide assessment in grade eleven for math and English for students graduating in 2017 and 2018 to complete the assessment and remove the requirements for students graduating in 2019 and 2020. Additionally, passing a biology or chemistry end of course assessment requirement was removed for students graduating in 2019.

IMPACT

IDAPA 08.02.03.105.i - The student would be responsible to provide evidence of mastery of the Idaho State Physical Education Standards to receive one (1) Physical Education credit. The district will provide the format appropriate to document the student's mastery of the standards for Physical Education.

IDAPA 08.02.03.105.03.b.iii - If not approved, we will not be in compliance with College Board regulations.

IDAPA 08.02.03.105.05 – Clarification of the meaning.

IDAPA 08.02.03.105.06.e-k - The class of 2018 and beyond, students must take and pass the ISAT at defined levels for graduation. Students in the class of 2018 are also required to take an end of course assessment (EOC) in biology or chemistry. The class of 2019 will be required to pass the EOC.

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ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0203-1401

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BOARD ACTION

I move to approve Pending Rule - Docket No. 08-0203-1401, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 08
TITLE 02
CHAPTER 03**

08-02-03 - RULES GOVERNING THOROUGHNESS

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-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

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. A student 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. Six (6) 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. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(1) 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)

(2) 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)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the

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following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics.

(3-12-14)

iii. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. High School math credits completed in middle school shall count for the purposes of this section.

(3-12-14)

e. Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit.

(3-12-14)

i. 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. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course.

(3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district.

~~(3-12-14)~~ ()

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 grade nine (9) in Fall 2012 or later.)

(3-12-14)

a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: SAT, ACT, or Compass. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement:

(3-12-14)

i. Transferred to an Idaho school district during grade eleven (11);

(3-12-14)

ii. Was homeschooled during grade eleven (11); or

(3-12-14)

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iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

b. A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the ~~spring~~ fall statewide administration of the college entrance exam. (~~3-12-14~~)(____)

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement. (3-12-14)

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement. (3-12-14)

04. Senior Project. 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. (3-12-14)

05. Middle School. A student will have met the high school content and credit area requirement for any ~~required~~ high school course if: (~~3-12-14~~)(____)

a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

b. The course meets the same content standards that are required in high school; and (3-12-14)

c. The course is taught by a properly certificated teacher who meets the federal definition of highly qualified for the course being taught. (3-12-14)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. (3-12-14)

06. Proficiency. Each student must achieve a proficient or advanced score on the grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. 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. (3-12-14)

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- 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)
 - 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 senior year. (3-20-04)
- b. The alternate plan must: (4-7-11)
 - i. Contain multiple measures of student achievement; (4-7-11)
 - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
 - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
 - iv. Be valid and reliable; and (4-7-11)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- 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)
- d. Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year. (3-12-14)
- e. Students who graduate in 2017 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ()
- f. Students who graduate in 2018 are required to pass complete the ISAT in grade eleven (11) in mathematics and English language usage at a grade nine (9) proficiency level. ()
- g. ~~Students who graduate in 2019 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a grade ten (10) proficiency level.~~ ()
- h. ~~Students who graduate in 2020 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a college and career level proficiency of grade eleven (11).~~ ()

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i. Beginning with the class of 2018, any student who passes the ISAT in mathematics and English language usage at a grade eleven (11) proficiency level while in grade nine (9) or grade ten (10) shall not be required to take the ISAT again. ()

j. Students who graduate beginning in 2017 are required to complete an End of Course Assessment (EOC) provided by the state in either biology or chemistry after completion of the course . ()

k. ~~Beginning with the class of 2019, students are required to pass an End of Course Assessment in biology or chemistry.~~ ()

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 Manual for guidance in addressing graduation requirements. (4-11-06)

08. Foreign Exchange Students. A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

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SUBJECT

Pending Rule – Docket No. 08-0203-1402, Accountability

REFERENCE

April 6 th , 2005	Board approved Proposed Rule for definition of Limited English Proficient (LEP)
June 16 th , 2014	Board approved Proposed Rule amendment for clarification and accuracy in definition for Limited English Proficient (LEP)
August 14, 2014	Board approved Proposed Rule for clarifying student definition of Limited English Proficient (LEP)

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105, Idaho Code - Idaho Administrative code, IDAPA 08.02.03.112

BACKGROUND/DISCUSSION

The revisions to IDAPA 08.02.03.112 – Accountability, is to clarify that a Limited English Proficient (LEP) student is a student who does not score “proficient” on the approved test and meets one of the other listed criteria.

IMPACT

If approved, districts will have a uniform definition for LEP students. The impact for students is great, as the current language is arbitrary and could limit the number of students who are identified as LEP.

ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0203-1402

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STAFF COMMENTS AND RECOMMENDATIONS

One comment was received during the public comment period. There have been no changes between the proposed and pending rule stages. Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule – Docket No. 08-0203-1402, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**STATE DEPARTMENT OF EDUCATION
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**IDAPA 08
TITLE 02
CHAPTER 03**

08.02.03 - RULES GOVERNING THOROUGHNESS

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. (4-7-11)

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.

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. (4-7-11)

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

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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. (4-7-11)

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 school. (3-20-04)

v. A “new school” for purposes of accountability is a wholly new entity receiving AYP determinations for the first time, or a school with a significant student population change as a result of schools being combined or geographic boundaries changing, or a result of successful school restructuring sanctioned by the Office of the State Board of Education. (4-7-11)

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 do not score proficient ~~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

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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 meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.04.d. in the event the “safe harbor” is invoked by the school/district. (4-7-11)

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 112.04.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target.

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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STATE DEPARTMENT OF EDUCATION
NOVEMBER 24, 2014

SUBJECT

Pending Rule – Docket No. 08-0203-1403, Assessment

REFERENCE

August 14, 2014	Board approved Temporary and Proposed Rule - IDAPA 08.02.03.111 - Rules Governing Thoroughness.
May 8, 2009	Board approved Rule for accommodations or adaptations for Limited English Proficient (LEP) students
June 16, 2014	Board approved Proposed Rule amendment for clarification and accuracy of the terms identified by the Smarter Balanced Assessment Consortium. Those terms are designated supports and/or accommodations for LEP students.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105, Idaho Code,
Idaho Administrative code, IDAPA 08.02.03.111

BACKGROUND/DISCUSSION

The use of accommodations/adaptions for LEP students must accurately reflect the designated supports and accommodations as referenced in the Smarter Balanced Assessment Consortium (SBAC) guidelines. Changes are made to require that if a need for designated supports and/or accommodation is indicated in the LEP student’s Educational Learning Plan (ELP), they will be provided for the assessment. In addition, science end of course assessments have been added to the list of required assessments.

Following the public comment period, minor technical changes were made to IDAPA 08.02.03.111.04.c, .07.c and IDAPA 08.02.03.111.11.a, and b. Amendments include changing the scheduled testing for the Idaho Standards Achievement Test (ISAT) for LEP student from the Fall to the Spring and specifying that the designated supports and accommodations must be familiar to the student. Additionally the words “as applicable” were added regarding the shipment of a paper and pencil version of the ISAT and the requirement that the ISAT be refreshed annually was removed.

IMPACT

If approved, students will continue to have an Educational Learning Plan with designated supports and accommodations for use in daily classroom and for the annual ISAT assessment that align with the Smarter Balanced Assessment Consortium guidelines. There will be no noticeable change for students by removing the previous language. In addition, high school students will take an End of Course assessment in biology or chemistry in lieu of the science Idaho Standards Achievement Tests. This will not increase state testing, but will rather replace the previous science test to a more appropriate measure of student understanding.

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ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0203-1403

Page 3

BOARD ACTION

I move to approve the Pending Rule - Docket No. 08-0203-1403 - Assessment,
as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 08
TITLE 02
CHAPTER 03**

08.02.03 - RULES GOVERNING THOROUGHNESS

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 National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam. (3-29-12)

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 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)

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c. Limited English Proficient (LEP) students, as defined in Subsection 112.04.d.iv., may receive designated supports and/or accommodations for the ISAT assessment, if need has been indicated by the LEP student's Educational Learning Plan (ELP) team. The team shall outline the designated supports and/or accommodations in an ELP prior to the assessment administration. Designated supports and/or accommodations shall be familiar to the student and used ~~throughout the school year~~ during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the ~~reading/ English~~ language arts ~~usage~~ ISAT, but will still be required to take the ISAT (Mathematics and Science). Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.04. However, such LEP students are not required to be counted for accountability purposes, as described in Subsection 112.03

~~(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. (4-7-11)

a. Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (4-7-11)

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (4-7-11)

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 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

f. Grade 5 - Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

g. Grade 6 - Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

h. Grade 7 - Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

i. Grade 8 - National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement

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Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

j. Grade 9 - Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)

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

l. Grade 11 - High School Idaho Standards Achievement Tests (as applicable), Idaho English Language Assessment, college entrance exam. (~~3-29-12~~)(____)

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

n. Students who complete biology or chemistry are required to take an End of Course Assessment provided by the state and administered by the district. (____)

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

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

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

e. 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; and (3-29-12)

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program. (3-29-12)

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)

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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, as applicable. (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)~~

e b. 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 3-9 and High School). (3-29-12)

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)

v. Health. (3-15-02)

vi. Humanities. (3-15-02)

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SUBJECT

Pending Rule – Docket No. 08-0203-1404 - Physical Education and Professional Technical Education

REFERENCE

November 1, 2013

Board approved Pending Rule amending high school graduation requirements

August 14, 2014

Board approved Temporary and Proposed Rule IDAPA 08.02.03.- Other required instructional offering.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105, Idaho Code.

Idaho Administrative Code, IDAPA 08.02.03.

BACKGROUND/DISCUSSION

IDAPA 08.02.03, subsection 104, sets out other required instruction in elementary schools, middle schools/junior high schools, and high schools. The language pertaining to other instruction in high school was amended in 2006 making it effective for all students who graduated prior to January 1, 2012. These changes were part of the high school redesign efforts by the Board. At the same time subsection 105 was amended to increase the specific credit requirements for graduation and move the required parent-approved student learning plan development to “no later than the eighth grade.” This section also included a further subsection that outlined other required instructional offerings of high schools. When subsection 104.03. was no longer effective and removed from Administrative Rule, the further subsection was also removed, eliminating the requirement that high schools provide instructional offering in physical education, humanities, professional technical education, family and consumer science, fine and performing arts, and languages other than English. While IDAPA 08.02.03, subsection 105 list specific credit requirements for humanities, including world languages and performing arts, it does not include credit requirements for physical education or professional-technical education.

The Pending Rule change restores language regarding other required instructional offering of the high school to include physical education and professional-technical education.

Additionally, at the recommendation of the High Expectations subcommittee, clarifying language is being added to ensure learning plans are reviewed annually throughout a student’s high school career, as intended by the language regarding the learning plans in the middle schools/junior high schools section.

IMPACT

Approval of the pending rule will reinstate the requirement that high schools offer physical education and professional-technical education and clarify that the

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learning plans created in middle school/junior high must be reviewed annually throughout the student's high school experience.

ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0203-1404

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Four comments were received during the public comment period. There have been no changes between the proposed and pending rules. Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule - Docket No. 08-0203-1404. – Other Required Instruction, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 08
TITLE 02
CHAPTER 03**

08.02.03 - RULES GOVERNING THOROUGHNESS

104. OTHER REQUIRED INSTRUCTION.

Other required instruction for all students and other required offerings of the school are: (4-1-97)

01. Elementary Schools. (4-11-06)

a. The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)
Health (wellness)
Physical Education (fitness) (4-11-06)

b. Additional instructional options as determined by the local school district. For example:
Languages other than English
Career Awareness (4-1-97)

02. Middle Schools/Junior High Schools. (4-11-06)

a. No later than the end of Grade eight (8) each students shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the school district's or LEA's graduation standards. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)

b. A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (3-12-14)

c. Other required instruction for all middle school students:
Health (wellness)
Physical Education (fitness) (4-11-06)

d. Other required offerings of the school:
Family and Consumer Science
Fine & Performing Arts
Professional Technical Education
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

03. High Schools

a. High schools must offer a wide variety of courses to satisfy state and local graduation requirements. High schools are required provide instructional offerings in: Physical Education (fitness) Professional-Technical Education

b. High schools will annually review and update with the student the parent-approved student learning plans outlined in subsection 104.02.a. (_____)

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SUBJECT

Pending Rule - Docket No. 08-0203-1406 –Student Data

REFERENCE

August 2014

Board approved a temporary and proposed rule incorporating additional data elements into the statewide longitudinal data system.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105 and Section 33-133, Idaho Code - Idaho Administrative Code, IDAPA 08.02.03.115

BACKGROUND/DISCUSSION

Section 33-133, Idaho Code provides the following criteria for student data elements proposed for inclusion in the student data system: (1) any new student data collection proposed by the Idaho State Board of Education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement; and (2) the Idaho State Board of Education must submit any new provisional student data collection to the governor and the legislature for their approval within one (1) year in order to make the new student data a permanent requirement through the administrative rule process.

The data elements necessary for inclusion in the 2014-2015 school year are all additions to the monthly Idaho System for Educational Exchange (ISEE) data upload. One is an addition to the “Student Demographics” file and the other four are additions to the “Student Course Enrollment File.” Four of the five proposed data elements support the changes made within the Advanced Opportunities (previously titled Dual Credit for Early Completers) program outlined in Section 33-1626, Idaho Code, which is designed for students who have completed the state high school graduation requirements, with the exception of the senior project and math in the final year of high school, by no later than the beginning of the their final semester or trimester.

The last three fields listed below in subsections 01.f through h, were not originally included in the rule but were included in the New Items Attachment that was provided to the Board for consideration.

Advanced Opportunities

Specific data elements include:

1. New field in the Student Demographics file to indicate if the student is private or home schooled. This new field is a yes/no flag indicating if the student is private or home schooled for the majority of their education and also currently enrolled taking one or more courses at a school district.
2. New field in the Student Course Enrollment file to indicate the name of the provider school.

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3. New field in the Student Course Enrollment file to indicate the name of the instructor.
4. New field in the Student Course Enrollment file to indicate if the course provides an examination that provides college credit bearing qualifications at the end of the course.
5. New field in the Student Course Enrollment file to indicate what type of college credit bearing examination is taken for the course.

Private or Home Schooled Flag:

The purpose for the addition is to separate the current “PH” (indicating the student was a private or home schooled student) grade level option set so that students can be identified as whether they are a private/homeschooled student as well as the proper grade level for testing. This additional item is requested by the Public School Finance Team for correct allocation of funds.

Provider School Name:

The purpose for the addition is to indicate the name of the institution that is providing instruction of a non-regular course, i.e. virtual or distance education. The field is necessary to collect the public or private out-of-state or private in-state institutions where students may be taking courses under the dual credit and/or \$200/\$400 reimbursement programs. Institutions issuing credit must be accredited by a recognized higher education accrediting body. This additional item has been required by the Advanced Opportunities team for use in accurate calculation of payments for the programs.

Provider Instructor Name:

The purpose for the addition is to indicate the name of the actual instructor within an institution that is providing instruction of a non-regular course, i.e. virtual or distance education. The field is necessary to collect the public or private out-of-state or private in-state institutions where students may be taking courses under the dual credit and/or \$200/\$400 reimbursement programs. Not only must institutions issuing the credit be an accredited institution, but also the actual instructor must be highly qualified to instruct the class and have the necessary articulation agreements in place to issue college credits. This additional item is required by the Advanced Opportunities team for use in accurate calculation of payments for the programs.

Examination to be taken flag:

The purpose for the addition is to add a flag (yes/no) to indicate if a course has a specific examination that requires payment to sit for the examination. The field is necessary to identify and calculate the examination reimbursement payments for dual credit and/or the \$200/\$400 reimbursement programs. This additional item is required by the Advanced Opportunities team for use in the accurate calculation of payments for the program.

Examination Type:

The purpose for the addition is to add a field that will collect the type of college credit bearing examination that a student is taking. An option set has been established for districts to choose which type of examination is associated with a specific Advanced Opportunity course. The field is necessary to identify the type of examination and the payment necessary for the students taking the examination. This additional item is required by the Advanced Opportunities team for use in the accurate calculation of payment for the program.

Examination Certification Type:

The purpose for the addition is to add a field, conditional on whether a credit bearing exam is to be taken as part of the course, to identify the exam certification or licensure type. This additional item is required by the Advanced Opportunities team for use in the accurate calculation of payment for the program.

Examination Result:

The purpose for the addition is to add a field, conditional on whether a credit bearing exam is to be taken as part of the course, to identify the students' results on the exam. This additional item is required by the Advanced Opportunities team for use in the accurate calculation of qualified payment for the program.

Examination Cost:

The purpose for the addition is to add a field, conditional on whether a credit bearing exam is to be taken as part of the course, to identify the cost of the exam. This additional item is required by the Advanced Opportunities team for use in the accurate calculation of payment for the program.

IMPACT

The new data elements will provide the information necessary to accurately identify students, staff and educational institutions participating in various programs offered by the Idaho State Department of Education. It will also provide the information necessary to calculate the accurate payments to be sent to the school districts to reimburse students and/or parents for the associated costs with the programs.

ATTACHMENTS

Attachment 1 – Pending Rule - Docket No. 08-0203-1406

Page 5

STAFF COMMENTS AND RECOMMENDATIONS

Section 33-133, Idaho code only requires new “student data” be approved by the Governor and the legislature, and defines this to mean data collected and/or reported at the individual student level. Data specific to the course and not tied

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to an individual student do not require approval, these include subsection 01. B, c, d, f, and h.

Two comments were received during the public comment period. The only changes to the rule between the proposed and pending stages is to list the data elements that were included in the material provided to the Board at the August 2014 meeting, but left out of the language in the rule.

BOARD ACTION

I move to approve the amendment to the Temporary Rule and Pending Rule - Docket No. 08-0203-1406, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 08
TITLE 02
CHAPTER 03**

08.02.03 –RULES GOVERNING THOROUGHNESS

115. DATA COLLECTION.

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The ~~enrollment data collection will~~ shall contain all data as listed on the State Department of Education’s website under “required data elements” ~~information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status.~~ The collection ~~will be done~~ shall be submitted monthly for any period of time in which students are receiving educational instruction or services provided by a state public school and/or charter. in mid October, early February, and May (end of the testing window). Each participating school is required to verify and assure the accuracy and completeness of the data submitted in the files. (5-8-09)(____)

01. NEW DATA ELEMENTS IN STATE STUDENT DATA SYSTEM

To meet the requirements of Idaho Code 33-133.3 the following data elements will be added to the monthly ISEE data upload beginning in the 2014-2015 school year. (____)

- a. **Private or Home Schooled Flag in the Student Demographics File.** To indicate if the student is Private or Home Schooled as well as proper grade level for testing for use in correct allocation of funds. (____)
- b. **Provider School Name Field in the Student Course Enrollment File.** To indicate the name of the institution providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation of payment for Advanced Opportunity Program payments. (____)
- c. **Instructor Name Field in the Student Course Enrollment File.** To indicate the name of the actual instructor within an institution that is providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation for Advanced Opportunity Program payments.(____)
- d. **Examination to be Taken Flag in the Student Course Enrollment File.** To indicate if a course has a specific examination that requires payment to sit for the examination. To identify and accurately calculate the examination reimbursement payments for the Advanced Opportunities Program. (____)
- e. **Examination Type Field in the Student Course Enrollment File.** To collect the type of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (____)
- f. **Examination CertType Field in the Student Course Enrollment File.** To collect the type of exam certification or licensure type associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (____)
- g. **Examination Result Field in the Student Course Enrollment File.** To collect the students’ result on the college credit bearing examination associated with a specific Advanced Opportunity course to identify the qualification of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (____)
- h. **Examination Cost Field in the Student Course Enrollment File.** To collect the cost of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (____)

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SUBJECT

Nominations to the Bias and Sensitivity Committee

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-134, Idaho Code - Assessment item review committee

BACKGROUND/DISCUSSION

Section 33-134, Idaho code requires the organization of a thirty (30) member review committee consisting of parents, teachers, and administrators representing public and charter schools in all six (6) education regions of the state. The legislative intent was to ensure that parents of students, teachers, and administrators in Idaho's public education system could participate in the review of test questions that are included in the state summative computer adaptive test. The Department of Education will bring the members to Boise from December 15-18, 2014 to complete the review of test items. A contractor will manage the review process, including all necessary security measures to assure that no test items are released to the public and invalidated.

Section 33-134, Idaho code requires committee members shall serve a term of four (4) years, however, the president of the State Board of Education shall adjust the length of terms to stagger the terms of committee members so that approximately one-half (1/2) of the committee members are appointed every two (2) years and that the members appointed by the Board meet the following criteria:

- Two (2) parents of public school or public charter school students, selected from each of the six (6) education regions in Idaho;
- One (1) public school or public charter school teacher, selected from each of the six (6) education regions in Idaho;
- One (1) member who is an administrator of a school district or public charter school, selected from each of the six (6) education regions in Idaho;
- One (1) member from the district board of trustees or public charter school board of directors, selected from each of the six (6) education regions in Idaho.

The Department of Education is proposing the Board appoint an additional ninety (90) members to serve on a temporary basis for the initial assessment items review. The ninety (90) additional members are crucial in completing the review process of 40,000 items in the time available for the initial review. These members will not participate beyond the initial item review.

In addition to the 120 recommended individuals the Department is requesting the Board approve a list of alternate committee members that may be used for the initial assessment item review if the appointed members are unable to participate. The Alternate Committee Members would only be used for the initial review and would not be used on an ongoing basis. The 120 original individuals would make up the following distribution:

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Region	Administrator	Parent	Teacher	School District Board	Total
Region 1	3	5	10	2	20
Region 2	2	2	11	1	16
Region 3	4	8	13	1	26
Region 4	3	4	10	2	19
Region 5	3	3	12	2	20
Region 6	3	4	9	3	19
TOTALS	18	26	65	11	120

ATTACHMENTS

Attachment 1 – Nominations for the Bias and Sensitivity Committee Page 3
Attachment 2 – Ninety (90) supplemental members Page 5
Attachment 3 – Alternate members Page 8

BOARD ACTION

I move to appoint the thirty (30) committee members listed on Attachment 1, to the Bias and Sensitivity Committee representing Regions 1 – 6 for a two (2) or four (4) year term as specified in Attachment 1.

Moved by _____ Seconded by _____ Carried: Yes ____ No ____

I move to appoint list of ninety (90) individuals listed in Attachment 2 as supplemental members of the Bias and Sensitivity Committee for one time only to do the initial review, representing Region 1 – 6, effective immediately and ending December 31, 2014.

Moved by _____ Seconded by _____ Carried: Yes ____ No ____

I move to authorize the Department of Education to use individuals listed on the Alternate List provided in Attachment 3 as alternate reviewers for the initial review of assessment items only.

Moved by _____ Seconded by _____ Carried: Yes ____ No ____

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Attachment 1

Bias and Sensitivity Committee Members – List of 30

Region	Last Name	First Name	City	State	Role in Committee	Term Expiration
Region 1	Novobielski-Muhs	Judy	St. Maries	ID	Administrator	June 30, 2018
Region 1	Hunt	Timothy	Hayden	ID	Parent	June 30, 2016
Region 1	Hooper	Lisa	Sandpoint	ID	Parent	June 30, 2018
Region 1	Hughes	Jared	Oldtown	ID	Teacher	June 30, 2016
Region 1	Cameron	Mindy	Sagle	ID	Board	June 30, 2018
Region 2	Doramus	Jim	Riggins	ID	Administrator	June 30, 2016
Region 2	Riendeau	Brenda	Moscow	ID	Parent	June 30, 2018
Region 2	Uhlenkott	Cara	Cottonwood	ID	Parent	June 30, 2016
Region 2	Hinkelman	Patty	Greencreek	ID	Teacher	June 30, 2018
Region 2	Rigg	Susan	Genesee	ID	Board	June 30, 2016
Region 3	Woods	Craig	Notus	ID	Administrator	June 30, 2018
Region 3	Thorngren	Cindy	Boise	ID	Parent	June 30, 2016
Region 3	Crisp	Darin	Kuna	ID	Parent	June 30, 2018
Region 3	Adams	Julie	Nampa	ID	Teacher	June 30, 2016
Region 3	Dodson	Sandra	Caldwell	ID	Board	June 30, 2018
Region 4	Davidson	Angela	Rupert	ID	Administrator	June 30, 2016
Region 4	Birch	Gary	Twin Falls	ID	Parent	June 30, 2018
Region 4	Christensen	Josi	Paul	ID	Parent	June 30, 2016

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Region 4	Pease	Douglas	Twin Falls	ID	Teacher	June 30, 2018
Region 4	Millar	Kathy	Burley	ID	Board	June 30, 2016
Region 5	Harwood	Jan	Pocatello	ID	Administrator	June 30, 2018
Region 5	Carter	Dustin	Pingree	ID	Parent	June 30, 2016
Region 5	White	Janean	Pocatello	ID	Parent	June 30, 2018
Region 5	Elliott	Katrina	Blackfoot	ID	Teacher	June 30, 2016
Region 5	Armstrong	Randall	Inkom	ID	Board	
Region 6	LeFevre	Landon	Rexburg	ID	Administrator	June 30, 2016
Region 6	Piippo	Jennifer	Idaho Falls	ID	Parent	June 30, 2018
Region 6	Adelizzi	Theresa	Idaho Falls	ID	Parent	June 30, 2016
Region 6	Hitt	Becky	Rupert	ID	Teacher	June 30, 2018
Region 6	Kammerman	Laila	Idaho falls	ID	Board	June 30, 2016

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Attachment 2

Bias and Sensitivity Committee Members – List of 90
(One Time Only ending December 31, 2014)

Region	Last Name	First Name	City	State	Role in Committee
Region 1	High	Gary	Harrison	ID	Administrator
Region 1	Hatrock	Amber	Rathdrum	ID	Administrator
Region 1	Seymour	Jean	Coeur d'Alene	ID	Parent
Region 1	Madden	Jennifer	Dalton Gardens	ID	Parent
Region 1	Hunt	Timothy	Hayden	ID	Parent
Region 1	Gannon	Margaret	St Maries	ID	Board
Region 1	Noble	Sarah	Oldtown	ID	Teacher
Region 1	Ballard	Rosalee	Sandpoint	ID	Teacher
Region 1	Litven	Naticia	Sandpoint	ID	Teacher
Region 1	Ruch	Mary Lee	Coeur d'Alene	ID	Teacher
Region 1	Wallin	Abraham	Coeur d'Alene	ID	Teacher
Region 1	Galloway	Amy	Coeur d'Alene	ID	Teacher
Region 1	Baker	Joshua	Coeur d'Alene	ID	Teacher
Region 1	Lawrence	Georgia	Sandpoint	ID	Teacher
Region 1	Webster	Kathy	Dalton Gardens	ID	Teacher
Region 2	Fenter	Lisa	Lewiston	ID	Administrator
Region 2	Fredenburg	Emily	Troy	ID	Teacher
Region 2	Schmidt	Jill	Lewiston	ID	Teacher
Region 2	Kenyon	Shannon	Lewiston	ID	Teacher
Region 2	Parrill	Rebecca	Lewiston	ID	Teacher
Region 2	Wadley	Chris	Deary	ID	Teacher
Region 2	Mikolajczyk	Kim	Moscow	ID	Teacher
Region 2	York	Leah	Kamiah	ID	Teacher
Region 2	Hannon	Catherine	Moscow	ID	Teacher
Region 3	Heller	Bret	Meridian	ID	Administrator
Region 3	Gee	Marc	Garden Valley	ID	Administrator
Region 3	Zamora	Alejandro	Caldwell	ID	Administrator
Region 3	Schafer	Michelle	Nampa	ID	Parent
Region 3	Sexton	Bernadette	Meridian	ID	Parent
Region 3	Peters	Barbara	Boise	ID	Parent
Region 3	Koyle	Tanya	Meridian	ID	Parent
Region 3	Mitchell	Rebecca	Caldwell	ID	Parent
Region 3	Whitaker	Timothy	Nampa	ID	Teacher
Region 3	Thomas	Marie	Weiser	ID	Teacher

**STATE DEPARTMENT OF EDUCATION
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Region	Last Name	First Name	City	State	Role in Committee
Region 3	Spelman	Angie	Payette	ID	Teacher
Region 3	Neal	Diane	Middleton	ID	Teacher
Region 3	White	Leora	Caldwell	ID	Teacher
Region 3	Middelhoven	Erin	Nampa	ID	Teacher
Region 3	Henggeler	Carole	New Plymouth	ID	Teacher
Region 3	Richards	Deanna	Emmett	ID	Teacher
Region 3	Polishchuk	Tina	Caldwell	ID	Teacher
Region 3	Schafer	Kimberly	Meridian	ID	Teacher
Region 3	Gomez	Araceli	Caldwell	ID	Teacher
Region 4	Grabow	Marcia	Hailey	ID	Administrator
Region 4	Erickson	Lennart	Twin Falls	ID	Administrator
Region 4	Baker	Mandy	Burley	ID	Parent
Region 4	Sanders	Robert	Rupert	ID	Parent
Region 4	Burr	Deborah	Twin Falls	ID	Board
Region 4	Russell	Allen	Shoshone	ID	Teacher
Region 4	Dow	Leah	Twin Falls	ID	Teacher
Region 4	Tuckness	Amy	Paul	ID	Teacher
Region 4	Garcia	Tracy	Jerome	ID	Teacher
Region 4	Fortner	Maggie	Kimberly	ID	Teacher
Region 4	Jones	Barbara	Burley	ID	Teacher
Region 4	Dyer	Darlene	Hailey	ID	Teacher
Region 4	Wallace	Kim	Twin Falls	ID	Teacher
Region 4	Stevens	Leslie	Fairfield	ID	Teacher
Region 5	Torgesen	Chris	Pocatello	ID	Administrator
Region 5	Lords	Eric	Rexburg	ID	Administrator
Region 5	Carter	Taralee	Pingree	ID	Parent
Region 5	Mattson	David	Pocatello	ID	Board
Region 5	Wilkinson	Kris	Pocatello	ID	Teacher
Region 5	White	Janean	Pocatello	ID	Teacher
Region 5	Karlinsey	Heidi	Montpelier	ID	Teacher
Region 5	Mirhadi	David	Soda Springs	ID	Teacher
Region 5	Schaffner	Ashley	Blackfoot	ID	Teacher
Region 5	Murdock	Krystal	Blackfoot	ID	Teacher
Region 5	Jackman	Teresa	Pocatello	ID	Teacher
Region 5	VanDeren	Tom	Pocatello	ID	Teacher
Region 5	Murdock	Krystal	Blackfoot	ID	Teacher
Region 5	Robinson	LaNae	Preston	ID	Teacher

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Region	Last Name	First Name	City	State	Role in Committee
Region 5	Campbell	Arlene	McCammon	ID	Teacher
Region 5	Steele	Debbie	Blackfoot	ID	Teacher
Region 6	Rochelle	Gail	Idaho Falls	ID	Administrator
Region 6	Lamb	Darnea	Rexburg	ID	Administrator
Region 6	Furman	Zachary	Idaho Falls	ID	Parent
Region 6	Butikofer	Sarah	Menan	ID	Parent
Region 6	Huber	Rachel	St Anthony	ID	Board
Region 6	Moon	Bonnie	St Anthony	ID	Board
Region 6	Romney	Cindy	Rigby	ID	Teacher
Region 6	Duerden	Donna	Rigby	ID	Teacher
Region 6	Hammon	Marie	Irwin	ID	Teacher
Region 6	Warne	Bonnie	St Anthony	ID	Teacher
Region 6	Praeder	Lourene	Rigby	ID	Teacher
Region 6	Palmer	Jennifer	Rexburg	ID	Teacher
Region 6	Flaherty	Kaleen	Idaho Falls	ID	Teacher
Region 6	Jones	Peggy(Pam)	Ammon	ID	Teacher

**STATE DEPARTMENT OF EDUCATION
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Attachment 3

Bias and Sensitivity Committee Members – Alternates

(An alternate will be chosen when an original member is unable to continue with their duties. Criteria for choosing: 1st by region, 2nd by role and 3rd by their sign-up date)

Region	Last Name	First Name	City	State	Role in Committee
Region 1	Mearns	Audra	Sandpoint	ID	Parent
Region 1	Davis	Suzanne	Sandpoint	ID	Parent
Region 1	Stout	Pamela	Bonnors Ferry	ID	Parent
Region 1	Romero	Robert	Coeur d’Alene	ID	Parent
Region 1	Paterson	Maureen	Priest River	ID	Parent
Region 1	Biddle	Billie Jo	Sandpoint	ID	Teacher
Region 1	Bladzik	Joshua	Bonnors Ferry	ID	Teacher
Region 1	Marker	George	Kootenai	ID	Teacher
Region 1	Galloway	Frances	Cataldo	ID	Teacher
Region 1	Ives	George	Coeur d’Alene	ID	Teacher
Region 1	Libbey	Virginia	Sandpoint	ID	Teacher
Region 2	Kok	Tara	Moscow	ID	Teacher
Region 3	Jewell	Charles	Mountain Home	ID	Administrator
Region 3	Smith	Gary	Star	ID	Parent
Region 3	Rhodes	Ronald	Boise	ID	Parent
Region 3	Ries	Cindy	Boise	ID	Parent
Region 3	Johnson	Christopher	Boise	ID	Parent
Region 3	Thomas	Craig	Meridian	ID	Parent
Region 3	Dennis	Leonard	Kuna	ID	Parent
Region 3	Rich	Caryn	Boise	ID	Parent
Region 3	Hannon	Catherine	Moscow	ID	Teacher
Region 3	McGovney	Beth	Boise	ID	Teacher
Region 3	Mather	John	Nampa	ID	Teacher
Region 3	Swartz	Theone	Adrian	OR	Teacher
Region 3	Yost	Rhonda	Caldwell	ID	Teacher
Region 3	Nicholson	Cathy	Kuna	ID	Teacher
Region 3	Collins	Erica	Star	ID	Teacher
Region 3	Anno	Jessica	Nampa	ID	Teacher
Region 3	Suggs	Sarah	Boise	ID	Teacher
Region 3	Doyle	Amberlea	Caldwell	ID	Teacher
Region 3	Post	Belva	Caldwell	ID	Teacher
Region 3	Whitman	Barbara	Boise	ID	Teacher
Region 3	Bosch-Wilson	Katie	Nampa	ID	Teacher

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Region	Last Name	First Name	City	State	Role in Committee
Region 3	Reeves	Margaret	Melba	ID	Teacher
Region 3	Thomas	Marie	Weiser	ID	Teacher
Region 3	Archuleta	Stephanie	Caldwell	ID	Teacher
Region 3	Wisnbacker	Kendra	Nampa	ID	Teacher
Region 3	Ward	Sara	Nampa	ID	Teacher
Region 3	Gomez	Araceli	Caldwell	ID	Teacher
Region 3	Chapman	Ken	Nampa	ID	Teacher
Region 4	Perkins	AJ	Hagerman	ID	Administrator
Region 4	Popplewell	Ted	Twin Falls	ID	Administrator
Region 4	Thomas	Sheri	Hailey	ID	Parent
Region 4	Adams	Loretta	Twin Falls	ID	Parent
Region 4	Cummings	Jennifer	Twin Falls	ID	Teacher
Region 4	Pease	Douglas	Jerome	ID	Teacher
Region 4	Ostler	Jodi	Jerome	ID	Teacher
Region 4	Drexler	Tara	Twin Falls	ID	Teacher
Region 4	Richardson	Julie	Oakley	ID	Teacher
Region 4	Smith	Charity	Twin Falls	ID	Teacher
Region 4	Potthast	Barbara	Rupert	ID	Teacher
Region 4	Hernandez	Marta	Burley	ID	Teacher
Region 4	Schroeder	Elizabeth	Jerome	ID	Teacher
Region 4	Connelley	Pauli	Jerome	ID	Teacher
Region 4	Barton	Dennis	Twin Falls	ID	Teacher
Region 4	Butler	Lance	Twin Falls	ID	Teacher
Region 6	Rawlins	Jackie	Rexburg	ID	Parent
Region 6	Hoopes	Jewel	Shelley	ID	Parent
Region 6	Van Ostran	Kaylyn	Twin Falls	ID	Teacher
Not Spec.	Billing	Carol	Nampa	ID	Parent
Not Spec.	Painton	Courtney	Nampa	ID	Teacher
Not Spec.	Church	Jeff	New Plymouth	ID	Teacher
Not Spec.	Gutridge	Velvet	Boise	ID	Teacher

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