

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 9-10, 2017**

<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>IDAHO STATE UNIVERSITY ANNUAL PROGRESS REPORT</b>	Information Item
2	<b>IDAHO CAREER TECHNICAL EDUCATION ANNUAL REPORT</b>	Information Item
3	<b>COLLEGE OF EASTERN IDAHO TAXING DISTRICT EXPANSION</b>	Motion to Approve
4	<b>2018 LEGISLATION</b>	Motion to Approve
5	<b>BOARD POLICY I.J. USE OF FACILITIES – FIRST READING</b>	Motion to Approve
6	<b>BOARD POLICY IV. E. DIVISION OF CAREER TECHNICAL EDUCATION – FIRST READING</b>	Motion to Approve
7	<b>MASTER EDUCATOR PREMIUM STANDARDS AND RUBRIC</b>	Motion to Approve
8	<b>PROPOSED RULE IDAPA 08.02.03.115 DATA COLLECTION</b>	Motion to Approve
9	<b>PROPOSED RULE DOCKET NO 08-0401-1701 IDAHO DIGITAL LEARNING ACADEMY</b>	Motion to Approve
10	<b>PROPOSED RULE DOCKET NO 08-0501-1702 SEED CERTIFICATION</b>	Motion to Approve
11	<b>PROPOSED RULE DOCKET NO 47-0101-1701 FIELD SERVICE POLICY MANUAL</b>	Motion to Approve
12	<b>PROPOSED RULE DOCKET NO 55-0103-1701 RULES OF CAREER TECHNICAL SCHOOLS</b>	Motion to Approve
13	<b>PROPOSED RULE DOCKET NO 55-0104-1701 IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START – UP GRANTS</b>	Motion to Approve

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**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**IDAHO STATE UNIVERSITY**

**SUBJECT**

Idaho State University (ISU) Annual Progress Report

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.3.

**BACKGROUND/DISCUSSION**

This agenda item fulfills the Board's requirement for Idaho State University to provide a progress report on the institution's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

Idaho State University will provide a tour for Board members as follows:

10:00 a.m. – 12:00 p.m. – Campus Bus Tour Stops:

- William M. and Karin A. Eames Advanced Technical Education and Innovation Complex
- Engineering Research Center
- Informatics Research Institute
- Idaho Accelerator Center

12:00 p.m. – Lunch – Pond Student Union, Wood River Room

**IMPACT**

Idaho State University utilizes an Institutional Effectiveness and Assessment Council framework to support mission fulfillment. Use of ISU's strategic plan drives the College's integrated planning, programming, budgeting, and assessment cycle and is the basis for the institution's annual budget requests and performance measure reports to the State Board of Education, the Division of Financial Management, and the Legislative Services Office.

**ATTACHMENTS**

Attachment 1 – Annual Progress Report

Page 3

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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## Idaho State University Progress Report

August 10, 2017

### Strategic Plan Implementation

Idaho State University's (ISU) key accomplishment in the past year was the development of its new 2018-2022 strategic plan. The plan refocuses the Institution on the tenets of student success, external and internal communication, and supporting communities utilizing the revised mission statement and core themes and its newly developed vision, goals, objectives, and performance measures. ISU's new plan closely aligns with the SBOE's plan by devoting resources to some of the same areas of concern identified by the Board but at the university level.

President Vailas and the Institutional Effectiveness and Assessment Council's (IEAC) Steering Committee supervised the development of the plan by the Strategic Planning Working Group (SPWG), which is composed of faculty, staff, and community members. The plan's development took eight months to complete and included two stakeholder feedback sessions. This process ensured a fully inclusive planning process.

While the new strategic plan was not in effect until July 2017, ISU has already begun its implementation. Each goal has a project action team assigned to it with the mission of identifying three initial action (operational) plans. This initiative began in March and will conclude in Fall 2017. The IEAC Steering Committee has already approved the development of some of the proposed action plans for goals #1 (Increase Enrollment) and #3 (Promote ISU's Identity).

### *Status of Goals and Objectives*

Even though ISU was in the middle of creating a new strategic plan, it remained focused on completing the Fiscal Year 2017's goals and objectives. ISU made significant progress, as well as had a few setbacks, toward meeting the objectives that support the University's four goals. Figure 5.1 demonstrates the overall level of achievement for each goal and their supporting objectives. For 2016,

- Goal 1 (Learning and Discovery): 89% of the 5-year target- 1% increase.
- Goal 2 (Access and Opportunity): 91% of the 5-year target- 3% increase.
- Goal 3 (Leadership in Health Sciences): 82% of the 5-year target - 8% decrease (Note that objective 3.3 and its supporting performance measures is under revision. As of the date of this report, the data is still being collected and analyzed. The absence of this data affected overall outcome resulting in the decline).
- Goal 4 (Community Engagement & Impact): 88% of the 5-year target- 7% increase.

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

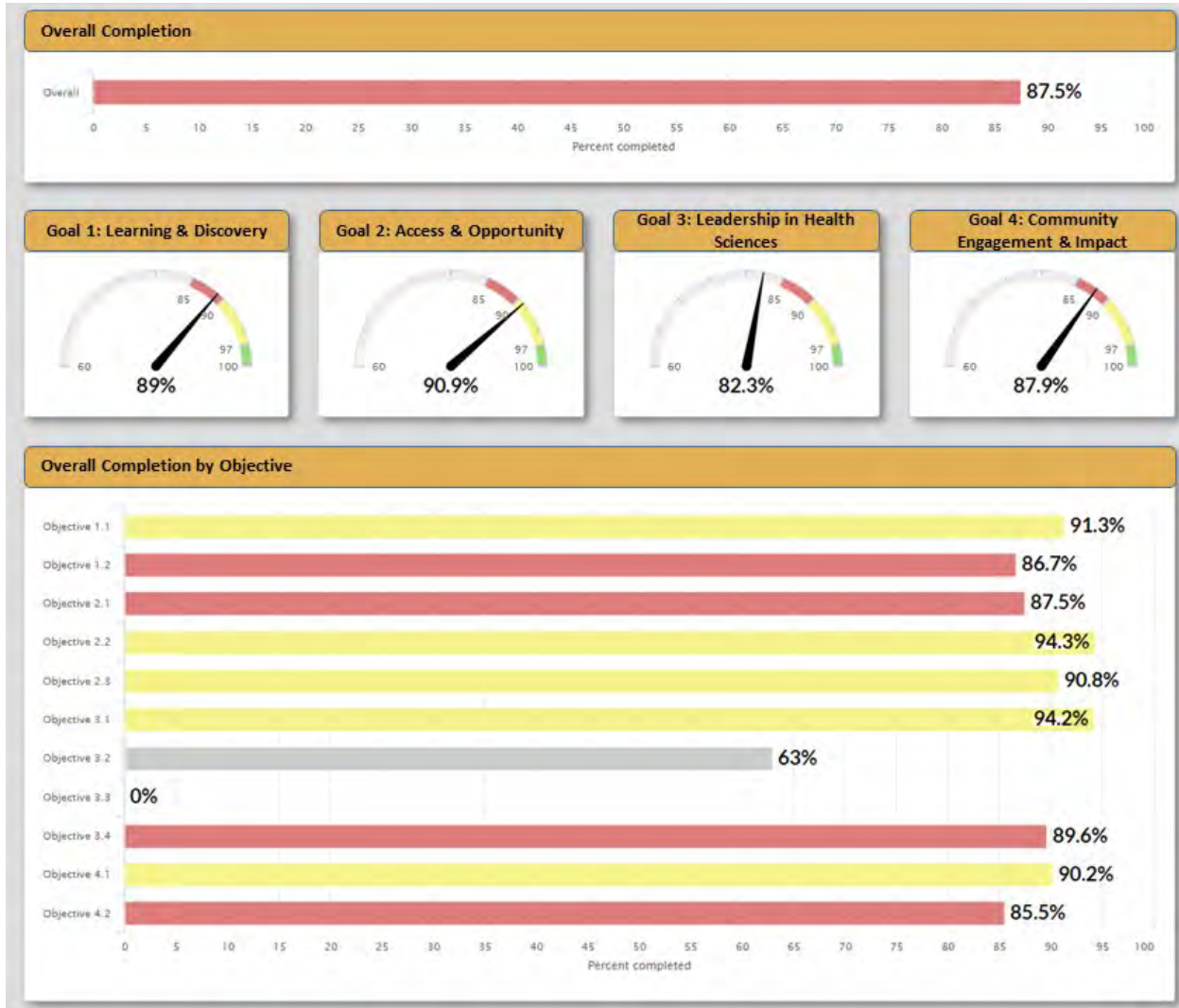


Figure 1 (ISU's Strategic Planning Dashboard). This dashboard represents the overall status of ISU's accomplishments toward achieving its goals and objectives (FY16 data).

Although ISU's newly created strategic plan changed the Institution's goals, objectives and performance measures, those found in the 2017 strategic plan also doubled as ISU's core themes. As a result, all of those elements will live on as a means of measuring ISU's mission fulfillment. Their continued use ensures that the work that was completed prior to and in 2017 will continue to shape the University's long-term decision-making. Additionally, when writing its new strategic plan ISU worked diligently to continue to maintain alignment with the State Board of Education's plan as well as assist in supporting the Board achieve its goals. ISU's progress in 2016 shows that the Institution:

- is within \$2.50 of the cost per weighted credit hour to deliver undergraduate education
- exceeded by 4% the number of students enrolled in ISU's Early College Program
- increased by 16% the number of students enrolled in ISU's Early College Program

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- exceeded by 2% the total degree production (undergraduate)
- increased by 2.3% the total degree production for graduate students
- increased by 1% and is 1% from of achieving unduplicated headcount of graduates and percent of graduates to total unduplicated headcount (undergraduate)
- increased by 1% and is 3% of achieving unduplicated headcount of graduates and percent of graduates to total unduplicated headcount (graduate)

*Update on the implementation status of FY 2017 approved line items supporting strategic planning and enrollment growth:*

Expansion of Doctor of Physical Therapy Program

- Buildout in Progress
- One-time Funding for Equipment Expended Spring 2017

Student Opportunity Development

- Partially funded in FY2017 (\$208,700)
  - Hiring for Targeted Professional Development for All Colleges Underway
  - Coordinates a wider set of development opportunities for students and engages businesses and other outside organizations from all around the State
  - Extends the areas of focus outside the CPI program, including academic credit for prior experiential learning, international opportunities, and a variety of service-learning and volunteer activities
  - One-time Funding Expended Spring 2017

Complete College Idaho Update (Line Items funded Prior to FY2017)

- Bengal Bridge Expansion, supported by line-item funding in FY2015 and FY2016
  - 231% Increase in Enrollment since 2015
  - 13,590 proactive coaching contacts to First-Year Students
- Retention Increases
- Since implementation of our CCI/Student Success efforts began in 2014, retention rates have significantly improved:
  - Rates for first-time, full-time Idaho residents have increased by 3%
  - Rates for degree-seeking Idaho students with at least 15 credits have improved by almost 10%
- Full-time enrollment for degree seeking Idaho residents has INCREASED by almost 5%

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

**Enrollment Numbers** (As reported in the performance measure report)

Performance Measure		FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
2.1.7 University Enrollment (unduplicated headcount in fiscal year)	actual	19,180	18,640	18,073	16,690	16,461
	benchmark	21,688	21,688	21,688	21,688	21,688

Cases Managed and/or Key Services Provided	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Total Annual Enrollment Full-Time Equivalency (FTE) <sup>2</sup>	<b>10,959</b>	<b>10,656</b>	<b>10,808</b>	<b>10,589</b>	<b>10,233</b>
- Professional Technical	960	870	810	788	771
- Undergraduate	7,911	7,680	7,861	7,759	7,378
- Graduate	2,088	2,106	2,137	2,042	2,084

**Retention Rates** (As reported in the performance measure report)

Performance Measure		FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
2.2.5 Retention rate of degree seeking first-time students <sup>1</sup>	actual	67.19%	71.34%	71.52%	69.18%	TBD at Fall 2017 Census Day
	benchmark	75%	75%	75%	80%	80%
2.2.6 Retention rate of degree seeking new transfer degree-seeking students <sup>2</sup>	actual	77.43%	77.20%	76.49%	72.91%	TBD at Fall 2017 Census Day
	benchmark	75%	75%	75%	85%	85%

**Performance Measure Explanatory Notes**

1. Full-time undergraduate degree-seeking students enrolled as first-time students in the fall semester or were first-time students in the preceding summer who either graduated or returned the next fall.
2. Methodology is full-time undergraduate degree-seeking students enrolled as new transfer students in the fall semester or were new transfer students in the preceding summer who either graduated or returned the next fall.

**Graduation Rates** (As reported in the performance measure report)

Cases Managed and/or Key Services Provided	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Graduation Rates (Percent of full-time, first time students from the cohort of new first-year students who complete their program within 1½ times the normal program length)	35%	34%	33%	32%	31%

**Program Prioritization Update**

Idaho State University has transitioned its Program Prioritization Process into an annual Program Assessment/Program Health process that supports growth and demonstrates need for increased, reallocated, or new resources. Academic Affairs completes an



**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

annual review of all programs that is primarily outcomes based using the program prioritization metrics and dashboard. Included in this process is a review of each college's three-year employee hiring plan, as well as ensuring program goals align with the strategic plan and mission fulfillment objectives.

This process begins in Academic Affairs and then folds into the institutional planning processes through the Institutional Effectiveness and Assessment Council (IEAC), which is responsible for overseeing the University planning process, coordinating and assessing strategic directions, ensuring that the University meets NWCCU accreditation standards, and implementing the University's strategic planning agenda.

When evaluating full degree programs and certificates, Academic Affairs has determined that programs will be flagged and must prepare an appropriate plan to address low enrollment if they have a five-year average number of graduates

- ≤5 at the associate and certificate level
- ≤10 at the undergraduate level
- ≤5 at the master's level
- ≤3 at the doctoral level

Program Degree Production and Majors FY2016																	
Div of Health Sciences																	
9 MST 2016 - Notes: Fall Majors include first and second majors. Concentration is listed where the program is defined at that level. REPORT v1.0 ***																	
HS - Nursing - 3505																	
Program	Degree	Major	Major Description	Conc.	Concentration Desc	Degrees 5YR AVG	Majors 5YR AVG	Degrees FY2016	Degrees FY2015	Degrees FY2014	Degrees FY2013	Degrees FY2012	Majors Fall 2015	Majors Fall 2014	Majors Fall 2013	Majors Fall 2012	Majors Fall 2011
Nursing-BACH						109.4	172	102	95	102	122	126	170	161	163	181	185
	BS	HPNU	Nursing			109.4	172	102	95	102	122	126	170	161	163	181	185
Gerontology-PSBT						0.2	0	1	0	0	0	0	0	0	0	0	0
	CER	HGER	Interprof Geriatric Cert			0.2	0	1	0	0	0	0	0	0	0	0	0
Nursing-MAST						29.6	54.4	0	6	48	44	50	0	6	55	94	117
	MS	HPNU	Nursing			29.6	54.4	0	6	48	44	50	0	6	55	94	117
Nursing-DOCT						1.8	17.6	5	0	0	0	0	46	33	5	0	0
	DNP	HPNP	Nursing Practice			1.6	13.8	8	0	0	0	0	36	26	7	0	0
	PHD	HPNU	Nursing			0.2	3.8	1	0	0	0	0	10	7	2	0	0

Figure 2: Dashboard of Program Assessment/Program Health Dashboard

When programs fail to demonstrate progress towards, or meet the minimum thresholds, they are required to develop a plan that must address program needs and sustainability, as well as identify if the program should be restructured, consolidated, or closed. The academic unit is expected to monitor these numbers annually and keep Academic Affairs apprised of declines or failure to show progress towards meeting the goals.

**Research and Economic Development**

The Research Data Center (RDC)

The Research Data Center is operative with several researchers already keyed in to the facility. A ribbon cutting/official opening will be held early August. The facility provides research being conducted in large data analytics, cybersecurity applications and transfer of mega data through connectivity with the Idaho Regional Optical Network (IRON).

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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Center for Entrepreneurship and Economic Development (CEED)

- CEED is progressing at several levels - interacting with local and national industry while providing enhanced educational experiences for students in entrepreneurship studies.
- CEED sponsored and coached student teams at a state wide competition, the Idaho Entrepreneurial Challenge in Boise. Eleven of the total applications came from ISU, 25% of the finalists were from ISU, and remarkably, 30% of the prize money was awarded to ISU students.

Idaho Accelerator Center (IAC) – partnerships with Industry

Received a HERC Incubation Fund Award with a private Australian company, Clarity, to the amount of \$50,000, in order to commercialize and bolster an ongoing relationship with Clarity. Significant momentum has been achieved to develop diagnostic and therapeutic applications using the radioligand Copper-67. Not only can this ligand not be produced in a nuclear reactor, the purity obtained through the accelerator process is 100% better than has been achieved by other methods. Clarity is considering relocation to the US, with Idaho on the short list of locations for their office.

- IAC has long term INL/DTRA/US Army projects.
- Collaborating with the INL on designing and prototyping an accelerator that can be used by a group in national & homeland security at the INL.
- Developing imaging resources for use by INL/Army and other government agencies.
- As a User Facility, the IAC attracts many users from the US Air Force, Los Alamos National Laboratory and the INL.
- The pelletron has been relocated to the IAC and set up. This facility will be used in new research contracts with the INL and other national labs.

Synergy between Research and the College of Technology in research and economic development – partnerships with Industry

Researchers in the College of Technology and the private company Fi-Ber Sports, LLC to develop the HOPLite® Skate Armor system have been awarded a \$111,000 Idaho Global Entrepreneurial Mission (IGEM) grant through the Idaho Department of Commerce (Idaho Commerce). Synergy will be achieved between Research, Technology and Commercialization and the project will be housed in research space allocated to the research team in the Eames Complex at ISU.

Internal grants and opportunities created – Office for Research

- Administered \$55k award from SBOE HERC for quality undergraduate student research experiences.
- Students are presenting at conferences, submitting to research publications, and involvement in research.
- Coordinator of Outreach and Diversity working to enhance the minority workforce in collaboration with the Idaho Dept. of Labor.

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- The Office for Research combined the pre and post award offices under one umbrella, as the Office of Sponsored Programs Support, providing a better integration of full service for the entire university research community.
- Dr. Mustafa Mushal, through a collaboration with the Office for Research and the College of Science & Engineering has established a Structural Integrity Laboratory in the Measurement & Control Engineering Facility on 2<sup>nd</sup> Street in Pocatello, and is doing research and providing research experiences involving structural integrity to graduate and undergraduate students.

Center for Advanced Energy Studies (CAES)

- Significant funding was secured by ISU joint appointment faculty/researchers through the DOE NEUP program.
- Currently three ongoing searches for INL/ISU Joint Faculty Appointments in key areas of 1) Modeling & Simulation (cybersecurity); 2) Materials science; 3) Radiochemistry/ separation science are conducted.
- ISU Office for Research is working with CAES and INL teams in order to enhance export control compliance that involve all three stakeholders.

Partnerships with the Idaho National Laboratory (INL)

- Key initiatives on joint appointments at various levels of seniority is ongoing with INL management.
- Key initiatives on joint projects with the INL are under consideration.
- ISU participates in the INL Graduate Research Fellowship Program in which highly select students are placed in paid fellowships that pay for their entire graduate career in tuition and stipend.
- To date, three Career Path Interns (CPI) from ISU have been placed with mentors at the INL to work on projects there. This initiative has been very well received by INL researchers and workforce development coordinators.
- A very large project – funded through the INL's Small Modular Reactor Program – involves large renovations and buildout in the Measurement & Control Engineering Facility on 2<sup>nd</sup> Street in Pocatello. A Flood and Wave Modeling Evaluation Laboratory is being created in the process.

**Highlight Any College Standouts** (*chose to focus on college-level marketing and recruitment initiatives*)

Since hiring an Enrollment Management AVP, ISU has led a campus-wide effort focused on marketing and recruitment initiatives. ISU implemented an Enrollment Management Plan for 2016-2020. We continue to see significant gains in admissions applications for Fall 2018. In addition, gains have been made in Idaho student enrollment. Some of the Fall 2016 highlights are as follows:

- Total enrollment in Fall 2016 (end of term) was 13,629, an increase of +60 students or +0.4% from last Fall

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

- Idaho Resident Enrollment increased +312 or +3.0%
- Undergraduate Academic Headcount increased +6 to 10,536
- Graduate Headcount increased +92 students or +4.8% to 1,993
- Early College students increased +481 to 2,693 up +21.8%

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**College of Arts & Letters**

- Liberal Arts High: Our professors visited over 5,000 students in 28 Idaho high schools during the 2016-17 academic year and gave presentations on their topics of expertise. After each visit, every student leaves the classroom with a t-shirt and gains knowledge about ISU and our programs.
- Awarded 14 high school students in eastern Idaho with Road Scholars Scholarships to ISU. Used \$28,000 from Dean's Excellence Fund, and during visits informed each student the additional money they would be receiving from ISU. This number was over \$120,450.
- Students and professors in the Spanish for the Health Professions Program held a free health fair at Snake River where they worked with professionals to conduct dental and eye exams, and blood sugar and blood pressure checks. Students taking dual-enrollment Spanish for the Health Professions courses also came to campus to tour their areas of interest, and took their Spanish CLEP exams.
- The College's newest marketing strategy is Live, Learn, and Play, which highlights the livability of Pocatello, the education you can receive at ISU, and the various opportunities to "play" in southeast Idaho. We will be rolling out a large Live, Learn, and Play campaign this year.
- The College hosted four Humanities Café events this year focused around diversity. The events were held in the community and featured students, faculty and staff members, and community members. They were centered on music, art, dance, and communication, and featured presentations from faculty members in anthropology, history, and the social sciences.
- Last summer, we held four summer camps for local middle and high school- age students. Students had the opportunity to participate in two music camps, one theatre camp, and one communication and art camp. Students spent all day on campus working with our faculty and spending time using our facilities. This year, we are hosting six summer camps for area students, including new jazz and dance camps.

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**College of Business**

- Once signing up as a prospect, students receive a CoB branded box in the mail with our programs' booklets, Dyer Hall post card, 'thank you for your interest' letter from our recruiter and several pieces of swag including a CoB pennant flag, a branded USB charging port and bracelet. Then, our recruiters personally follow-up with each box recipient with a phone call or email to offer assistance.
  - In spring 2017, more than 15 boxes had been sent out to students across the country and in the southeast Idaho area. Of those students 27% had enrolled for the fall 2017 semester and several have scheduled appointments with the undergraduate recruiter and even changed their majors to business
- Off-campus events included more than 25 high school visits.
  - Attended all ISU sponsored events, including the ISU Information nights and

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- the LDS Fireside event
  - CWI Transfer Fair (the Director of Undergraduate Studies serves on the advisory board for the business programs at CWI and is working to build the relationship between ISU's and CWI's business programs)
  - CSI Transfer Fair (the Director of Undergraduate Studies makes regular, monthly visits to the Twin Falls campus in order to maintain relationships with the students and staff there)
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- Participated in and helped sponsor and coordinate Junior Achievement's Inspire to Hire event which brought 150 students from local schools to ISU to learn about business programs and learn about career opportunities
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**College of Education**

- Created 13 Future Educator Association (FEA) chapters in Regions 5 and 6 high schools that support and encourage students who are interested in teaching as a career (response to the Teacher Pipeline challenge). We are expanding into Region 4 in the Fall 2017 with our first chapter at Burley High School
  - Hosted the second annual FEA Day on ISU's campus to introduce students to ISU and the COE (in 2016 – 80 students attended; in 2017 – 188 students attended)
  - Created an “edadvise” email link that is checked multiple times a day by different people to ensure a timely response
  - Hosted National Girls and Women in Sports Day, impacting more than 300 students in grades K-5
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**College of Science & Engineering**

- In FY16, 310 College of Science and Engineering students participated in the CPI program as employees in an array of ISU departments. CoSE hired 220 ISU students from a variety of ISU majors to work in positions related to students' future careers.
  - The Department of Physics successfully reaches thousands of K-12 students through its outreach activities. Exciting demonstrations and presentations focusing on STEM fields were given by Dr. Shropshire and his team of student employees. Total impact of outreach is estimated at 11,320.
    - 62 presentations for 20 elementary schools
    - 89 presentations for 14 middle schools
    - 12 presentations for 9 high schools
    - 13 presentations for public audiences
  - Workshops for K-12 teachers were hosted at 15 schools, elementary through high school
  - Community outreach activities included
    - Haunted Science Laboratory, October 29, 2016
    - Water Rocket Festival in Tydeman Park in Pocatello
  - Created Bengal STEM Day in 2016 by combining the National Engineers Week Student Competitions and the Idaho Science and Engineering Festival. Local junior and senior high school students were invited to campus to participate in STEM-related competitions and activities.
  - More than 750 students and teachers attended the event and nearly 100 volunteers provided the STEM activities. Sponsors, such as Micron, Idaho National Laboratory, Simplot, ON Semiconductor and FA Engineering, supported the event.
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**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

- Popsicle stick bridges, tennis ball catapults, electroscopes, Rube Goldberg Machines, chemistry relays, and egg rockets were constructed and tested as tools to help students learn engineering and science principles.
  - Other activities included creating a mirror with chemical reactions, extracting DNA from strawberries, using 3D modeling software to restore fossils, building a hoop glider and playing in a sand table to create topographic maps.
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**College of Technology**

- The recruitment events held during the 2016-2017 academic year were the Tech Expo, Experience ISU which is a campus-wide version of COT's "Tech Day," an Occupational Therapy Assistant open house, and the VEX Robotics Tournament
  - The Tech Expo is the largest single-institution recruitment event in Idaho and boasts an annual attendance of over 2,000 prospective students not including teachers or other family members. The 2017 Tech Expo hosted over 2,300 students and completely filled the Holt Arena floor. Industry partners are also invited and are some of the College's best recruiters
  - The College of Technology teamed with Idaho National Laboratories, Williams Pipeline, Simplot, Bannock Development Corporation, and other industry partners to host the second annual YourFIT recruitment tour at high schools throughout Southeastern Idaho and Wyoming. YourFIT events are essentially evening college fairs designed to educate prospective students and their families on the importance of career technical education. Presentations are given by recent College of Technology graduates, INL representatives, and representatives from the YourFIT planning committee.
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**Division of Health Sciences**

- Idaho State University Health Center hosted Non-traditional/ Transfer/ Veteran Student Social with over 300 students attending
  - Dietetics held a career fair and speaker event at BYU-I, reaching over 200 students
  - Healthy Bengal Wellness Fair and the Pocatello Counseling Clinic (PCC) joined with University Counseling and Testing Service (UCTS) and The University Health Center (UHC) to promote healthy relationships. 195 people reached on Facebook, 250 in person
  - September 2016 Healthy Bengal Wellness Fair – Clinic provided counseling and diagnostic services to the University and public. 2 Faculty and 16 students manned the booths, where over 500 attended the event
  - College of Pharmacy conducted direct recruitment efforts with high school students in the Boise and Idaho Falls area. The target audience are students currently in Health Occupation classes or organizations. Seven high schools and over 150 students are impacted.
  - Dental hygiene program provided outreach to Aberdeen and American Falls high schools; recruitment to BYU-I students; and focus on Hispanic students in TRiO and Latino Fair in Snake River (ISU Pipeline program) - 7 HS students who were interpreting. Students were from Snake River, Rigby, Pocatello, and Blackfoot school district
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**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

- Email campaign for Emergency Management targeted over 2000 Emergency Management Offices around the country. The Fire Services Administration campaign targeted 356 fire departments nationally. Information on the Paramedic Science program, especially regarding the expansion to Idaho Falls, was emailed to all Idaho high school EMT instructors
  - All first year PA students are required to perform 16 hours of service learning. Some of these activities require faculty supervision and some are non-medical activities, which do not require faculty supervision. In addition to the service provided by the students, these activities provide the program with the opportunity to present a positive image to communities and prospective applicants for ISU and the PA program.
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**University Advancement**

- This year the ISU Foundation closed a commitment for a \$1 million annual repeating gift from the Portneuf Medical Center (PMC) to fund the operation of the ISU Family Medicine Residency on the ISU Campus. This gift is in addition to the funds provided by PMC through an operating agreement directly with ISU
- The College of Pharmacy enters the 2nd year of the silent phase of its Capital Campaign for facilities, scholarships and academic enhancements; \$10 million of the \$15 million goal has been committed or received. The campaign publicly kicked off in April of 2017
- The College of Technology has begun a \$5 million capital campaign to fund enhancements to its new location. The lead gift came from William M. and Karen Eames, naming the Eames Complex that will house the majority of College of Technology programs. An additional \$500,000 has been committed since the announcement of the lead gift in April 2017
- Jon and Karen Huntsman chose to not only continue their association with ISU, but to increase their annual support of scholarships from \$100,000 to \$150,000
- In FY 2017 (through end of May), the ISU Foundation Endowment grew from \$44,900,000 to \$51,600,000
- Idaho College of Osteopathic Medicine received pre-accreditation on May 4, 2017. The facility is on schedule for completion in August 2018
- Bengal Pharmacy has locations in Pocatello, Arco, Challis and Council. It recently completed its most profitable year to date. Approval has been given to open a location in Kendrick within the next few months
- Idaho State University joined Portneuf Medical Center and Idaho Central Credit Union as major sponsors of Pocatello's Fourth of July Parade. For the first time ever, the parade was routed through the center of campus. ISU also joined the parade festivities in Idaho Falls

**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

- The ISU Institutional Effectiveness Outreach Committee objective to enhance community partnerships is in the early stages of developing a “community contract.” This contract will include shared resources and collaborations between the University and its local communities
- The Strategic Plan Community Partnership Objective is in the process of developing a community directory to identify partnered resources and businesses which are actively participating in University support
- ISU's annual Celebrate Idaho State event in 2017 had the largest community attendance to date. More than 2,500 community members visited campus, learned about academic programs and participated in hands-on demonstrations
- Partnership with KPVI-TV NBC News 6 to produce and broadcast a monthly “Bengal Wednesday” news segment with highlights about ISU
- ISU Alumni Relations has established a weekly campaign to highlight different local programs and businesses
- In fall 2016, ISU collaborated with KIND Community and the City of Pocatello to host a community event focused on anti-bullying, inclusion and diversity

**New Buildings**

While there are no new buildings, Idaho State University has made a number of enhancements and improvements to buildings. As a team in FY 2017, Facilities managed 42 Division of Public Works projects valued at \$36.8 Million. The team also managed 226 PSR projects valued at \$11.5M, and of these 71 projects valued at \$171K were completed and closed out.

Specific project highlights: (Bold ones were larger projects)

- Completed installation of new storefront entrances at Garrison Hall and Gale Life Sciences building
- Completed Gravely Hall Roof Replacement
- Completed Reed Gym-Partial Roof Replacement
- **Completed Digital Design Studio in Fine Arts**
- Completed PAS Lab, Cesar Chavez Crossing, T&T Stairs, Dyer Hall remodels
- Completed Freezer and Mass Spec Project at Meridian Health Science Center
- **Began PT/OT Expansion and masterplan build-out of second floor at ISU Meridian**
- **Completed Research Data Center project in Lillibridge Engineering**
- **Completed the Miller Ranch locker room remodel and new construction**
- **Completed constructing faculty office space and new classrooms and conference rooms at the Tingey Administration Building in Idaho Falls**



**POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- **Completed 5<sup>th</sup> floor Business Administration remodel of rooms 506, 507, 508**
- Completed Oboler Library Restroom Renovation
- Completed Academic Affairs Conference Room in the Administration Building
- Completed JCI building HVAC controls campus-wide
- **Maintained schedule for DPW 16-220 Gale Life Science A&P for a 2017 Summer delivery**
- **Assisted and provided leadership for efforts for COT to EAMES Complex analysis under multiple renditions for phases, options, and timelines. Began initial small projects and issued RFQ for larger DPW project.**
- Completely vacated the Continuing Education Building and relocated departments to Pocatello main campus.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**IDAHO DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Annual Progress Report

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.3.

**BACKGROUND/DISCUSSION**

This agenda item fulfills the Board's requirement for the Division of Career Technical Education (Division) to provide a progress report on the agency's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

Dwight Johnson, State Administrator of the Division, will provide an overview of Division's progress in carrying out the agency's strategic plan.

**ATTACHEMENTS**

Attachment 1 – Progress Report

Page 3

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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We prepare Idaho's youth and adults for high-skill, in-demand careers.



## Growing Idaho's Talent Pipeline & Building Career Opportunities

### The Value of Career & Technical Education

- Connects students to real careers
- Provides a talent pipeline for Idaho's business
- Makes education meaningful through applied learning

### Connecting Education to Employment

---

#### Governor's Workforce Development Task Force Recommendations:

- **Public Engagement:** Develop and implement a comprehensive statewide public engagement initiative utilizing technology and other engagement strategies to increase awareness of career opportunities for all Idahoans.
- **Connecting Education to Careers:** Idaho's K-through-Career education system should value and support all pathways for students to achieve education, training and workforce skills that align to their career aspirations
- **Career Advising:** Ensure that there is equity and access for all Idaho students to occupational pathways by establishing stronger requirements for the secondary education system in deploying college and career advising.

#### Supporting ICTE Initiatives:

- Allow ICTE to begin funding CTE programs starting in seventh grade
- ★ Hire 2 FTE to support CTE career exploration program development in the middle schools - \$207,300
- Continue CTE Image Campaign
- ★ Expand Centers for New Directions - \$200,000

### Increasing Capacity

---

#### Governor's Workforce Development Task Force Recommendations:

- **Expand Career & Technical Education Programs:** Strengthen Idaho's talent pipeline by expanding CTE programs at the secondary and post-secondary level.
- **Workforce Training Centers and Adult Training Support:** Enhance support for Idaho's six Workforce Training Centers and the individuals they serve with short-term, industry focused training.
- **Apprenticeships:** Continue the development of apprenticeship programs throughout the state
- **Workforce Development Training Fund:** Establish a sustainable funding mechanism for the Workforce Development Training Fund.

#### Supporting ICTE Initiatives:

#### ★ Postsecondary Capacity Expansion

- Third round of funding to increase enrollment in 16 high-demand, high-wage CTE programs in business, health care, information technology, manufacturing, and transportation at Idaho's 6 technical colleges - \$2.1 million
- Build on CTE Facilities Enhancements: LCSC, CEI, ISU

#### ★ Secondary Capacity Expansion:

- Increase funding for incentive grants for high quality CTE programs and to improve low performing programs - \$700,000
- Continue development and growth of Student to Registered Apprenticeship Program (STRAP)
- Continue to expand CTE Digital offerings - \$25,000

★ FY19 CTE Budget Line-Item Request

We prepare Idaho's youth and adults for high-skill, in-demand careers.



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## Growing Idaho's Talent Pipeline & Building Career Opportunities (cont.)

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### Improving CTE Program Quality

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#### **Governor's Workforce Development Task Force Recommendations:**

- **Workforce Readiness:** Incentivize Idaho school districts to incorporate workforce readiness skills throughout secondary curriculum.

#### **Supporting ICTE Initiatives:**

##### **Program Alignment**

- As of fall 2017 23 postsecondary programs are horizontally aligned
- At the annual CTE REACH conference postsecondary faculty conducted professional development for high school teachers as a part of *Vertical Alignment*
- Continue development of SkillStack® - Competency based micro-certifications

##### **Career & Technical High Schools**

- Streamline the process to become a career & technical high school
- Change the funding from Average Daily Attendance to Enrollment Based model

##### **Division Program Support**

- Implement new CTE Management System (CTEMS) by replacing and upgrading data system

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### Building CTE Teacher Pipeline

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- Launched cohort training model for Occupational Specialist CTE teachers at the annual CTE REACH conference

**PLANNING, POLICY AND GOVERNMENT AFFAIRS**  
**AUGUST 10, 2017**

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**SUBJECT**

Addition of Territory to College of Eastern Idaho Community College District

**REFERENCE**

January 27, 2017	Idaho State Board of Education (State Board) approved resolution recommending the formation of a community college district in Bonneville County.
June 15, 2017	Board approved trustee zones for the College of Eastern Idaho.
July 5, 2017	Board approved appointment of College of Eastern Idaho board of trustees.

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-2103 - 05, Idaho Code

**BACKGROUND/DISCUSSION**

On May 16, 2017, Bonneville County voters approved, by a vote of 71.4% to 28.6%, creation of the College of Eastern Idaho (CEI) to be a successor entity to Eastern Idaho Technical College (EITC).

Idaho Code §33-2105 provides that “any territory not in an existing community college district may become a part of a community college district by a [simple majority] vote of the school district electors resident of said territory ....” (Note: the term “territory” is undefined). To initiate the process, “a petition signed by not less than one hundred (100) school district electors of the territory proposed to be added to the community college district, or twenty percent (20%) of the school district electors within the territory, whichever is the lesser, describing the boundaries of the territory, and a true copy thereof, shall be filed with the board of trustees of the community college district.”

Next, the community board of trustees must send its recommendations and the petition, to the State Board. The State Board then must “consider” the petition “as it is required to consider a petition for the formation of a community college district.” If the State Board approves the petition, it must so notify the board of trustees of the community college district and the board of county commissioners of the home county of the community college district.

On July 26, 2017, the Bingham County Commissioners presented a petition to the CEI Board of Trustees to join the CEI Community College District (CEI District). The CEI Board of Trustees approved the petition; and its recommendation along with the original petition were hand-delivered to the State Board office on July 27, 2017.

**PLANNING, POLICY AND GOVERNMENT AFFAIRS**  
**AUGUST 10, 2017**

---

The Board has 30 calendar days, exclusive of the first day (i.e. receipt of petition) and inclusive of the last day, in which to make its recommendation. Thus, the Board must notify the parties not later than Friday, August 25, 2017.

Section 33-2103, Idaho Code, sets forth minimum requirements for the formation of a community college district, as follows:

- 1) The community college district must contain the area, or any part thereof, of four (4) or more school districts and the area or any part thereof, of one (1) or more counties;
- 2) Aggregate enrollment in grades nine (9) through twelve (12) is not less than 2,000 students; and
- 3) The market value of real and personal property value of the proposed district must not be less than \$100,000,000.

The statute further directs that “the state board of education in considering a petition filed pursuant to Section 33-2104, Idaho Code, shall verify all the above requirements, as well as determine the number of the students expected to attend and the facilities available, or to be made available, for operation of the school.”

In addition, Section 33-2104, Idaho Code, requires the Board to review the following information in determining whether to approve any petition:

- 1) Existing postsecondary opportunities within the proposed district;
- 2) Number of prospective students for the proposed community college;
- 3) Financial viability of the new community college with income from tuition and sources as provided by law.

**Section 33-2103, Idaho Code Requirements:**

1) Number of Local School Districts

The area of the proposed district includes the area (in whole or in part) of five (5) school districts:

Aberdeen School District  
Blackfoot School District  
Firth School District  
Shelley School District  
Snake River School District



**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**

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2) Aggregate Enrollment of High School Students

	2012-13	2013-14	2014-15	2015-16	2016-17
Aberdeen	224	226	210	197	200
Blackfoot	1,198	1,235	1,170	1,233	1,257
Firth	240	242	242	221	240
Shelley	616	620	639	652	660
Snake River	521	535	563	553	580
Total	2,799	2,858	2,824	2,856	2,937

3) Taxable Market Value

The market value for assessment purposes as shown by the equalized assessment rolls of real and personal property” for Bingham County for calendar year 2016 was \$1,707,211,024 (source: Gary Houde, Senior Research Analyst, Idaho Tax Commission, August 1, 2017).

4) Facilities Available

Most courses would be delivered on the CEI campus or online. Courses may also be delivered at high schools in Bingham County depending on community demand and space availability.

**Section 33-2104, Idaho Code Requirements:**

1) Existing Opportunities for Postsecondary Education

Historically, EITC only offered career technical education courses leading to a certificate or associate of applied science degree. Enrollment is capped in many programs due to accreditation requirements or the physical and equipment limitation of some career technical courses. Fall 2016 headcount was 676, while full-time equivalent was 470. With the formation of CEI in Bonneville County, academic courses leading to the Associate of Arts degree will begin being offered in fall 2017. This will significantly increase access to affordable postsecondary options.

University Place is a higher education center located in Idaho Falls. Idaho State University offers certificates, associates and baccalaureate degrees. The University of Idaho offers certificate and baccalaureate degrees. Both universities also offer graduate programs. Below is a five-year history of aggregate enrollment at University Place.

Academic Year	2011-12	2012-13	2013-14	2014-15	2015-16
Headcount*	3,590	3,153	3,054	2,972	2,466
FTE**	1,416	1,316	1,203	1,168	1,170

Beginning in 2013 College of Southern Idaho (CSI) began offering lower division academic transfers courses from a satellite campus in Idaho Falls.

**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**

Below is a two year history of enrollment at this campus. CSI will phase-out its program offerings in Idaho Falls as CEI brings on its own academic courses.

Fall Semester	2015	2016
Headcount*	152	200
FTE**	82	111

Idaho State University in Pocatello is a comprehensive regional research university offering a full complement of programs leading to certificates and associates, baccalaureate, master's, doctorate and professional degrees.

Academic Year	Fall 2012	Fall 2013	Fall 2014	Fall 2015	Fall 2016
Headcount***	11,574	11,163	10,980	10,336	9,785
FTE**	8,450	8,147	8,331	8,145	7,831

\* unduplicated

\*\* unduplicated; FTE = 30 credit hours

\*\*\* Campus headcount is based on the campus where the course originates. If a student is enrolled in courses that originate from more than one campus the student count is duplicated.

2) Projected Enrollment

EITC administration provided the following enrollment projections (assuming a community college district made up only of Bonneville County).

	Current	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Headcount by semester	700	1,500	2,300	2,950	3,400	3,950	4,400
Growth in headcount per year		114%	53%	28%	15%	16%	11%
General Education (lower division) Students		770	1,530	2,110	2,500	3,000	3,360
Career Technical Education (CTE) Students	700	730	770	840	900	950	1,040

The six-year projection came from a review of the College of Western Idaho's growth pattern, the application of CSI's student enrollment in Idaho Falls and some demographic multiplying factors (e.g. population of the Idaho Falls metropolitan statistical area).

While historic population growth in Bingham County is essentially flat, the need for a workforce with some form of postsecondary education remains strong throughout the state.

2000 Census	2010 Census	Annualized Chg (2000-10)	2015 Estimate	Number Chg	Annualized Chg (2010-15)
41,735	45,607	0.9%	44,990	(617)	(0.3%)

3) Financial Viability

In summer 2016 a financial pro forma was prepared in consultation with EITC administration. The pro forma was also vetted with Board staff and legislators. The pro forma uses the following material revenue assumptions:

**PLANNING, POLICY AND GOVERNMENT AFFAIRS**  
**AUGUST 10, 2017**

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- a) Tuition = \$120 per credit hour
- b) Projected enrollment growth as depicted in #2, above.
- c) District property tax assessment at \$15 per \$100,000 of assessed value
- d) \$5 million one-time General Fund appropriation from the state community college start-up account (per H459 and S1429 (2016)), for the first fiscal year of operation
- e) Phased-in request for state General Fund support commensurate with enrollment increases
- f) \$200,000 liquor funds [contingent on amendment to Idaho Code §23-404(1)(b)(iii) and appropriation]
- g) Transfer of all EITC real and personal property to the community college district. As such, no new infrastructure would be needed with use of existing EITC facilities, furniture, fixtures and equipment.

Based upon the projected revenues and expenditures set forth above, the State Board of Education has already determined the community college district to have sufficient revenues with which to support normal college expenditures. The proposed addition of Bingham County to the community college district would enhance the financial viability of CEI.

**IMPACT**

Approval of the resolution as provided in Attachment 1 will allow for an election to be called in Bingham County for creation of a community college district pursuant to the requirements of Sections 33-2105 and 34-106, Idaho Code.

Section 33-2104A, Idaho Code, provides that “a proposal to redefine the boundaries of trustee zones of a community college district shall be initiated by its board of trustees at the first meeting following ... the electors’ approval of the addition of territory pursuant to section 33-2105, Idaho Code. The board of trustees shall submit the proposal to the state board of education within one hundred twenty (120) days following the ... election.”

**ATTACHMENTS**

Attachment 1 – Resolution: Approval	Page 3
Attachment 2 – CEI Board of Trustees Recommendation	Page 5
Attachment 3 – Example Petition to Join CEI District	Page 7
Attachment 4 – County Clerk Affidavit Certification of Signatures	Page 9

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff finds that the petitioners and CEI Board of Trustees duly satisfied the requirements for the addition of territory to a community college district set forth in Section 33-2105, Idaho Code.

Staff recommends approval of the Petition.

**PLANNING, POLICY AND GOVERNMENT AFFAIRS**  
**AUGUST 10, 2017**

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**BOARD ACTION**

I move to approve the Resolution set forth in Attachment 1 recommending the addition of territory made up of the boundaries of Bingham County to the current territory of the College of Eastern Idaho community college district.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



**IDAHO STATE BOARD OF EDUCATION**

650 W. State Street | P.O. Box 83720 | Boise, Idaho 83720-0037  
208-334-2270 | FAX: 208-334-2632  
email: [board@osbe.idaho.gov](mailto:board@osbe.idaho.gov)

RESOLUTION APPROVING PETITION  
FOR ADDITION OF BINGHAM COUNTY, IDAHO  
AS TERRITORY TO COLLEGE OF EASTERN IDAHO  
COMMUNITY COLLEGE DISTRICT

WHEREAS, Idaho Code §33-2105 authorizes qualified electors to petition for territory to be added to a community college district; and

WHEREAS, said petition must be filed with the board of trustees of the community college district; and

WHEREAS, there was filed with the College of Eastern Idaho (CEI) Board of Trustees a petition for the addition of Bingham County as territory to the CEI community college district (hereinafter "CEI district"); and

WHEREAS, the Bingham County Clerk duly verified 123 petitioners' signatures as those of qualified electors; and

WHEREAS, the CEI Board of Trustees must forward its recommendations and original petition to the Idaho State Board of Education; and

WHEREAS, the CEI Board of Trustees met on July 26, 2017 to consider the petition and voted to recommend Bingham County be added to the territory of the CEI district; and

**PLANNING, POLICY AND GOVERNMENT AFFAIRS**  
**AUGUST 10, 2017**

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WHEREAS, the president of CEI hand-delivered said recommendation and petition to the Office of the State Board of Education on July 27, 2017 for its consideration and recommendation pursuant to Idaho Code §33-2104(c), §2105; and

WHEREAS, existing postsecondary opportunities in Bingham County, the number of prospective students for CEI, and the financial ability of CEI to provide and maintain lower-division academic and career-technical educational programs have been properly considered and reviewed by the Idaho State Board of Education.

NOW, THEREFORE, BE IT RESOLVED, by the Idaho State Board of Education:

SECTION 1. That this Board approves the petition for the addition of Bingham County to the CEI district, and recommends that an election be called for such addition on one of the election dates enumerated in Idaho Code §34-106.

SECTION 2. That a copy of this Resolution shall be delivered to the CEI Board of Trustees, Bonneville County Commissioners and Bingham County Commissioners.

SECTION 3. That this Resolution shall become effective immediately upon its adoption and approval.

ADOPTED and APPROVED by the Idaho State Board of Education, this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017.

**APPROVED:**

\_\_\_\_\_  
Linda Clark, President

**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**



July 26, 2017

College of Eastern Idaho  
1600 S. 25<sup>th</sup> E.  
Idaho Falls, ID 83404

Idaho State Board of Education  
650 W State St # 307  
Boise, ID 83720

To the Idaho State Board of Education;

On July 26<sup>th</sup>, 2017, the Board of Trustees of the College of Eastern Idaho, led by Chairman Park Price, considered the request presented by the Commissioners of Bingham County to allow Bingham County to join into the College of Eastern Idaho Community College district. The Board was presented with a certified petition containing 123 signatures of registered voters in Bingham County in support of the initiative.

After careful consideration, the College of Eastern Idaho Board of Trustees voted to recommend that the Bingham County voters' petition, attached hereto, to be added to the territory of the College of Eastern Idaho Community College District be approved by the Idaho State Board of Education, pursuant to Idaho Code, Section 33-2105.

On behalf of the Board of Trustees, it is endorsed that the Idaho State Board of Education permit voters in Bingham County to decide future involvement in the Community College District.

Respectfully,

A handwritten signature in green ink, appearing to read "Park Price", is written over a faint, larger version of the same signature.

Park Price, Chairman  
College of Eastern Idaho Board of Trustees

*Attached: Original voter signatures, Letters certifying authenticity*

**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**

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**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**

CC-001  
Page 1

**PETITION TO JOIN COMMUNITY COLLEGE DISTRICT  
FOR THE COLLEGE OF EASTERN IDAHO**

We, the undersigned citizens and qualified electors of the State of Idaho, in and for Bingham County, respectfully petition the Board of Trustees for the College of Eastern Idaho that Bingham County in its entirety join the Community College District for the College of Eastern Idaho.

Each of the following signers certifies that: 1) I have personally signed this petition and 2) I am registered to vote under the name signed below, 3) I am registered to vote at the address listed below which is in Bingham County, Idaho.

	Date (6/2/17)	Printed Name (Barbara B. Smith)	Signature (Barbara B. Smith)	Voting Address/City (201 S. Main, Blackfoot)
1	ok 7-5-17	Suzanne McNeel	Suzanne McNeel	1183 James St. Blackfoot
2	ok 5-9-17	Paul M. Lassmils	Paul M. Lassmils	641 W. Dawn Cir. Blackfoot
3	ok 6-7-17	Donna K Park	Donna K Parkinson	370 W 160 N Blackfoot, ID
4	ok 7/6/17	Elisa Oats	Elisa Oats	1594 N. 775 E. Shelley, ID.
5	ok 7/6/17	RHEANNE MORRAY	Rheanne Morray	89 PARSONS Blackfoot
6	ok 7/6/17	Taylor Bingham	Taylor Bingham	1301 Rachel Drive
7	ok 7/10/17	LISA J TOENASENE	Lisa J Toenasene	153 S Lavaside, Blauyent
8	ok 7-10-17	Richard Mangum	Richard Mangum	726 Lakeside Dr. Blackfoot
9				
10				
11			8-8 Accepted	
12				

**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**

CC-001

	Date (10/2/16)	Printed Name (Barbara Smith)	Signature (Barbara B. Smith)	Voting Address/City (201 S. Main, Blackfoot)
13				
14				
15				
16				
17				
18				
19				
20				

State of Idaho )  
 ) ss.  
 County of Bingham )

I, Paul Loomis, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name, address and residence correctly, that each signer is a qualified elector of the State of Idaho, and a resident of the County of Bingham.

*[Handwritten Signature]*  
 Signature of Signature Gather  
 Mailing Address: 641 Dove Cir.  
Blackfoot, ID 83221

Subscribed and sworn to before me this 13<sup>th</sup> day of July, 2017.

*[Handwritten Signature]*  
 Notary Public  
 Residing at: Blackfoot  
 My commission expires: 4-15-20



PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017

COUNTY CLERK AFFIDAVIT  
CERTIFICATION OF NUMBER OF SIGNATURES

STATE OF IDAHO  
s.s.  
County of Bingham



DATE: JULY 20, 2017

I, Pamela W. Eckhardt, County Clerk of BINGHAM County, hereby certify that petitions to join the Community College District for the College of Eastern Idaho contain 123 certified signatures of qualified electors in Bingham County.



Signed *D. Miller*  
Deputy Clerk

Signed *Pamela Eckhardt*  
County Clerk

**PLANNING, POLICY AND GOVERNMENT AFFAIRS  
AUGUST 10, 2017**

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**SUBJECT**

Legislation – 2018 Session

**REFERENCE**

June 2016                      The Board approved 18 legislative ideas to be submitted through the Governor's Executive Agency Legislation process for the 2018 Session and authorized the Executive Director to identify additional potential legislation for submittal.

**BACKGROUND/ DISCUSSION**

The Board approved legislative ideas and authorized the Executive Director to submit additional ideas identified by Board staff to the Governor's Office through the Executive Agency Legislative process at the June 2017 Board meeting. The attached legislation summaries have been submitted as legislative ideas and have now been approved by the Governor's Office to move forward through the legislative process for the 2018 Legislative Session or have been rejected as indicated in the summary. The next step in this process is approval of the legislative language. The legislation that is approved at this time will be submitted to the Governor through the Division of Financial Management for consideration. All legislative proposals approved by the Governor will then be forwarded to the Legislative Services Office for final drafting and submittal to the Legislature. As part of this final processes, staff will work with the Governor's Office, Legislators, and other education stakeholders to make final amendments to the actual language in conformance with the policy direction approved by the Board. Those items not approved by the Board at this time will be pulled and will not move forward through the process.

The Board approved eighteen (18) legislative ideas at the June 2017 Board meeting. Two (2) additional legislative ideas were identified and authorized by the Executive Director for consideration. The Governor has requested that all agencies and Board's limit their legislation during the 2018 Legislative session to those items that are the most critical. For the Board, we have received feedback from the Governor's Office that given consideration of what may come forward from the Higher Education Task Force, the Governor's Office would like the Board to be very strategic about the legislation that is run this year. Of the twenty (20) total legislative ideas, one (1) has been pulled by the institution who submitted it, three (3) have been rejected. One (1) was rejected due to the fact that the Division of Human Resources has proposed the same legislative idea, and the Governor's Office has approved the Division to move forward with the legislation. The other two (2) were rejected because they would have repealed old sections of Idaho Code that have either been found to be in conflict with the United States Constitution or have not been funded in a number of years and are now irrelevant. The feedback staff has received is that the repeals from a policy perspective are supported, however, they do not currently have any impact and could wait until next year to be repealed. The deadline for submitting legislative language is August 18<sup>th</sup>, 2017. An exception to the deadline will be made for any legislation that is necessary to implement recommendations from the Higher Education Task Force.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**ATTACHMENT**

Attachment 1 – Legislative Summaries  
Attachment 2 - Draft Legislative Language

Page 3  
Page 13

**IMPACT**

Any legislation not approved by the Board will be withdrawn from the Executive Agency legislative process. The Board office will continue to work with the Governor's Office, the Division of Financial Management and Legislative Services Offices (LSO) to finalize approved legislation prior to the start of the 2018 legislative session.

**STAFF COMMENTS AND RECOMMENDATIONS**

The legislation approved by the Board at this stage will be submitted to the Governor's Office and the Division of Financial Management. Following review by the Governor's Office, the legislation will then be submitted to the Legislative Services Office. Following review by the Legislative Services Office, the legislation will be turned into Bill's (RS'ed) and then submitted to the legislature. During any one of these stages additional technical changes to legislation may be necessary or the Board may choose to withdraw any piece of legislation.

**BOARD ACTION**

I move to approve the proposed legislation in substantial conformance to the form provided in Attachment 2 and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the legislative process.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**Approved at the June 2017 Board meeting and moving forward:**

**1. Workers Compensation for Work-Study Students (501-02)** (amended based on institution feedback)

Statement of Purpose

The proposed amendment would amend Section 72-205, Idaho Code, adding language that would require the postsecondary institution to cover the student through their workman's compensation policy if the employer the student is placed with does not cover the student through its policy. The definition of "work experience student" includes work-study students of our public higher education institutions. Adult students when employed by an institution or placed in an off-campus work experience are covered as employees by the employer's worker compensation coverage. The existing language requires the postsecondary institution to include the student in their policy, even if the employer has covered the student through their workman's compensation policy.

Fiscal Note

The current language requires public higher education institutions to maintain workman's compensation coverage for students placed in work-study positions outside of the institution. The proposed legislation would result in a reduction of workers compensation premiums paid by higher education institutions for students who are covered by an employer's policy. Estimates based on 2016 calendar year premiums range from no fiscal impact at some institutions to an estimated savings of \$66,483 for Boise State University.

**2. Agricultural College Endowment (501-01)**

Statement of Purpose:

The Agricultural College Endowment, established under the Morrill Act, exists for the benefit of the University of Idaho and its agricultural/mechanical programs. The Morrill Act is unique among the state land endowments in that it specifically allows for the endowment to purchase lands for sites or experimental farms whenever authorized by the state legislature. This legislation will create specific legislative authorization for the Land Board to use funds from the Agricultural College Endowment to acquire lands and furnish those lands to the University of Idaho for use in conjunction with the Center for Agriculture, Food and the Environment (CAFE).

Fiscal Impact:

There is no impact to the General Fund. Income from the Agricultural College Endowment, flows through to the University of Idaho and, by law, is never part of the General Fund. The University anticipates that endowment lands currently utilized by the University under an easement at no annual rent to the University will be sold by the endowment. Those proceeds will be used to acquire new endowment lands adjacent to the Center for Agriculture, Food and the Environment (CAFE) operational property to be furnished to the University for use as crop lands to grow feed for the CAFE dairy. There will be no fiscal impact to either the endowment income or to the University since the current lands do not generate income for the endowment.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**3. Transfer and Articulation – General Education Credits (501-05)**

Statement of Purpose

The purpose of this legislation is to codify the State Board of Education's policy on the transfer of general education postsecondary credits earned at one Idaho public postsecondary institution and transferred to another institution within the system. Current Board policy requires public postsecondary institutions to accept all general education academic credits toward degree completion within the limits allowed by the accreditation organization. The proposed legislation would create a new section in Chapter 37, Title 33 which would specify how general education credits transfer between institution. Students who complete the requirements for an associate's degree at a regionally accredited institution will be considered as satisfying the general education requirements of the institution transferred by the student. Students who complete the 36 credit general education framework at one public Idaho postsecondary institution, without earning an associate's degree, and who transfer to another public Idaho postsecondary institution will not be required to complete any additional institution specific general education requirements. Additional language will require the public postsecondary institutions provide students with an explanation of why any credits submitted for transfer did not transfer as well as the procedures for having credits or courses evaluated for degree requirement equivalencies.

Fiscal Impact

This legislation is based on current Board policy and will not create any additional fiscal impact.

**4. Eastern Idaho Technical College Repeal (501-06)**

Statement of Purpose

Eastern Idaho Technical College is established through Idaho Code. With the creation of the community college taxing district and the College of Eastern Idaho, those sections of Idaho Code specific to Eastern Idaho Technical College will need to be repealed. The repeal of the provisions specific to Eastern Idaho Technical College will allow the State Board of Education to dissolve the technical college as a legal entity and for the College of Eastern Idaho to fully assume the role of technical college for its area.

Fiscal Impact

Funds currently appropriated for Eastern Idaho Technical College will need to be shifted to the community college appropriation for use by the College of Eastern Idaho starting in FY 2019. Any additional funding for the new community college will be at the discretion of the legislature.

**5. Seed Certification (501-07)**

Statement of Purpose

The purpose of this legislation is to amend Section 22-1505, Idaho Code removing the requirement that the Idaho Agricultural Experiment Station in the College of Agriculture of the University of Idaho use the Administrative Rule process for setting standards for seed certification. The current process that allows for public/industry input in setting seed certification standards through the Idaho Crop Improvement Association would remain in place, however, the added formal rule promulgation process would be removed. Layering the formal rule promulgation process on top of the process that has been



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

developed through the Idaho Crop Improvement Association has added a layer of bureaucracy and time lines that limits the ability to amend standards in a manner responsive to industry needs. The current framework for gathering stakeholder/industry input used by the Idaho Crop Improvement Association would be incorporated into statute to replace the administrative code promulgation process.

Fiscal Impact

There would be a de minimis positive fiscal impact. The current processes facilitated by the College of Agriculture and its agent the Idaho Crop Improvement Association would continue. The administrative rule process would be eliminated resulting in one less rule being published each year. The publication costs for this rule have run between \$500 and \$1000 each year.

**6. PERSI/ORP Technical Changes (501-08)**

Statement of Purpose

The proposed legislation would update Section 33-107A and 33-107B, Idaho Code, removing outdated language regarding PERSI unfunded liability requirements and update language regarding the types of "contracts or certificates" benefits can be provided from. On July 1, 1997 Idaho community colleges and Eastern Idaho Technical College began requiring newly-hired nonclassified (professional and faculty) employees to enroll in an Optional Retirement Plan (ORP) to take the place of PERSI for retirement benefits. Existing employees at the time were allowed to make a one-time election to move to the ORP or remain with PERSI. Additionally, any new nonclassified employees that are already vested in PERSI at the time of hire may elect to remain in PERSI. Due to this change in 1997, PERSI required that the community colleges and Eastern Idaho Technical College pay 3.83% of all ORP employees' wages to PERSI to cover the "unfunded liability" for future retirements of employees already in the PERSI system caused by the removal of such a large pool of employees from PERSI. The unfunded liability provision expired on July 1, 2011. The proposed changes would remove the outdated language regarding the payment of funds to PERSI. Additional changes would update the language regarding the types of funds the Optional Retirement Plan benefits may be provided from in Sections 33-107A and 33-107B, Idaho Code. Currently the funds may only be provided through annuity contracts or certificates.

Fiscal Impact

There would be no fiscal impact from the proposed legislation. The outdated language regarding the unfunded liability expired July 1, 2011, remove the language at this time will result in no funding or procedural changes.

**7. Career Technical Public School Funding (501-10)**

Statement of Purpose

The proposed legislation amends Section 33-1002G, Idaho Code, to eliminate the support unit reference in how career technical schools are funded. Eliminating this reference will provide the Division of Career Technical Education with the flexibility to make future amendments to IDAPA 55.01.03, which outlines the specific process for funding these schools. In addition, the proposed legislation clarifies the specific funding eligibility requirements for a career technical schools. Under the existing language, career technical schools are funded using a formula that is linked to salary-based apportionment

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

and uses the average daily attendance of a student attending that career technical school. This approach does not take into account the separate and distinct costs of a career technical program, nor can it be accurately calculated within the state's current data reporting system. Under the proposed legislation, career technical schools would no longer be bound by the secondary support unit multiplier, although no actual changes to the process would go into effect until Idaho Administrative Code is also updated. Under the proposed legislation, the enrollment requirements for a career technical school are further clarified, ensuring schools enroll students from more than one attendance area and can be accurately accounted for in calculating career technical school enrollment.

Fiscal Impact

There would be no fiscal impact to the General Fund for FY2019, as the primary purpose of this legislation is to eliminate the requirement that career technical school funding be linked to secondary support units, as well as clarify funding eligibility for a career technical school. Until further statutory and administrative rule changes are made, the funding structure would continue to follow what is outlined in IDAPA 55.01.03. In the event future statutory changes affect the formula used to fund career technical schools, the General Fund fiscal impact would be associated with increases or decreases to career technical school enrollment.

**8. Career Technical Education Secondary Program Incentive Funding (501-12)**  
(Amended by Division of Career Technical Education and resubmitted)

Statement of Purpose

The proposed legislation creates a new section of Idaho Code to provide program quality funding for Career Technical Education secondary programs in the areas of: Business Management and Marketing, Engineering and Technology, Family and Consumer Sciences, Health Sciences, and Skilled and Technical Sciences. This legislation would expand funding opportunities currently available only for Agricultural and Natural Resources education programs pursuant to Section 33-1629, Idaho Code. As part of a program quality funding framework, the Division will provide technical assistance funding to programs within the program areas, including Agricultural and Natural Resource (technical assistance funding is currently not available under Section 33-1619, Idaho Code). Program quality funding would not be available to programs offered through a career technical school or programs already receiving additional state funds.

The proposed legislation will also establish a Workforce Readiness Incentive funding mechanism beginning in FY2020. The Division will develop specific criteria to award incentive funds based on the number of secondary career technical concentrators who have demonstrated workforce readiness at the completion of their career technical education program.

This incentive-based approach would more clearly demonstrate the return on investment provided by career technical education and hold career technical education programs more accountable for producing results. This approach will also ensure more career technical education students are ready for the workforce and able to meet the demands of business and industry.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

Fiscal Impact

The General Fund Fiscal Impact for FY2019 would be \$700,000. For FY 2018, the legislature appropriated \$300,000 in ongoing General Fund appropriations for the Agricultural and Natural Resources program. This request expands on that appropriation. If approved, the total ongoing fiscal impact of the combined Incentive Funding Program would be \$1,000,000 to the General Fund.

There would be no fiscal impact in FY2019 due to the Workforce Readiness Incentive Fund. The ongoing fiscal impact of the Workforce Readiness Incentive funding will be contingent on the award amount and the number of students who meet the eligibility criteria. That amount is currently estimated at \$700,000 for FY2020.

**9. Definition of Career Technical Education (501-11)**

Statement of Purpose

The proposed legislation amends Section 33-2202, Idaho Code, to include approved middle grade career technical school programs in grades 7 and 8. These programs would be eligible for added-cost funds. Currently, added-cost funds may only be used for approved career technical education programs beginning in grade 9. Under the proposed legislation, career technical programs offered at the middle school level (grades 7 and 8) may be eligible for additional funds, assuming the content of the courses meets Board of Education approved career technical education program standards and the middle school instructor carries an appropriate career technical education endorsement. The programs would be subject to and fall under the oversight of the Division of Career Technical Education in the same manner as secondary career technical education programs.

Fiscal Impact

For FY2019, the General Fund fiscal impact would be \$207,300. Of this, \$137,000 would be an ongoing General Fund appropriation for the salaries and benefits of a Middle School Program Manager and Administrative Assistant I positions. These positions would be responsible for oversight, growth, and management of Idaho's middle school career technical education programs. The Division of Career Technical Education is also requesting \$10,000 in ongoing General Fund operating expenses to cover the extensive travel required of the program managers as well as office related expenses. The Division is also requesting \$60,000 in one-time General Funds to re purpose existing space at Division of Career Technical Education office including the building of new offices.

**10. Advanced Opportunities Focus (500-04)**

Statement of Purpose

The purpose of this legislation is to amend Section 33-4602, Idaho Code to focus dual credit courses paid for by the State of Idaho to courses that are general education courses that could be used toward the attainment of a technical certificate or degree, courses that are part of a student's academic plan, or courses that lead to a certificate or degree or degree progress. The proposed amendment would require state funds being used to pay for dual credit courses to be more targeted and school districts to provide advising at a level that would assure students participating in this type of advanced opportunity are more strategic in their course choices. The end result would be a more meaningful program that will help students exiting high to be further along the path toward certificate or degree completion. Proposed amendments would not limit a student's ability to update

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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their educational plan and verification of alignment to a student's education/learning plan would be done as part of the advising all students should be receiving prior to enrolling in any dual credit courses. Additional technical corrections would clarify the number of years after graduation a student has access to the early graduation requirement.

Fiscal Impact

There would be no fiscal impact. The proposed changes would result in a more targeted approach, but would not change the current reimbursement amounts available for these courses.

**11. School District Employee Personnel Files (500-05)**

Statement of Purpose

Section 33-518, Idaho Code, requires school districts establish and maintain a personnel file for each employee of the school district. Each personnel file must contain any and all material relevant to the evaluation of the employee. Additionally, Section 33-1210, Idaho Code, requires the information regarding past job performance be released to a subsequent school district that is hiring the individual. During the FY2017 evaluation review it was found that many districts maintained only the final summative rating in the personnel files and no additional information supporting the evaluation rating of the employee. The proposed legislation would clarify that information supporting the rating and documenting the required minimum classroom observation must be retained for a minimum number of years.

Fiscal Impact

The proposed legislation will provide clarification of an existing requirement and have no fiscal impact.

**12. Leadership Premium – Mentor Focus (500-06)**

Statement of Purpose

Section 33-1004J, Idaho Code establishes a Leadership Premium that is available to individuals teaching dual credit course, teaching middle school students in courses that earn both middle school and high school credit, teachers holding multiple subject area endorsements, serving in hard to fill instructional positions (career technical and academic), individuals providing mentoring, peer assistance or professional development, individuals who have received professional development in career and academic counseling and then provide such counseling to students, and other leadership duties designated by the local Board of Trustees. The Governor's K-12 Task Force recommendations included recommendations regarding the increase of mentoring and job embedded professional development for teachers. The Leadership Premiums were created in part to help incentivize high performing teachers in providing mentoring to new or struggling teachers. The FY2016 report on the use of the premiums showed 2,193 out of 8,830 individuals received the premium for providing mentoring, peer assistance or professional development. The proposed legislation would require funds be used first to provide premiums for teachers serving in a mentor capacity prior to funding premiums in the other allowed categories.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

Fiscal Impact

The Leadership Premiums are distributed to school districts on a formula basis. Provisions requiring the school district award a portion of their premiums for individuals participating in mentoring activities will not change the overall distribution and will have no additional fiscal impact. In FY2017 approximately \$17,417,229 was distributed to school districts and charter schools for Leadership Premiums.

**13. Professional Standards Commission – Clarification (500-07)**

Statement of Purpose

The Professional Standards Commission is established in Section 33-1252, Idaho Code. Sections 33-1252 and 33-1254 authorize the commission to adopt professional codes and standards of ethics for approval by the State Board of Education and make recommendations to the Board in areas of educator certification and educator preparation standards. The commission is made up of 18 members appointed by the State Board of Education. In addition to making recommendations regarding professional codes and standards of ethics to the State Board of Education, the Commission investigates complaints regarding the violation of such standards and makes recommendations to the State Board of Education in areas of educator certification and educator preparation standards. The proposed legislation would provide for technical corrections, updating of terms to more clearly distinguish between codes of conduct (ethics) and preparation standards as well as areas of responsibility.

Fiscal Impact

The Professional Standards Commission is funded through the collection of certification fees collected by the State Department of Education, the proposed changes would provide clarification of existing practices and would not generate any fiscal impact.

**14. Higher Education Task Recommendations (501-04) (Place Holder – no legislation at this time, will be subject to final recommendations adopted by the Board)**

Statement of Purpose

The purpose of this legislative idea is to serve as a placeholder for those Higher Education Task Force recommendation that are adopted by the Board and require legislative action to implement.

Fiscal Impact

Undetermined at this time

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**Authorization by Executive Director for consideration:**

**15. Public Postsecondary Education – Residency Determination (501-13)**

Statement of Purpose

Section 33-3717B, Idaho Code, sets out the provisions for determining residency status for students attending our public four year institutions. In 2016 legislation was enacted amending these provisions to allow students who enrolled at one of our public postsecondary institutions within six (6) years of graduating from an accredited secondary school to automatically receive residency status for tuition purposes. The purpose of the original change was to accommodate those students that had deep ties to Idaho who had

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

left the state to attend undergraduate school and now wanted to return to their home state. While the current provision serves most of these students there have been a handful of students who have fallen outside of this the time period by three (3) to six (6) months due to the gap in the spring secondary school graduation and the fall time period for postsecondary enrollment. While there have not been large numbers of students who have been impacted by this gap, those students who have been impacted do fall into the group of students we want to encourage to return to Idaho. The proposed legislation would amend Section 33-3717B, Idaho Code, to extend the time period after secondary school graduation from six (6) years to seven (7) years.

Fiscal Impact

There would be no significant fiscal impact due to this legislation due to the small number of students impacted. The change would allow them to pay resident tuition as opposed to out of state tuition.

**16. Innovation Schools – Technical Corrections (500-01)**

Statement of Purpose

During the 2016 Legislative Session, HB 570 created a new chapter, Chapter 58, Title 33, Idaho Code known as the Innovation School Act. During the first year of implementation a few areas were identified where school districts could benefit from the addition of clarifying language. Proposed amendments would add additional definitions to terms used within the chapter as well as provide language that clarifies how existing language in a single section ties to the various sections within the chapter, adds a provision for parent/guardian input, adds specifications that the agreements must meet the statutory requirements to be valid, and includes additional technical corrections.

Fiscal Impact

The proposed amendments would not change the current funding provisions, resulting in no fiscal impact. Five schools submitted valid innovation school agreements for the 2016-2017 school year. No agreements were submitted, to date, for the 2017-2018 school year.

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**PULLED BY AGENCY/INSTITUTION – not moving forward through the process**

**17. Higher Education Employee’s – Nonclassified (501-03)**

Statement of Purpose

Currently Section, 67-5303(j), Idaho Code, defines “faculty,” “officers,” “professional staff” and positions at the agencies and postsecondary institution under the State Board of Education’s governance and who receive an annual salary equivalent to three hundred fifty-five (355) hay points as non-classified. The proposed legislation would expand this provision and define all staff at Boise State University, Lewis-Clark State College, Idaho State University, and the University of Idaho as nonclassified staff. The current classification status for staff at the agencies under the Board’s governance would remain the same. Nonclassified staff at the four-year institutions, unless already vested in PERSI, must participate in the Board’s Optional Retirement Plan, however, additional amendments would create a provision to allow some nonclassified staff positions to remain in PERSI, at the State Board of Education’s discretion. Further amendments

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

would remove the current prohibition restricting nonclassified staff under the State Board of Education's governance from receiving compensation for overtime worked; remove the requirement that the State Controller's Office approve the institutions system for maintaining personnel records; exempt institution staff from the requirement that awards given to staff pursuant to Section 59-1603(8), Idaho Code, be done so in accordance to rules promulgated by the Division of Human Resources; make additional technical corrections such as aligning the hay points specified in Section 67-5303(j), Idaho Code to a number equivalent to the start of the next pay grade; and remove outdated references. The proposed amendments would impact the following sections of Idaho Code: 33-107A, 59-1603, 59-1607, 67-5303, and 67-5328.

Fiscal Impact

The institutions estimate a de minimus fiscal impact. There may be some costs to the State Controller's Office for programing changes due to the creation of nonclassified employees that are also Fair Labor Standards Act covered employees and some saving might occur through the elimination of duplication of activities that currently occur between the State Division of Human Resources and the institutions human resource departments. As of January 2017, Boise State University, Idaho State University, and Lewis-Clark State College had a combined total of 1,369 classified positions (full and part-time) that would be impacted. Staff at the University of Idaho are not subject to the state personnel system and would not be impacted based on case law [Drepps v. Board of Regents of the University of Idaho, 65 Idaho 88 (1943)]. State Board of Education Governing Policies require the University of Idaho personnel system to be substantially similar to the state's system, and University of Idaho classified staff, in so much as practical, to be treated parallel to the provisions provided for State of Idaho classified employees in Chapter 53, Title 67, Idaho Code.

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**REJECTED – not moving forward through the process**

**18.Repeal – Bible Verses Read in Public Schools (500-02)**

Statement of Purpose

Section 33-1604, Idaho Code requires the State Board of Education to prepare a list of Bible verses that shall be read daily to each occupied classroom in each school district. This statute was found by the Idaho Supreme Court to be in conflict with the First and Fourteenth Amendments of the United States Constitution in 1964 and hence, is unconstitutional and invalid.

Fiscal Impact

Due to the 1964 ruling that this section of code was unconstitutional, it was never implemented, removal of the section will there for have no fiscal impact.

**19.Repeal – Technology Grant Program in Public Schools (500-03)**

Statement of Purpose

Chapter 48, Title 33, Idaho Code sets out the provisions for the Public School Technology Grant program. This program provided grants to schools to obtain equipment and resources necessary to integrate technology with instruction and was enacted in 1994. Since that time, these grants have been funded at various levels cumulating in the

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

Technology Pilot Grant funding in FY14 and FY15. The Governor's K-12 Task Force recommended ending the Technology Pilot Grant program and providing the funding directly to school districts. In FY16 and FY17, funding appropriated for technology was distributed directly to school districts rather than through a grant process. The proposed legislation would repeal this chapter of Idaho Code.

Fiscal Impact

There would be no fiscal impact. The pilot program has not been funded for a number of years, therefore repealing this chapter of code will have not fiscal impact.

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**REJECTED AS BOARD LEGISLATION – moving forward through other agency**

**20. Non-classified Staff Designation – Agencies and Institutions Under Board Governance (501-09)**

Statement of Purpose

Section 67-5303 Idaho Code provides for the application of the state personnel system on state employees. Section 67-5303 (j) defines those positions which are part of the public educational system that are nonclassified employees. The current language in this section includes a definition of officers and professional staff including pay grade and Hay Points which do not accurately align with Idaho's current pay grades. The proposed legislation would update this section to align with Idaho's current pay grades and make technical corrections to align language with terms already defined in Section 67-5302, Idaho Code.

Fiscal Impact

Updating the language in Section 67-5303(j) will set the required Hay Point requirement between pay grades rather than the upper end of the existing pay grade making it easier to distinguish between these positions. The change will allow for greater ease in administration and has no fiscal impact.



## **1. Workers Compensation for Work-Study Students**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 2. That Section 72-205, Idaho Code, be, and the same is hereby amended to read as follows:

72-205. PUBLIC EMPLOYMENT GENERALLY — COVERAGE. The following shall constitute employees in public employment and their employers subject to the provisions of this law:

(1) Every person in the service of the state or of any political subdivision thereof, under any contract of hire, express or implied, and every official or officer thereof, whether elected or appointed, while performing his official duties, except officials of athletic contests involving secondary schools, as defined by section [33-119](#), Idaho Code.

(2) Every person in the service of a county, city, or any political subdivision thereof, or of any municipal corporation.

(3) Participants in the Idaho youth conservation project under the supervision of the Idaho state forester.

(4) Every person who is a volunteer emergency responder shall be deemed, for the purposes of this law, to be in the employment of the political subdivision or municipality where the department, agency or organization is organized.

(5) Every person who is a regularly enrolled volunteer member or trainee of the department of disaster and civil defense, or of a civil defense corps, shall be deemed, for the purposes of this law, to be in the employment of the state.

(6) Members of the Idaho national guard while on duty and employees of or persons providing voluntary service to an approved Idaho national guard morale, welfare, and recreational activity. No Idaho compensation benefits shall inure to any such member, employee or volunteer or their beneficiaries for any injury or death compensable under federal law.

(7) A community service worker, as that term is defined in section [72-102](#), Idaho Code, is considered to be an employee in public employment for purposes of receiving worker's compensation benefits, which shall be the community service worker's exclusive remedy for all injuries and occupational diseases as provided under chapters 1 through 8, [title 72](#), Idaho Code.

(8) Every person who participates in a youth employment program funded in whole or in part by state or federal money and administered by a state or federal agency or a nonprofit corporation or entity.

(9) A work experience student, as that term is defined in section [72-102](#), Idaho Code, who does not receive wages while participating in the school's work experience program shall be covered by the school district's policy or by the Idaho higher education policy when the work experience student is not covered by the employer's policy.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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## **2. Agricultural College Endowment**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 58-307, Idaho Code, be, and the same is hereby amended to read as follows:

58-307. Term of lease — Application for renewal — Allowance for improvements. (1) No lease of state trust lands shall be for a longer term than twenty (20) years.

(2) Notwithstanding any other provisions of law, all state lands may be leased for a period of up to twenty-five (25) years to the federal government, to federal agencies, state agencies, counties, or cities, school districts or political subdivisions when leased for public purposes. Such leases for public purposes may be entered into by negotiation and shall secure a rental amount based on the fair market value of the state land, provided however, notwithstanding the foregoing, lands in the Agricultural College Endowment may be furnished by the state board of land commissioners to the University of Idaho for use as an experimental farm or site without rent and for such time as deemed necessary, in furtherance of the university's land grant mission.

(3) Notwithstanding any other provisions of law, all state endowment trust lands may be leased for a period of up to thirty-five (35) years for residential purposes as determined by the state board of land commissioners including, but not limited to, single family, recreational cottage site and homesite leases.

(4) Notwithstanding any other provisions of law, all state endowment trust lands may be leased for a period of up to forty-nine (49) years for commercial purposes under such terms and conditions as may be set by the board, provided that, for such leases in excess of twenty (20) years, the board consults with the county commissioners of the county in which the lands are located before leasing the lands, and the use for which the land is leased shall be consistent with the local planning and zoning ordinances insofar as is reasonable and practicable. For each lease in excess of twenty (20) years, the department shall hold a hearing in the county in which the parcel is located.

(5) The term "commercial purposes" means fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas as the principal source of power with a facility capable of generating not less than twenty-five (25) kilowatts of electricity, industrial enterprises, retail sales outlets, business and professional office buildings, hospitality enterprises, commercial recreational activities, multifamily residential developments and other similar businesses. For purposes of this section, farming leases, grazing leases, conservation leases including lands enrolled in federal conservation programs such as the conservation reserve enhancement program (CREP), noncommercial recreation leases, oil and gas leases, mineral leases, communication site leases, single family, recreational cottage site and homesite leases, and leases for other similar uses, are not considered leases for commercial purposes. The terms fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas shall have the same definitions as provided in section [63-3622QQ](#), Idaho Code.

(6) The board may require that all fixed improvements constructed upon land leased for commercial purposes be removed or become the property of the state upon termination of the lease, and that any heirs, encumbrances or claims of third parties with

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

respect to any improvements shall be expressly subordinate and subject to the rights of the state under this section.

(7) Except for oil and gas, mineral and commercial leases, the lease year shall run from January 1 through December 31, and all leases shall expire on December 31 of the year of expiration.

(8) All applications to lease or to renew an existing lease which expires December 31 of any year, shall be filed in the office of the director of the department of lands by the thirtieth day of April preceding the date of such expiration. Such applications will be considered by the state land board and be disposed of in the manner provided by law; except that the board may reject conflicting applications for a lease for commercial purposes if the lessee exercises the preference right to renew clause, and provided such right is specified in the lease.

(9) Where conflicts appear upon leases, except for mineral leases which, pursuant to [chapter 7, title 47](#), Idaho Code, contain a preferential right to renew clause, such applications shall be considered as having been filed simultaneously. However, nothing herein shall be construed to prevent the state board of land commissioners from accepting and considering applications for new leases at any time.

(10) In case improvements have been made on land while under lease which is expiring, and the former lessee is not the successful bidder, but the land is leased to another, the amount of such improvements shall be paid to the former lessee. The following shall be considered improvements: plowing done within one (1) year, provided no crop has been raised on the plowed land after such plowing, fencing, buildings, cisterns, wells, growing crops and any other asset which shall be considered an improvement by the director.

(11) Commercial leases of the state lands shall not be subject to the conflict auction provisions of section [58-310](#), Idaho Code. The board may, at its discretion, consider individual applications or call for proposals and sealed bids by public advertisement, and may evaluate said proposals and award the lease to the bidder whose proposal achieves the highest return over the term of the lease and who is capable of meeting such terms and conditions as may be set by the board; in the alternative, the board may call for lease applications by public advertisement and if more than one (1) person files an application to hold an auction in the same manner as provided in section [58-310](#), Idaho Code. In all cases, the board must obtain a reasonable rental, based upon fair market value of the state land, throughout the duration of the lease. The board may reject any or all proposals and any or all bids, and may reoffer the lease at a later date if the board determines that the proposals or bids do not achieve the highest and best use of the land at market rental.

### **3. Transfer and Articulation – General Education Credits**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-2102, Idaho Code, be, and the same is hereby amended to read as follows:

33-2102.COURSES OF STUDY. A community college established pursuant to the provisions of this chapter shall give instruction in academic subjects, and in such nonacademic subjects as shall be authorized by its board of trustees.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

The academic courses given and the instruction therein shall be of the same standard as the same are given and taught in the first two (2) years of any other state institution of higher education, and credits therefor shall be accepted by other state institutions for credit toward a baccalaureate degree, pursuant to section 33-3728, Idaho Code.

SECTION 2. That Section 33-2205, Idaho Code, be, and the same is hereby amended to read as follows:

33-2205.STATE BOARD TO APPOINT ADMINISTRATOR — DESIGNATION OF ASSISTANTS — DIVISION OF CAREER TECHNICAL EDUCATION — DUTIES AND POWERS. (1) The state board of education shall appoint a person to serve as an administrator to the state board for career technical education, who shall be known as the administrator of career technical education. The administrator shall designate, by and with the advice and consent of the state board for career technical education, such assistants as may be necessary to properly carry out the provisions of the federal acts and this chapter for the state of Idaho. The administrator and such assistants shall together be known as the division of career technical education.

(2) The administrator of career technical education shall also carry into effect such rules as the state board for career technical education may adopt, and shall coordinate all efforts in career technical education approved by the board with the executive secretary, and shall prepare such reports concerning the condition of career technical education in the state as the state board for career technical education may require.

(3) The division of career technical education shall coordinate with the Idaho digital learning academy to provide approved online career technical education courses to any Idaho school district.

(4) The division of career technical education may provide incentives to Idaho public colleges and universities offering career technical programs that, in coordination with the division, align their foundational courses that are required in the same or substantially similar programs of study so as to achieve uniformity and transferability in the core program requirements at all such public colleges and universities. ~~The purpose of uniformity is to ensure that p~~Postsecondary credits earned by a student in a career technical education program ~~will~~shall transfer at the full credit value to any public Idaho college or university in a like program of study and ~~to ensure that such postsecondary credits will be treated by any such public college or university as satisfying specific course requirements in the student's~~such program of study.

(5) The state board of education may promulgate rules to implement the provisions of ~~subsections (3) and (4)~~ of this section.

SECTION 3. That Chapter 37, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known as designated as Section 33-3728, Idaho Code, and to read as follows:

33-3728. TRANSFER OF CREDITS. (1) Any student who completes the requirements for the associate of arts or associate of science degree at a postsecondary institution, accredited by a regional accrediting body recognized by the state board of education, will be considered as satisfying the general education requirements, as defined by the state board of education, upon transfer to a public

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

postsecondary institution in Idaho and will not be required to complete any additional general education requirements.

(2) If a student who has completed the general education framework as defined by the state board of education, without an associate of arts or associate of science degree and transfers from a postsecondary institution in Idaho, accredited by a regional accrediting body recognized by the state board of education, will not be required to complete additional general education requirements at the receiving public postsecondary institution.

(3) If a student who has completed a general education course(s) but has not completed the entire general education framework; has not earned an associate of arts or associate of science degree from a postsecondary institution in Idaho, accredited by a regional accrediting body recognized by the state board of education; or has earned an associated of applied science degree from a postsecondary institution in Idaho, accredited by a regional accrediting body recognized by the state board of education, and transfers to a public postsecondary institution, those general education course credits will be applied towards the associated general education course requirements at the receiving public postsecondary institution.

(4) Any student who completes an associate of applied science degree at postsecondary institution in Idaho, accredited by a regional accrediting body recognized by the state board of education may pursue an interdisciplinary bachelor of applied science or a bachelor of applied technology degree focused on upper-level academic coursework at any public postsecondary institution that has such degree programs available.

(5) Whenever a receiving institution makes an initial decision not to transfer credits in the manner requested by a student or applicant about the transferability of the student's credits, the receiving institution must provide a written copy of this decision to the student or applicant. The written explanation must include an explanation of why the credits were not eligible for transfer, and the policies and procedures available to the student to request reconsideration of the initial credit transfer decision. Written explanations may be provided in an electronic format. Institutions shall report annually to the state board of education the number of credits that were requested to be transferred, the number of credits transferred, the number of credits that were not applied toward certificate or degree progress, and such other information requested by the state board of education.

(6) No Idaho public postsecondary institution shall discriminate against any student or applicant for admission because of credits that he or she may be able to transfer, or has transferred, to the public college or university pursuant to this section, any other provision of law, or any rule, policy, guideline or practice of the state board of education or the public postsecondary institution.

(7) Nothing in this section shall be deemed to:

(a) Invalidate any requirement that a student earn a specified number of credits at an Idaho public college or university in order to receive a degree from the institution;

(b) Require any Idaho public postsecondary institution to grant a student a degree within a specified period of time; or

(c) Amend the provision of section 33-2205 (4), Idaho Code, or expand the rights of career technical education students or applicants with respect to the transfer of credits from one institution to another.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(8) All public postsecondary institutions is responsible for working to facilitate the effective and efficient transfer of students. Institutions shall publish the current curriculum equivalencies of all courses on the state board of education transfer web portal.

(9) The state board of education may promulgate rules to implement the provision of this section.

#### **4. Eastern Idaho Technical College Repeal**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-107B, Idaho Code, be, and the same is hereby amended to read as follows:

33-107B. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR COMMUNITY COLLEGES AND POSTSECONDARY CAREER TECHNICAL EDUCATION INSTITUTIONS. (1) The state board of education may establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for members of the teaching staff and officers of community colleges and postsecondary career technical education institutions, including north Idaho college, college of southern Idaho and ~~eastern Idaho technical college~~college of eastern idaho, hired on or after July 1, 1997; provided however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho. The benefits to be provided for or on behalf of participants in an optional retirement program shall be provided through annuity contracts or certificates, fixed or variable in nature, or a combination thereof, whose benefits are owned by the participants in the program.

(2) The state board of education is hereby authorized to provide for the administration of the optional retirement program and to perform or authorize the performance of such functions as may be necessary for such purposes. The board shall designate the company or companies from which contracts are to be purchased under the optional retirement program and shall approve the form and contents of such contracts. In making the designation and giving approval, the board shall consider:

(a) The nature and extent of the rights and benefits to be provided by such contracts for participants and their beneficiaries;

(b) The relation of such rights and benefits to the amount of contributions to be made;

(c) The suitability of such rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of staff members; and

(d) The ability of the designated company to provide such suitable rights and benefits under such contracts.

(3) Elections to participate in an optional retirement program shall be as follows:

(a) Eligible employees are the teaching staff and officers initially appointed or hired on or after the effective date of this chapter. All eligible employees, except those

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

who are vested members of the public employee retirement system of Idaho, shall participate in the optional retirement program.

(b) Eligible employees who are vested members of the public employee retirement system of Idaho may make a one (1) time irrevocable election to transfer to the optional retirement program. The election shall be made in writing and within sixty (60) days of the date of initial hire or appointment, or one hundred fifty (150) days after the effective date of this chapter, whichever occurs later. The election shall be filed with the administrative officer of the employing institution. The election shall be effective not later than the first day of the second pay period following the date of the election.

(c) Teaching staff and officers employed by the institution the day before the effective date of this chapter may make a one (1) time irrevocable election to participate in the optional retirement program. The election shall be made in writing and within one hundred fifty (150) days after the effective date of this chapter. The election shall be filed with the administrative officer of the employing institution. The election shall be effective not later than the first day of the second pay period following the date of the election.

(d) The accumulated contributions of employees who make the one (1) time irrevocable election or are required to participate in the optional retirement program may be transferred by the public employee retirement system of Idaho to such qualified plan, maintained under the optional retirement program, as designated in writing by the employee.

(e) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

(i) To the designated company or companies, an amount equal to seven and eighty-one hundredths percent (7.81%) of each participant's salary, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits, or any combination thereof, but in no event less than five percent (5%) of each participant's salary;

(ii) To the public employee retirement system, an amount equal to three and eighty-three hundredths percent (3.83%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 2011, and is in lieu of amortization payments and withdrawal contributions required pursuant to [chapter 13, title 59](#), Idaho Code; and

(iii) Effective on and after July 1, 2011, the institutional contribution optional retirement program rate shall be equal to the PERSI contribution rates.

(b) For the purposes of section [59-1322](#), Idaho Code, the term "projected salaries" shall include the sum of the annual salaries of all participants in the optional retirement program established pursuant to this section.

(c) Each participant shall contribute an amount equal to six and ninety-seven hundredths percent (6.97%). Employee contributions may be made by employer pick-up pursuant to section [59-1332](#), Idaho Code.

(5) Any person participating in the optional retirement program shall be ineligible for membership in the public employee retirement system of Idaho so long

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

as he remains continuously employed in any teaching staff position or as an officer with any of the institutions under the jurisdiction of the state board of education.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

SECTION 2. That Sections 33-2208 through 33-2210, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Section 33-2211, Idaho Code, be, and the same is hereby amended to read as follows:

33-2211. POWERS OF STATE BOARD FOR CAREER TECHNICAL EDUCATION. The state board for career technical education shall have the power:

(1) To adopt rules for its own government, ~~the government of the Eastern Idaho Technical College~~ and any career technical or vocational rehabilitation program, including programs under chapters 22 and 23, [title 33](#), Idaho Code;

(2) To employ professional and nonprofessional persons and to prescribe their qualifications;

(3) To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings;

(4) To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts pursuant to section [33-601](#), Idaho Code;

(5) To dispose of real and personal property in the manner prescribed for trustees of school districts pursuant to section [33-601](#), Idaho Code;

(6) To convey and transfer real property of the college upon which no buildings used for instruction are situated, to nonprofit corporations, school districts, community college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the state board for career technical education; and to lease real or personal property of the college not actually in use for instructional purposes on such terms as may be determined by the state board for career technical education;

(7) To acquire, hold, and dispose of, water rights;

(8) To accept grants or gifts of money, materials, or property of any kind from any governmental agency, or from any person, firm, or association, on such terms as may be determined by the grantor;

(9) To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program, and to conduct such program on, or off, campus;

(10) To employ a president of the college and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the college; to fix salaries and prescribe duties; and to remove the president or other employees in accordance with the policies and rules of the state board of education;

(11) With the advice of the president, to prescribe the courses and programs of study, the requirements for admission, the time and standards for completion of such courses and programs, and to grant certificates or associate of applied science degrees for those students entitled thereto;



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(12) To employ architects or engineers in planning the construction, remodeling or repair of any building or property and, whenever no other agency is designated by law so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof; and

(13) To have at all times general supervision and control of all property, real and personal, appertaining to the college, and to insure the same.

SECTION 4. That Section 33-2212, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 33-3726, Idaho Code, be, and the same is hereby amended to read as follows:

33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the higher education stabilization fund. The higher education stabilization fund shall consist of four (4) separate accounts as follows:

(1) An account designated the strategic interest account shall consist of interest earnings from the investment of moneys deposited with the state treasurer into unrestricted current fund 0650-00, as designated by the state controller in the statewide accounting and reporting system. Annually on July 1, or as soon thereafter as is practicable, the state controller shall transfer such interest earnings to the strategic interest account. All moneys so transferred shall be expended for the maintenance, use and support of institutions that have deposited moneys into unrestricted current fund 0650-00. All such expenditures shall be subject to legislative appropriation. Institutions shall receive a pro rata share of a legislative appropriation based upon the amount of moneys any such institution has deposited into unrestricted current fund 0650-00 in the current fiscal year compared to the total amount deposited by all institutions in the current fiscal year. Interest earned from the investment of moneys in the strategic interest account shall be retained in the strategic interest account.

(2) An account designated the surplus stabilization account shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of institutions named in section [33-3803](#), Idaho Code. Such expenditures shall be made subject to legislative appropriation to the state board of education for college and universities. Distribution of such moneys to institutions shall be based upon the state board of education's established practices for the allocation of moneys to such institutions. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

(3) An account designated the surplus stabilization account for ~~Eastern Idaho Technical College~~[College of Eastern Idaho](#), North Idaho College, College of Southern Idaho and College of Western Idaho shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of ~~Eastern Idaho Technical College~~[College of Eastern Idaho](#), North Idaho College, College of Southern Idaho and College of Western Idaho. Such expenditures shall be made subject to legislative appropriation to ~~Eastern Idaho Technical College, through the appropriation to the division of career technical education, and~~ to the

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

community colleges. Distribution of such moneys shall be based upon ~~established practices for the allocation of moneys to Eastern Idaho Technical College through the division of career technical education, or~~ the state board of education's established practices for the allocation of moneys to the community colleges. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

(4) An account designated the community college start-up account shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the establishment, use and support of a community college in eastern Idaho. Distribution of such moneys shall be based upon voter approval of a community college district and appointment of a local board of trustees by the state board of education. Such expenditures shall be made subject to legislative appropriation to the state board of education. Interest earned from the investment of moneys in this community college start-up account shall be retained in this community college start-up account.

SECTION 6. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. Definitions. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified appointed to a position which meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. section 201, et seq. Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation which do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of [chapter 53, title 67](#), Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position which meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. section 201, et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section [65-502](#), Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section [67-2402](#), Idaho Code, or any employee meeting the following criteria:

(a) An individual whose primary duty is management of a department, division or bureau; and

(b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

(c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.

(f) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation which do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour work week.

(15) "Holiday" means the following:

January 1 (New Year's Day);

Third Monday in January (Martin Luther King, Jr.-Idaho Human Rights Day);

Third Monday in February (Washington's Birthday);

Last Monday in May (Memorial Day);

July 4 (Independence Day);

First Monday in September (Labor Day);

Second Monday in October (Columbus Day);

November 11 (Veterans Day);

Fourth Thursday in November (Thanksgiving);

December 25 (Christmas).

In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to ten (10) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the provisions of [chapter 53, title 67](#), Idaho Code, as provided for in section [67-5303](#), Idaho Code.

(18) "Normal work week" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho which employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter.

(22) "Part-time employee" means any employee whose usually scheduled work is less than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall not be entitled to sick leave accruals provided in section [67-5333](#), Idaho Code, vacation leave provided in section [67-5334](#), Idaho Code, nor holiday pay as defined in subsection (15) of this section, unless contributions are being made to the public employee retirement system in accordance with [chapter 13, title 59](#), Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party that sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. section 201, et seq. Final designation of a classified position as "professional" within this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(28) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(29) "Public education entity" means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

(30) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(31) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(32) "Seasonal appointment" means an appointment to a position that is permanent in nature, but that has intermittent work periods throughout the year.

(33) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(34) "State educational agency" means the following state agencies and educational institutions supervised by the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college;
- ~~(e) Eastern Idaho technical college;~~
- ~~(f) Idaho public television;~~
- ~~(g) The division of vocational rehabilitation;~~
- ~~(h) The division of career technical education;~~
- ~~(i) The office of the state board of education; and~~
- ~~(j) The department of education.~~

(35) "Temporary appointment" means appointment to a position that is not permanent in nature, and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(36) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(37) "Veteran" is as defined in section [65-502](#), Idaho Code.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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SECTION 7. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-9203. definitions. As used in this chapter:

- (1) "Acquisition" means the process of procuring property.
- (2) "Administrator" means the administrator of the division of purchasing as created by section [67-9204](#), Idaho Code.
- (3) "Agency" means all officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding:
  - (a) The legislative and judicial branches of government;
  - (b) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction; and
  - (c) A state institution of higher education that complies with the provisions of section [67-9225](#), Idaho Code.
- (4) "Bid" means a written offer to perform a contract to sell or otherwise supply property in response to a solicitation.
- (5) "Bidder" means a vendor who has submitted a bid on property to be acquired by the state.
- (6) "Contract" means an agreement for the acquisition of property, including a purchase order.
- (7) "Contractor" means a vendor who has been awarded a contract.
- (8) "Director" means the director of the department of administration as created by section [67-5701](#), Idaho Code.
- (9) "Lowest responsible bidder" means the responsible bidder whose bid reflects the lowest acquisition price to be paid by the state, except that when specifications are valued or comparative performance evaluations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.
- (10) "Open contract" means a contract awarded by the state through the division of purchasing as a result of a competitive solicitation to one (1) or more vendors who have agreed to allow all agencies to procure specified property under the terms and conditions set forth in the contract.
- (11) "Procure" means to obtain property for state use in a manner other than by gift including, but not limited to, purchase, lease or rent.
- (12) "Property" means goods, services, parts, supplies and equipment, both tangible and intangible, including, but not limited to, designs, plans, programs, systems, techniques and any rights or interests in such property.
- (13) "Sole source" means the only vendor from whom specific property is available to procure.
- (14) "Solicitation" means an invitation to bid, a request for proposal or a request for quote issued pursuant to this chapter for the purpose of procuring property.
- (15) "Specifications" means the standards or requirements for property to be procured as explicitly stated in a solicitation or contract.
- (16) "State institution of higher education" means Boise State University, [Eastern Idaho Technical College](#), Idaho State University or Lewis-Clark State College.
- (17) "Vendor" means a person or entity capable of supplying property to the state.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**5. Seed Certification**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-1502, Idaho Code, be, and the same is hereby amended to read as follows:

22-1502. Compliance ~~with regulations~~ required where certain phrases used. Every person, firm, association or corporation who shall issue, use or circulate, any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, written or printed representation or description, of or pertaining to lots of seeds, tubers, plants or plant parts intended for propagation or sale, or sold or offered for sale wherein the words "Idaho State Certified," "State Certified," "Idaho Certified," or similar words or phrases are used or employed, or wherein are used or employed signs, symbols, maps, diagrams, picture words or phrases expressly or impliedly stating or representing that such seed, tubers, plants or plant parts comply with or conform to the standards ~~or~~ and requirements approved by the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall be subject to the provisions of this chapter.

SECTION 2. That Section 22-1503, Idaho Code, be, and the same is hereby amended to read as follows:

22-1503. Definitions. (1) "Breeder seed" means seed or vegetative propagating material directly controlled by the originating, or in certain cases the sponsoring plant breeder or institution, and which provides the source for the initial increase of foundation seed.

(2) "Certified" means the written assurance, in certificate form, of the college of agriculture of the university of Idaho, or of its agent designated hereunder, that the particular seeds, tubers, plants or plant parts have the necessary genetic purity of strain and/or other characteristics to meet the standards and requirements ~~of the rules and regulations promulgated approved~~ hereunder. Certification by the certifying agent or college of agriculture of the university of Idaho, or its agent, or state of Idaho does not constitute any warranty that certified seeds, tubers, plants or plant parts will be free from disease or contamination.

(3) "Foundation seed" means the progeny of breeder seed stocks that are so handled as to maintain specific genetic identity and purity, and that are designated or distributed by the Idaho agricultural experiment station or private companies.

(4) "Genetic purity" means that the lot of seeds, tubers, plants or plant parts are homogenous for inheritable characteristics as stated in the official description of the variety or strain represented.

(5) "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

(6) "Plant" or "tubers" or "plants" or "plant parts" mean any variety or strain of plant or part thereof which may be eligible for certification, as hereinafter provided.

(7) "Seed" or "seeds" mean the seed of any variety or strain of plant, including tubers, which may be eligible for certification, as hereinafter provided.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(8) "Variety or strain" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

SECTION 3. That Section 22-1504, Idaho Code, be, and the same is hereby amended to read as follows:

22-1504. Administration of the chapter. The regents of the university of Idaho through the Idaho agricultural experiment station in the college of agriculture of the university of Idaho, or the agent of the university of Idaho, an entity or servant of the state, appointed in writing, as hereinafter provided, is hereby authorized to administer the provisions of this chapter to establish, alter, amend and repeal, ~~in compliance with the provisions of chapter 52, title 67, Idaho Code,~~ reasonable rules and regulations standards and requirements as to what shall constitute certified seeds, tubers, plants and plant parts under the terms of this chapter. Such reasonable ~~rules and regulations standards and requirements~~ shall also comprehend and fix the standards and requirements necessary to qualify seeds, tubers, plants and plant parts for certification hereunder and the procedures for certification by the said college of agriculture or the said agent thereof. All varieties or strains of seed, tubers, plants and plant parts eligible for certification in the state of Idaho shall be approved by the director of the Idaho agricultural experiment station. Any agent designated hereunder shall be a servant of the state of Idaho and shall be acting in an official capacity for the state of Idaho and under the supervision of the college of agriculture of the university of Idaho and the director of the Idaho experiment station consistent with this chapter.

SECTION 4. That Section 22-1505, Idaho Code, be, and the same is hereby amended to read as follows:

22-1505. ~~Rules and regulations Standards and requirements~~ — Preparation and promulgation. Every person, firm, association or corporation that intends to offer for sale, offers or sells seeds, tubers, plants or plant parts as certified shall comply with the provisions of this chapter and such rules and regulations standards and requirements as are promulgated by the Idaho agricultural experiment station in the college of agriculture of the university of Idaho as provided herein, such ~~rules and regulations standards and requirements~~ to contain, among other things, a designation of the crops grown or to be grown in Idaho eligible for certification with standards, requirements and procedure necessary for certification with designation of the agency authorized to provide certification.

Upon the passage of this chapter the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall prepare and issue ~~such rules and regulations standards, requirements and procedures~~ as are required by this chapter ~~in compliance with the provisions of chapter 52, title 67, Idaho Code,~~ and shall file the same with the Department of Agriculture of the State of Idaho, such standards and requirements to become effective on the date the same are filed with the Department of Agriculture for the State of Idaho.

SECTION 5. That Section 22-1506, Idaho Code, be, and the same is hereby amended to read as follows:



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

22-1506. Fees charged by certifying agency. Fees may be charged by the certifying agency, under schedules set forth in ~~rules and regulations standards, requirements and procedures~~ for certification of seeds, tubers, plants and plant parts under this chapter, but these fees shall have a reasonable relation to the cost, and may be used only for expenses in connection with certification and improvement of certification services.

SECTION 6. That Section 22-1507, Idaho Code, be, and the same is hereby amended to read as follows:

22-1507. Maintenance of seed stocks. The Idaho agricultural experiment station or an agent of the university of Idaho appointed, in writing, shall be responsible to obtain and maintain sources of basic seed stocks which include breeder class and foundation class seed of public varieties or strains of crops deemed appropriate by the director of the Idaho agricultural experiment station. Basic seed stocks, limited generation certified seed tubers, plant or plant parts shall first be made available for production in Idaho. This shall be accomplished through a system of equitable allocation to any person, firm, partnership, association, corporation or entity located in this state unless a contract or agreement entered into with another public research entity or institution provides otherwise. Price established for the basic seed stocks of seed, tubers, plants or plant parts shall be in reasonable relation to the cost of production, maintenance, handling, storage and processing necessary to meet standards set forth in the ~~rules and regulations standards and requirements~~.

## **6. PERSI/ORP Technical Changes**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-107A, Idaho Code, be, and the same is hereby amended to read as follows:

33-107A. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM. (1) The state board of education may establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for members of the teaching staff and officers of the university of Idaho, Idaho state university, Boise state university, Lewis-Clark state college and the state board of education who are hired on or after July 1, 1993; provided, however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho. ~~The benefits to be provided for or on behalf of participants in an optional retirement program shall be provided through annuity contracts or certificates, fixed or variable in nature, or a combination thereof, whose benefits are owned by the participants in the program.~~

(2) The state board of education is hereby authorized to provide for the administration of the optional retirement program and to perform or authorize the performance of such functions as may be necessary for such purposes. The board shall designate the company or companies from which contracts are to be purchased under

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

the optional retirement program and shall approve the form and contents of such contracts. In making the designation and giving approval, the board shall consider:

(a) The nature and extent of the rights and benefits to be provided by such contracts for participants and their beneficiaries;

(b) The relation of such rights and benefits to the amount of contributions to be made;

(c) The suitability of such rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of staff members; and

(d) The ability of the designated company to provide such suitable rights and benefits under such contracts.

(3) Elections to participate in an optional retirement program shall be as follows:

(a) Eligible employees are:

(i) Those faculty and nonclassified staff initially appointed or hired between July 1, 1990 and June 30, 1993; and

(ii) Those teaching staff and officers initially appointed or hired on or after July 1, 1993.

All eligible employees, except those who are vested members of the public employee retirement system of Idaho, shall participate in the optional retirement program.

(b) Vested members of the public employee retirement system of Idaho may make a one (1) time irrevocable election to remain a member of that retirement system. The election shall be made in writing, within sixty (60) days of the date of initial hire or appointment or the effective date of this act, whichever occurs later. It shall be filed with the administrative officer of the employing institution.

(c) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.

(d) The accumulated contributions of employees who make the one (1) time irrevocable election or are required to participate in the optional retirement program may be transferred by the public employee retirement system of Idaho to such qualified plan, maintained under the optional retirement program, as designated in writing by the employee.

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

(i) To the designated company or companies, an amount equal to nine and thirty-five hundredths percent (9.35%) of each participant's salary, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits or any combination thereof, but in no event less than five percent (5%) of each participant's salary; and

(ii) To the public employee retirement system, an amount equal to one and forty-nine hundredths percent (1.49%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 2025, and is in lieu of amortization payments and withdrawal contributions required pursuant to [chapter 13, title 59](#), Idaho Code.

(b) Each participant shall contribute an amount equal to six and ninety-seven hundredths percent (6.97%) of the participant's salary. Employee contributions may be made by employer pick-up pursuant to section [59-1332](#), Idaho Code.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(c) Payment of contributions authorized or required under this subsection shall be made by the financial officer of the employing institution to the designated company or companies for the benefits of each participant.

(5) Any person participating in the optional retirement program shall be ineligible for membership in the public employee retirement system of Idaho so long as he remains continuously employed in any teaching staff position or as an officer with any of the institutions under the jurisdiction of the state board of education.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

SECTION 2. That Section 33-107B, Idaho Code, be, and the same is hereby amended to read as follows:

33-107B. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR COMMUNITY COLLEGES AND POSTSECONDARY CAREER TECHNICAL EDUCATION INSTITUTIONS. (1) The state board of education may establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for members of the teaching staff and officers of community colleges and postsecondary career technical education institutions, including north Idaho college, college of southern Idaho and ~~eastern Idaho technical college~~college of eastern idaho, hired on or after July 1, 1997; provided however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho. ~~The benefits to be provided for or on behalf of participants in an optional retirement program shall be provided through annuity contracts or certificates, fixed or variable in nature, or a combination thereof, whose benefits are owned by the participants in the program.~~

(2) The state board of education is hereby authorized to provide for the administration of the optional retirement program and to perform or authorize the performance of such functions as may be necessary for such purposes. The board shall designate the company or companies from which contracts are to be purchased under the optional retirement program and shall approve the form and contents of such contracts. In making the designation and giving approval, the board shall consider:

(a) The nature and extent of the rights and benefits to be provided by such contracts for participants and their beneficiaries;

(b) The relation of such rights and benefits to the amount of contributions to be made;

(c) The suitability of such rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of staff members; and

(d) The ability of the designated company to provide such suitable rights and benefits under such contracts.

(3) Elections to participate in an optional retirement program shall be as follows:

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(a) Eligible employees are the teaching staff and officers initially appointed or hired on or after the effective date of this chapter. All eligible employees, except those who are vested members of the public employee retirement system of Idaho, shall participate in the optional retirement program.

(b) Eligible employees who are vested members of the public employee retirement system of Idaho may make a one (1) time irrevocable election to transfer to the optional retirement program. The election shall be made in writing and within sixty (60) days of the date of initial hire or appointment, or one hundred fifty (150) days after the effective date of this chapter, whichever occurs later. The election shall be filed with the administrative officer of the employing institution. The election shall be effective not later than the first day of the second pay period following the date of the election.

(c) Teaching staff and officers employed by the institution the day before the effective date of this chapter may make a one (1) time irrevocable election to participate in the optional retirement program. The election shall be made in writing and within one hundred fifty (150) days after the effective date of this chapter. The election shall be filed with the administrative officer of the employing institution. The election shall be effective not later than the first day of the second pay period following the date of the election.

(d) The accumulated contributions of employees who make the one (1) time irrevocable election or are required to participate in the optional retirement program may be transferred by the public employee retirement system of Idaho to such qualified plan, maintained under the optional retirement program, as designated in writing by the employee.

(e) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program ~~the following:~~

~~(i) To the designated company or companies, an amount equal to seven and eighty one hundredths percent (7.81%) of each participant's salary, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits, or any combination thereof, but in no event less than five percent (5%) of each participant's salary;~~

~~(ii) To the public employee retirement system, an amount equal to three and eighty three hundredths percent (3.83%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 2011, and is in lieu of amortization payments and withdrawal contributions required pursuant to chapter 13, title 59, Idaho Code; and~~

~~(iii) Effective on and after July 1, 2011, the institutional contribution optional retirement program rate shall be the rate equal to the PERSI contribution rates to the designated company or companies, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits, or any combination thereof, but in no event less than five percent (5%) of each participant's salary.~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(b) For the purposes of section [59-1322](#), Idaho Code, the term "projected salaries" shall include the sum of the annual salaries of all participants in the optional retirement program established pursuant to this section.

(c) Each participant shall contribute an amount equal to six and ninety-seven hundredths percent (6.97%). Employee contributions may be made by employer pick-up pursuant to section [59-1332](#), Idaho Code.

(5) Any person participating in the optional retirement program shall be ineligible for membership in the public employee retirement system of Idaho so long as he remains continuously employed in any teaching staff position or as an officer with any of the institutions under the jurisdiction of the state board of education.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

## **7. Career Technical Public School Funding**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1002G, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002G. Career Technical School ~~Added Cost Units~~[FUNDING AND ELIGIBILITY](#). (1) School districts may establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. These funds will be appropriated to the state board for career technical education, to be expended by the division of career technical education. ~~The amount of the career technical school added cost unit would be calculated as an additional .33 secondary units based on full-time equivalent average daily attendance at an approved career technical school.~~ In order for a school to qualify for funding as a career technical school, it must make application to the division of career technical education on or before the first ~~Friday in July~~ [15<sup>th</sup> of April](#) for the following fiscal year. ~~This includes applicants for new schools and renewal applications.~~ All [career technical schools programs](#) must ~~have a career technical component and meet at least all~~ four (4) of the ~~five (5)~~ following criteria:

(~~1a~~) [The school administrator holds a career technical administrator certificate.](#)

(~~b~~) [The school serves students from two \(2\) or more high schools attendance zones with a minimum of fifteen percent \(15%\) of the total student body residing in attendance zones apart from the attendance zone of the majority of students. No one high school can comprise more that 85% of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in high school, the 85% will be calculated based on the high school attendance area the student resides in.](#)

(~~2c~~) The school offers ~~a majority of its class offerings as dual credit advanced opportunities, as defined by the state board of education,~~ in conjunction with an accredited institution of higher education, [or apprenticeship opportunities.](#)

(~~3d~~) All school programs ~~involve offer~~ at least one (1) supervised field experience [for all students.](#)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

~~(2) All career technical schools must also meet at least one (1) of the following three (3) requirements:~~

~~(4a) The school is administered and funded as a distinct school separately from schools that qualify for computation as using regular secondary support units.~~

~~(b) The school has a separate and distinct governing board.~~

~~(5c) The majority of the school programs are provided is to be located at dedicated facilities that are a separate site from the regular high school facilities.~~

~~Hardship exemptions for the separate site requirement may be granted by the state board of education.~~

~~For funding purposes, students in attendance at a qualifying career technical school will be reported in full or half days. The state board of education will develop rules that will determine funding in instances where students attend a career technical school on a regular basis, but in increments of time that total less than 2.5 hours per day.~~

## **8. Career Technical Education Secondary Program Incentive Funding**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. The legislature recognizes the importance of secondary career and technical education courses and programs as opportunities for students to acquire workforce skills and demonstrate college and career readiness. These education pathways are critical to building the state's talent pipeline to meet the need for a skilled workforce. To meet these education and workforce needs, the state must build capacity at the secondary level by providing school districts with support to recruit and retain instructors for career and technical education courses, acquire the equipment necessary to deliver those courses, and establish student organizations to provide students with workforce experience and guidance on career and/or postsecondary pathways. The Career and Technical Education Program Quality and Workforce Readiness Incentive Program will encourage school districts to establish, build, and maintain career and technical pathways and options for all students.

SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known as designated as Section 33-1634, Idaho Code, and to read as follows:

33-1634. CAREER TECHNICAL EDUCATION PROGRAM QUALITY AND WORKFORCE READINESS INCENTIVE PROGRAM. (1) It is the ultimate goal of the Legislature that every student have access to career technical education courses and programs that lead to workforce readiness certification.

(2) The state board for career technical education shall establish and administer a quality program funding mechanism for high quality career technical education secondary programs and program technical assistance offered in grades 9 through 12.

(a) Quality program incentive funding will be available to high-performing approved career technical education programs in the areas of business management and marketing, engineering and technology, family and consumer sciences, health sciences, and skilled and technical sciences.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(b) Technical assistance funding will be available to approved career technical education programs in the areas of agriculture and natural resources, business management and marketing, engineering and technology, family and consumer sciences, health sciences, and skilled and technical sciences.

(c) The division of career technical education will develop criteria to evaluate each program and will award funding to those programs that meet or exceed the criteria established by the division for quality program funding and technical assistance funding. Specific criteria will be developed for each type of program. Types of programs will be defined by the state board for career technical education. All eligible career technical programs will be considered for funding. Eligible programs may not be career technical schools and must meet all eligibility criteria developed by the division of career technical education. The amount of each award will be determined each award cycle by the division of career technical education and will be contingent upon the availability of appropriated funds.

(3) The state board for career technical education may adopt rules to implement the provisions of this section.

SECTION 3. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known as designated as Section 33-1634, Idaho Code, and to read as follows:

33-1634. CAREER TECHNICAL EDUCATION PROGRAM QUALITY AND WORKFORCE READINESS INCENTIVE PROGRAM. (1) It is the ultimate goal of the Legislature that every student have access to career technical education courses and programs that lead to workforce readiness certification.

(2) The state board for career technical education shall establish and administer a quality program funding mechanism for high quality career technical education secondary programs and program technical assistance offered in grades 9 through 12.

(a) Quality program incentive funding will be available to high-performing approved career technical education programs in the areas of business management and marketing, engineering and technology, family and consumer sciences, health sciences, and skilled and technical sciences.

(b) Technical assistance funding will be available to approved career technical education programs in the areas of agriculture and natural resources, business management and marketing, engineering and technology, family and consumer sciences, health sciences, and skilled and technical sciences.

(c) The division of career technical education will develop criteria to evaluate each program and will award funding to those programs that meet or exceed the criteria established by the division for quality program funding and technical assistance funding. Specific criteria will be developed for each type of program. Types of programs will be defined by the state board for career technical education. All eligible career technical programs will be considered for funding. Eligible programs may not be career technical schools and must meet all eligibility criteria developed by the division of career technical education. The amount of each award will be determined each award cycle by the division of career technical education and will be contingent upon the availability of appropriated funds.

(3) Workforce Readiness Incentive Funding

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(a) Eligible Career technical education pathway programs in any career technical education program area may receive workforce readiness incentive funds. Workforce readiness incentive funds will be distributed based on the number of secondary career technical concentrators who have demonstrated workforce readiness at the completion of their career technical education program.

(b) The division of career technical education will develop eligibility criteria to award funding to eligible programs based on the number of students who meet the minimum standard set by the division of career technical education. The amount of each award will be by the division at the start of each award cycle and shall be contingent upon the availability of appropriated funds.

(3) The state board for career technical education may adopt rules to implement the provisions of this section.

SECTION 4. The provisions of Section 1 of this act shall be null, void and of no force and effect on and after June 30, 2019. The provisions of Section 2 of this act shall be in full force and effect on and after July 1, 2019.

## **9. Definition of Career Technical Education**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-2202. STATE BOARD FOR CAREER TECHNICAL EDUCATION — POWERS AND DUTIES. (1) The state board of education is hereby designated as the state board for career technical education for the purpose of carrying into effect the provisions of the federal act known as the Smith-Hughes act, amendments thereto, and any subsequent acts now or in the future enacted by the congress affecting vocational education, and is hereby authorized to cooperate with the United States office of education, vocational division, or any other agency of the United States designated to administer such legislation, in the administration and enforcement of the provisions of said act, or acts, and to exercise such powers and perform such acts as are necessary to entitle the state of Idaho to receive the benefits of the same, and to execute the laws of the state of Idaho relative to career technical education; to administer the funds provided by the federal government and the state of Idaho under the provisions of this chapter for promotion of education in agricultural subjects, trade and industrial subjects, ~~home economics family and consumer science~~ subjects and other subjects authorized by the board. Incident to the other powers and duties of the board for career technical education, the board may hold title to real property.

(2) As used in this title, unless otherwise specifically defined, the term "career technical education" means secondary, postsecondary and adult courses, programs, training and services administered by the division of career technical education for occupations or careers that require other than a baccalaureate, master's or doctoral degree. As approved by the division, this term may also apply to specific courses or programs offered in grades 7 and 8.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(3) The courses, programs, training and services include, but are not limited to, [vocational career](#), technical and applied technology education. They are delivered through the career technical delivery system of public secondary and postsecondary schools and colleges.

### **10. Advanced Opportunities Focus**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-five dollars (\$4,125) to use toward overload courses, dual credits, college credit-bearing examinations and professional certificate examinations. Students may access these funds in grades 7 through 12 for:

(a) Overload courses, the distribution of which may not exceed two hundred twenty-five dollars (\$225) per overload course. A student must take and successfully be completing a full credit load within a given school year to be eligible for funding of an overload course. An overload course must be taken for high school credit to be eligible for funding.

(b) Eligible Dual credits, the distribution of which may not exceed seventy-five dollars (\$75.00) per one (1) dual credit hour.

(c) Eligible college credit-bearing or professional certificate examinations.

(2) To qualify as an eligible overload course for the program, the course must be offered by a provider accredited by the organization that accredits Idaho high schools and be taught by an individual certified to teach the grade and subject area of the course in Idaho. Eligible examinations include advanced placement (AP), international baccalaureate (IB), college-level examination program (CLEP) and professional-technical examinations. The state department of education shall maintain a list of such examinations and costs.

(4) To qualify as an eligible dual credit course, the course must be a general education course as defined by the state board of education, be aligned to the student's educational plan, or be a course that leads toward postsecondary degree or certificate program requirements or degree progress. Courses identified as meeting a degree or certificate program requirement may include elective courses.

(34) These moneys may be used to pay an amount not to exceed the price to the student of such courses and examinations pursuant to the limitations stated in this subsection. Payments made under this subsection shall be made from the moneys appropriated for the educational support program. No later than January 15, the state department of education shall annually report to the education committees of the senate and the house of representatives details regarding the number of students benefiting from assistance with the cost of overload courses, dual credit courses and examinations, the number of credits awarded and amounts paid pursuant to this subsection during the previous school year.

(45) The board of each public school may set forth criteria by which a student may challenge a course. If a student successfully meets the criteria set forth by the board of

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

the public school, then the student shall be counted as having completed all required coursework for that course. The public school, with the exception of Idaho tribal schools, shall be funded for such students based upon either actual hours of attendance or the course that the student has successfully passed, whichever is more advantageous to the public school, up to the maximum of one (1) full-time student.

(56) Any student who successfully completes public school grades 1 through 12 curriculum at least one (1) year early shall be eligible for an advanced opportunities scholarship. The scholarship may be used for tuition and fees at any Idaho public postsecondary educational institution. The amount of the scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1 through 12 curriculum avoided by the student's early graduation. Each public school shall receive an amount equal to each such awarded scholarship for each student that graduates early from their public school. Students must apply for the scholarship within two years of graduating from a public school

(67) The state department of education shall reimburse public schools or public postsecondary educational institutions, as applicable, for such costs, up to the stated limits, within one hundred twenty-five (125) days of receiving the necessary data upon which reimbursements may be paid. The submission method and timelines of reimbursement data shall be determined by the state department of education. Payments will be made only for activity occurring and reported within each fiscal year.

(78) For public funding purposes, average daily attendance shall be counted as normal for students participating in dual credit courses pursuant to this section.

(89) If a student fails to earn credit for any course for which the department has paid a reimbursement, the student must pay for and successfully earn credit for one (1) like course before the state department of education may pay any further reimbursements for the student. If a student performs inadequately on an examination for which the state department of education has paid a reimbursement, the public school shall determine whether the student must pay for and successfully pass such examination to continue receiving state funding. Repeated and remedial courses or examinations are not eligible for funding through these programs.

(910) The state department of education shall reimburse community colleges or counties, as applicable, for any out-of-district county tuition payments that would otherwise be made by a county to a community college pursuant to section [33-2110A](#), Idaho Code. Such reimbursements shall be in an amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual credit courses taken pursuant to this section.

(4011) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program also considers the challenges and time necessary to succeed in the program and shall make reasonable efforts to include guidance on how the student's participation in the program contributes to prospective college and career pathways. Such efforts by the district shall be performed prior to a student participating in the program and throughout their involvement in the program.

(4412) Policies and procedures for participating in the program established by the public school must be such that students have an opportunity to participate in the program and meet district-established timelines and requirements for financial transactions, transcribing credits and state department of education reporting. Participation in this

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

program requires parent and student agreement to program requirements and completion of the state department of education's participation form documenting the program requirements.

(~~4213~~) Parents of participating students may enroll their child in any eligible course, with or without the permission of the public school in which the student is enrolled. Tribal school students must follow their schools' enrollment policies and procedures. Public school personnel shall assist parents in the process of enrolling students in such courses. Each participating student's high school transcript at the public school at which the student is enrolled shall include the credits earned and grades received by the student for any overload or dual credit courses taken pursuant to this section. For an eligible course to be transcribed as meeting the requirements of a core subject as identified in administrative rule, the course must meet the approved content standards for the applicable subject and grade level.

(~~4314~~) Participating public schools shall collaborate with Idaho public postsecondary educational institutions to assist students who seek to participate in dual credit courses or graduate from high school early by enrolling in postsecondary courses. Participating school districts, charter schools and Idaho public postsecondary educational institutions shall report to the state board of education and the education committees of the senate and the house of representatives any difficulties or obstacles they experience in providing assistance to participating students.

(~~4415~~) The state board of education may promulgate rules to implement the provisions of this chapter.

## **11. School District Employee Personnel Files**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-518, Idaho Code, be, and the same is hereby amended to read as follows:

33-518. EMPLOYEE PERSONNEL FILES. The board of trustees of each school district, including any specially chartered district, shall provide for the establishment and maintenance of a personnel file for each employee of the school district. Each personnel file shall contain any and all material relevant to the evaluation of the employee. [Relevant material shall include such documentation to provide evidence of meeting the evaluation requirements established in the state evaluation framework.](#) The employee shall be provided timely notice of all materials placed in the personnel file and shall be afforded the opportunity to attach a rebuttal to any such materials. Personnel files are declared to be confidential and excepted from public access under any provision of the Idaho Code, including, but not limited to, sections [9-338](#) and [59-1009](#), Idaho Code, provided that each employee or designated representative shall be given access to his own personnel file upon request and shall be provided copies of materials contained therein, with the exception of recommendation letters, in a timely manner upon request.

## **12. Leadership Premium – Mentor Focus**

Be It Enacted by the Legislature of the State of Idaho:

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

SECTION 1. That Section 33-1004J, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004J. LEADERSHIP PREMIUMS. (1) Of the moneys available to the educational support program, eight hundred fifty dollars (\$850) shall be distributed per full-time equivalent instructional and pupil service staff position employed by each school district. Such moneys shall be paid to instructional and pupil service staff employees for leadership activities as provided in paragraphs (a) through (h) of this subsection. Such premiums shall be valid only for the fiscal year for which the premiums are made and shall be made for one (1) or more of the following reasons identified as leadership priorities by a committee consisting of teachers, administrators and other school district stakeholders and shall be approved by the board of trustees:

- (a) Teaching a course in which students earn both high school and college credit;
- (b) Teaching a course to middle school students in which the students earn both middle school and high school credit;
- (c) Holding and providing service in multiple nonadministrative certificate or subject endorsement areas;
- (d) Serving or being hired to serve in an instructional or pupil service position designated as hard to fill by the board of trustees;
- (e) Serving or being hired to serve in a hard to fill instructional position in a career technical education program;
- (f) Providing mentoring, peer assistance or professional development pursuant to section [33-512](#)(17), Idaho Code;
- (g) Having received professional development in career and academic counseling, and then providing career or academic counseling for students, with such services incorporated within or provided in addition to the teacher's regular classroom instructional or pupil service duties;
- (h) Other leadership duties designated by the board of trustees, exclusive of duties related to student activities or athletics. Such duties shall require that the employee work additional time as a condition of the receipt of a leadership premium.

[\(2\) Consideration shall be given first to individuals serving in a mentoring capacity prior to all other reasons.](#)

(2) Local school district boards of trustees shall provide leadership premiums to instructional or pupil service staff employees consistent with the provisions of this section and may not distribute moneys provided pursuant to this section unless employees meet one (1) of the criteria specified in subsection (1) of this section. The decision as to whom and how many receive leadership premiums, and in what amounts, shall not be subject to collective bargaining, any other provision of law notwithstanding. A board may provide multiple leadership premiums to an instructional or pupil service staff employee. However, no such employee shall receive cumulative leadership premiums in excess of twenty-five percent (25%) of the minimum salary as designated on the career ladder pursuant to section [33-1004B](#), Idaho Code, nor less than nine hundred dollars (\$900), regardless of such employees full- or part-time status.

(3) The state department of education may require reports of information as needed to implement the provisions of this section. At a minimum, school districts shall report the information necessary for the department to fulfill the provisions of this section. The department shall report, on or before January 15 each year, to the governor, the

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

senate education committee and the house of representatives education committee relevant information regarding leadership premiums, including the following:

- (a) The number of instructional and pupil service staff employees in the district;
- (b) The number of instructional and pupil service staff employees that received a leadership premium;
- (c) The number of leadership premiums issued, by district;
- (d) The average dollar amount of leadership premiums issued, by district;
- (e) The highest and lowest leadership premium issued, by district;
- (f) The percent of instructional and pupil service staff positions receiving leadership premiums and the cumulative amount of such premiums, by district; and
- (g) The reasons identified as leadership priorities approved by the board of trustees as listed in subsection (1) of this section, including a description of the other leadership duties designated by the board of trustees as provided in subsection (1)(h) of this section and the number of the premiums awarded per leadership activity as identified in subsection (1)(a) through (h) of this section.

(4) For the purposes of this section, the term "school district" also means "public charter school," and the term "board of trustees" also means "board of directors."

(5) The state board of education is hereby authorized to promulgate rules to implement the provisions of this section.

### **13. Professional Standards Commission - Clarification**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1252, Idaho Code, be, and the same is hereby amended to read as follows:

33-1252. Professional standards commission — Members — Appointment — Terms. (1) A professional standards commission is hereby created in the department of education, consisting of eighteen (18) members, one (1) of whom shall be a member of the staff of the state department of education, and one (1) of whom shall be a member of the staff of the division of career technical education, to be appointed by the state board of education. The members shall be representative of the teaching profession of the state of Idaho, and not less than seven (7) members shall be certificated classroom teachers in the public school system of the state and shall include at least one (1) teacher of exceptional children and at least one (1) teacher in pupil personnel services. Such expansion of membership on the professional standards commission shall not require reaffirmation of the ~~codes and standards~~ of ethics and ~~rules of policies and~~ procedures used by the professional standards commission.

(2) Except for the member from the staff of the state department of education, and the member from the staff of the division of career technical education, three (3) nominees for each position on the commission shall be submitted to the state superintendent of public instruction, for the consideration of the state board of education. Any state organization of teachers whose membership is open to all certificated teachers in the state may submit nominees for positions to be held by classroom teachers; the Idaho association of school superintendents may submit nominees for one (1) position, the Idaho association of secondary school principals may submit nominees for one (1) position; the Idaho association of elementary school principals may submit nominees for

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

one (1) position; the Idaho school boards association may submit nominees for one (1) position; the Idaho association of special education administrators may submit nominees for one (1) position; the education departments of the private colleges of the state may submit nominees for one (1) position, the community colleges and the education departments of the public institutions of higher education may submit nominees for two (2) positions, and the colleges of letters and sciences of the institutions of higher education may submit nominees for one (1) position.

(3) The state board of education may accept nomination to any position on the commission for other stakeholder groups as long as each named stakeholder group also has the opportunity to nominate individuals to the commission.

(34) The state board of education shall appoint or reappoint members of the commission for terms of three (3) years.

SECTION 2. That Section 33-1254, Idaho Code, be, and the same is hereby amended to read as follows:

33-1254. PROFESSIONAL ~~CODES AND STANDARDS OF ETHICS~~—ADOPTION — PUBLICATION. The commission shall have authority to adopt recognized professional codes ~~and standards~~ of ethics, conduct and professional practices which shall be applicable to teachers in the public schools of the state, and submit the same to the state board of education for its consideration and approval. Upon their approval by the state board of education, the professional codes ~~and standards of ethics~~ shall be published by the board.

#### **14. Postsecondary Education – Residency Determination**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1254, Idaho Code, be, and the same is hereby amended to read as follows:

33-3717B. Residency requirements. (1) For any Idaho public institution of higher education, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. Domicile, as used in this section, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a domicile in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months preceding the opening day of the term for which the student matriculates.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(c) Any student who is a graduate of an accredited secondary school in the state of Idaho pursuant to section [33-119](#), Idaho Code, is domiciled in Idaho, and who matriculates at an Idaho public institution of higher education within ~~six~~-[seven](#) ([67](#)) years immediately following secondary school graduation regardless of the domicile of the student's parent or guardian, or any student who completes six (6) years of elementary and secondary education in Idaho, is domiciled in Idaho, and matriculates at an Idaho public institution of higher education within ~~six~~[seven](#) ([67](#)) years immediately following completion of secondary education.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending an Idaho public institution of higher education, except that a student who was enrolled as a full-time student in any term during the twelve (12) month period before the term in which the student proposes to enroll as a resident student must independently establish domicile under subsection (2) of this section.

(e) A member of the armed forces of the United States who entered service as an Idaho resident and who has maintained Idaho resident status, but is not stationed within the state of Idaho on military orders.

(f) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(g) An officer or an enlisted member of the Idaho national guard.

(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation, or who moves to Idaho for the purpose of establishing domicile; provided however, to maintain status as a resident student, such person must actively establish domicile in Idaho within one (1) year of matriculation in a public institution of higher education in Idaho.

(i) The dependent child of a person who qualifies as a resident student under the provisions of paragraphs (e) through (g) of this subsection and who receives at least fifty percent (50%) support from such person shall also be a resident student and shall not lose that resident status if, after he or she enters an Idaho public institution of higher education, the parent or guardian is transferred out of the state of Idaho on military orders.

(j) A student who is a member of an Idaho Native American Indian tribe, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho. The state board of education shall maintain a list of tribes who meet these requirements.

(2) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person has resided in Idaho for the prior twelve (12) months and is physically present in Idaho primarily for purposes other than educational. A student who is enrolled as a full-time student in any term during the prior twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a domicile in this state unless the student can provide proof of full-time employment in Idaho for twelve (12) months before the term in which the student proposes to enroll as a resident student and the filing of an Idaho state resident income tax return for the prior tax year.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the following students shall be considered nonresidents for tuition purposes:

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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(a) A student attending an Idaho public institution of higher education with financial assistance provided by another country or governmental unit or agency thereof. Such nonresidency shall continue for twelve (12) months after the completion of the last semester for which such assistance was provided.

(b) A student who is not a United States citizen, unless lawfully present in the United States.

(4) The state board of education and the board of regents of the university of Idaho shall adopt uniform and standard rules applicable to all Idaho public institutions of higher education now or hereafter established to determine residency status of any student and to establish procedures for review of that status.

(5) Appeal from a final determination denying residency status may be initiated by the filing of an action in the district court of the county in which the affected public institution of higher education is located. An appeal from the district court shall lie as in all civil actions.

(6) Nothing contained herein shall prevent the state board of education and the board of regents of the university of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(7) For students who apply for special graduate and professional programs including, but not limited to, the WWAMI (Washington, Wyoming, Alaska, Montana, Idaho) regional medical program, the WICHE student exchange programs, Idaho dental education program, the university of Utah school of medicine, and the Washington-Idaho regional program in veterinary medicine, no applicant shall be certified or otherwise designated as a beneficiary of such special program who does not meet the definition of resident student as set forth in subsection (1) of this section.

## **15. Innovation Schools – Technical Corrections**

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-5801, Idaho Code, be, and the same is hereby amended to read as follows:

33-5801. LOCAL INNOVATION SCHOOL ACT. There is hereby established the local innovation school act. Participating schools and districts ~~will~~must evaluate existing laws and administrative rules, identify those laws and policies that impede the ability for the schools and districts to be agile, innovative, and adapt to local circumstances. Participating schools and districts may then~~to~~ receive flexibility from identified laws and policies that impede local autonomy, allowing them to be agile, innovative and empowered to adapt to local circumstances.

SECTION 2. That Section 33-5802, Idaho Code, be, and the same is hereby amended to read as follows:

33-5802. DEFINITIONS. As used in this chapter:

(1) "Board" means the governing body of a school district or public charter school.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(21) "Innovation school" means a public school participating in the local innovation school act.

(32) "Innovation school agreement" means a written agreement between the innovation school team and the school board establishing the innovation school.

(43) "Innovation school team" means the combination of individuals responsible for the operations of an innovation school, consisting of at least one administrator, one instructional staff member, and one parent representative; and identified in the innovation school agreement.

(4) "Performance goals" mean the agreed upon level of improvement of the performance metrics established in the innovation school agreement.

(5) "Performance metrics" means measurable outcome agreed upon and established in the innovation school agreement.

(6) "School Board" means the governing body of a school district or public charter school.

SECTION 3. That Section 33-5803, Idaho Code, be, and the same is hereby amended to read as follows:

33-5803. ELIGIBILITY TO PARTICIPATE — REQUIREMENTS AND EXEMPTIONS. (1) Up to ten (10) public schools per year for each of school years 2016 through 2021, totaling not more than fifty (50) schools, are eligible to participate in the local innovation school act by following the processes set forth in section 33-5804, Idaho Code. If more than ten (10) schools seek to establish an innovation school in any single fiscal year, the first ten (10) schools to ~~notify~~ submit a valid innovation school agreement to the state ~~board~~ department of education pursuant to section 33-5804, Idaho Code, shall be established as innovation schools. Those schools that submit a valid innovation school agreement after the first ten (10) schools, shall be maintained on the list of schools, in order of submittal, for designation as an innovation school for the subsequent year.

(2) The following shall apply to an innovation school:

(a) State, federal and local laws prohibiting discrimination;

(b) Laws governing safety including, but not limited to, sections 33-122 and 33-130, Idaho Code;

(c) Section 33-119, Idaho Code, as such section applies to secondary schools accreditation; ~~and~~

(d) Section 33-133, Idaho Code, pertaining to student data and data privacy; and

(d) Section 33-5204, Idaho Code, if the innovation school is an existing public charter school authorized by the school district.

(3) Except as otherwise provided in subsection (2) of this section, pursuant to the terms of the innovation school agreement, innovation schools may be exempted from the following:

(a) Idaho Code statutes applicable to a school board or school district;

(b) Rules promulgated or guidelines adopted by the state board of education or state department of education; and

(c) Local district policies, including terms and conditions of employment.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

SECTION 4. That Section 33-5804, Idaho Code, be, and the same is hereby amended to read as follows:

33-5804. INNOVATION SCHOOL AGREEMENT. (1) An existing school may be converted to an innovation school ~~may be established~~ by a written innovation school agreement between:

(a) A majority of the teachers at the school seeking to establish an innovation school, in cooperation with a principal or a superintendent, or both;

(b) A school board; ~~and~~

(c) The authorizer if the innovation school is a public charter school; ~~and~~

(d) A majority of parents or guardians whose students attend the school, if the school is the only school within the districts serving students in a particular grade, group of grades or is the only alternative school.

(2) A new school may be opened as an innovation school with a written innovation school agreement between:

(a) A superintendent of the school districts and, if already hired at the time the agreement is entered into, a principal and a majority of teachers; and

(b) A school board.

(c) Prior to entering into any innovation school agreement the school board must provide for public input from parents or guardians of students residing in the attendance zone of the new school.

~~(23)~~ The innovation school agreement shall include:

(a) A statement that the innovation school is considered to be part of the school district and not considered a separate local education agency;

(b) A provision that the district shall distribute estimated state, federal and local funding to the innovation school consistent with the amounts it distributes to other schools in the district;

(c) Identification of the innovation school team;

~~(cb)~~ The performance goals and accountability metrics agreed upon for the innovation school;

~~(dc)~~ The duration of the agreement, which shall be for not less than three (3) years and include automatic renewal at the option of the innovation school team if all conditions under the agreement are satisfied;

~~(ed)~~ Grounds for termination of the agreement, including the right of termination if the innovation school team fails to:

(i) Comply with the conditions or procedures established in the innovation school agreement;

(ii) Meet generally accepted fiscal management and government accounting principles;

(iii) Comply with applicable laws; or

(iv) Meet the educational goals set forth in the innovation school agreement;

~~(fe)~~ If the innovation school is an existing public charter school authorized by the district, a statement regarding which provisions of chapter 52 of this title shall apply;

~~(gf)~~ A provision that specifies that the innovation school will administer the Idaho standards achievement tests or any other assessments that may be used for state or federal accountability;

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(hg) A statement that the innovation school will meet content standards as set forth in rule promulgated by the state board of education; and

(i) A statement specifying how state graduation requirements will be addressedmet-;

(h) The specific laws and policies the school will be exempt from pursuant to the evaluation in Section 33-5801, Idaho code and within the limits allowed in Section 33-5803, Idaho code;

(i) Provisions for transporting students to another school in the school district should the parent or guardian choose to not have their student participate in the innovation school.

(i) The innovations the school will be implementing.

(34) The school board shall notify the state ~~board~~ department of education within thirty (30) days after entering into an innovation school agreement to establish an innovation school. Upon receiving notification and a valid innovation school agreement, ~~the state board of education shall notify the state department of education~~, and the state department of education shall, for school years starting after the date of the agreement:

(a) Within sixty (60) days of notification and verification of a valid agreement, distribute ten thousand dollars (\$10,000) to the innovation school team to be used for planning and implementation purposes;

(b) Treat the innovation school as part of the local district for purposes of state and national assessments; and

(c) Treat the innovation school in the same manner as a school operated by the local district when calculating the total amount of state and federal funding to be distributed to the school district.

(5) Innovation agreements must meet all of the provisions of this act to be determined as valid. Any innovation agreement that is determined not to be valid will be returned to the school district or charter school within thirty (30) days for amendment and resubmittal.

(45) For as long as an innovation school team operates an innovation school:

(a) The innovation school team may use the school building, the accompanying real property and the building's contents, equipment and supplies, unless otherwise provided in the innovation school agreement.

(b) The school district shall provide the innovation school with transportation, building and grounds maintenance and repair, and access to funds consistent with that afforded other schools in the same district.

(c) With the exception of funds described in subsection (3)(a) of this section, an innovation school is not entitled to any state funding not afforded other district schools.

(d) If an innovation school team contracts with a school district for goods or services, the school district may not charge more for the goods or services than the school district pays for the goods or services.

(56) The innovation school team shall have full operational autonomy to run the innovation school as provided in the innovation school agreement.

(67) Employees of an innovation school may organize and create collectively bargained working conditions with the innovation school team, consistent with the principles, vision, goals and essential characteristics of the innovation school.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

(78) Individuals employed by an innovation school are entitled to participate in the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance and health insurance.

(89) If an agreement is terminated pursuant to subsection (2)(e) of this section, then the affected school shall revert to the type of school it was immediately before becoming an innovation school and shall thereby be subject to all applicable laws, rules, guidelines and policies.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

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**BOISE STATE UNIVERSITY/UNIVERSITY OF IDAHO**

**SUBJECT**

Board Policy I.J. Use of Institutional Facilities and Services – First Reading

**REFERENCE**

- April 2011            The Board approved additions to Policy I.J. to make permanent the conditions under which the Board can approve the sale or consumption of alcohol in conjunction with NCAA football games (section 2.c). Prior to this policy change, the institutions were bringing requests for exceptions to Policy I.J. annually to allow for the consumption of alcohol in suite areas and at pregame corporate events.
- June 2015            The Board approved requests from the universities to establish secure areas for pregame events for ticket holders with structured alcohol service for the 2015 football season.
- June 2016            The Board denied requests from the universities to establish secure areas for pregame events for ticket holders with structured alcohol service for the 2016 football season. In addition the Board denied the request by the University of Idaho to allow game patrons for home football games to bring alcohol for personal consumption to designated tailgating areas.
- June 2017            The Board deferred consideration of proposed amendments to Board Policy I.J. until such time as a single proposal could be brought forward from the universities.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I. J. Use of Institutional Facilities and Services.

**BACKGROUND/DISCUSSION**

For the past eleven seasons, the Board has approved the allowance of alcohol service and consumption prior to and during home football games in conjunction with the terms and guidelines outlined in Policy I.J., Section 2.c. For one season, 2015, the Board approved expanded alcohol service at controlled pregame events for all ticket holders. Prior to this, the universities had only sought to plan pregame events for sponsors to entertain clients, in alignment with conditions outlined in Policy I.J.

The proposed policy revisions:

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- Designate certain venues where alcohol may be served for campus events to include certain NCAA athletic events under the same conditions as has been provided in Board policy. The institution President could then approve the plan, subject to annual Board approval, and issue a permit in those limited facilities as happens with other campus events where alcohol is served. The Board would receive an annual report instead of being required to consider annual permission.
- Add the ability for a CEO to permit a designated pregame event for valid ticket holders under conditions prescribed in Board policy.
- Remove the word “written” in various places to avoid confusion over whether email or digital transmissions are allowed.
- Outside of athletic events, the change will also update prior requirements to have a defined seating area where alcohol beverages may be possessed and consumed at entertainment events. This section of policy is problematic with concerts, performances and similar events and for their promoters as it is difficult to set aside a section of seating for patrons consuming only non-alcoholic beverages – or vice versa.
- Add a new section 2.d addressing conditions under which game patrons and their private guests may consume alcohol at private tailgates.

**IMPACT**

Approval will still require the annual Board approval process and allow the request of certain venues and provide conditions in policy that allow Presidents to permit alcohol services in conjunction with prescribed athletic events.

**ATTACHMENTS**

Attachment 1 – proposed policy revisions, Section I.J.

Page 6

**STAFF COMMENTS AND RECOMMENDATIONS**

In response to the desire from various Board members to limit the requests for waivers of the Board’s policies, Boise State University and the University of Idaho are jointly proposing amendments to the Board’s policy regarding the service of alcohol in institution facilities or on institution properties (Board Policy I.J.). Idaho Administrative Code, IDAPA 38.04.07.305.02 prohibits the consumption or distribution of alcohol in common spaces of State facilities, and IDAPA 08.01.08.100 prohibits the sale, possession or consumption of alcoholic beverages in college or university owned, leased, or operated facilities and on campus grounds, except as provided in the State Board of Education Governing Policies and Procedures. Board Policy Section I.J. sets the provision by which alcohol may legally be sold or consumed in institution facilities.

Board Policy I.J. 2.6 currently allows the presidents of the institutions to approve

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

waivers of the prohibition against alcohol service and allow service of alcohol for events on campus (under specified conditions that are not in conjunction with student athletics events) and then immediately report to the Board staff on those events. Alcohol service may be allowed with prior Board approval in conjunction with NCAA football pregame events. Alcohol service in conjunction with any other student athletic event is prohibited.

The proposed policy revisions:

1. eliminate the requirement that the personal invitation be written and the requirement for an invitation in the in-suite/club room areas (an event ticket is required),
2. eliminate language requiring areas where alcoholic beverages are consumed to be clearly marked and separated from other areas and that additional space be provided outside of the areas where alcohol is possessed and consumed to accommodate those that do not wish to be present where alcohol is being consumed.

The proposed amendment to the policy regarding the sale or consumption of alcohol in conjunction with NCAA football games would:

1. expand permission to allow alcohol service at all NCAA athletic events (not just football ) and would confine the service to specific venues and sports listed in the policy;
2. allow youth to be present in the alcohol service areas as long as they are under the direct supervision of an adult;
3. allow individuals who have purchased admission and their ticketed guests to enter alcohol service areas without a written personal invitation from the institution President.

Five venues at Boise State University, one venue at Idaho State University and two venues at the University of Idaho are identified as approved locations.

In addition to the amendments proposed by the universities the attached draft includes an increase in the per instance liability limits from \$500,000 to \$1,000,000. This amendment would bring the policy in compliance with the minimum liability insurance coverage required by Risk Management for permitted events.

**BOARD ACTION**

I move to approve first reading of changes to Board policy section I.J. as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**Idaho State Board of Education**

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES**

**SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the Private Sector**

[April 2011](#)[October 2017](#)

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I. Use of Institutional Facilities and Services

- a. Consistent with education's primary responsibilities of teaching, research, and public service, the institutions, under the governance of the State Board of Education and Board of Regents of the University of Idaho (Board), have and will continue to provide facilities and services for educational purposes. Such services and facilities, when provided, should be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector. The institutions' provision of services and facilities should be educationally related. In addition, the Board recognizes that the institutions have a role in assisting community and economic development in a manner that supports the activities of the private sector. To this end, cooperation with local, state, and federal agencies is encouraged.
- b. Priority and guidelines for use of institutional services and facilities is as follows:
  - i. Institutionally sponsored programs and projects.
  - ii. Community programs or projects of an educational nature where the services or facilities provided by the institutions are directly related to the teaching, research, or service mission of the institution.
  - iii. Local, state, or federally sponsored programs and projects.
  - iv. The institutions will maintain a list of special events, services and facilities provided in those special events, the sponsor's name, the date of the use, and the approximate number of persons attending. This list will be available for public inspection. Individual institutional policies should be adopted in accordance with this general philosophy and policy statement of the Board. To this end, a coordinated effort between the public and private sector is encouraged.

2) Possession, Consumption, and Sale of Alcohol Beverages at Institutional Facilities

- a. Board Administrative Rules IDAPA 08.01.08 provides requirements relative to alcoholic beverages on campus grounds. Said rules generally prohibit the possession or consumption of alcoholic beverages in areas open to and most commonly used by the general public on campus grounds. The rules authorize the Board to waive the prohibition pursuant to Board policies and procedures.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by and in compliance with this policy. The grant of any such waiver shall be determined by the chief executive officer ("CEO") only in compliance with this Policy and in accordance with the provisions set forth herein, and not as a matter of right to any other person or party, in doing so, the chief executive officer must ensure that the decisions to allow possession and consumption of alcoholic beverages are consistent with the proper image and the mission of the institution.

- b. Each institution shall maintain a policy providing for an institutional Alcohol Beverage Permit process. For purposes of this policy, the term "alcoholic beverage" shall include any beverage containing alcoholic liquor as defined in Idaho Code Section 23-105. Waiver of the prohibition against possession or consumption of alcoholic beverages shall be evidenced by issuance of a written Alcohol Beverage Permit issued by the CEO of the institution which may be issued only in response to a completed ~~written~~ application therefore. Staff of the State Board of Education shall prepare and make available to the institutions the form for an Alcohol Beverage Permit and the form for an Application for Alcohol Beverage Permit which is consistent with this Policy. ~~Immediately upon~~ issuance of an Alcohol Beverage Permit, a ~~complete~~ copy of the ~~application and the~~ permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board ~~no later than the next Board meeting~~. An Alcohol Beverage Permit may only be issued to allow the sale or consumption of alcoholic beverages on public use areas of the campus grounds provided that all of the following minimum conditions shall be met. An institution may develop and apply additional, more restrictive, requirements for the issuance of an Alcohol Beverage Permit. The CEO has the authority by the Board to issue Alcohol Beverage Permits that meet or exceed the following requirements.

- i. An Alcohol Beverage Permit may be granted only for a specifically designated event (hereinafter "Permitted Event"). Each Permitted Event shall be defined by the activity planned, the area or location in which the activity will take place and the period of time during which the activity will take place. The activity planned for the Permitted Event must be consistent with the proper image and mission of the institution. The area or location in which the activity will take place must be defined with particularity, and must encompass a restricted space or area suitable for properly controlling the possession and consumption of alcoholic beverages. The time period for the activity must be a single contiguous time period for a separate defined occurrence (such as a dinner, a conference, a reception, a concert, a sporting competition and the like). An extended series of events or a continuous activity with no pre-determined conclusion shall not be a Permitted Event. The area or location of the Permitted Event, the restricted space or area therein for possession and consumption of alcoholic beverages and the applicable time periods for the Permitted Event must

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

each be set forth in the Alcohol Beverage Permit and in the application therefore.

- ii. The serving of alcoholic beverages must be part of a planned food and beverage program for the Permitted Event, rather than a program serving alcoholic beverages only. Food must be available at the Permitted Event.

Consumption of alcoholic beverages and food cannot be the sole purpose of a Permitted Event.

- iii. Non-alcoholic beverages must be as readily available as alcoholic beverages at the Permitted Event.

- iv. A Permitted Event must be one requiring paid admission through purchase of a ticket or through payment of a registration fee, or one where admission is by ~~written~~, personal invitation. Events generally open to participation by the public without admission charges or without ~~written~~ personal invitation shall not be eligible for an alcoholic beverage permit. Only persons who have purchased a ticket or paid a registration fee for attendance at a Permitted Event, or who have received an ~~an written~~ invitation to a Permitted Event, and who are of lawful age to consume alcoholic beverages, will be authorized to possess and consume alcoholic beverages at the Permitted Event.

- v. Permitted Events which are generally open to the public through purchase of a ticket (such as sporting events, concerts or other entertainment events) must set out a confined and defined area where alcoholic beverages may be possessed and consumed. ~~For such events, the defined area where alcoholic beverages may be possessed and consumed shall be clearly marked as such, and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area.~~ Only those individuals lawfully attending the Permitted Event who are of lawful age to consume alcoholic beverages may be allowed into the ~~defined~~ area where alcohol is served, provided that such individuals may be accompanied by youth for whom they are responsible, but only if such youth are, at all times, under the supervision and control of such individuals. ~~For such events there shall be sufficient space outside of the area where alcoholic beverages may be possessed and consumed to accommodate the participating public who do not wish to be present where alcoholic beverages are being consumed.~~

- vi. Except as provided for in c. and d. below, ~~No~~ student athletic events, (including without limitation NCAA, NIT, NAIA and intramural student athletic events) occurring in college or university owned, leased or

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

operated facilities, or anywhere on campus grounds, shall be Permitted Events, nor shall a Permitted Event be allowed in conjunction with any such student athletic event.

- vii. An Alcohol Beverage Permit for a Permitted Event to which attendance is limited to individuals who have received a personal-written invitation, or to those who have registered to participate in a particular conference (for example, a reception, a dinner, an exclusive conference) may allow alcoholic beverages to be possessed and consumed throughout the area of the event, provided that the area of the event is fully enclosed, and provided further that the area of the event must be such that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. Additionally, the area of the Permitted Event must not be open to access by the general public, or to access by persons other than those properly participating in the Permitted Event.
- viii. Application for an Alcohol Beverage Permit must be made by the organizers of the event. Such organizers must comply with all applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession sale and consumption of alcoholic beverages.
- ix. The Alcohol Beverage Permit, any required local catering permit, and applicable state or local alcoholic beverages permits shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.
- x. The sale, service and consumption of alcoholic beverages at a Permitted Event shall be confined to the specific event, area or activity identified on the Beverage Permit application. Any alcoholic beverages allowed at a Permitted Event shall be supplied through authorized contractors of the organizers (such as caterers hired by the organizers). In no event shall the institution supply or sell alcoholic beverages directly. In no event shall the general public or any participants in a Permitted Event be allowed to bring alcoholic beverages into a Permitted Event, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
- xi. The person/group issued the Beverage Permit and the contractors supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the Permitted Event. Further, the person/group must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage -limits sufficient to meet the needs of the institution, but in no

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

case less than \$~~500,000~~1,000,000 minimum coverage per occurrence. Such insurance must list the permitted person/group, the contractor, the institution, the State Board of Education and the State of Idaho as additional insured's, and the proof of insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insured's.

xii. The Alcohol Beverage Permit shall set forth the time at which sale, service, possession and consumption of alcoholic beverages will be permitted, which times shall be strictly enforced. Service and sale of alcoholic beverages shall stop at a time in advance of the time of closure of the event sufficient to allow an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the event prior to closure of the event.

xiii. These guidelines shall apply to both institutional and non-institutional groups using institutional facilities.

c. The sale or consumption of alcoholic beverages on campus grounds in conjunction with NCAA ~~football games~~ athletic events is prohibited except for certain listed pre-game events and service in venue suite areas as described below ~~may be permitted with prior Board approval.~~ Alcohol service at pre-game events and in-suite areas is limited to the locations listed below only. No other locations are allowed. Each year an institution that wishes to seek Board approval must present a written proposal to the Board, at the Board's regularly scheduled June Board meeting, for the ensuing ~~football season~~ year. The proposal must include detailed descriptions and drawings of the areas where events which will include alcohol service will occur. The ~~Board will review the proposal~~ undermust meet the following criteria and, upon ~~such~~ review by the Board, may also ~~apply~~ include further criteria and restrictions in ~~its~~ the Board's discretion. An institution's proposal shall be subject to the following minimum conditions:

i. Approved Locations:

1) Boise State University:

- Caven-Williams Sports Complex (Pre-game football)
- Allen Noble Hall of Fame Gallery (Pre-game football)
- Alumni and Friends Center (Pre-game football)
- Stueckle Sky Center (In-suite football)
- Double R Ranch Club Room – Taco Bell Arena (In-suite/Club room basketball)

2) Idaho State University:

- Exterior of Holt Arena - east end area adjacent to the Sports Medicine Center (Pre-game football)

3) University of Idaho:

- Lighthouse Center/Bud and June Ford Club Room (In-suite/Club

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

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Room football and basketball)

- President's/Corporate Tents – activities field north end (Pre-game football)

Institutions may bring to the Board requests to seek approval to add new or renovated facilities to the approved locations list.

ii. Pre-game events

- 1) The event must be conducted during pre-game only, no more than three- hours in duration, ending at kick-off.
- 2) ~~For pre-game events held in institution stadium suite areas,~~ Only patrons who hold tickets to the football game seats in the area shall be allowed into the area during games event.
- 3) The event must be conducted in a secured area surrounded by a fence or other methods to control access to and from the area. There must be no more than two entry points manned by security personnel where ID's are checked and special colored wrist bands issued (or similar identification system).
- 4) A color-coded wrist band (or similar identification) system must identify attendees and invited guests, as well as those of drinking age. ~~Unless otherwise specifically approved annually by the Board, under such additional terms and conditions as it sees fit, n~~ No one under the legal drinking age shall be admitted into the alcohol service and consumption area of an event unless such youth are accompanied by and are, at all times, under the supervision and control of an attendee of legal drinking age. The area shall be clearly marked and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area

iii. In-Suites/Club Rooms

- 1) ~~The area must be for sponsors to entertain clients/guests for home football games.~~ Attendance is limited to adult patrons and guests with tickets received a personal written invitation purchased admission and their ticketed guests,.
- 2) ~~For events held in institution stadium suite areas a~~ Adult patrons may be accompanied by youth for whom they are responsible, but only if such youth are, at all times, under the supervision and control of such adult patrons.
- 3) ~~For events held in institution stadium suite areas, t~~ The sale of alcohol must begin no sooner than three hours prior to kick-off the start of the athletic contest and must end at the start of the 4<sup>th</sup> quarter seventy-five (75) percent of the way into the contest to allow for an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the game prior to the end of the game.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

iv. All events. All events, pre-game and in-suite, must meet the following requirements.

- 1) All ticket holders Companies involved in the to the event must be sent a letter communication outlining the location and Board alcohol policy. The communication ~~letter~~ must state the minimum drinking age in Idaho is 21 and that at no time ~~is should such companies allow any~~ underage drinking and/or serving of alcohol to visibly intoxicated persons allowed.
- 2) Alcohol-making or -distributing companies are not allowed to sponsor the event. In no event shall the institution supply or sell alcoholic beverages directly. In no event shall invitees or participants in such event be allowed to bring alcoholic beverages into the area, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
- 3) The food provider must provide TIPS trained personnel who monitor the sale and consumption of all alcoholic beverages to those of drinking age. Any required local catering permit, and applicable state or local alcoholic beverage permits, shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.
- 4) Food must be available at the event. Non-alcoholic beverages must be as readily available as alcoholic beverages.
- 5) Security personnel located throughout the area must monitor all alcohol wristband policies and patron behavior.
- 6) Event sponsors/food providers must be required to insure and indemnify the State of Idaho, the State Board of Education and the institution for a minimum of \$2,000,000, and must obtain all proper permits and licenses as required by local and state ordinances. All applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession, sale and consumption of alcoholic beverages, must be complied with. Event sponsors/food providers supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the event. Further, event sponsors/food providers must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage and coverage limits sufficient to meet the needs of the institution, but in no case less than \$~~500,000~~1,000,000 minimum coverage per occurrence. Such insurance must list the event sponsor/food provider, the institution, the State Board of Education and the State of Idaho as

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

additional insureds, and the proof of insurance must be in the form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.

7) A report must be submitted to the Board annually ~~with details on alcohol service in conjunction with athletic events including any alcohol related incidents reported. after the conclusion of the football season before consideration is given to the approval of any future requests for similar events on home football game days.~~

d. In addition to the Institution sponsored game-day events described in c. above, the CEO of each institution may designate (subject to annual board approval) specific parking lots or limited areas of university grounds with controlled access as tailgate areas for home NCAA football games or NCAA bowl games hosted by the institution. Only game patrons authorized by the institution will be allowed to park and tailgate in the designated tailgate areas with their private guests. Locations, times and dates will be submitted to the Board for approval.

Within tailgate areas, authorized game patrons and their private guests may consume alcohol as long as they abide by all local and state regulations governing alcohol usage including, but not limited to, minor in possession or consumption of alcoholic beverages and public intoxication. Alcohol consumption in tailgating areas shall be limited to the times approved by the Board and at no time shall extend beyond 10:00am through 10:00pm of the day of each NCAA football game hosted by the institution. Alcohol beverages must be held in an opaque container that is not labeled or branded by an alcohol manufacturer or distributor. Alcohol may not be taken from the designated tailgate area into any other area.

The institutions shall not sell alcohol or serve alcohol in the tailgate area nor license or allow any vendor to sell or dispense alcohol in the tailgate area. Only private individuals authorized to be in the tailgate area may bring alcohol into the tailgate area for personal use by themselves and their guests. Each institution may place additional restrictions on activities in the tailgate area as seen fit to maintain order in the area.

Institution sponsored private game-day events at which alcohol may be served by the institution remain subject to the requirements set forth in c. above. Institutions will report to the Board regarding the tailgate area at the same time as they report to the Board regarding the private game-day events under Board Policy.

e. The sale or consumption of alcoholic beverages on campus grounds in conjunction with NCAA ~~football bowl games post season athletic competition~~ shall be permitted ~~only with Board approval~~ under the same conditions ii. through ~~xivii.~~, as described in subsection c. above, except that the minimum



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

amount of insurance/indemnification shall be \$5,000,000.

ef. Within residential facilities owned, leased or operated by an institution, the CEO may allow the possession or consumption of alcoholic beverages by persons of legal drinking age within the living quarters of persons of legal drinking age. Consumption of alcohol shall not be permitted in the general use areas of any such residence facility. Possession of alcohol within the general use areas of a residential facility may only be done in a facility where consumption has been authorized by the CEO, and such possession shall be only as is incidental to, and reasonably necessary for, transporting the alcohol by the person of legal drinking age to living quarters where consumption is allowed. The term "living quarters" as used herein shall mean, and be limited to, the specific room or rooms of a residential facility which are assigned to students of the institution (either individually or in conjunction with another room mate or roommates) as their individual living space.

gf. Alcohol-making or -distributing companies shall not be allowed to advertise goods or services on campus grounds or in any institutional facilities.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Board Policy IV.E. Career Technical Education, First Reading.

**REFERENCE**

October 2014 Board approved the second reading of amendments to Board Policy IV.E., incorporating the Idaho Agricultural Education Quality Program Standards approved August 2014, by reference.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section IV.E

**BACKGROUND/DISCUSSION**

These proposed amendments to Board policy IV.E. Division of Career Technical Education will formalize the definitions of existing career technical education program types to ensure consistency among all programs statewide. Career technical education programs fall into two categories, clusters and pathways. Each program structure has specific operational requirements which align with federal requirements under the Carl D. Perkins Act. Adding the definition of “cluster program” and “pathway program” to Board policy will provide teachers and administrators with the exact expectations of each program type, as well as allow the Division to make more clear assessments of program quality and foster program accountability for all secondary programs statewide.

This new language also formalizes the definitions of career technical education assessments, including the requirements for when students are required to take either or both assessments. The term “technical skill assessment” will be formally defined. This assessment is a requirement for all career technical education concentrators, and the definition will help ensure that teachers only administer the test to the appropriate students. The term “workplace readiness assessment” will be formally defined, and the requirements for which career technical students are required to take the assessment be included. The definition complements the Career Technical Education Workplace Readiness Standards, which were adopted by the Board in 2016, and incorporated by reference into IDAPA 08.02.03.004.

**IMPACT**

The policy will have a positive impact on program delivery, as it will provide a clear framework for how career technical programs should be structured and delivered. There will be no fiscal impact, as the definitions of required assessments reflect current practices. Long term fiscal impact will be determined as the number of students taking the assessment(s) increases.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**ATTACHMENTS**

Attachment 1 – Board Policy IV.E. – First Reading

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Board Policy IV.E. details policies and procedures specific to the Division of Career Technical Education (Division) and the statewide career technical programs it administers that do not fall under the other Board policies. The Division may from time to time bring forward requests for amendments to either the Board's policy or they may bring forward policies specific to their internal management for Board approval and action. The Division of Career Technical Education has been going through a process of identifying practices that have developed over the years, but were not brought forward to the Board for formal approval. Formal Board approval of these practices through policy provides for a higher level of transparency and consistency of implementation.

Staff recommends approval.

**BOARD ACTION**

I move to approve the first reading of Board Policy IV.E. Career Technical Education as provided in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

Idaho State Board of Education

**GOVERNING POLICIES AND PROCEDURES**

SECTION: IV. ORGANIZATION SPECIFIC POLICIES AND PROCEDURES

Subsection: E. Division of Career Technical Education

October 2014<sup>7</sup>

1. Purpose.

The Division of Career Technical Education provides leadership and coordination for programs in career technical education in various parts of the state. The general purposes are to carry out the governing policies of the Board and the applicable provisions of state and federal legislation.

2. Delegation of Authority

The Board delegates to the state administrator of career technical education, the chief executive officer of the statewide system, the responsibility to supervise and manage career technical education in Idaho. The division administrator shall report to the Board through the Executive Director. The Board has the power to name a president of Eastern Idaho Technical College who may perform such duties as delegated by the Board. For purposes of accreditation the EITC President shall be the CEO of the institution. The state administrator is responsible for the preparation and submission, through the Executive Director, of an agenda for matters related to career technical education for Board review and action.

3. Definitions

- a. Technical Skill Assessment: an assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway.
- b. Workplace Readiness Assessment: an assessment of a career technical education student's understanding of workplace expectations upon completion of a career technical education program and entering the workforce.

34. Functions

The Division provides statewide leadership, administration, supervision, planning, and coordination for career technical education activities in Idaho. The major functions include:

- a. Statewide Administration: maintaining a qualified professional staff to provide statewide leadership and coordination for career technical education and the programs offered in accordance with applicable state and federal legislation.
- b. Eastern Idaho Technical College: assist in the delivery of career technical programs and courses consistent with the role and mission of the college, assist the EITC President with the programmatic affairs of the college, supervise the budgetary affairs of the college as part of the career technical education budget,

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

and in cooperation with the EITC president, to recommend appointment of advisory committee representatives to the State Board.

- c. Supervisory and Consultative Services: providing technical assistance to local education agencies to assist in the maintenance and implementation of career technical education programs including support and leadership for student organizations and education equity.
- d. Planning: assisting local agencies in the development of annual plans and data collection and analyzing services for the establishment of a Five-Year Plan, annual plans, and accountability reports from the local educational agencies.
- e. Evaluation: conducting and coordinating career technical education evaluations in accordance with state and federal guidelines to monitor program activities to determine the status of program quality in relation to established standards and access.
- f. Budget Preparation: preparing annual budgets and the maintenance of a statewide finance and accountability system.
- g. Program and Professional Improvement: through its professional staff, initiating and coordinating research, curriculum development, and staff development statewide.
- h. Management Information: collecting, analyzing, evaluating and disseminating data and program information which provides a comprehensive source of accurate, current, and easily accessible information for statewide decision making.
- i. Coordination: providing liaison with related state agencies and organizations, the State Advisory Council, business and industry, and community-based organizations.

**45. Organization.**

The programs and services of the state division are organized into two (2) broad segments: (a) Regular Occupational Programs and (b) Special Programs and Support Services.

- a. Regular Occupational Programs are programs designed to prepare students at the secondary and postsecondary levels with the skills, knowledge, attitudes, and habits necessary for entry-level employment in recognized occupations in Idaho, the Northwest, and nationally. These programs also provide the supplemental training to upgrade the skills of those citizens of Idaho who are currently employed. Regular programs include: (1) Agriculture; (2) Marketing and Multi-Occupations; (3) Health Occupations; (4) Industrial Arts; (5) Home Economics; (6) Business and Office; and (7) Trade and Technical. A program specialist is employed in each

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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program area to provide leadership and technical assistance to local education agencies.

- b. Special Programs and Support Services are special programs designed to serve students in Consumer Home Economics, Special Needs, and other program activities not considered occupational in nature. These Special Programs include: (1) Consumer and Homemaking Education; (2) Pre-Career Technical Education; and (3) Special Needs - Disadvantaged and Handicapped. In addition, support services are provided in the areas of Education Equity; Program Improvement (to include Curriculum Development, Research, and Personnel Development); Career Technical Guidance; and Work Study.

Additionally, through state and federal legislation, or by contract for administration, career technical education supervises and manages the following programs: (1) Job Training and Partnership Act (JTPA); (2) State Occupational Information Coordinating Committee (SOICC); (3) the Displaced Homemaker Program; and (4) Fire Service Training; and, from time to time, other career technical training programs as appropriate.

#### 56. Program Delivery

Career Technical Education Programs are made available at three (3) levels in Idaho -- secondary, postsecondary, and adult.

a. Secondary Programs: are provided through Aall participating high school districts and several joint district career technical education programs. Secondary programs fall into one of two program types and are subject to the following assessment requirements.

i. Cluster Program: provides career technical education students with career preparation opportunities and opportunities to develop an understanding of workplace readiness expectations. A cluster program must meet the following requirements:

- 1) Consist of foundation and intermediate courses within a single Career Cluster. The program does not culminate in a capstone course.
- 2) Must be two or more years in length
- 3) Demonstrate a strong career/workplace readiness skills alignment
- 4) Incorporate an active Career Technical Student Organization into the program
- 5) Include an active Technical Advisory Committee to guide program development and foster industry engagement
- 6) Require the Workplace Readiness Assessment as part of the program

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

- ii. Pathway Program: provides career technical education students with specific career and occupational preparation, an understanding of workplace readiness expectations, as well as postsecondary program transition opportunities. A pathway program must meet the following requirements:
  - 1) Consist of a sequence of courses that culminate in a capstone course and aligns with state-approved career technical education content standards.
  - 2) Must be two or more years in length
  - 3) Demonstrate a strong career/workplace readiness skills alignment
  - 4) Incorporate an active Career Technical Student Organization into the program
  - 5) Include an active Technical Advisory Committee to guide program development and foster industry engagement
  - 6) Require the Career Technical Education Consortium of States (CTECS) – Workplace Readiness Assessment as part of the program
  - 7) Demonstrate alignment to similar postsecondary program outcomes as well as to relevant industry recognized standards
  - 8) Offer work-related experience for students (paid or unpaid)
  - 9) Require a pathway-identified Technical Skill Assessment for students enrolled in the capstone course (career technical education concentrators)
  - 10) Require Technical Competency Credit for aligned postsecondary programs, must meet expectation for at least one aligned postsecondary course
  
- iii. The technical skills assessment is a nationally validated, industry-based assessment, administered by an approved vendor (e.g. CTECS). Instructor-developed and administered exams do not qualify. All juniors and seniors enrolled in a capstone course (concentrators) are required to take the technical skills assessment.

Note: In the event a concentrator is enrolled in a pathway program that does not yet have an approved technical skills assessment, that student will take only the workplace readiness assessment until the pathway program TSA has been finalized and approved.
  
- iv. All seniors enrolled in at least their second career technical education course are required to take the workplace readiness assessment.

b. Postsecondary Programs: are provided through the state system of six (6) area career technical schools. The area schools are:

- i. College of Western Idaho (Nampa)



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- ii. College of Southern Idaho Career Technical School (Twin Falls)
  - iii. Eastern Idaho Technical College (Idaho Falls)
  - iv. Idaho State University Career Technical School (Pocatello)
  - v. Lewis-Clark State College School of Technology (Lewiston)
  - vi. North Idaho College Career Technical School (Coeur d'Alene)
- c. Adult Programs: Are Primarily provided through the six (6) area career technical schools to provide upgrading and retraining programs for persons in the work force. Some classes are offered by Idaho public high schools. These offerings range from brief seminar classes to intensive courses which normally are less than 500 hours of annual instruction.
- d. The Idaho Agricultural Education Quality Program Standards shall be used to evaluate the quality of Agricultural and Natural Resource education programs. The Idaho Agricultural Education Quality Program Standards as approved August 14, 2014 are adopted and incorporated by reference into this policy. The standards may be found on the Division of Career Technical Website at <http://cte.idaho.gov>.

**67.** Internal Policies and Procedures

The chief executive officer may establish additional policies and procedures for the internal management of the Division of Career Technical Education which complement, but do not supplant, the Governing Policies and Procedures of the Board. Such internal policies and procedures are subject to Board review and action.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**SUBJECT**

Master Educator Premium – Final Standards, Scoring Rubrics and Templates

**REFERENCE**

May 9, 2016                      Board approved the Master Teacher Premium standards.

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-1004I, Idaho Code

**BACKGROUND/DISCUSSION**

Section 33-1004I, Idaho Code, established the Master Teacher Premium in 2015 to recognize and financially reward outstanding instructional staff. In 2017 the Board proposed and the Legislature enacted changes to the premium, adding pupil service staff and renaming it the Master Educator Premium (Premium).

To be eligible for the Premium, educators must meet certain minimum requirements, as well as show evidence of mastery of instructional techniques and professional practices. Evidence may be shown through a process established by the State Board of Education (Board) or a locally established processes approved by the Board. Those educators recognized as Master Educators will earn an additional \$4,000 per year for three years. Following the initial three-year period, educators are eligible to receive the Premium on an annual basis based on continued eligibility.

Pursuant to Section 33-1004I, Idaho Code, to qualify for the Premium, an educator must have a minimum of eight (8) years teaching experience (the three (3) years immediately preceding the award must be continuous). Additionally, for three (3) of the previous five (5) years of instruction, the educator must show:

1. Mastery of instructional techniques and professional practice through artifacts demonstrating effective teaching and successful completion of an annual individualized professional learning plan; and
  
2. Majority of students meeting measurable student achievement criteria.

The process/plan for educators to show evidence of mastery, if developed at the district level, must be developed by a committee of educators, administrators and stakeholders and be approved by the Board. District plans may be set up in a way that recognizes groups of educators based on measurable student achievement goals aligned with school district approved continuous improvement plans. These groups may be school-wide or may be smaller groups, such as grade level or subject matter groups. If the school district process allows for premiums to be based on a group, each educator in a group must meet all the requirements to be eligible to receive the funds. If a school district does not develop its own plan, the eligible educators in the school district may apply to the Office of the State Board of Education based on the state plan.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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A Master Teacher Premium Committee convened to provide recommendations to the Board on the state level plan for teachers to show evidence of mastery. The committee consisted of teachers, administrators and stakeholders as prescribed in statute. The committee met from June through December of 2015 to develop a plan and criteria for identifying a Master Teacher, which was presented and approved at the May 2016 Board meeting.

Sub-committees made up of participants of the original Master Teacher Premium and a subcommittee consisting of pupil service providers convened from June through July 2017. The first subcommittee was convened to establish a scoring rubric based on the standards already approved for instructional staff. The second subcommittee was formed to review the standards in light of the addition of pupil service providers, and were tasked with developing recommendation on standards for pupil service staff that were aligned to the instructional staff standards and develop a scoring rubrics to assess the portfolios. The subcommittees ultimately developed a Master Educator Premium Plan that would work for both instructional and pupil service staff, in which evidence of mastery can be demonstrated through the submittal of a portfolio. The committees are recommending the original standards remain the same, with some slight changes to the characteristics to be universally applicable to each type of professional. Characteristics that are repetitive would also be compressed to ensure that points available for direct contact with students were weighted more heavily than points available for leadership outside of the classroom. Both groups were confident that the changes to the standards would be non-substantive when compared to the original plan approved by the Board in May 2016. Portfolios submitted for the Master Educator Premium will be a collection of artifacts and evidence of exemplary practice illustrating each of the 22 characteristic that fall within the five Master Educator Standards:

- Leadership
- Professional Collaboration and Partnerships
- Students and Learning Environment
- Content, Instruction and Assessment
- Professional Growth

Instructional and pupil service staff will begin submitting their portfolios to the state for review prior to the close of FY19. The reviews will be conducted by Idaho educators (peers). Individual Idaho educators will apply to be reviewers of the portfolios. Individuals that are selected to be reviewers will receive training on grading the portfolios. Individual portfolios will be reviewed by no less than two reviewers. The committee will design a process for resolving discrepancies in scoring, such as a third reader or scoring consultation.

It is intended that the portfolios created by staff designated as Master Educators will be available for review as examples of outstanding teaching/service for other

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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professionals to use to enhance their own practices.

**IMPACT**

Approval of the revised standards and scoring rubrics round out the state plan to include pupil service providers, and will provide guidance to districts on what is considered an acceptable level of rigor if they choose to develop their own plan (which must be submitted to the Board for approval). Teachers and pupil service staff will also have specific guidelines to collect evidence in the 2017- 2018 school year if they are interested in submitting a portfolio prior to the July 1, 2019 effective date of the Master Teacher Premium.

The standards and rubrics are modeled on materials developed by Ohio that are used to assess and designate Master Teachers. Based upon the information gathered from data analysts in the Ohio Department of Education, not more than 4% of Ohio's teachers submit portfolios, with less than 2% qualifying for the designation.

**ATTACHMENTS**

Attachment 1 - Master Educator Premium Committee Member	Page 4
Attachment 2 - Master Educator Premium ePortfolio Submission Guidelines and Template	Page 6
Attachment 3 - Master Educator Scoring Rubric for Instructional Staff	Page 20
Attachment 4 - Master Educator Scoring Rubric for Pupil Service Staff	Page 36
Attachment 5 - Revised Standards: Definitions and Characteristics	Page 52
Attachment 6 - Fiscal Impact Calculations	Page 56

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the revised Master Educator Premium Standards and Characteristics, and associated rubrics and submission template.

**BOARD ACTION**

I move to approve the Master Teacher Premium Plan as outlined in Attachment 2, including the standards and characteristics specified in Attachment 5.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



**IDAHO STATE BOARD OF EDUCATION**

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[www.boardofed.idaho.gov](http://www.boardofed.idaho.gov)

**Master Educator Premium Sub-Committee Members**

**INSTRUCTIONAL FOCUS**

1. John Cordell (Chair), St. Maries School District
2. Linda Clark, State Board of Education
3. Nick Smith, Boise School District
4. Debbie Critchfield, State Board of Education
5. Jennifer Snow, Boise State University
6. Jolene Dockstader, Jerome School District
7. Aaron McKinnon, Boise School District
8. Scott Tverdy, Buhl School District
9. Kim Zeydel, West Ada School District

**PUPIL SERVICE FOCUS**

1. Amy Zurloff, Boise School District
2. Elen Stamm, Boise School District
3. Scott Crandell, Boise School District
4. Alex Zamora, Idaho Virtual Academy
5. Jeanie Buschine, West Ada School District
6. Colene Letterle, West Ada School District
7. Nick Smith, Boise School District
9. Jolene Dockstader, Jerome School District

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Portfolio Completion Guidelines:**

Eligible individuals may apply for the Master Educator Premium by submitting a portfolio consisting of artifacts demonstrating mastery of instructional techniques and professional practice. Master Educator Premium determinations will be based on the educator meeting the minimum requirements pursuant to [Section 33-1004I, Idaho Code](#), and the artifacts and evidence of exemplary teaching practices provided in the portfolio based on the following five standards:

- Leadership
- Professional Collaboration and Partnership
- Students and Learning Environment
- Professional Growth
- Content, Instruction and Assessment

Narrative responses must reflect excellence in the given area inside and/or outside of the classroom and demonstrate an impact on student learning. Examples referenced and evidence provided must be no more than five years old from date of submission. Artifacts submitted must cover each characteristic of each standard. A single artifact may be provided as evidence of multiple characteristics within a standard. **For teacher candidates, at least one artifact must be a video of teaching.**

- Narratives must address each of the *Idaho Master Educator Standards*, and evidence must be submitted to support responses.
- The Assurance Form is to be completed and signed by authorized district personnel.
- When considering areas to focus on in the written narrative, it would be better to focus on a few areas and provide an in-depth reflection as opposed to many developed areas. Narratives are limited to the space/number of characters provided in each section of the template.

Candidates should choose evidence that best exemplifies their work based on the response provided for each standard.

- Evidence should be referenced within the written text and labeled accordingly.
- A piece of evidence may be referenced in more than one standard and/or characteristic.
- A minimum of one artifact per characteristic is required, but **up to four artifacts per characteristic will be allowed**. The quality of the artifact, not the quantity, will be considered.
- If an educator is submitting three levels of student work samples (high, med, and low), the educator should group them all together as one piece of evidence.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Review Process:**

Portfolios will be evaluated based on a common rubric that will be available as part of the application process. Portfolios will be reviewed by Idaho educators who volunteer to participate in the reviews. Each reviewer will be provided with training on reviewing the portfolios.

Individual portfolios will be reviewed by no less than two reviewers. The committee will design a process for resolving discrepancies in scoring, such as a third reader or scoring consultation. Ratings will be based on whether or not each standard and characteristic “meets the standard” (2 points); partially meets the standard” (1 point); or “does not meet the standard” (0 points). The scoring rubric is based on the Idaho Master Educator Standards, largely adopted from the work of the Ohio Educator Standards Board. Candidates should be advised to refer to the [State Board of Education](http://www.sbe.idaho.gov) website for guidance in completing their applications, and to view a copy of the scoring guide.

Following submission and final scoring of the portfolio, candidates will receive a copy of their score sheet, including a summary compilation of each reviewer’s final scores.

It has not yet been determined how the portfolio will be submitted. Electronic options are currently being explored. Once determined, information on how to submit portfolios will be provided on the State Board of Education website.



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

## Master Educator Premium Application

Candidate Name: \_\_\_\_\_

Candidate Email: \_\_\_\_\_

To be used to provide Candidate a copy of their score sheet, including a summary compilation of each candidate's final scores.

Candidate Phone Number: \_\_\_\_\_

To be used if reviewer has any questions regarding application.

School District/Charter School and

Building(s): \_\_\_\_\_

List all that apply.

Current Assignment: \_\_\_\_\_

Area(s) of endorsement: \_\_\_\_\_

Total number of years teaching: \_\_\_\_\_

Degree(s) earned: \_\_\_\_\_

Date application submitted: \_\_\_\_\_



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

# ASSURANCES

To be completed by authorized district personnel and returned electronically to candidate

**Name of Candidate:** \_\_\_\_\_

**This candidate qualifies for the Master Educator Premium based upon the minimum requirements set forth in Idaho Code 33-1004I:**

“The minimum qualifications for an instructional staff or a pupil service staff employee to earn a master educator designation shall be as follows:

- (a) An instructional staff or pupil service staff employee must have eight (8) or more years of teaching experience provided that the three (3) years immediately preceding the award must be continuous and in Idaho. The remainder of the teaching experience making up the eight (8) years must have been earned in Idaho or in a compact-member state pursuant to section [33-4101](#), Idaho Code.
- (b) An instructional staff or pupil service staff employee must demonstrate mastery of instructional techniques for no fewer than three (3) of the previous five (5) years of instruction through:
  - (i) Artifacts demonstrating evidence of effective teaching; and
  - (ii) Successful completion of an annual individualized professional learning plan; and
- (c) A majority of an instructional staff employee’s students must meet measurable student achievement as defined in section [33-1001](#), Idaho Code, for no fewer than three (3) of the previous five (5) years.
- (d) A majority of a pupil service staff employee’s students must meet measurable student achievement or measurable student success indicators, as defined in section [33-1001](#), Idaho Code, for no fewer than three (3) of the previous five (5) years.”

-----  
I certify that the information submitted in this application is true and correct to the best of my knowledge and is of my own work. I further understand that any false statements may result in denial of this application and may result in submission of a complaint to the Idaho Professional Standards Commission.

\_\_\_\_\_  
Candidate Signature:

\_\_\_\_\_  
Date:

-----  
I certify that the information submitted in this application is true and correct to the best of my knowledge and that the Candidate listed in this application has met the minimum qualifications for an instructional staff or a pupil service staff employee to earn a master educator designation as listed above.

\_\_\_\_\_  
District Authorized Signature

\_\_\_\_\_  
Printed Name of District Personnel

\_\_\_\_\_  
Date

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Standard 1: Leadership.** Master Educators ensure student learning and well-being by engaging in a variety of leadership roles and performing thoughtful stewardship responsibilities for the school community and the profession.

***Describe how you have demonstrated consistent leadership in your school community and the profession related to all three characteristics below. How has your consistent leadership had an impact on student learning? Maximum of 2,000 characters)***

Empty response area for the leadership demonstration question.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

Characteristics	Link to artifact(s)	Provide a brief description for each artifact and how the artifact meets the standard and characteristics.
1. Influences decision-making as an advocate for students	<p>Example of evidence</p> <p>2<sup>nd</sup> Example of evidence</p>	<p>This document serves as an example of how an educator would create a hot link within the e-portfolio to the different forms of evidence needed to demonstrate their mastery of the different standards and characteristics.</p> <p>This document serves as a second example of how an educator would provide multiple documents to demonstrate their mastery of a standard and characteristic.</p>
2. Initiates innovations		
3. Provides leadership		

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Standard 2: Professional Collaboration and Partnerships.** Master Educators work with educators, students, families and communities to create relationships; share knowledge, practice and responsibility; communicate effectively to support student learning. They respond to the needs of their colleagues and students in a timely and competent manner.

***Describe how you have contributed to collaborative efforts with other educators, students, families and/or the community to support student learning related to all three characteristics below. How has your consistent professional collaboration had an impact on student learning? (Maximum of 2,000 characters)***

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

<b>Characteristics</b>	<b>Link to artifact(s)</b>	<b>Provide a brief description for each artifact and how the artifact meets the standard and characteristics.</b>
1. Serves as resource for colleagues, administrators, students, parents, and community		
2. Creates an environment of respect and rapport with the larger community		
3. Engages in collaborative contexts with peers		



PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Standard 3: Students and Learning Environment.** Master Educators demonstrate knowledge and caring to connect instruction/services to students' needs, interests and prior knowledge. They engage learners in inquiry, promote high levels of learning/success for all students, and create a culture of civility and respect. They foster rapport that results in an environment where all students feel valued and are comfortable taking risks.

*Describe how you have demonstrated distinguished teaching/service through a focus on students and environment, fostering rich learning opportunities and creating a safe, enthusiastic learning environment in which all students can be highly successful related to all five characteristics below. How has your focus on students and environment had an impact on student learning? (Maximum of 2,000 characters)*

Empty response area for the educator's description.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



<p><b>MASTER EDUCATOR PREMIUM E-PORTFOLIO</b> <i>Demonstration of Mastery of Instructional Techniques and Professional Practice</i></p>
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<b>Characteristics</b>	<b>Link to artifact(s)</b>	<b>Provide a brief description for each artifact and how the artifact meets the standard and characteristics.</b>
1. Creates a culture of mutual respect with parents and students		
2. Inspires students to take academic risks, explore, and think critically to achieve high levels of learning		
3. Promotes students to take ownership of their own learning/behavior and promotes student self-assessment and goal-setting		
4. Demonstrates holistic knowledge about individual students' lives		
5. Promotes positive student-to- student interactions		

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Standard 4: Professional Growth.** Master Educators engage in continuous professional development, demonstrate reflection, and implement best practices. They use multiple sources to shape their professional practice. They evaluate their personal growth, understanding and application of knowledge and develop an individualized professional learning plan.

***Describe your professional growth activities from the last three to five years related to all three characteristics below. How has your professional development had an impact on student learning? (Maximum of 2,000 characters)***

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**  
*Demonstration of Mastery of Instructional Techniques and Professional Practice*

<b>Characteristics</b>	<b>Link to artifact(s)</b>	<b>Provide a brief description for each artifact and how the artifact meets the standard and characteristics.</b>
1. Seeks regular opportunities for continuous professional development		
2. Contributes to the development of learning opportunities designed to improve instructional and professional practice through participating in organizations/groups designed for this purpose		
3. Demonstrates reflective practice to improve instructional decision making and/or professional practice		

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

**Standard 5: Content, Instruction and Assessment.** Master Educators have a deep and reflective understanding of their content, instructional/evidence-based methods, and assessments techniques, which they consistently use to promote high levels of learning for all students.

**Describe how you have demonstrated distinguished teaching/service through a focus on content, instruction and assessment related to all eight characteristics below. How has your focus on content, instruction and assessment had an impact on student learning? (Maximum of 4,000 characters)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



**MASTER EDUCATOR PREMIUM E-PORTFOLIO**

*Demonstration of Mastery of Instructional Techniques and Professional Practice*

Characteristics	Link to artifact(s)	Provide a brief description for each artifact and how the artifact meets the standard and characteristics.
1. Demonstrates in-depth understanding of the content area/professional concepts		
2. Effectively delivers content area concepts/services to students utilizing diverse methods		
3. Enables students to take ownership of and communicate their own learning/behavior		
4. Actively engages and motivates students to learn/move toward success indicators		
5. Provides access points for students of all ability levels to engage in the learning process.		
6. Promotes critical thinking and problem solving skills		
7. Uses a variety of data sources, formative and summative assessments to evaluate student progress and learning		
8. Effectively communicates student strengths and needs with students, parents/guardians and colleagues		



## MASTER TEACHER RUBRIC AND SCORING PROCEDURES - OVERVIEW

To be designated as a Master Educator in Idaho, educators must clearly demonstrate the following characteristics in a way that directly impacts student learning. Master Educators will achieve exemplary scores in four of the five standards on the scoring rubric.

At least two members of the Master Educator Committee will score each application, and scores for each standard will be compared to determine a candidate's final score. The committee will design a process for resolving discrepancies in scoring, such as a third reader or scoring consultation.

The scoring rubric is based on the **Idaho Master Educator Standards**, largely adopted from the work of the Ohio Educator Standards Board. Candidates should be advised to refer to the *State Board of Education* website for guidance in completing their applications, and to view a copy of the scoring guide. Following submission and final scoring of the portfolio, candidates will receive a copy of their score sheet, including a summary compilation of each candidate's final scores.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 1: *Leadership*.** Master Teachers ensure student learning and well-being by engaging in a variety of leadership roles and performing thoughtful stewardship responsibilities for the school community and the profession.

Characteristics	2 points each	1 point each	0 points each	Score for Standard 1
<p><b>1. Influences decision-making as an advocate for students</b></p>	<p>The evidence demonstrates that the teacher advocates for students' best interests through shaping policy at the building, district, state, and/or national level including professional organizations focused on improving teacher quality and student achievement.</p>	<p>The evidence demonstrates that the teacher is involved in professional efforts to advance teaching and learning.</p>	<p>The evidence demonstrates that the teacher is not involved in efforts to advance teaching and learning.</p>	
<p><b>2. Initiates innovations</b></p>	<p>The evidence demonstrates that the teacher is an agent of change who seeks opportunities to positively impact teaching quality, school improvements and student achievement.</p>	<p>The evidence demonstrates that the teacher implements change with school, district and state directive.</p>	<p>The evidence demonstrates that the teacher implements change as mandated by the principal.</p>	



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



<p><b>3. Provides leadership</b></p>	<p>The evidence demonstrates that the teacher takes multiple leadership roles in department, school, district, state, national, and/or professional organizations' decision-making activities, such as curriculum development, staff development and/or policy design.</p>	<p>The evidence demonstrates that the teacher acts in leadership roles that are narrow in scope or limited.</p>	<p>The evidence demonstrates that the teacher participates in meetings as required.</p>	
<p align="center"><b><i>For a Master Teacher candidate to meet Standard 1, the candidate must demonstrate consistent leadership that has a direct impact on student learning.</i></b></p> <p>Candidate offered evidence that supported and/or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 6</p> <p>5-6 exemplary 3-5 adequate 0-2 area for growth</p> <p align="center"><u>SCORE</u></p>

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 2: Professional Collaboration and Partnerships.** Master Teachers work with educators, students, families and communities to create relationships; share knowledge, practice and responsibility; communicate effectively to support student learning. They respond to the needs of their colleagues and students in a timely and competent manner.

<b>Characteristics</b>	<b>2 points</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 2</b>
<b>1. Serves as resource for colleagues, administrators, students, parents, and community</b>	The evidence demonstrates that the teacher consistently acts as a resource for others inside and outside of the education community, reaching across professions to provide support.	The evidence demonstrates that the teacher occasionally acts as a resource for others inside or outside of the education community.	The evidence demonstrates that the teacher is not involved as a resource.	
<b>2. Create an environment of respect and rapport with the larger community</b>	The evidence demonstrates that the teacher collaborates effectively with the local community, parents and/or community agencies, when and where appropriate, to promote a positive environment for student learning.	The evidence demonstrates that the teacher occasionally collaborates with the parents.	The evidence demonstrates that the teacher does not collaborate with the local community, community agencies, or parents	
<b>3. Engages in collaborative contexts with peers</b>	The evidence demonstrates that the teacher's relationships with colleagues are characterized by mutual support and cooperation, with the teacher taking initiative in assuming leadership among	The evidence demonstrates that the teacher's relationships with colleagues are characterized by mutual support and cooperation; the	The evidence demonstrates that the teacher maintains cordial relationships with colleagues to fulfill duties that the school or district requires. The	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



	<p>the faculty. The teacher takes a leadership role in promoting a culture of professional inquiry through peer observation, peer feedback, peer coaching, professional dialogue, and/or other collegial learning activities.</p>	<p>teacher actively participates in a culture of professional inquiry but may not initiate activities.</p>	<p>teacher participates in the school's culture of professional inquiry when invited to do so.</p>	
<p><b><i>For a Master Teacher candidate to meet Standard 2, the candidate must demonstrate focused collaboration that has a direct impact on student learning.</i></b></p> <p>Candidate offered evidence that supported and /or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 6</p> <p>5-6 exemplary 3-4 adequate 0-2 area for growth</p> <p align="center"><u>SCORE</u></p>

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 3: Students and Learning Environment.** Master Teachers demonstrate knowledge and caring to connect instruction to students' needs, interests and prior knowledge. They engage learners in inquiry, promote high levels of learning for all students, and create a culture of civility and success. They foster rapport that results in an environment where all students feel valued and are comfortable taking risks.

<b>Characteristics</b>	<b>2 points each</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 3</b>
<b>1. Creates a culture of mutual respect with parents and students</b>	The evidence demonstrates that the teacher collaborates with others to create environments in and out of the classroom that support individual and collaborative learning and encourages positive social interaction, active engagement in learning, and self-motivation.	The evidence demonstrates that the teacher creates a classroom environment that supports individual and collaborative learning and encourages positive social interaction, active engagement in learning, and self motivation.	The evidence demonstrates that the classroom environment limits mutual respect, collaborative learning, social interaction, active learning and self-motivation.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



<p><b>2. Inspires students to take academic risks, explore, and think critically to achieve high levels of learning</b></p>	<p>The evidence demonstrates that the teacher supports learners' independence and self-direction in identifying their learning needs, accessing resources, and using time to accelerate their learning. The teacher supports learners' growing ability to participate in decision-making, problem solving, and critical thinking.</p>	<p>The evidence demonstrates that the teacher supports learners' independence and self-direction in identifying their learning needs, accessing resources, and using time to accelerate their learning.</p>	<p>The evidence demonstrates limited support of learners' independence and self-direction in identifying their learning needs, accessing resources, and using time to accelerate their learning.</p>	
<p><b>3. Prompts students to take ownership of their own learning and/or behavior, and promotes student self-assessment and goal-setting</b></p>	<p>The evidence demonstrates that the teacher involves learners in self-assessment and goal setting to address gaps between performance and potential.</p>	<p>The evidence demonstrates that the teacher provides opportunities for learners to set goals or self-assess.</p>	<p>The evidence demonstrates limited involvement of learners in self-assessment or goal setting.</p>	
<p><b>4. Demonstrates holistic knowledge about individual students' lives</b></p>	<p>The evidence demonstrates that the teacher uses understanding of learners' commonalities and individual differences within and across diverse communities to design culturally responsive learning experiences that enable each learner to meet high standards.</p>	<p>The evidence demonstrates that the teacher understands learner differences within and across diverse communities to design learning experiences that enable each learner to meet high standards.</p>	<p>The evidence displays limited understanding of learners' commonalities and individual differences within and across diverse communities to design culturally responsive learning</p>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



<p><b>5. Promotes positive student to student interactions</b></p>	<p>The evidence demonstrates that the teacher effectively combines independent, collaborative and whole-class learning situations to maximize student understanding and learning.</p>	<p>The evidence demonstrates that the teacher uses independent, collaborative and whole-class learning situations.</p>	<p>experiences. The evidence demonstrates that the teacher uses one learning strategy the majority of the time.</p>	
<p><b><i>For a Master Teacher candidate to meet Standard 3, the candidate must demonstrate distinguished teaching focused on students and environment that has a direct impact on student learning for all students.</i></b></p> <p>Candidate offered evidence that supported and /or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 10</p> <p>8-10 exemplary 5-7 adequate 0-4 area for growth</p> <p align="center"><u>SCORE</u></p>

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 4: Professional Growth.** Master Teachers engage in continuous professional development, demonstrate reflection, and implement best practices. They use multiple sources to shape their professional practice. They evaluate their personal growth, understanding and application of knowledge and develop an individualized professional learning plan.

<b>Characteristics</b>	<b>2 points each</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 4</b>
<b>1. Seeks regular opportunities for continuous professional development</b>	The evidence demonstrates that the teacher uses a variety of data sources to analyze his/her professional knowledge, strengths and weaknesses in order to develop and implement targeted goals for professional growth.	The evidence demonstrates that the teacher identifies areas for professional growth using data sources.	The evidence demonstrates that the teacher participates in required professional development.	
<b>2. Contributes to the development of learning opportunities designed to improve instructional and professional practices through participating in organizations/groups designed for this purpose</b>	Evidence demonstrates active participation in educational organizations and contributes to the development of learning opportunities that provide professional development at the school, district and/or state level, that is relevant and is aligned to current best practices.	The evidence demonstrates that the teacher participates in professional organizations and professional development opportunities.	Evidence shows limited participation in professional organizations, and professional development opportunities that contribute to professional growth.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



<p><b>3. Demonstrates reflective practice to improve instructional decision making and/or professional practice</b></p>	<p>The evidence demonstrates that the teacher regularly reflects on and analyzes a wide range of evidence to evaluate the impact of instruction on individual learners and to set goals for improvement and consistently makes adaptations for future instruction.</p>	<p>The evidence demonstrates that the teacher has some use of reflection on evidence, but does not consistently make adaptations for future instruction.</p>	<p>The evidence demonstrates that the teacher seldom reflects on evidence to impact instructional decisions.</p>	
<p><b><i>For a Master Teacher candidate to meet Standard 4, the candidate must demonstrate continued professional growth that has a direct impact on student learning and aligned to school and district goals.</i></b></p> <p>Candidate offered evidence that supported and/or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 6 5-6 exemplary 3-4 adequate 0-2 area for growth</p> <p align="center"><u>SCORE</u></p>



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 5: Content, Instruction and Assessment.** Master Teachers have a deep and reflective understanding of the content, instructional methods, and assessment techniques, which they consistently use to promote high levels of learning for all students.

<b>Characteristics</b>	<b>2 points each</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 5</b>
<b>1. Demonstrates in-depth understanding of the content area and/or professional concepts</b>	The evidence demonstrates that the teacher continues to deepen his/her knowledge of content through new learning and uses it to support the growth of students.	The evidence demonstrates that the teacher continues to enhance his/her knowledge of content, but demonstrates little application to student growth.	The evidence demonstrates that the evidence demonstrates limited enhancement of his/her knowledge of content.	
<b>2. Effectively delivers content area concepts to students utilizing diverse methods</b>	The evidence demonstrates that the teacher understands and uses a variety of instructional strategies to encourage learners to develop understanding of content areas and to build skills to apply knowledge in meaningful ways.	The evidence demonstrates that the teacher uses of a variety of instructional strategies, but with minimal evidence of purposeful selection of strategies.	The evidence demonstrates that the teacher has limited use of a variety of instructional strategies.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



<p><b>3. Enables students to take ownership of and communicate their own learning</b></p>	<p>The evidence demonstrates that the teacher guides learners to take responsibility for their own learning through individualized goal-setting that will be effective for them as individuals and produce quality work.</p>	<p>The evidence demonstrates that the teacher guides learners to set individualized goals and monitor progress.</p>	<p>The evidence demonstrates limited guidance in student goal-setting.</p>	
<p><b>4. Actively engages and motivates students to learn</b></p>	<p>The evidence demonstrates that virtually all students are intellectually engaged in challenging content through well-designed learning tasks and activities that require complex thinking by students.</p>	<p>The evidence demonstrates that some students are intellectually engaged with important and challenging content.</p>	<p>The evidence demonstrates little student engagement.</p>	
<p><b>5. Provides access points for students of all ability levels to engage in the learning process.</b></p>	<p>The evidence demonstrates that the teacher understands the development of students and systematically acquires knowledge from several sources about individual students' varied approaches to learning, knowledge and skills, special needs,</p>	<p>The evidence demonstrates that the teacher has understanding of the development of students and acquires knowledge from limited sources about groups of students' varied</p>	<p>The evidence demonstrates that the teacher recognizes differences between learners, but fails to develop lessons for those differences.</p>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



	interests, and cultural heritages to differentiate instruction to improve student achievement.	approaches to learning, knowledge and skills, special needs, interests and cultural heritages to differentiate instruction.		
<b>6. Promotes critical thinking and problem solving skills</b>	The evidence demonstrates that the teacher connects concepts and uses differing perspectives to engage learners in critical thinking, creativity, and collaborative problem-solving involving relevant issues.	The evidence demonstrates teacher efforts to promote critical thinking and problem solving skills.	The evidence demonstrates limited efforts to promote critical thinking and problem solving skills.	
<b>7. Uses a variety of formative and summative assessments to evaluate student learning</b>	The evidence demonstrates that the teacher uses assessments and collaboratively analyzes data (diagnostic, formative and summative) to identify student strengths, promote student growth and maximize access to learning opportunities.	The evidence demonstrates that the teacher uses diagnostic, formative and summative assessments.	The evidence demonstrates limited use of assessment to inform instruction.	
<b>8. Effectively communicates student strengths and weaknesses with students, parents/guardians and colleagues</b>	The evidence demonstrates that the teacher works with students and their parents/guardians to develop mutual expectations for learner performance and growth. The teacher	The evidence demonstrates that the teacher regularly informs students and parents about student progression.	Evidence demonstrates limited and/or inconsistent communication.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**



	<p>communicates and records student performance through multiple mediums (e.g., newsletters, conferences, team meetings, etc.).</p>			
<p><b><i>For a Master Teacher candidate to meet Standard 5, the candidate must demonstrate distinguished teaching focused on content, instruction and assessment that has a direct impact on student learning.</i></b></p> <p>Candidate offered evidence that supported and/or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points</p> <p><b>Comments:</b></p>				<p>Max Score of 16 13-16 exemplary 8-12 adequate 0-7 area for growth</p> <p align="center"><u>SCORE</u></p>

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



**EVALUATOR’S SCORING SUMMARY**

PLEASE CHECK THE CATEGORY BASED ON THE SCORE FOR EACH SECTION:

	EXEMPLARY	ADEQUATE	AREA FOR GROWTH	EVIDENCE
Standard 1:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 2:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 3:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 4:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 5:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>

Notes:

Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_ Date: \_\_\_\_\_

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**MASTER EDUCATOR – PUPIL SERVICE STAFF RUBRIC AND SCORING PROCEDURES - OVERVIEW**

To be designated as a Master Educator in Idaho, educators must clearly demonstrate the following characteristics in a way that directly impacts student learning. Master Educators will achieve exemplary scores in four of the five standards on the scoring rubric.

At least two members of the Master Educator Committee will score each application, and scores for each standard will be compared to determine a candidate's final score. The committee will design a process for resolving discrepancies in scoring, such as a third reader or scoring consultation.

The scoring rubric is based on the **Idaho Master Educator Standards**, largely adopted from the work of the Ohio Educator Standards Board. Candidates should be advised to refer to the [State Board of Education](#) website for guidance in completing their applications, and to view a copy of the scoring guide. Following submission and final scoring of the portfolio, candidates will receive a copy of their score sheet, including a summary compilation of each candidate's final scores.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 1: *Leadership*.** Master Educators ensure student learning and well-being by engaging in a variety of leadership roles and performing thoughtful stewardship responsibilities for the school community and the profession.

Characteristics	2 points each	1 point each	0 points each	Score for Standard 1
<b>1. Influences decision-making as an advocate for students</b>	The evidence demonstrates that the educator advocate for students' best interests through shaping policy at the building, district, state, and/or national level including professional organizations focused on improving educator quality and student achievement.	The evidence demonstrates that the educator is involved in professional efforts to advance teaching and learning.	The evidence demonstrates that the educator is not involved in efforts to advance teaching and learning.	
<b>2. Initiates innovations</b>	The evidence demonstrates that the educator is an agent of change who seeks opportunities to positively impact the learning environment, school improvements and student achievement.	The evidence demonstrates that the educator implements change with school, district and/or state directives.	The evidence demonstrates that the educator implements change as mandated by the principal.	



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

<p><b>3. Provides leadership</b></p>	<p>The evidence demonstrates that the educator takes multiple leadership roles in department, building, district, state, national, and/or professional organizations' decision-making activities, such as curriculum development, evidence-based methods, staff development and/or policy design.</p>	<p>The evidence demonstrates that the educator acts in leadership roles that are narrow in scope or limited.</p>	<p>The evidence demonstrates that the educator participates in meetings as required.</p>	
<p align="center"><b><i>For a Master Educator candidate to meet Standard 1, the candidate must demonstrate consistent leadership that has a direct impact on student learning.</i></b></p> <p>Candidate offered evidence that supported and/or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 6</p> <p>5-6 exemplary 3-5 adequate 0-2 area for growth</p> <p align="center"><u>SCORE</u></p>

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_

**Standard 2: Professional Collaboration and Partnerships.** Master Educators work with educators, students, families and communities to create relationships; share knowledge, practice and responsibility; communicate effectively to support student learning. They respond to the needs of their colleagues and students in a timely and competent manner.

<b>Characteristics</b>	<b>2 points</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 2</b>
<b>1. Serves as resource for colleagues, administrators, students, parents, and community</b>	The evidence demonstrates that the educator consistently acts as a resource for others inside and outside of the education community, reaching across professions to provide support.	The evidence demonstrates that the educator occasionally acts as a resource for others inside or outside of the education community.	The evidence demonstrates that the educator is not involved as a resource.	
<b>2. Creates an environment of respect and rapport with the larger community</b>	The evidence demonstrates that the educator collaborates effectively with the local community, parents and/or community agencies, when and where appropriate, to promote a positive environment for student learning.	The evidence demonstrates that the educator occasionally collaborates with the parents, local community or community agencies.	The evidence demonstrates that the educator does not collaborate with the local community or community agencies.	
<b>3. Engages in collaborative contexts with peers</b>	The evidence demonstrates that the educator's relationships with colleagues are characterized by mutual support and cooperation, with the educator taking initiative in assuming leadership among	The evidence demonstrates that the educator's relationships with colleagues are characterized by mutual support and cooperation; the	The evidence demonstrates that the educator maintains cordial relationships with colleagues to fulfill duties that the school or district requires. The	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

	peers and acts as a resource for others in professional dialogue, peer observation, peer feedback, peer coaching and/or other mentoring activities.	educator actively participates in a culture of professional inquiry.	educator participates in the school's culture of professional inquiry when invited to do so. The educator participates in school events and school and district projects when specifically asked.	
<p align="center"><b><i>For a Master Educator candidate to meet Standard 2, the candidate must demonstrate focused collaboration that has a direct impact on student learning.</i></b></p> <p>Candidate offered evidence that supported and /or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 6 5-6 exemplary 3-4 adequate 0-2 area for growth</p> <p align="center"><u>SCORE</u></p>

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

**Candidate:** \_\_\_\_\_ **Evaluator #:** \_\_\_\_\_

**Standard 3: Students and Learning Environment.** Master Educators demonstrate knowledge and caring to connect services to students' needs, interests and prior knowledge. They engage learners in inquiry, promote high levels of success for all students, and create a culture of civility and respect. They foster rapport that results in an environment where all students feel valued and are comfortable taking risks.

<b>Characteristics</b>	<b>2 points each</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 3</b>
<b>1. Creates a culture of mutual respect with parents and students</b>	The evidence demonstrates that the educator collaborates with others to create environments in and out of the educational setting that support individual and collaborative learning and encourages positive social interaction, active engagement in learning, self-advocacy, monitoring, self-regulation and/or self-motivation.	The evidence demonstrates that the educator creates a learning environment that supports individual and collaborative learning and encourages positive social interaction, active engagement in learning, self-advocacy, monitoring, self-regulation and/or self-motivation.	The evidence demonstrates that the classroom environment limits mutual respect, collaborative learning, social interaction, active learning and self-motivation.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

<p><b>2. Inspires students to take academic risks, explore, and think critically to achieve high levels of learning</b></p>	<p>The evidence demonstrates that the educator supports learners' independence and self-direction in identifying their educational needs, accessing resources, and using time to promote their learning. The educator supports learners' growing ability to participate in decision-making, problem solving, and critical thinking.</p>	<p>The evidence demonstrates that the educator supports learners' independence and self-direction in identifying their educational needs, accessing resources, and using time to accelerate their and/learning.</p>	<p>The evidence demonstrates limited support of learners' independence and self-direction in identifying their learning needs, accessing resources, and using time to accelerate their learning.</p>	
<p><b>3. Prompts students to take ownership of their own learning and/or behavior by promoting student self-assessment and goal-setting</b></p>	<p>The evidence demonstrates that the educator involves learners in self-assessment and goal setting to address gaps between performance and potential.</p>	<p>The evidence demonstrates that the educator provides opportunities for learners to set goals or self-assess.</p>	<p>The evidence demonstrates limited involvement of learners in self-assessment or goal setting.</p>	
<p><b>4. Demonstrates holistic knowledge about individual students' lives</b></p>	<p>The evidence demonstrates that the educator uses understanding of learners' commonalities, individual differences and circumstances within and across diverse communities to design educational experiences that enable each learner to meet high standards.</p>	<p>The evidence demonstrates that the educator understands learner differences within and across diverse communities to design learning experiences that enable each learner to meet high standards.</p>	<p>The evidence displays limited understanding of learners' commonalities and individual differences within and across diverse communities to design culturally responsive learning experiences.</p>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

<p><b>5. Promotes positive student to student interactions</b></p>	<p>The evidence demonstrates that the educator effectively combines independent and collaborative experiences to maximize student success.</p>	<p>The evidence demonstrates that the educator uses independent and collaborative experiences.</p>	<p>The evidence demonstrates that the educator uses one strategy the majority of the time.</p>	
<p align="center"><b><i>For a Master Educator candidate to meet Standard 3, the candidate must demonstrate distinguished teaching focused on students and environment that has a direct impact on student learning for all students.</i></b></p> <p>Candidate offered evidence that supported and /or clarified the written response: <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>          If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 10          8-10 exemplary          5-7 adequate          0-4 area for growth</p> <p align="center"><u>SCORE</u></p>

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

**Candidate:** \_\_\_\_\_ **Evaluator #:** \_\_\_\_\_

**Standard 4: Professional Growth.** Master Educators engage in continuous professional development, demonstrate reflection, and implement best practices. They use multiple sources to shape their professional practice. They evaluate their personal growth, understanding and application of knowledge and develop an individualized professional learning plan.

<b>Characteristics</b>	<b>2 points each</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 4</b>
<b>1. Seeks opportunities for continuous professional development</b>	The evidence demonstrates that the educator uses a variety of data sources to analyze his/her professional knowledge, strengths and needs in order to develop and implement targeted goals for professional growth.	The evidence demonstrates that the educator identifies areas for professional growth using data sources.	The evidence demonstrates that the educator participates in required professional development.	
<b>2. Contributes to the development of learning opportunities designed to improve instructional and professional practices through participating in organizations/groups designed for this purpose</b>	Evidence demonstrates active participation in educational organizations and contributes to the development of learning opportunities that provide professional development at the school, district and/or state level, that is relevant and is aligned to current best practices.	The evidence demonstrates that the educator participates in professional organizations and professional development opportunities.	Evidence shows limited participation in professional organizations, and professional development opportunities that contribute to professional growth.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

<p><b>3. Demonstrates reflective practice to improve instructional decision making and/or professional practice</b></p>	<p>The evidence demonstrates that the educator regularly reflects on and analyzes a wide range of evidence to evaluate the impact of practice on individual learners and to set goals for improvement and consistently make adaptations to improve future practice.</p>	<p>The evidence demonstrates that the educator has some use of reflection on evidence, but does not consistently make adaptations for future instruction.</p>	<p>The evidence demonstrates that the educator has little use of reflection on evidence to impact instructional decisions.</p>	
<p><b><i>For a Master Educator candidate to meet Standard 4, the candidate must demonstrate continued professional growth that has a direct impact on student learning and aligned to school and district goals.</i></b></p> <p>Candidate offered evidence that supported and/or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points.</p> <p><b>Comments:</b></p>				<p>Max Score of 6 5-6 exemplary 3-4 adequate 0-2 area for growth</p> <p align="center"><u>SCORE</u></p>



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

**Candidate:** \_\_\_\_\_ **Evaluator #:** \_\_\_\_\_

**Standard 5: Content, Instruction and Assessment.** Master Educators have a deep and reflective understanding of the content, **evidence-based methods**, and assessments techniques, which they consistently use to promote high levels of learning for all students.

<b>Characteristics</b>	<b>2 points each</b>	<b>1 point each</b>	<b>0 points each</b>	<b>Score for Standard 5</b>
<b>1. Demonstrates in-depth understanding of professional concepts and content area</b>	The evidence demonstrates that the educator continues to deepen his/her knowledge of concepts and content through new learning and uses it to support the growth of students.	The evidence demonstrates that the educator continues to enhance his/her knowledge of concepts and content, but demonstrates little application to student growth.	The evidence demonstrates that the evidence demonstrates limited enhancement of his/her knowledge of concepts and content.	
<b>2. Effectively delivers services to students utilizing diverse methods</b>	The evidence demonstrates that the educator understands and uses a variety of purposeful strategies to encourage learners to build and to apply knowledge.	The evidence demonstrates that the educator uses of a variety of strategies, but with minimal evidence of purposeful selection of strategies.	The evidence demonstrates that the educator has limited use of a variety of strategies.	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

<p><b>3. Enables students to take ownership of and communicate, their own learning and/or behavior</b></p>	<p>The evidence demonstrates that the educator guides learners to take responsibility for their own learning and/or behavior through individualized goal-setting that will be effective for them as individuals and produce quality outcomes.</p>	<p>The evidence demonstrates that the educator guides learners to set individualized goals and monitor progress.</p>	<p>The evidence demonstrates limited guidance in student goal-setting.</p>	
<p><b>4. Actively engages and motivates students toward success</b></p>	<p>The evidence demonstrates that targeted students are actively engaged in goal setting through well-designed tasks and activities that result in student growth.</p>	<p>The evidence demonstrates that targeted students are actively engaged in goal setting through well-designed tasks and activities</p>	<p>The evidence demonstrates little student engagement.</p>	
<p><b>5. Provides access for students of all ability levels to engage in the learning process.</b></p>	<p>The evidence demonstrates that the educator understands the development of students and systematically acquires knowledge from several sources about individual students' varied approaches to learning, knowledge and skills, special needs, interests, and cultural heritages to differentiate services to improve student achievement.</p>	<p>The evidence demonstrates that the educator has understanding of the development of students and acquires knowledge from limited sources about groups of students' varied approaches to learning, knowledge and skills, special needs, interests and cultural heritages to differentiate instruction.</p>	<p>The evidence demonstrates that the educator recognizes differences between learners, but fails to develop lessons for those differences.</p>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

<p><b>6. Promotes critical thinking and problem solving skills</b></p>	<p>The evidence demonstrates that the educator connects concepts and uses differing perspectives to engage learners in critical thinking, creativity and/or collaborative problem-solving involving relevant issues.</p>	<p>The evidence demonstrates educator efforts to promote critical thinking and/or problem solving skills.</p>	<p>The evidence demonstrates limited efforts to promote critical thinking and/or problem solving skills.</p>	
<p><b>7. Uses a variety of data and assessment results to evaluate student progress and learning</b></p>	<p>The evidence demonstrates that the educator uses data and assessment results, and collaboratively analyzes the information to identify student strengths, promote student growth and maximize access to learning opportunities.</p>	<p>The evidence demonstrates that the educator uses data and assessment results to inform services for students.</p>	<p>The evidence demonstrates limited use of data and assessment to inform services for students.</p>	
<p><b>8. Effectively communicates the student's strengths and needs with the student, parents/guardians, and colleagues</b></p>	<p>The evidence demonstrates that the educator works with students, their parents/guardians, and colleagues to develop mutual expectations for learner success and growth. The educator communicates and records student growth through applicable mediums (e.g., parent communications, conferences, team meetings, etc.)</p>	<p>The evidence demonstrates that the educator regularly informs students and parents about student progression.</p>	<p>Evidence demonstrates limited and/or inconsistent communication.</p>	

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017

<p><b><i>For a Master Educator candidate to meet Standard 5, the candidate must demonstrate distinguished teaching focused on content, instruction and assessment that has a direct impact on student learning.</i></b></p> <p>Candidate offered evidence that supported and/or clarified the written response: <input type="checkbox"/> YES <input type="checkbox"/> NO If "no" = subtract 2 points</p> <p><b>Comments:</b></p>	<p>Max Score of 16 13-16 exemplary 8-12 adequate 0-7 area for growth</p> <p><u>SCORE</u></p>
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**EVALUATOR'S SCORING SUMMARY**

PLEASE CHECK THE CATEGORY BASED ON THE SCORE FOR EACH SECTION:

	EXEMPLARY	ADEQUATE	AREA FOR GROWTH	EVIDENCE
Standard 1:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 2:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 3:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 4:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>
Standard 5:	_____	_____	_____	<input type="checkbox"/> YES OR NO <input type="checkbox"/>

Notes:

Candidate: \_\_\_\_\_ Evaluator #: \_\_\_\_\_ Date: \_\_\_\_\_

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## IDAHO MASTER EDUCATOR STANDARDS FOR PUPIL SERVICE AND INSTRUCTIONAL STAFF

### **Standard One: *Leadership***

#### **Definition**

Master Educators ensure student learning and well-being by engaging in a variety of leadership roles and performing thoughtful stewardship responsibilities for the school community and the profession.

#### **Characteristics**

1. Influences decision-making as an advocate for students
2. Initiates innovations
3. Provides leadership

### **Standard Two: *Professional Collaboration and Partnerships***

#### **Definition**

Master Educators work with educators, students, families and communities to create relationships; share knowledge, practice and responsibility; communicate effectively to support student learning. They respond to the needs of their colleagues and students in a timely and competent manner.

#### **Characteristics**

1. Serves as resource for colleagues, administrators, students, parents, and community
2. Creates an environment of respect and rapport with the larger community
3. Engages in collaborative contexts with peers

**Standard Three: *Students and Learning Environment***

**Definition**

Master Educators demonstrate knowledge and caring to connect services to students' needs, interests and prior knowledge. They engage learners in inquiry, promote high levels of success for all students, and create a culture of civility and respect. They foster rapport that results in an environment where all students feel valued and are comfortable taking risks.

**Characteristics**

1. Creates a culture of mutual respect with parents and students
2. Inspires students to take academic risks, explore, and think critically to achieve high levels of learning
3. Prompts students to take ownership of their own learning and/or behavior
4. by promoting student self-assessment and goal-setting
5. Demonstrates holistic knowledge about individual students' lives
6. Promotes positive student to student interactions

**Standard Four: *Professional Growth***

**Definition**

Master Educators engage in continuous professional development, demonstrate reflection, and implement best practices. They use multiple sources to shape their professional practice. They evaluate their personal growth, understanding and application of knowledge and develop an individualized professional learning plan.

**Characteristics**

1. Seeks opportunities for continuous professional development
2. Contributes to the development of learning opportunities designed to improve instructional and professional practices through participating in organizations/groups designed for this purpose
3. Demonstrates reflective practice to improve instructional decision making and/or professional practice



**Standard Five: *Leadership***

**Definition**

Master Educators have a deep and reflective understanding of the content, evidence-based methods, and assessment techniques, which they consistently use to promote high levels of learning for all students.

**Characteristics**

1. Demonstrates in-depth understanding of professional concepts and content area
2. Effectively delivers services to students utilizing diverse methods
3. Enables students to take ownership of, and communicate, their own learning and/or behavior
4. Actively engages and motivates students toward success
5. Provides access for students of all ability levels to engage in the learning process.
6. Promotes critical thinking and problem solving skills
7. Uses a variety of data and assessment results to evaluate student progress and learning
8. Effectively communicates the student's strengths and needs with the student, parents/guardians, and colleagues

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

Instructional Staff 17023

Pupil Services 1687

**TOTAL POTENTIAL CANDIDATES 18710**

3% Average annual percentage of educators who  
**submit** portfolios based upon Ohio's data

2% Average annual percentage of educators who  
**qualify** based upon Ohio's data

561.3 Anticipated portfolios to score

1122.6 Maximum number of reviewers needed  
to score portfolios @ 100.00/portfolio

**\$112,260.00 COST TO SCORE - ANTICIPATED MAXIMUM**

**374.2 Maximum awards anticipated in FY2020**

**\$1,496,800.00 PREMIUM TOTALS - ANTICIPATED MAXIMUM**

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**SUBJECT**

Proposed Rule IDAPA 08.02.03.115, Rules Governing Thoroughness, Data Collection

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-133 and 33-1626, Idaho Code  
Idaho Administrative Code, IDAPA 08.02.03, Rules Governing Thoroughness, subsection 115 Data Collection

**BACKGROUND/DISCUSSION**

Pursuant to Section 33-133, Idaho Code, the state “data system” is made up of the state’s elementary, secondary and postsecondary longitudinal data system, additionally any new “personally identifiable student data” added to the data system must be approved by the Governor and the legislature. New data points may be added on a provisional basis, however, to remain in the system as an ongoing data element the data element must be approved. Approval is accomplished through the administrative rule making process. Section 33-133, Idaho Code requires...” (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...”

Currently the state longitudinal data system for elementary and secondary data does not include grade point average (GPA). GPA is used at the state level for determining acceptance at public postsecondary higher education institutions as part of the Board’s Direct Admissions Initiative and in determining eligibility and ranking of students who apply for the Idaho Opportunity Scholarship. Currently, a predicted GPA is calculated for students participating the in the Direct Admissions Initiative and school district counselors must verify the GPA for secondary students who apply for the Idaho Opportunity Scholarship. Allowing this data point to be collected on an ongoing basis will allow for a more consistent application of the Direct Admission requirements and streamline and speed up the process for verifying and awarding Idaho Opportunity Scholarships. For the 2017-2018 school year, 5,238 new applicants applied for the Idaho Opportunity Scholarship. Six-hundred and ninety-one (691) of the applicants were ineligible due to GPA.

**IMPACT**

Approval of the proposed rule will allow the rule to move forward to the public comment period. Should the pending rule be approved by the Board and accepted by the legislature it will add grade point average as an ongoing data element in the state longitudinal data system.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.03.115

Page 3

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**STAFF COMMENTS AND RECOMMENDATIONS**

Once approved by the Board, the proposed rule will be published in the administrative bulletin and a 21-day public comment period commences. Unlike the negotiated rulemaking meetings the public comment period only requires the public be given an opportunity to comment on what has already been drafted. Formal public hearings may also be conducted as part of the 21-day comment period. Public hearings provide a forum for the public to give input and are not generally conducted in a manner that allows for discussion of the rule changes being proposed. Following the close of the public comment period, changes may be made to the proposed rule in response to the comments received. The rule is then brought back to the Board with changes if applicable, as a pending rule. If the pending rule is approved by the Board it is published in the Administrative Bulletin and forwarded to the Legislature for consideration.

Pursuant to Section 67-5220, Idaho Code, prior to initiating formal rulemaking procedures, an agency must determine if conducting negotiated rulemaking is a feasible undertaking. If the agency determines it is not feasible, it may proceed to formal rulemaking and explain in the notice of proposed rulemaking why it was not feasible to conduct negotiated rulemaking. When determining the feasibility of negotiated rulemaking, certain issues must be considered. These may include the following:

- Does the rule meet the requirements for a temporary rule and is urgent in nature;
- Is the rule simple in nature with limited variability?
- Are those who will be affected by the rule changes easily identifiable?
- Are those affected likely to reach a consensus on the proposed changes?
- Is the remaking being done to comply with a state or federal mandate or court order and cannot be negotiated?

Do to the simple nature of this rule and GPA already being a commonly defined term it was determined that negotiated rulemaking was not feasible and negotiated rulemaking was not conducted. Interested parties will have the ability to comment on whether or not the data element should be added during the 21-day comment period. The comments received will be shared with the Board at the time the Board considers the pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to the proposed rule IDAPA 08.02.03.115, as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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 collection will contain 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 in mid-October, early February, and May (end of the testing window). Each participating school is required to verify and assure the accuracy of the data submitted in the files. (5-8-09)

**01. State Data System.** In accordance with the provisions of Section 33-133, Idaho Code, the following data elements will be added to the state data system:

**a. Grade Point Average (GPA)**

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**IDAHO DIGITAL LEARNING ACADEMY**

**SUBJECT**

Proposed Rule Docket 08-0401-1701, Rules of the Idaho Digital Learning Academy

**REFERENCE**

November 1, 2006                      Board approved Pending Rule – Docket No. 08-0401-0601, Idaho Digital Learning Academy

April 20-12, 2006                      Board approved proposed rule amendment to IDAPA 08.04.01. Rules of the Idaho Digital Learning Academy

**APPLICABLE STATUTE, RULE, OR POLICY**

Chapter 55, Title 33, Idaho Code

**BACKGROUND/DISCUSSION**

The 2002 Idaho Legislature created the Idaho Digital Learning Academy (IDLA) as an online, school-choice learning environment (Title 33, Chapter 55, Idaho Code). IDLA is a state virtual school providing Idaho students with greater access to a diverse assortment of courses and receives an annual appropriation from the Idaho legislature. This virtual school serving grades 7 thru 12 was created to address the educational needs of all Idaho students, including traditional, home schooled, at-risk, and gifted learners. Pursuant to Section 33-5504, Idaho Code, the Board of Education promulgated rules for IDLA in 2006 (effective March 2007). While IDLA's involvement with school districts, charters schools, public school students and the State Board of Education have expanded and evolved over the years, the provision outlined in IDAPA 08.04.01 have not and have become out of date.

The proposed rule amendments will update the IDLA's physical address and additional technical corrections bring the accreditation requirement language in alignment with terminology used elsewhere in Idaho Code Statute and Administrative Code and update provisions related to student work and ethical conduct.

**IMPACT**

Approval of the proposed rule would clarify the alternate path a school district may use for measuring student civics proficiency.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.03.105                      Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

The negotiated rulemaking process includes three opportunities for public engagement and comment. The first step in the process is the negotiation

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

process. The start of the negotiated rulemaking is the notice of intent to promulgate rules. The notice of intent is required to include a non-technical summary of the substance and purpose of the rule and issues that will be involved. The purpose of the notice of intent is to allow the public and those affected by the rule to be informed about what is being considered and to participate in a negotiated process in which the agency discusses the areas that they want to amend or add to Administrative Code. The public has an opportunity to meet with staff and discuss their concerns or support of the changes and talk through why one change may be chosen to go forward over another. Following the close of the negotiated rulemaking meeting(s), the agency drafts the proposed rule, based on the feedback received during this meeting. Agencies are not required to include the feedback received during the negotiated rulemaking meetings, however, all parties generally leave the meetings with some indication or understanding of what will be going forward to the Board for consideration. Once the rule is drafted, it is then brought before the Board for consideration as a proposed rule. Once approved by the Board, the proposed rule is then published in the administrative bulletin and a 21-day public comment period commences. Unlike the negotiated rulemaking meetings the public comment period only requires the public be given an opportunity to comment on what has already been drafted. Formal public hearings may also be conducted as part of the 21-day comment period. Public hearings provide a forum for the public to give input and are not generally conducted in a manner that allows for discussion of the rule changes being proposed. Following the close of the public comment period, changes may be made to the proposed rule in response to the comments received. The rule is then brought back to the Board with changes, if applicable, as a pending rule. If the pending rule is approved by the Board it is published in the Administrative Bulletin and forwarded to the Legislature for consideration.

The notice of intent to promulgate this rule was published in the June 7, 2017 (Vol.17-6) Administrative Bulletin. One request was received to negotiate the rule outside of IDLA staff. Consensus was reached on the proposed amendments with all interested parties.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to Proposed Rule Docket 08-0401-1701, as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**08.04.01 - Rules of the Idaho Digital Learning Academy**

**000. Legal Authority.**

In accordance with Sections 33-5504, 33-5505, and 33-5507, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 55, Idaho Code.(3-30-07)

**001. Title And Scope.**

**01. Title.** These rules shall be cited as IDAPA 08.04.01, “Rules of the Idaho Digital Learning Academy.” (3-30-07)

**02. Scope.** These rules provide the requirements for the governance and administration of the Idaho Digital Learning Academy’s Board of Directors. (3-30-07)

**002. Written Interpretations.**

There are no written interpretations of these Rules. (3-30-07)

**003. Administrative Appeals.**

Administrative appeals are governed by the Idaho Administrative Procedure Act, Title 67, Chapter 52 and IDAPA 04.01.11, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-30-07)

**004. Incorporation By Reference.**

There are no documents incorporated by Reference to these rules. (3-30-07)

**005. Office -- Office Hours -- Mailing Address And Street Address.**

The Idaho Digital Learning Academy is located in Boise, Idaho. (3-30-07)

**01. Office Hours.** The Idaho Digital Learning Academy’s offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (3-30-07)

**02. Street Address.** The offices of the Idaho Digital Learning Academy are located at ~~1303 E. Central Dr., Meridian, Idaho 83642~~300 West Fort Street, Boise, Idaho, 83702. (3-30-07)

**03. Mailing Address.** The mailing address of the Idaho Digital Learning Academy is ~~1303 E. Central Dr., Meridian, Idaho 83642~~300 West Fort Street, Boise, Idaho, 83702. (3-30-07)

**04. Telephone Number.** The telephone number of the Idaho Digital Learning Academy is 208-342-0207. (3-30-07)

**05. Facsimile.** The facsimile number of the Idaho Digital Learning Academy is 208-342-1031. (3-30-07)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**06. Website and E-Mail Address.** The electronic address of the Idaho Digital Learning Academy is <http://www.idahodigitalllearning.org/> and the e-mail address is [idla@IdahoDigitalLearning.org](mailto:idla@IdahoDigitalLearning.org). (3-30-07)

**006. Public Records Act Compliance.**

The Idaho Digital Learning Academy's records are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-30-07)

**007. -- 009. (Reserved)**

**010. Definitions.**

**01. Idaho Digital Learning Academy (IDLA).** Idaho Digital Learning Academy is defined in Section 33-5505(3) and means an online educational program organized as a fully accredited secondary school with statewide capabilities for delivering accredited courses to Idaho resident students ~~in grades seven (7) through twelve (12)~~ at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the superintendent, and such funds shall be included in the budget and audit of the academy's fiscal records. (3-30-07)

**02. Acceptable Use Policy (AUP).** An Acceptable Use Policy is a policy that governs behavior in a computer or online environment. An Acceptable Use Policy outlines appropriate and inappropriate behavior, including specific examples of inappropriate behavior as well as the consequences of violating the policy. Acceptable use guidelines include, but are not limited to, guidelines pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (either their own or someone else's), disrupting the use of a school network, or importation of sexually explicit, drug-related, and other offensive materials into the course environment.(3-30-07)

**03. Designee.** In the absence of the IDLA Director, a representative from the IDLA Board of Directors or an administrative staff member may be appointed by the IDLA Board of Directors to serve as designee. (3-30-07)

**011. -- 100. (Reserved)**

**101. Accreditation.**

IDLA must ~~submit proof of~~maintain accreditation ~~that meets accreditation standards of the state of Idaho and the northwest accreditation association to by an organation recognized by~~ the State Board of Education ~~annually~~. (3-30-07)

**102. Accountability.**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**01. Exams.** Each IDLA ~~semester~~ course will require the student to take a comprehensive final exam at an approved site under proctored conditions. (3-30-07)

**02. Student Work and Ethical Conduct.** (3-30-07)

a. IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out ~~in each class syllabus that each student receives in the IDLA student handbook which is made available online at all times and is communicated to each student and parent~~ prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. (3-30-07)

b. Acceptable use and behavior in a distance-learning environment is determined by the local school district's policies. ~~and is covered by the district's AUP signed by the student and the student's parent. The IDLA students and parents will agree to abide by an~~ be informed by the IDLA AUP regarding acceptable behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. (3-30-07)

c. In a case of violation of the acceptable use policy or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. (3-30-07)

d. The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a ~~telephone conference~~ special board meeting to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the ~~telephone conference~~ board meeting. (3-30-07)

**03. Teacher Interaction.** IDLA faculty are required to contact students within the first ~~month~~ 24 hours of the start of class. Contact includes phone, ~~regular mail~~, e-mail, web conferencing or other technological means. IDLA ~~faculty are~~ is required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district for transcription to the student's academic record. (3-30-07)

**103. Fees.**

The IDLA fee schedule will be provided to the Idaho State Board of Education in the IDLA Annual Report to the State Board of Education. (3-30-07)

**104. -- 999. (Reserved)**

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**UNIVERSITY OF IDAHO**

**SUBJECT**

Proposed Rule IDAPA 08.05.01, Rules Governing Seed and Plant Certification

**REFERENCE**

August 13, 2015	Board approved proposed rule changes to IDAPA 08.05.01 incorporating amended seed certification standards.
November 30, 2015	Board approved pending rule IDAPA 08.05.01, Rules Governing Seed and Plant Certification
August 11, 2016	Board approved proposed rule changes to IDAPA 08.05.01 incorporating amended seed certification standards (Rapeseed/Canola/ Mustard Certification Standards).
November 28, 2016	Board approved pending rule IDAPA 08.05.01, Rules Governing Seed and Plant Certification (Rapeseed/Canola/ Mustard Certification Standards)

**APPLICABLE STATUTE, RULE, OR POLICY**

Title 22 Chapter 15, specifically Sections 22-1504 and 22-1505, Idaho Code.  
Idaho Administrative Code, IDAPA 08.05.01, Rules Governing Seed and Plant Certification.

**BACKGROUND/DISCUSSION**

During the 2014 calendar year, the University of Idaho and the Board took action to address compliance within statutory requirements related to certification of seeds, tubers, plants and plant parts in the state of Idaho as required by the Seed and Plant Certification Act of 1959 (Idaho Code, Chapter 15, Title 22). The Board incorporated into Board rules, by reference, the existing published Standards for Certification of the Idaho Crop Improvement Association, Inc. (ICIA). These existing published standards were created through committees consisting of ICIA Board established process of working with various seed crop, seed grower and processors to create and then continuously update the standards. Standards, and any revisions to existing standards, are then presented to the Foundation Seed Stock Committee within the Agriculture Experiment Station at the University of Idaho for approval.

Through the ICIA's annual review process, the ICIA identified the need for an amendment to the Grain Certification Standards. The proposed rule would amend the Idaho Grain Certification Standards "Land Requirements" to allow irrigated fields producing certified class seeds to be used if they have not produced small grain for the previous crop year unless the small grain was of an equal or higher class of the same variety being planted. The current standards restricts the land use to field that have not produced visually indistinguishable grain for the two prior crop years unless the grain is of an equal or higher class of the same variety or unless a seedling inspection is conducted.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**IMPACT**

Approval of the amendment as a proposed rule will allow the rule to move forward through the rulemaking process, allowing the rule to go for public comment.

**ATTACHMENTS**

Attachment 1 – Proposed Rule – Docket 08-0501-1701	Page 3
Attachment 2 – Standards for Seed and Plant Certification	Page 7
Attachment 3 – ICIA Review Notification	Page 9

**STAFF COMMENTS AND RECOMMENDATIONS**

The notice of intent to promulgate this rule was published in the July 5, 2017 (Vol.17-7) Administrative Bulletin. No requests were received to negotiate this rule beyond ICIA's initial process.

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. If approved, pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin and are then forwarded to the legislature for consideration. 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 changes to proposed rule Docket 08-0501-1701, as presented in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**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. (4-6-15)

**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. (4-6-15)

**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. (4-6-15)

**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. (4-6-15)

**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. (4-6-15)

**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. (4-6-15)

**01. Prohibited Noxious Seed in Idaho Certified Seed.** The standard Prohibited Noxious Seed in Idaho Certified Seed of the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**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 July 11, 2014. (4-6-15)

**03. Idaho Alfalfa Certification Standards.** The Idaho Alfalfa Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on March 17, 2015. (3-25-16)

**04. Idaho Bean Certification Standards.** The Idaho Bean Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

approved on March 17, 2015. (3-25-16)

**05. Idaho Red Clover Certification Standards.** The Idaho Red Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**06. Idaho Chickpea Certification Standards.** The Idaho Chickpea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**07. Idaho Grain Certification Standards.** The Idaho Grain Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~March 17, 2015~~ February 28, 2017. (3-25-16)

**08. Idaho Grass Certification Standards.** The Idaho Grass Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**09. Idaho Rapeseed/Canola/Mustard Certification Standards.** The Idaho Rapeseed/Canola/Mustard Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 26, 2016. (3-29-17)

**10. Idaho Potato Certification Standards.** The Idaho Potato Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 17, 2015. (3-25-16)

**11. 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 March 17, 2015. (3-25-16)

**12. Idaho Lentil Certification Standards.** The Idaho Lentil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**13. Idaho Blue Flax Certification Standards.** The Idaho Blue Flax Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**14. Idaho Milkvetch Certification Standards.** The Idaho Milkvetch Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**15. Idaho Pea Certification Standards.** The Idaho Pea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**16. Idaho Sanfoin Certification Standards.** The Idaho Sanfoin Certification

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (3-25-16)

**17. Idaho Birdsfoot Trefoil Certification Standards.** The Idaho Birdsfoot Trefoil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015.

(3-25-16)

**18. Idaho White Clover Certification Standards.** The Idaho White Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015.

(3-25-16)

**19. Idaho Penstemon Certification Standards.** The Idaho Penstemon Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015.

(3-25-16)

**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 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.

(4-6-15)

**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.

(4-6-15)

**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.

(4-6-15)

**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.

(4-6-15)

**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.

(4-6-15)

**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.

(4-6-15)

**007. -- 009. (RESERVED)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**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.

(4-6-15)

**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.

(4-6-15)

**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 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.

(4-6-15)

**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.

(4-6-15)

**015. -- 999. (RESERVED)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

Idaho Grain Certification Standards (~~rev. 3/17/2015~~)  
 Land Requirements:

- A. Fields producing foundation class seed shall not have produced small grain for two (2) crop years prior, unless of an equal or higher class of the same variety, or unless a seedling inspection is conducted.
- B. Fields producing registered class seed shall not have produced small grain for the previous crop year, and shall not have produced a visually indistinguishable kind of grain for the previous two (2) years, unless of an equal or higher class of the same variety, or unless a seedling inspection is conducted.
- C. FieldsDryland Fields producing certified class seed shall not have produced a visually indistinguishable kind of grain for two (2) crop years prior, unless of an equal or higher class of the same variety, or unless a seedling inspection is conducted.

Irrigated fields producing certified class seed shall not have produced small grain for the previous crop year, unless of an equal or higher class of the same variety.

Isolation Requirements:

All rye fields used for the production of certified seed must be isolated by at least 220 feet from fields of any other variety or varieties of rye or fields of the same variety that do not meet the varietal purity requirements for certification.

A 90 foot isolation is required for grains other than rye between different varieties when producing foundation seed.

Field Standards:

Factor	Maximum permitted in each class		
	Foundation	Registered	Certified
Other Distinguishable	1/250,000	1/5,000	1/3,000
Other Small Grain	1/250,000	1/10,000	1/3,000
Smut	1/10,000	1/10,000	1/1,000
Rye	None permitted in Wheat, Barley, Oat or Triticale		

None tolerance means none found during the normal inspection procedures.

\* Other varieties shall be considered to include plants that can be differentiated from the variety being inspected. However, other varieties shall not include variations which are characteristic of the variety.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

Wild Oats: Scattered wild oats in certified fields must not exceed five (5) plants per acre.

Cereal Rye: Fields found to contain cereal rye will be rejected and will not be eligible for reinspection.

Jointed Goatgrass: Fields found to contain jointed goatgrass, and/or its hybrids, will be rejected, and will not be eligible for reinspection. These fields shall be noted in the grower's file, and shall remain ineligible for any further production of certified seed until such time as an approved reclamation procedure is developed and successfully completed.

Seed Standards:

Factor	Standards for each class		
	Foundation White Tag	Registered Purple Tag	Certified Blue Tag
Pure Seed (Min.)	98.0%	98.0%	98.0%
Total Other Crop Seed (max) excluding Other	None	.03% or 1/100 gms	.05% or 1/100 gms
Other Varieties or Classes	1/10 lb	1/lb	2/lb
Other Small Grain	No Rye allowed in Wheat, Oat, Barley or Triticale		
Inert Matter (Max.)	2.0%	2.0%	2.0%
Ergot (Max.)	.05%	.05%	.05%
Weed Seed (Max.)	.01%	.01%	.03%
Wild Oats	None	None	None
Noxious Weeds <sup>1</sup>	None	None	None
Objectionable Weeds <sup>2</sup>	None	None	None
Germination (Min.)	85%	85%	85%

<sup>1</sup>Noxious Weeds - See Prohibited Noxious Seed List.

<sup>2</sup>Blue Flowering Lettuce, Buckhorn, Halogeton, Medusa Head Rye, Perennial Ragweed, Povertyweed.

None tolerance means none found during the normal inspection procedures.

When jointed goatgrass, and/or its hybrids, is found in an official seed sample, the field producing that seed lot shall be noted in the grower's file and monitored for jointed goatgrass each subsequent year of production of certified seed.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017



Foundation Seed Program

875 Perimeter Drive MS 2090  
Moscow, ID. 83844-2090

Phone: 208-885-7333  
seed@uidaho.edu  
dhoadley@uidaho.edu

Date: February 28, 2017  
To: Mark McGuire, Director IAES  
From: David Hoadley, UI-FSP  
Subject: Proposed Change to: Grain - Land Requirements (as submitted by ICIA and approved by ICIA Board of Directors)

Rule Revision - Grain

*Land Requirements:*

- A. *Fields producing foundation class seed shall not have produced small grain for two (2) crop years prior, unless of an equal or higher class of the same variety, or unless a seedling inspection is conducted.*
- B. *Fields producing registered class seed shall not have produced small grain for the previous crop year, and shall not have produced a visually indistinguishable kind of grain for the previous two (2) years, unless of an equal or higher class of the same variety, or unless a seedling inspection is conducted.*
- C. *Dryland fields producing certified class seed shall not have produced a visually indistinguishable kind of grain for two (2) crop years prior, unless of an equal or higher class of the same variety, or unless a seedling inspection is conducted.*

*Irrigated fields producing certified class seed shall not have produced small grain for the previous crop year, unless of an equal or higher class of the same variety.*

The Foundation Seed Stocks – Small Grains Rules Committee, has reviewed the proposed change to the Idaho, Grain Certification Standards as shown above. Receiving no objections in regard to the proposed change, the Foundation Seed Stocks – Small Grain Rules Sub-Committee recommends that changes be accepted as submitted and that the standards be forwarded to the University of Idaho – Board of Regents for acceptance and presented to the State of Idaho Legislature for consideration as rule under the Idaho Administrative Procedures Act.

Upon Your Signature below you are accepting this change to the Idaho Crop Improvement Standards as presented to committee.

\_\_\_\_\_  
Date:

Mark McGuire  
Idaho Agricultural Experiment Station

Cc: Kent Nelson, Doug Boze

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**SUBJECT**

Proposed Rule Docket 47-0101-1701 – Division of Vocational Rehabilitation

**REFERENCE**

June 2017	Board approved pending rule to clarify language regarding the Division of Vocation Rehabilitations supported employment, pre-employment transition and transition services for students and youth, and services for individuals employed or seeking employment at subminimum wage as well as technical changes. Board approved the Division of Vocational Rehabilitations Field Service Manual.
August 2017	Board approved pending rule change to IDAPA 47.01.01

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 47.01.01

**BACKGROUND/DISCUSSION**

The Idaho Division of Vocational Rehabilitation (Division) Field Service Manual contains internal processes to the Division as well as eligibility and program requirements for the people and agencies the Division serves. Currently this manual is incorporated by reference into Idaho Administrative Code, IDAPA 47.01.01. When a document is incorporated by reference into administrative rule it has the force and effect of law and can only be changed through Board approval and the rulemaking process. Starting in 2015, the Division began the process of identifying areas that belong in the manual versus those areas that more appropriately belong in administrative rule with the end goal of removing the Field Services Manual from Administrative Code altogether. The proposed amendments to the Field Services Policy Manual and administrative rule, IDAPA 47.01.01 provided for consideration this year is the continuation of this multi-year process.

Additional amendments are being made to update requirements and references imposed by the Workforce Innovation and Opportunity Act (WIOA). Three policies: supporting employment, pre-employment transition and transition services for students and youth, and services for individuals employed or seeking employment at subminimum wage were substantially modified/created to meet federal compliance and best practices.

**IMPACT**

The proposed changes incorporate the updated Field Services Policy Manual into rule and bring the rule compliant with federal guidelines per WIOA.

**ATTACHMENTS**

Attachment 1 – Proposed Rule Changes to IDAPA 47.01.01	Page 3
Attachment 2 – Field Services Policy Manual – Redlined	Page 5

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**STAFF COMMENTS AND RECOMMENDATIONS**

Once approved by the Board, proposed rules are published in the Administrative Bulletin. Publication of the proposed rule starts the 21-day public comment period. At the close of the public comment period, based on comments received and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules are brought back to the board for approval prior to re-submittal to the Department of Administration for publication as a pending (or final rule) in the Idaho Administrative Bulletin. The Department of Administration then forwards all pending rules to the legislature for consideration during the next legislative session. Pending rules go into effect at the end of the session in which they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.

The notice of intent to promulgate this rule was published in the May 3, 2017 (Vol.17-5) Administrative Bulletin. No formal requests were received to negotiate the rule. The Division shared proposed changes at various stakeholder meetings around the state and invited stakeholders to provide feedback regarding proposed or needed changes. Feedback received was incorporated into the proposed amendments to the Field Services Policy Manual.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Division of Vocational Rehabilitations Field Services Policy Manual as submitted in Attachment 2.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**AND**

I move to approve Proposed Rule Docket 47-0101-1701 as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION**

**000. LEGAL AUTHORITY.**

Section 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments. (3-30-01)

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 47.01.01, "Rules of the Idaho Division of Vocational Rehabilitation." of Vocational Rehabilitation." (5-3-03)

**02. Scope.** The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the Rehabilitation Act of 1973, as amended. (3-29-17)

**002. WRITTEN INTERPRETATIONS.**

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. Other agency guidance documents, as well as agency policy statements or interpretations not rising to the legal effect of a rule, if any, are available for inspection and replication at the agency Central Office during regular business hours. (2-17-09)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by Section 100 of these rules in accordance with 34 CFR Part 361.57. (2-17-09)

**004. INCORPORATION BY REFERENCE.**

**01. General.** Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (3-30-01)

**a.** All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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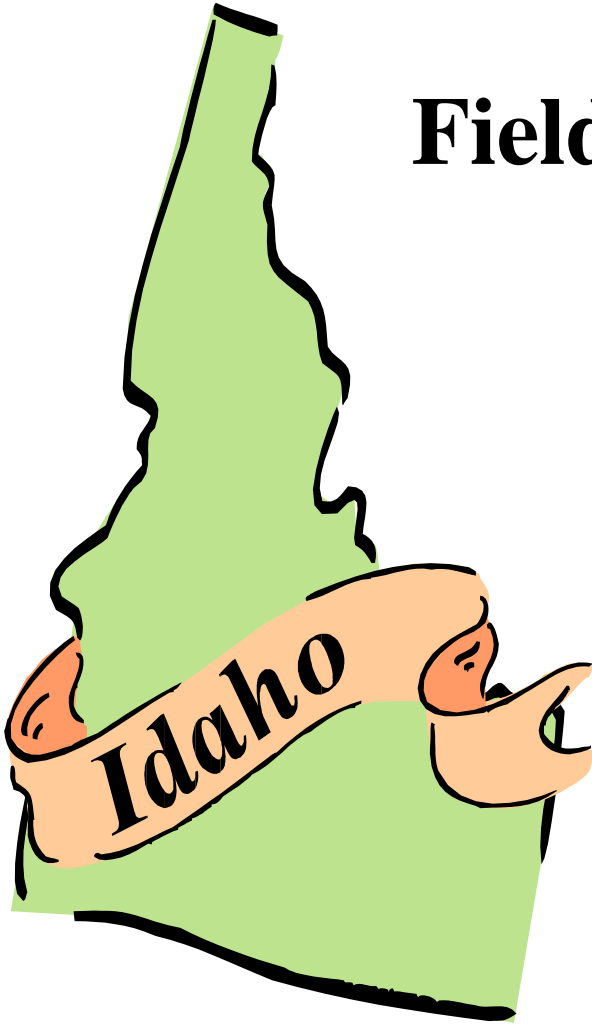
**b.** Idaho Division of Vocational Rehabilitation Field Services Policy Manual, approved August 14<sup>0</sup>, 2016<sup>7</sup>, available for review on the website at <http://www.vr.idaho.gov/>. (3-29-17)

**c.** Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128. (3-29-17)

**d.** Federal Register, Department of Education, 34 CFR Parts 361, 363, and 397. (3-29-17)

**e.** The Rehabilitation Act of 1973, as amended. (2-17-09)

# Field Services Policy Manual



Approved [August 10, 2017](#)

Effective July 1, 20187

**IDAHO DIVISION OF VOCATIONAL REHABILITATION  
FIELD SERVICES POLICY MANUAL**

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**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

**Table of Contents**

<b>SECTION 1.0 PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM.....</b>	<b>1</b>
1.1 Legal Citations .....	2
1.2 Program Requirements.....	2
1.3 Provider Standards .....	2
1.4 Selection of Service Providers .....	3
1.5 Definitions .....	3
1.6 Use of Audio and Video Recordings .....	12
1.7	
<u>Customer Reasonable Accommodation Request and Grievance Process.....</u>	<u>12</u>
<b>SECTION 2.0 ETHICS.....</b>	<b>12</b>
<b>SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION .....</b>	<b>13</b>
3.1 Confidentiality .....	13
3.2 Release of Personal Information to Customers with Disabilities, their, Representative or Attorney .....	<u>14</u>
3.3 Release to Other Agencies or Organizations .....	14
3.4 Release in Response to Investigations in Connection with Law Enforcement.....	<u>15</u>
3.5 Release for Audit, Evaluation or Research.....	<u>15</u>
3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker’s Compensation and Law Enforcement Agencies .....	15
3.7 Social Security Information .....	15
<b>SECTION 4.0 APPEALS PROCESS .....</b>	<b><u>16</u></b>
4.1 Continuation of Services Pending Completion of the Hearing .....	16
4.2 Client Assistance Program (CAP) and Supervisory Review .....	<u>16</u>
4.3 Dispute Resolution Process .....	<u>17</u>
4.4 Mediation.....	<u>18</u>
4.5 Fair Hearing Process .....	18
<b>SECTION 5.0 APPLICATION AND ELIGIBILITY DETERMINATION .....</b>	<b>19</b>
5.1 Inquiry.....	<u>20</u>
5.2 Referral .....	20
5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services.....	20
5.4 Assessment for Determining Eligibility and Priority for Services.....	<u>21</u>
5.5 Eligibility Criteria.....	22
5.6 Review and Assessment of Data for Eligibility Determination .....	<u>25</u>
<b>SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY.....</b>	<b>26</b>
6.1 Policy .....	26

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

6.2 Definitions .....	276
6.3 Procedures .....	287
<b>SECTION 7.0 ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS.....</b>	<b>3029</b>
7.1 Primary Source of Information .....	3029
7.2 Comprehensive Assessment of Rehabilitation Needs .....	30
7.3 IPE Development.....	321
7.4 Medical Consultation Policy .....	332
<b>SECTION 8.0 <u>CUSTOMER FINANCIAL PARTICIPATION PARTICIPATION OF CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED</u> .....</b>	<b>343</b>
<b>SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM .....</b>	<b>365</b>
<b>SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) .....</b>	<b>37</b>
10.1 Options for Developing the IPE.....	37
10.2 Developing the Vocational Goal.....	398
10.3 Ticket to Work.....	398
10.4 The IPE must include the following: .....	39
10.5 Annual Review .....	41
<u>10.6 IPE Electronic Case Management Functions .....</u>	<u>41</u>
<b>SECTION 11.0 COMPARABLE SERVICES AND BENEFITS.....</b>	<b>412</b>
11.1 Comparable Services and Benefits .....	412
11.2 Exempt Service .....	423
11.3 Timeliness of Comparable Benefits .....	43
<b>SECTION 12.0 VOCATIONAL REHABILITATION SERVICES .....</b>	<b>43</b>
12.1 Timeliness.....	43
12.2 Agency Payment Policy.....	434
12.3 Counseling and Guidance .....	513
12.4 Physical and Mental Restoration Services .....	524
12.5 Training Services .....	534
12.6 Benefits Counseling .....	556
12.7 On-the-Job Supports .....	556
12.8 Job Placement <u>Service of Customers</u> .....	557
12.9 Vehicle Purchase.....	579
12.10 Self-Employment Policy .....	5960
12.11 Effective Communication Services for Customers with Sensory Impairments .....	801
12.12 Occupational Licenses, Tools, Equipment, Initial Stocks, and Supplies Necessary in Order to Enter an Occupation .....	812
12.13 Supported Employment Services.....	812
12.14 Post-Employment Services (PES) .....	864



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

12.15 Rehabilitation Technology.....	864
12.16 Supportive Services.....	875
12.17 <del>School TP</del> Pre-Employment Transition and Transition Services for Students and Youthtransition.....	886
12.18 Services to Family Members .....	9287
12.19 Personal Care Assistant Services .....	9389
12.20 Services to a Group of Individuals .....	950

**SECTION 13.0 CLOSURE..... 962**

13.1 Closure during Application Status.....	962
13.2 Closure during Eligibility Status.....	994
13.3 Unsuccessful Closure after Implementation of IPE .....	10196
13.4 Successful Competitive Closure after Implementation of IPE .....	10297
13.5 Closure after Post Employment Services (PES) .....	10499

**SECTION 14.0 ORDER OF SELECTION..... 1040**

14.1 Authority.....	1040
14.2 Factors Prohibited in Order of Selection Consideration .....	1050
14.3 Administrative Requirements.....	1051
14.4 Procedures .....	1051
14.5 Information and Referral (I & R) .....	1072
14.6 Post Employment Services .....	1083

**SECTION 15.0 SERVICES FOR INDIVIDUALS EMPLOYED OR SEEKING  
EMPLOYMENT AT SUBMINIMUM WAGE ..... 108**

<u>15.1 Authority.....</u>	<u>108</u>
<u>15.2 Definitions.....</u>	<u>108</u>
<u>15.3 Purpose.....</u>	<u>108</u>
<u>15.4 General Requirements for CC/I&amp;R .....</u>	<u>109</u>
<u>15.5 Additional Requirements for Youth .....</u>	<u>109</u>
<u>15.6 Documentation .....</u>	<u>110</u>

## **SECTION 1.0 – PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM**

The Idaho Division of Vocational Rehabilitation (IDVR) program assists eligible persons with disabilities to prepare for and achieve an employment outcome. “Employment outcome” means entering or retaining full-time, or if appropriate, part-time competitive employment in the integrated labor market to the greatest extent possible. It also means supported employment; or other types of employment, including self-employment, consistent with self-sustaining activity for wages or compensation consistent with the customer’s strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

Competitive employment is work performed in the integrated labor market in which the customer is compensated at or above minimum wage, but not less than the customary wage and benefits paid for the same or similar work performed by customers who do not have a disability.

The IDVR is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but include those programs authorized under the Rehabilitation Act, as amended, such as Independent Living Centers and Tribal Vocational Rehabilitation Programs. Programs authorized under the Workforce Innovation and Opportunity Act (WIOA) are utilized to the maximum extent possible as allowed in Section 188 of the Act. It is understood that each program is unique and offers unique cultural and professional expertise. Cooperative Agreements with respective programs are encouraged and should be referred to for local understanding. Staff is encouraged to understand these agreements and provide information, referral and services as appropriate to the needs of the customers they serve. Consult with the RM for access to pertinent cooperative agreements.

Vocational Rehabilitation is based upon an Individualized Plan for Employment (IPE) that is oriented to the achievement of an employment outcome. Services provided to persons with disabilities must be documented as necessary to overcome related barriers to employment and must be provided as cost effectively as possible.

The Division strives to maintain a highly accountable program to all customers.

IDVR provides, as appropriate to the vocational rehabilitation needs of each eligible customer, goods or services necessary to enable the customer to achieve an employment outcome.

### **EXCEPTION TO POLICY**

VRCs are delegated substantial decision and purchasing authority based upon the maximum agency contributions outlined in the Payment Policy. Exceptions to policy require the approval of a RM and the notification and consultation of the Chief of Field Services. Documentation of the RM’s approval must be noted in the case file.

Purchases in excess of delegated authority are reviewed by the RM and approved by the Chief of Field Services or designee. Documentation of the approval of purchases in excess must be noted in case file.

### ***1.1 Legal Citations***

The IDVR program is operated in compliance with the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) enacted on July 22, 2014. The legal authorities for the policies contained in the Vocational Rehabilitation Services Policy Manual are: Proposed Rules to Title 34 CFR Parts 361, 363, and 397 issued April 16, 2015 in the Federal Register implementing the Rehabilitation Act Amendments; and Title 67, Chapter 53 of the Idaho code related to provisional appointments in state government for those with severe disabilities.

### ***1.2 Program Requirements***

Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

IDVR will establish and maintain a record of services for each customer for, and recipient of, vocational rehabilitation services, which includes data necessary to comply with IDVR agency and Federal Rehabilitation Service Administration (RSA) requirements.

In the purchase of goods or services for persons with disabilities, IDVR complies with its procurement policy, Purchase of Services and Supplies for customer use in the Vocational Rehabilitation Program.

Goods and services will be provided subject to the guidelines of Order of Selection (Section 14.0).

When appropriate, counselors shall refer customers with disabilities to receive services from other agencies and organizations.

Each applicant or eligible customer being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and the availability of the Client Assistance Program (CAP).

### ***1.3 Provider Standards***

IDVR requires service providers:

To be licensed by the Division of Occupational Licensing, the U.S. Department of Education Office of Post-Secondary Education, or a professional certifying body.

*OR*

IDVR requires service providers that offer vocational rehabilitation services to apply to be an approved service provider with the Division. CRPs must be accredited based on IDAPA rules.

OR

VRCs may occasionally approve the purchase of services from non-license providers such as, educational tutoring, foreign language interpreters, or other services to support the rehabilitation needs of a customer.

#### ***1.4 Selection of Service Providers***

Providers are selected by a combination of the customer's informed choice and State procurement rules. VRCs will assist the customer in acquiring information necessary to make an informed choice regarding the selection of service provider.

#### ***1.5 Definitions:***

- a. ***Applicant*** means, customer who submits an application for vocational rehabilitation services in accordance with Sec. 361.41(b) (2). (Authority: Section 12(c) of the Act; 29 U.S.C 709 (c))
  
- b. ***Assessment for determining eligibility and vocational rehabilitation needs*** means, as appropriate in each case, (i)(A) A review of existing data—(1) To determine if a customer is eligible for vocational rehabilitation services; and (2) To assign priority for an Order of Selection described in Sec. 361.36 in the States that use an Order of Selection; and (B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment; (ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment for an eligible customer, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for support employment, of the eligible customer. This comprehensive assessment – (A) is limited to information that is necessary to identify the rehabilitation needs of the customer and to develop the individualized plan of employment of the eligible customer; (B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements –
  - 1) Existing information obtained for the purposes of determining the eligibility of the customer and assigning priority for an Order of Selection described in Sec. 361.36 for the customer; and
  - 2) Information that can be provided by the customer and, if appropriate, by the family of the customer; (c) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the customer and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the customer; and (D) May include, to the degree needed an appraisal of the patterns of work behavior of the customer and services needed

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

for the customer to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the customer to perform adequately in a work environment; (iii) Referral, for the provision of rehabilitation technology services to the customer, to assess and develop the capacities of the customer to perform in a work environment; and (iv) An exploration of the customer's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experience, including experiences in which the customer is provided appropriate supports of training.

(Authority: Section 7(2) and 12 (c) of the Act; 29 U.S.C. 705(2) and 709 (c))

- c. ***Assistive technology device*** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a customer with a disability. (Authority: Sections 7(3) of the Act; 29 U.S.C. 705(3))
- d. ***Assistive technology service*** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including: (i) The evaluation of needs of a customer with a disability, including a functional evaluation of the customer in his or her customary environment; (ii) Purchasing, leasing, or otherwise providing for the acquisition, by a customer with a disability, of an assistive technology device; (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (v) Training or technical assistance for a customer with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the customer; and (vi) Training or technical assistance for professionals (including customers providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of customers with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by a customer with a disability. (Authority: Sections 7(4) and 12(c) of the Act; 29 U.S.C. 705(4) and 709 (c))
- e. ***Community rehabilitation program.*** (i) Community rehabilitation program means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to customers with disabilities to enable those customers to maximize their opportunities for employment, including career advancement: (A) Medical, psychiatric, psychological, social, and vocational services that are provided under one management; (B) Testing, fitting, or training in the use of prosthetic and orthotic devices; (C) Recreational therapy; (D) Physical and occupational therapy; (E) Speech, language, and hearing therapy (F) Psychiatric, psychological, and social services, including positive behavior management;. (G) Assessment for determining eligibility and vocational rehabilitation needs; (H) Rehabilitation Evaluation or control of specific disabilities; (K) Orientation and mobility services for customers who are blind; (L) Extended employment; (M) Psychosocial rehabilitation services; (N) Supported employment services and extended services; (O) Services to family members if

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

necessary to enable the applicant or eligible customer to achieve an employment outcome; (P) Personal assistance services; (Q) Services similar to the services described in paragraphs (A) through (P) of this definition. (ii) For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

- f. ***Comparable services and benefits*** means, (i) Services and benefits that are (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; (B) Available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's individualized plan for employment in accordance with Sec. 361.53; and (C) Commensurate to the services that the customer would otherwise receive from the designated State vocational rehabilitation agency. (ii) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. (Authority: Sections 12 (c) and 101 (a)(8) of the Act; 29 U.S.C. 709 (c) and 721 (a)(8))
- g. ***Competitive integrated employment*** means work that (i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that (A) Is not less than the higher of the rate specified in Fair Labor Standards Act or the rate required under Idaho's minimum wage law; (B) Is not less than the customary rate paid by the employer for similar work performed by other employees and who have similar training, experience, and skills; and (C) For individuals who are self-employed, earns a comparable income to other individuals who are self-employed in similar occupations and who have similar training, experience, and skills; and (D) Is eligible for the same benefits provided to other employees; and (ii) Is at a location (A) Typically found in the community, (B) Where the employee with a disability interacts for the purpose of performing the duties of the position, with other employees in the particular work unit and the entire work site, and as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and (iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. (Authority: Sections 7(5) and 12(c) of the Act; 29 U.S.C. 705(5) and 709(c))
- h. ***Customized employment*** means, competitive integrated employment, for an individual with a significant disability, that is (i) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability; (ii) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and (iii) Carried out through flexible strategies, such as (A) Job exploration by the individual; and (B) Working with an employer to facilitate placement, including (1) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs; (2) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location; (3) Using a professional representative chose by the individual, or if elected self-representation, to

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

work with an employer to facilitate placement; and (4) Providing services and supports at the job location. (Authority: Sections 7(7) and 12(c) of the Act; 29 U.S.C. 705(7) and 709(c))

- i. **Employment outcome** means, with respect to a customer, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Sec. 361.5 (b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including a customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 7(11), 12(c), 100(a), and 102 (b)(4)(A) of the Act; 29 U.S.C. 705 (11), 709(c), 720 (a), and 722 (b)(4)(A))
- j. **Employment outcome maintained** means the customer has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome and the customer no longer needs vocational rehabilitation services.
- k. **Satisfactory outcome** means at the end of the appropriate period, not less than 90 days, the customer and the vocational counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment.
- l. **Extended Employment means** work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act. (Authority: Section 12 (c) of the Act; 29 U.S.C. 709 (c))
- m. **Extended services** means ongoing support services and other appropriate services that are needed to support and maintain a customer with a most significant disability including a youth with a most significant disability, in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after a customer with a most significant disability has made the transition from support provided by the designated State unit. (Authority: Sections 7 (13), 12 (c)), and 604(b) of the Act; 29 U.S.C. 705 (13), 709 (c) and 795i)
- n. **Family member**, for purposes of receiving vocational rehabilitation services in accordance with Sec 361.48(i), means a customer; (i) Who either, (A) Is a relative or guardian of an applicant or eligible customer; or (B) Lives in the same household as an applicant or eligible customer; (ii) Who has a substantial interest in the well-being of that customer; and (iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible customer to achieve an employment outcome. (Authority; Sections 12 (c) and 103 (a)(19) of the Act; 29 U.S.C. 709 (c) and 723 (a)(19))
- o. **Indian tribe** means any Federal or State Indian tribe, band, Rancheria, pueblo, colony, or community, including any Idaho native village or regional village corporation. (Authority: Section 7 (19) of the Act; 29 U.S.C. 705 (19))

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- p. ***Customer with a disability***, except as provided in Sec. 361.5(b) (29), means a customer (i) Who has a physical or mental impairment; (ii) Whose impairment constitutes or results in a substantial impediment to employment; and (iii) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (Authority; Sections 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))
- q. ***Customer's representative*** means any representation chosen by a customer or eligible customer, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the customer, in which case the court-appointed representative is the customer's representative. (Authority: Sections 7 (22) and 12 (c) of the Act; 29 U.S.C. 705(22) and 709 (c))
- r. ***Informed choice*** means the process by which customers in the public rehabilitation program make decisions about their vocational goals, the services and service providers necessary to reach those goals, and how those services will be procured. The decision making process takes into account the customer's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions. Informed choice is a collaborative process involving the customer and IDVR staff in coordination with other resources as necessary.

**Informed Choice Guidelines:**

Informed choice does not mean unlimited choice. A customer's choices are limited by several factors.

- The choice must relate to and be necessary to achieving an employment outcome
  - The choice must be consistent with the customer's strengths, resources, priorities, abilities, capabilities, needs and interests.
  - The choice must be made pursuant to all Federal, State, and IDVR rules related to purchasing and providing services.
  - When deciding what goods and services will be provided, the following will be part of the informed choice decision:
    - Cost, accessibility, and duration of potential services;
    - Customer satisfaction with those services to the extent that information relating to customer satisfaction is available;
    - Qualifications of potential service providers;
    - Types of services offered by the potential providers;
    - Degree to which services are provided in integrated settings; and
    - Outcomes achieved by individuals working with service providers, to the extent that such information is available.
- s. ***Integrated setting***, (i) With respect to the provision of services, a setting typically found in the community in which applicants or eligible customers interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible customers; (ii) With respect to an employment outcome, means a setting typically found in the community where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons who are not individuals with disabilities (not including supervisory



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable position interact with these customers. (Authority: Sections 12 (c) of the Act; 29 U.S.C. 709 (c))

*t. Maintenance* means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Authority: Sections 12 (c) and 103 (a)(7) of the Act; 29 U.S.C. 709 (c) and 723 (a)(7))

*u. Ongoing support services*, as used in the definition of "Supported Employment", means services that (i) Are needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment; (ii) Are identified based on a determination by the designated State unit of the customer's need as specified in an individualized plan for employment; and (iii) Are furnished by the designated State unit from the time of job placement until transition to extended service, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the customer's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment; (iv) Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability bases on; (A) At a minimum, twice-monthly monitoring at the worksite of each customer in supported employment; or (B) If under specific circumstances, especially at the request of the customer, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the customer; (v) Consist of; (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (c)(5)(ii) of this section; (B) The provision of skilled job trainers who accompany the customer for intensive job skill training at the work site; (C) Job development and training; (D) Social skills training; (E) Regular observation or supervision of the customer; (F) Follow-up services including: regular contact with the employers, the customers, the parents, family members, guardians, advocates, or authorized representatives of the customers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; (G) Facilitation of natural supports at the worksite; (H) Any other service identified in the scope of vocational rehabilitation services for customers, described in SEC. 361.48(b); or (I) Any service similar to the foregoing services. (Authority: Sections 7 (27) and 12 (c) of the Act; 29 U.S.C. 705 (27) and 709 (c))

services that (i) Are needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment; (ii) Are identified based on a determination by the designated State unit of the customer's need as specified in an individualized plan for employment; and (iii) Are furnished by the designated State unit from the time of job placement until transition to extended service, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the customer's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment; (ii) Must include an assessment of

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

~~employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability bases on; (A) At a minimum, twice monthly monitoring at the worksite of each customer in supported employment; or (B) If under specific circumstances, especially at the request of the customer, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the customer; (iii) Consist of; (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (b)(6)(ii) of this section; (B) The provision of skilled job trainers who accompany the customer for intensive job skill training at the work site; (C) Job development and training; (D) Social skills training; (E) Regular observation or supervision of the customer; (F) Follow-up services including: regular contact with the employers, the customers, the parents, family members, guardians, advocates, or authorized representatives of the customers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; (G) Facilitation of natural supports at the worksite; (H) Any other service identified in the scope of vocational rehabilitation services for customers, described in SEC. 361.48; or (I) Any service similar to the foregoing services. (Authority: Sections 7 (27) and 12 (c) of the Act; 29 U.S.C. 705 (27) and 709 (c))~~

~~u.v.~~ ***Personal assistance services*** means a range of services provided by one or more persons designed to assist a customer with a disability to perform daily living activities on or off the job that the customer would typically perform without assistance if the customer did not have a disability. The services must be designed to increase the customer's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the customer is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services. (Authority: Sections 7(28), 102(b)(4)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(4)(B)(i)(I), and 723(a)(9)) [[Page 272]]

~~u.w.~~ ***Physical and mental restoration services*** means; (i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; (ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws; (iii) Dentistry; (iv) Nursing services; (v) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services; (vi) Drugs and supplies; (vii) Prosthetic and orthotic devices; (viii) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws; (ix) Podiatry; (x) Physical therapy; (xi) Occupational therapy; (xii) Speech or hearing therapy; (xiii) Mental health services; (xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical treatment; (xv) Special services for the treatment of customers with supplies; and (xvi) Other medical or medically related rehabilitation services. (Authority: Sections 12 (c) and 103 (a)(6) of the Act; 29 U.S.C. 709 (c) and 723 (a)(6))

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

**w-x.** *Physical or mental impairment* means; (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (ii) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))

**x-y.** *Post-employment services* means one or more of the services identified in Section 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or advance in employment, consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 12 (c) and 103 (a)(18) of the Act; 29 U.S.C. 709 (c) and 723 (a)(18)) Note to paragraph (b) (42): Post-employment services are intended to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist a customer to maintain employment, e.g., the customer's employment is jeopardized because of conflicts with supervisors or co-workers, and the customer needs mental health services and counseling to maintain the employment; to regain employment, e.g., the customer's job is eliminated through re-organization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The customer is informed through appropriate modes of communication of the availability of post-employment services.

**y-z.** *Pre-employment transition services* are those services/activities for students with disabilities (see page 10 for definition of student with disability). Required activities include job exploration counseling; work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible; counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education; workplace readiness training to develop social skills and independent living; and instruction in self-advocacy. Authorized activities may also be provided. (Authority: Section 7(30), and 113 of the Act; 29 U.S.C. 7(30) and 733)

**z-aa.** *Rehabilitation engineering* means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

solutions to problems confronted by customers with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community. (Authority: Section 7(32) and 12 (c) of the Act; 29 U.S.C. 705 (32) and 709 (c))

~~aa.~~bb. **Rehabilitation technology** means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, customers with disabilities in areas that include: education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services. (Authority: Section 7(32) of the Act; 29 U.S.C. 705(32))

~~bb.~~cc. **Student with a disability** is an individual with a disability in a secondary, postsecondary, or other recognized education program who is under the age of 22 at the time of service delivery and is eligible for and receiving special education services or is an individual with a disability, for the purposes of Section 504. (Authority: Section 7(37) of the Act; 29 U.S.C. 705(37))

dd. **Substantial impediment to employment** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders a customer from preparing for, entering into, engaging in, or retaining employment consistent with the customer's abilities and capabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))

~~cc.~~

~~dd.~~

ee. **Supported employment means**, (i) competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis (earning less than a competitive wage) toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities, (A) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work. (ii) An individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment (earning less than a competitive wage), is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonable anticipate achieving competitive integrated employment (A) Within six months of achieving a supported employment outcome; or (B) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earning based on information contained in the service record.~~Competitive employment in an integrated setting, or~~

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017

~~employment in integrated work settings in which customers are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customers with ongoing support services for customers with the most significant disabilities; (A) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work; or (ii) Transitional employment, as defined in paragraph (b)(54) of this section, for customers with the most significant disabilities due to mental illness. (Authority: Section 7(38), 12 (c), and 602 of the Act, as amended; 709 (c), and 795g of the Act; 29 U.S.C. 705(38), 7(38), 12 (c), and 602709 (c), and 795g)~~

- ff. **Supported employment services** means ongoing support services, including customized employment, -and other appropriate services needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, -in supported employment that are (i) organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment; (ii) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; (iii) Provided by the designated State unit; ~~(i) F~~ for a period of time not to exceed 24 months, unless under special circumstances the eligible customer and the rehabilitation counselor ~~or~~ coordination jointly agree to extend the time; to achieve the employment outcome identified in the individualized plan for employment; and ~~(iv)~~ Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment. (Authority: Sections 7(39), 12 (c), and 103 (a) (16) of the Act, as amended; 29 U.S.C. 705(39), 709 (c), and 723 (a) (16))
- gg. **Transition services** means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including: post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment. (Authority: Sections 12 (c) and 103 (a)(15) and (b) (7) of the Act; 29 U.S.C. 709 (c) and 723 (a)(15) and (b) (7))

~~hh. **Transitional employment**, as used in the definition of "Supported Employment," means a series of temporary job placements in competitive work in integrated settings with ongoing support services for customers with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services~~

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

~~must include continuing sequential job placement until job permanency is achieved.  
(Authority: Sections 7(38)(B) and 12 (e) of the Act; 29 U.S.C. 705(38)(B) and 709 (e))~~

~~ii.hh.~~ **Transportation** means travel and related expenses that are necessary to enable an applicant or eligible customer to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems. (Authority: Section 12 (c) and 103 (a)(8) of the Act; 29 U.S.C. 709 (c) and 723 (a)(8))

~~ii.ii.~~ **Vocational Rehabilitation Counselor (VRC)** is the designated employee position in charge of managing the customer's case. For the purposes of this manual a Vocational Rehabilitation Specialist is considered a VRC.

ii. **Youth with a disability** is an individual with a disability who is under the age of 25. (Authority: Section 7(42) of the Act; 29 U.S.C. 705(42))

### ***1.6 Use of Audio and Video Recordings-***

IDVR reserves the right to prohibit customer use of video and audio recording without prior approval by the Chief of Field Services.

### ***1.7 Customer Reasonable Accommodation Request and Grievance Process***

If during the course of VR services a customer needs an accommodation in relation to access to VR services, when possible, the customer should submit a request for accommodation in writing to their VRC. Reasonable accommodations will be evaluated and, if reasonable, provided to allow customers with disabilities access to VR services. This accommodation is separate and apart from any accommodation a customer may need related to their employment or vocational goals

The VRC will inform the Regional Manager regarding the customer's accommodation request. The customer will be notified in writing whether his/her request is granted. A meeting with the VRC, customer, and Regional Manager may be necessary to discuss the request and understand the parameters of the request.

IDVR strives to provide all individuals, regardless of disability, with equal access to its program. If you wish to report an issue related to the accessibility of the IDVR program, you may do so by submitting a complaint to the Division's Section 504 Coordinator via e-mail or written correspondence. Contact information is posted on the Division's website. Include a detailed description of your request and any follow-up from IDVR staff, including the VRC and Regional Manager. Complaints may also be sent to the Office of Civil Rights. Contact information is available at [www.ed.gov/ocr](http://www.ed.gov/ocr).

## **SECTION 2.0 – ETHICS**

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- A. All IDVR employees must adhere to the Idaho Ethics in Government Manual:  
<http://www.ag.idaho.gov/publications/manuals.html>
- B. IDVR ascribes to, and requires all Vocational Rehabilitation Counselors (VRCs) and field services staff to follow the Code of Professional Ethics for Rehabilitation Counselors accepted by the Commission of Rehabilitation Counselor Certification (CRCC).  
<http://www.crccertification.com>
- C. Provision of Services to Potential and Current IDVR Employees/Interns/Volunteers
- If an IDVR employee becomes a customer, their VR case will be served by a region other than where they work.
  - If an IDVR customer accepts employment with IDVR their case will be served by a region different than where they accepted employment.
- D. Internships, participants in training programs, or trial work experiences of customers served by IDVR will not be served from a counselor in the same office where the trial work, internship, or participation in training programs is located.
- E. If a family member of an employee or a family member of anyone who resides in the employee's residence applies for services they will be served by a counselor from a different region from the employee.
- F. An employee shall not financially benefit from decisions made under the authority of IDVR.
- G. An employee will not make IDVR purchases (case services or other purchases) from a family member or a family member of anyone who resides in the employee's residence, or from a business owned or controlled by such an individual. This includes customer reimbursements.

**SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION**

***3.1 Confidentiality***

All information acquired by IDVR must be used only for purposes directly connected with the administration of the vocational rehabilitation program. As a general rule, information containing personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program, except as provided in this policy. Use, release, and obtaining of personal information by IDVR shall conform to applicable State law and rules, and applicable Federal law and regulations.

Requests for information under the Idaho public records laws should be referred to the deputy attorney general assigned to the Agency.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

For purposes of this policy, informed written consent shall:

- A. Be explained in language that the customer or their representative understands;
- B. Be dated, and specify the length of effect;
- C. Be specific in designating IDVR as the agency authorized to use, disclose or receive information;
- D. Be specifically designated to the parties to whom the information may be released;
- E. Specifically designate the parties whom the information may be released; and
- F. Be specific as to the purpose(s) for which the information may be used.

***3.2 Release of Personal Information to Customers with Disabilities, their Representative or Attorney***

If requested in writing by a customer of IDVR, and upon informed written consent by the customer and/or his or her representative, all information in such customer's case record that pertains to such customer shall be made available in a timely manner to that customer, except:

- 3.2.1** Medical, psychological or other information that IDVR believes may be harmful to the customer. This information may not be released directly to the customer but may be provided to the customer through a third party chosen by the customer, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the customer, in which case the information must be released to the court appointed representative.
- 3.2.2** Information obtained from outside IDVR may be released only under the conditions established by the outside agency, organization or provider or mandated for them by Federal or State law.
- 3.2.3** An applicant or eligible customer who believes that information in the customer's record of services is inaccurate or misleading may request that IDVR amend the information. If the information is not amended, the request for an amendment must be documented in the record of service.
- 3.2.4** IDVR will respond to a case records request made under this section within ten (10) working days after receipt of a written request. One current copy of the case record will be made for the customer at no charge. Additional copies will be provided at the flat fee of \$25 each.

***3.3 Release of Personal Information to Other Agencies or Organizations***



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

If information requested has been obtained from another agency, organization or professional, it will be released only under conditions established by that agency, organization or professional.

- IDVR may release personal information without informed written consent of the customer in order to protect the customer or others when the customer poses a threat to his/her safety or the safety of others.

***3.4 Release of Personal Information in Response to Investigations in Connection with Law Enforcement***

IDVR shall release personal information in response to investigations in connections with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to a court order.

***3.5 Release of Personal Information for Audit, Evaluation or Research***

At the discretion of the Administrator, personal information may be released to an organization, agency, or customer engaged in audit, evaluation or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for customers with disabilities, and only if the organization, agency or customer assures that:

- A. The information will be used only for the purposes for which it is being provided;
- B. The information will be released only to customers officially connected with the audit, evaluation or research;
- C. The information will not be released to the involved customer;
- D. The information will be managed in a manner to safeguard confidentiality and,
- E. The final product will not reveal any personal identifying information without the informed written consent of the involved customer, and/or his/her representative.

***3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement Agencies***

A subpoena issued to IDVR for information relating to a customer of IDVR must immediately be referred to the Chief of Field Services who will subsequently refer the document to the Deputy Attorney General assigned to the Agency to determine how the agency will respond to the subpoena.

***3.7 Social Security Information***

Confidentiality of SSA information is covered under Section 11.06 of the Social Security Act and may be disclosed only as prescribed by regulations. The Act permits disclosure of all information about a claimant to State VR agencies. State VR agencies routinely obtain

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

information, including entitlement and medical information, from SSA records. Medical information may be obtained without the claimant's consent; however, State VR agencies may not permit access to such information, release it further (this includes other state agencies), or testify concerning it for any other purpose than the rehabilitation of the Social Security Disability beneficiary claimant. To obtain information from Disability Determination Services, a release form must be used.

**SECTION 4.0 APPEALS PROCESS**

The VRC shall notify and provide written information to all applicants and eligible customers regarding:

- A. Their right to appeal determinations made by IDVR personnel, which affect the provision of rehabilitation services;
- B. Their right to request mediation;
- C. The names and addresses IDVR personnel to whom requests for mediation or appeals may be filed;
- D. The manner in which a mediator or hearing officer may be selected;
- E. Availability of assistance from the Client Assistance Program (CAP).
- F. If the Agency is following an Order of Selection, it shall inform all eligible customers of the priority they are in.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

Timing of such notification shall be provided by the VRC:

- A. At the time a customer applies for rehabilitation services;
- B. At the time of the Individualized Plan for Employment (IPE) is developed;
- C. At the time the customer is assigned to a category in the State's Order of Selection, if applicable; and
- D. Upon reduction, suspension, or cessation of approved rehabilitation services for the customer.

*Whenever possible, IDVR will attempt to resolve conflicts informally or through the Dispute Resolution process. IDVR will not pay for a customer's legal services.*

IDVR shall make disability related accommodations to assist customers in the conduct of the appeals process.

***4.1 Continuation of Services Pending Completion of the Appeal Process***

Pending a final determination of an Informal Review or Fair Hearing or participation in Mediation, IDVR may not suspend, reduce, or terminate approved services being provided under an IPE, unless the services were obtained through misrepresentation, fraud or collusion or the customer or authorized representative, requests suspension, reduction, or termination of services.

***4.2 Client Assistance Program (CAP) and Supervisory Review***

The CAP and supervisory review are encouraged as a means to resolve dissatisfaction. These options are in keeping with the IDVR policy to resolve a customer's dissatisfaction at the earliest possible time.

***4.3 Dispute Resolution Process***

**4.3.1** The Informal Review process is an option available to the customer as a proven means likely to result in a timely resolution of disagreements. A customer must request an Informal Review within twenty-one (21) calendar days of the agency notice regarding IDVR's decision to provide or deny services that are in question. The request must be in writing to the RM. The request must describe the complaint.

In holding an Informal Review, the RM will function as the Review Officer. At the customer's request another RM may be substituted. The reviewer will be responsible for:

- A. Advising the customer of his/her right to have a representative present and encouraging the customer to use the services of CAP.
- B. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. Unless an extension is agreed to by both parties.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- C. When the customer makes a documented effort to utilize CAP or another selected advocate to resolve his/her dissatisfaction, the time allowed for conducting an Informal Review will be extended accordingly.
- D. Holding the review at a time and place convenient to the customer, generally at the local IDVR branch office.
- E. Providing communication methods for those customers who have a sensory impairment. An interpreter will be provided for those customers who cannot communicate in English.
- F. If needed, assure that the customer is provided transportation to and from the review site.
- G. The Informal Review Officer (RM) will attempt to resolve the matter to the satisfaction of the customer, developing a written proposal with the customer at the conclusion of the appeal process. The results are binding for the agency unless the proposal is not permitted by law. The customer may reject the proposal and request a Fair-Hearing within ten (10) calendar days of the Informal Review proposal or sixty (60) calendar days of the original IDVR decision, whichever one comes later.

#### ***4.4 Mediation***

**4.4.1** Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the Formal Appeals Process.

- A. A customer must request Mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the Informal Review. Mediation is available to a customer when an Informal Review has not resolved the dispute to the satisfaction of the customer.
- B. Requests for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the decision or results of the Informal Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the Agency action that created the customer's dissatisfaction.
- C. Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.
- D. Mediation is not used to deny or delay the customer's right to pursue a Fair Hearing. Should the customer and/or designated representatives select mediation in lieu of a Fair Hearing the option for the Fair Hearing will be extended to allow

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

the results of the mediation to be established. After the final results of the mediation are determined, the customer retains the right to request a Fair Hearing.

- E. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.
- F. Mediation discussions are confidential and may not be used as evidence in a subsequent Fair Hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process.
- G. The mediator will develop a written Mediation Agreement, if an agreement between the parties is reached, it must be signed by the customer, the mediator, and IDVR.
- H. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer.

#### ***4.5 Fair Hearing Process***

The Fair Hearing Process is an option available to any customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. A customer may request a Fair Hearing immediately without having to go through the other appeal steps.

A customer may request, or if appropriate, may request through the customer's representative, a timely review of the determination. Such a request must be made within sixty (60) days of the IDVR decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the Informal Review or ten (10) calendar days of the conclusion of the Mediation Process whichever is later. The Fair Hearing Process shall include a Fair Hearing by a Fair Hearing Officer (FHO).

- 4.5.1** A Formal Hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the Informal Review or Mediation may seek a determination of the agency action before a Fair Hearing Officer.
- 4.5.2** A request for a Fair Hearing must be sent in writing to the Chief of Field Services and clearly state the customer's dissatisfaction with the Agency's decision.
- 4.5.3** The hearing shall be conducted within sixty (60) calendar days of receipt of the customer's request for review, unless informal resolution is achieved prior to the 60<sup>th</sup> day, or both parties agree to a specific extension of time.
- 4.5.4** A list of Fair Hearing Officers shall be identified jointly by the Administrator of IDVR and the State Rehabilitation Council.
- 4.5.5** The Fair Hearing Officer will be selected from the list by the Administrator of IDVR and the customer.

**4.5.6** The Fair Hearing Officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.

**4.5.7** The decision of the Fair Hearing Officer shall be considered final by the agency.

**4.5.8** Any party who disagrees with the findings and decisions of a Fair Hearing Officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

## **SECTION 5.0 APPLICATION AND ELIGIBILITY DETERMINATION**

- A. People with disabilities can achieve competitive, high quality employment in an integrated setting and can live full productive lives.
- B. People with disabilities often experience major barriers related to the low expectations of and misunderstandings toward, people with disabilities that exists within society, within the persons with disabilities themselves, and sometimes, within our own rehabilitation system.
- C. People with disabilities should have responsibility and accountability to make their own choices about their lives; the kind of employment they want to pursue, who they want to provide services for them, as well as the kind of services they need.
- D. The primary purpose and role of the public vocational rehabilitation system is to empower individuals with disabilities by providing them with information, education, training, and confidence, in order for them to make effective employment choices when appropriately informed. It is also the purpose of the public vocational rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.
- E. The most effective rehabilitation occurs when there are true partnerships between the customer, Federal and State programs, community providers and employers, the disability community, all other partners.

The goal is to provide eligible customers with the skills, tools and information to aid in their vocational discovery process and to initiate informed choices when creating their Individualized Plan for Employment (IPE) with the VRC.

### ***5.1 Inquiry***

IDVR will respond to all general inquiries for VR services received via telephone, mail or electronic format within seven (7) business days.

## *5.2 Referral*

A completed referral form for VR services from customers available to participate in services that are made via mail or electronic format will be entered into the case management system as an open referral within three (3) business days. IDVR staff will make a minimum of three (3) attempts to contact the customer before the referral is closed. The first attempt will include a phone call or e-mail. If [staff are](#) unable to make contact, a letter will be sent to confirm IDVR has received the inquiry and will include the IDVR office phone number. If the customer does not respond to the first letter, a second letter will be sent stating that IDVR has been unable to contact the customer and that the referral for services will be closed. Attempts to reach the customer will be documented in the case management system.

## *5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services*

An application process is complete when the following three criteria are met:

1. IDVR receives a signed and dated Application Signature Sheet from a customer or his/her representative, or an alternate request for application is made to an IDVR office;

AND

2. The customer provides the information needed to begin an assessment of eligibility. Information gathered in the intake interview meets this criterion;

AND

3. The customer is available and free of restrictions to complete the assessment process for determining eligibility for VR services.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

Applicants must be available and participate in the eligibility determination process.

IDVR must, as part of the application process, inform applicants that the goal of VR services is to assist eligible customers to obtain or maintain employment and that services provided are toward this goal. Customers must also be informed of their rights and responsibilities.

The 60-day eligibility determination period begins when the application process is complete.

### **5.3.1 Orientation to Vocational Rehabilitation**

IDVR is obligated to provide all customers with information regarding the following:

1. The Client Assistance Program (CAP);
2. Confidentiality;
3. VR services;
4. Informed choice;
5. The rehabilitation process;

6. ~~That c~~Customers who receive VR services must intend to achieve an employment outcome;
7. The rights and responsibilities of the customer; and
8. The VR appeals process.

This information may be conveyed to customers through group orientations, in a one-on-one interview setting or over the telephone by IDVR staff.

### **5.3.2 Intake Interview**

The intake interview is part of the application process and is the beginning of the assessment process to determine eligibility and potential services to be included on the Individualized Plan for Employment (IPE). Medical, psychological, social, vocational, educational, cultural and economic information is gathered to determine the unique strengths, abilities, and interests of the customer.

Prior to the end of the intake interview, the IDVR staff member should identify the actions needed to be taken by both IDVR and the customer. This may include:

1. ~~Appointment(s) scheduled~~Scheduling appointments
2. ~~Releases of Information obtained~~Obtaining releases of information
3. ~~Authorizations to be issued~~Issuing authorizations
4. ~~Referral letters~~Sending referral letters
5. ~~Next scheduled meeting~~The scheduling of a follow up meeting
6. Obtaining eExisting information the customer agrees to provide IDVR staff

### **5.4 Assessment for Determining Eligibility**

Any customer who applies for services shall undergo an assessment to determine eligibility and the priority for services, the results of which shall be shared with the customer.

The assessment will be conducted in the most integrated setting possible and consistent with the needs and informed choice of the customer.

Eligibility for IDVR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services (all three components of the application process must be complete) unless the following occurs:

- A. The customer is notified that exceptional and unforeseen circumstances beyond the control of IDVR preclude the counselor from completing the determination within the prescribed time frame and the customer agrees that an extension of time is warranted;

OR

- B. A Trial Work Experience including an exploration of the customer's abilities, capabilities, and capacity to perform in realistic work situations is carried out.



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

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### 5.5 Eligibility Criteria

A customer is eligible for Vocational Rehabilitation if the following criteria are met:

- A. A determination by qualified personnel that the customer has a physical or mental impairment;
- B. A determination by a qualified VRC that the customer's physical or mental impairment constitutes or results in a substantial impediment to employment;
- C. A determination by a qualified VRC employed by IDVR that the customer requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

IDVR presumes that an applicant who meets the eligibility requirements above can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** *Prior to any determination that an applicant is unable to benefit from vocational rehabilitation services due to the severity of their disability, IDVR must assess the individual's abilities, capabilities and capacity to perform in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the customer, through Trial Work Experiences.*

#### 5.5.1 Qualified Personnel

IDVR has established a policy for "qualified personnel" for the purpose of disability determination. Under the Rehabilitation Act, the assessment for determining eligibility must be made by "qualified personnel" including, if appropriate, personnel skilled in rehabilitation technology. In addition, diagnosis and treatment for mental and emotional disorders must be provided by "qualified personnel who meet State licensure laws".

Qualified personnel are those who meet existing licensure, certification, or registration requirements applicable to the profession, this includes VRCs who meet IDVR's Comprehensive System of Personnel Development (CSPD) policy.

The determination of the existence of impairment should be supported by medical and/or psychological documentation. Medical/psychological disabilities shall be diagnosed by qualified personnel who meet State licensure, certification, or registration requirements applicable to the practice of their profession within the state of Idaho.

The following occupations have been licensed in Idaho to provide general medical diagnoses. *The VRC can utilize general medical diagnoses established by these medical professionals:*

- Medical Physician or Doctor of Osteopathy
- Nurse Practitioner (works under own licensure)
- Physician's Assistant (works under a "Delegation of Services Agreement" with a physician providing oversight)

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

The following occupations have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency for which the specific licensure has been determined. *It is critical that the VRC take special precaution to ensure that when utilizing medical diagnoses from one of the medical professions listed below that only those areas of expertise for which the particular professional has been credentialed are documented within the eligibility determination module.*

- Licensed Psychologist
- Chiropractor
- Naturopath
- Podiatrist
- Optometrist
- Physical Therapist
- Dentist/Orthodontist
- Advanced Certified Alcohol and Drug Counselor (ACADC) / Certified Alcohol and Drug Counselor (CADC) (restricted to identifying alcohol and drug impairment related to specific testing outcome)
- School Psychologist (limited to diagnosing eligibility for school related special education services)
- Licensed Clinical Social Worker (LCSW)
- Licensed Clinical Professional Counselor (LCPC)
- Licensed Audiologist (restricted to diagnosing hearing impairments specifically related to audiological testing results when medical conditions have been ruled out)

For further clarification, you may access [www.ibol.idaho.gov](http://www.ibol.idaho.gov) and connect to “The Individual Board Pages” to determine the full extent of the professional latitude allocated to the medical occupations that are licensed to provide specialized services within narrowly defined parameters of competency. The State Board of Medicine maintains jurisdiction over the authority and conduct of medical doctors.

Private licensing/certifying boards outside the federal/state purview cannot be used for VR diagnostic purposes.

### **5.5.2 Social Security Presumption**

Any applicant, who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, based upon their disability, is presumed to meet the eligibility requirements for vocational rehabilitation services and is considered a customer with a significant disability.

Following an application and initial interview where a customer reports receiving SSI or SSDI, the counselor will obtain verification of receipt of SSI/SSDI, ~~such as an award letter, a copy of the customer's check, or a verification document~~ through the Social Security Entry and Verification System (SVES). Upon verification, the customer is made eligible for vocational rehabilitation with a Presumption of Eligibility statement in the record of services.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

**NOTE:** If the applicant presents sufficient medical documentation to determine eligibility at the first meeting, verification will still be procured but eligibility can be determined immediately without designating presumptive status.

The assessment for determining rehabilitation services will continue, as needed, to obtain information necessary to determine the Individualized Plan for Employment. This assessment will include: gathering existing records to determine the customer's impairment, impediment and nature and scope of VR services necessary to obtain an employment outcome consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

When the assessment adequately documents the impairment(s), employment impediment(s) and required service(s) needed, the qualified VRC completes an Eligibility Determination in the Agency's computerized data system.

If a customer receives disability benefits under Title II or Title XVI of the Social Security Act and intends to work, IDVR presumes eligibility for services.

Where questions pertaining to the individual's ability to benefit from services exist, the customer will be given the opportunity to engage in a series of Trial Work Experiences in order for the counselor to determine whether or not a customer can benefit from VR services.

A VRC cannot close a case 'Disability too Significant to Benefit from Services' without clear and convincing evidence documented through TWEs in multiple settings, or other evidence which meets the 'clear and convincing' standard required by the Rehabilitation Act of 1973 (as amended).

~~Should the significance of the disability prevent a VRC from presuming that VR services will enable the customer to work, the customer will be asked to complete a Trial Work Experience in order for the counselor to determine eligibility.~~

~~A, unless, because of the significance of the customer's disability, a VRC cannot presume that VR services will not enable the customer to work (must be demonstrated based on without clear and convincing evidence. See Section 5.6.1 for explanation of clear and convincing evidence).~~

~~Should the significance of the disability prevent a VRC from presuming that VR services will enable the customer to work, the customer will be asked to complete a Trial Work Experience in order for the counselor to determine eligibility.~~

### ***5.6 Review and Assessment of Data for Eligibility Determination***

The eligibility determination must be based on the basic eligibility requirements and shall also include a review and assessment of existing data, including: counselor observations, education records, and information provided by the customer or family, particularly information used by education officials and determinations made by officials or other agencies. Current medical records will be utilized to determine the nature and extent of the disability as well as for justification for the procurement of additional medical data when required to identify/verify alleged medical restrictions.

To the extent that existing data does not describe the current functioning of the customer, IDVR will conduct an assessment of additional data resulting from the provision of VR services including: trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether a customer is eligible.

**5.6.1 -Eligibility/Ineligibility:** For each customer determined eligible or ineligible for vocational rehabilitation services, the record of services must include a dated Eligibility Determination completed by a qualified VRC. Written notification of an ineligibility determination will be provided to the customer.

An ineligibility notification must include the reason for the determination, rights and responsibilities, Client Assistance Program (CAP) information and information and referral to other appropriate agencies, which may include referral to the other Workforce Development System partners. A customer should be referred to the Extended Employment Services Program for work services if the ineligibility reason is “Disability Too Significant to Benefit from VR Services.”

Ineligibility decisions based upon the severity of disability must outline clear and convincing evidence and require a period of Trial Work Experiences prior to closure. (See Closure, Section 13)

**NOTE:** Clear and convincing evidence is a high degree of certainty a VR counselor has before concluding that an individual cannot benefit from VR services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in the civil system of law. The standard is to be applied on a case-by-case basis.

The term *clear* means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. However, clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual’s needs due to the severity of the individual’s disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

It is a federal requirement that IDVR review the closure outcomes for those who are “Disability too Significant to Benefit from VR Services” within 12 months of closure and annually thereafter, if requested. (See Section 13)

**5.6.2- Trial Work Experiences (TWE) for Customers with Significant Disabilities:** Prior to any determination that an applicant with a disability is unable to benefit from VR services in terms of an employment outcome because of the severity of disability, IDVR must assess the customer’s abilities, capabilities, and the capacity to perform in competitive integrated work situations, to the maximum extent possible, consistent with informed choice and rehabilitation needs of the individual.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

In such cases a written Trial Work Experience (TWE) plan must be developed to assess and determine the above. Trial Work Experiences includes supported employment, on-the-job training, Community Based Work Evaluation (CBWE), and other experiences using realistic work settings and must be of sufficient variety and over a sufficient period of time to determine that there is sufficient evidence to conclude that the individual cannot benefit from Vocational Rehabilitation services in terms of a competitive integrated employment outcome. Appropriate supports, including assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the customer must be provided, if needed.

Trial Work Experience is used to demonstrate whether the customer is capable of benefiting from VR services. Trial Work Experience will be conducted before Presumptive Eligibility is completed if there is a question regarding the customer's ability to benefit from services.

Review the TWE Plan at least every 90 days to determine if there is sufficient evidence to conclude that the customer can benefit from VR services in terms of an employment outcome or there is clear and convincing evidence that the customer is incapable of benefiting from VR services in terms of an employment outcome due to the severity of the disability.

Make the determination for eligibility or case closure within the 18-month time frame.

## **SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY**

### ***6.1 Policy***

At the time a customer is determined eligible for VR services, a VRC will determine the significance of the disability and, based upon the determination, will assign the customer to a priority category. If the Agency is not under an Order of Selection, the prioritization will be used (1) for planning purposes to ascertain services that can continue to be provided to all who are eligible and (2) to provide a structure for an easy transition to an Order of Selection, when required. If the Agency is under an Order of Selection (see Field Services Policy Manual Section 14.0), the priority categories are used to determine the order in which customers receive services.

### ***6.2 Definitions***

#### **Priority Categories:**

Priority 1 – Eligible individuals with the Most Significant Disabilities (MSD)

Priority 2 – Eligible individuals with Significant Disabilities (SD)

Priority 3 – All other eligible individuals with Disabilities (D)

#### **Priority 1 - Most Significant Disability (MSD)**

- a. Meets the criteria established for a customer with a significant disability;

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- b. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

**Priority 2 - Significant Disability (SD)**

- a. Meets the criteria for a customer with no significant disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits two or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

**Priority 3 - Disability (D)**

- a. ~~Who h~~H as a physical or mental impairment;
- b. ~~Whose i~~I mpairment constitutes or results in a substantial impediment to employment; and
- c. ~~Who e~~C an benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** Customers who are beneficiaries of Social Security Disability Insurance (SSDI) or recipients of Supplemental Security Income (SSI) for disability reasons are categorized as SD or MSD, depending upon the extent of their functional capacity limitations.

**Order of Selection (OOS):** When VR services cannot be provided to all eligible customers because of fiscal or personnel capacity constraints, the Agency will enter an Order of Selection process that will ensure that first priority is given to customers with the Most Significant Disabilities. *Please review Section 14.0 for details regarding Order of Selection.*

***6.3 Procedures***

**Determination of Severity of Disability**

A VRC determines and documents the level of severity of a customer's disability based on a review of the information gathered for eligibility determination. If additional information is necessary to make the determination, a VRC may obtain the information from the customer, customer's family, an outside professional, and/or another public agency.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

If adequate information is not available to describe or document current functioning, a VRC may purchase diagnostics from a qualified service provider.

A VRC reviews the data to determine:

- A. The number of functional capacity categories in terms of an employment outcome that are seriously impacted as a result of a disability;

AND

- B. Whether a customer is likely to need multiple primary IPE services to prepare for, obtain, or retain a job;

AND

- C. The anticipated duration of IPE services are needed for an extended period of time (at least 6 months).

**Identifying a Serious Loss of Functional Capacity**

Functional capacity categories include: mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, and work skills. To identify a loss of functional capacity, a VRC reviews and assesses data provided by the customer or customer's family, observed by the VRC, or reported by another qualified professional to determine whether:

- A. A loss of functional capacity resulting from a disability is present;

AND

- B. The loss of functional capacity represents an impediment to employment;

AND

- C. The loss of functional capacity meets the definition of "serious loss of functional capacity."

A serious loss of functional capacity means a reduction in capacity of the customer to the degree that the person requires services or accommodations not typically provided to other individuals in order to prepare for, secure, or retain a job.

A specific disability diagnosis does not automatically infer a serious loss of functional capacity. Although certain functional losses are commonly associated with specific disability diagnoses, the presence and seriousness of the loss is unique for each person. Therefore, a VRC must complete a thorough evaluation of loss of functional capacity for each customer.

Non-disability factors such as age, sex, race, cultural, geographic location, poor public transportation, legal history, or lack of training should not be considered when determining loss



of functional capacity. It is within the VRC's judgment to determine whether limitations are disability related or not.

### **Self-Reported or Observed Loss of Functional Capacity**

A review and assessment of existing data, including counselor observations, information provided by the customer or the customer's family, particularly information used by education officials or school representatives or others may be used to identify loss of functional capacity.

Counselor observations alone are not adequate to support the determination of a serious functional loss, but should be used in conjunction with supporting medical information provided by a qualified professional. If an individual reports a functional loss that is not consistent with or not supported by disability related documentation, the VRC and the individual need to discuss and reach an agreement as to how to obtain the information necessary to verify the functional loss.

For example, while interviewing an applicant who is hard of hearing, a VRC observes that the applicant is not able to effectively communicate verbally. Medical records clearly establish a hearing impairment, but do not address verbal limitations. Because a loss of functional capacity in verbal communication is consistent with and commonly associated with hearing loss, the VRC may determine, based on his or her observations, that a serious loss of functional capacity is present. To ensure the case service record explains and supports the determination, the VRC enters case narrative explaining that a loss in the area of communication was observed, a summary of the observations, and how the loss of functional capacity affects the customer.

### **SD/MSD Checklist**

Once the VRC determines a disability-related loss of functional capacity, the VRC considers whether the loss of functional capacity meets the definition of a "serious loss of functional capacity" contained in the SD/MSD Checklist loss of functional capacity definitions. If the loss of functional capacity meets the definitions of a "serious loss of functional capacity" the VRC checks the appropriate indicator on the Checklist.

The VRC completes the SD/MSD Checklist for each customer as soon as sufficient information is available, but no later than sixty (60) days from the date of application (unless an extension has been agreed upon). The same information gathered during the assessment process for eligibility may be used in the significance of disability determination.

An individual is classified in the highest priority category he/she meets. The determination may be re-evaluated at any time during the VR process if either the individual or the VRC believes there is a significant change in the individual's disabling condition which could result in a change of priority categories. Under an Order of Selection, a re-evaluation would never result in an individual being moved from an open service category to a closed service category.

## **SECTION 7.0 ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS**

### ***7.1 Primary Source of Information***

To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of services to be included in the Individualized Plan for Employment (IPE) must be determined based on the data used for the assessment of eligibility and priority for services.

The Comprehensive Assessment to be completed prior to the development of the IPE will use, as a primary source of information, to the maximum extent possible, the following:

- A. Existing information
- B. Information provided by the customer and, where appropriate, by the family of the customer.
- C. The Assessment may also include new information acquired by IDVR including an in-house vocational evaluation; Community Based Work Evaluation (CBWE), aptitude tests, interest tests, job shadowing or any pertinent assessment required to identify the objectives, nature and scope of VR services that the customer may need in order to substantiate the choice of employment outcome.

## ***7.2 Comprehensive Assessment of Rehabilitation Needs***

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to any potential vocational goal. The assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the customer.

### **7.2.1 Assessment of the Customer's Current Realities**

The VRC and customer will evaluate the following relevant factors.

#### **Work History:**

The VRC is required to obtain a thorough work history of the customer at the time of the intake interview. The gathering of this information requires the identification of job titles, job duties/responsibilities, and length of time in each position, hiring/educational requirements, and the reasons for leaving. Some attempt should be made to assess the customer's satisfaction with the job, the employer, and co-workers.

#### **Functional Limitations:**

Functional limitations need to be clearly outlined before the customer begins the development of a vocational goal. The establishment of an appropriate vocational goal requires that both the VRC and customer are aware of and address the true barriers to employment including the customer's perception of their limitations. This involves addressing the following areas:

- A. Physical limitations (lifting, walking, carrying, driving, stooping, reaching, handling, and bending)
- B. Mental limitations (coping with stress, working with other people, working alone)
- C. Current work tolerance

- D. Acceptance of disability
- E. Cognitive functioning

**Personal Social & Economic Factors:**

It is important for the VRC and customer to gather, document, and understand personal social and economic considerations. These considerations include:

- A. Values (personal and work)
- B. Family
- C. Service or support agencies
- D. Legal
- E. Financial (current realities and future expectations)
- F. Substance Use
  
- G. Non-financial resources/supports available

It is critical to understand the personal, social and economic factors as it relates to the development of the employment goal and the IPE.

**Aptitudes/Transferable Skills:**

To determine an appropriate employment goal the VRC and customer must identify the aptitudes, skills, and ability that the customer possesses. The following skill areas are to be addressed:

Personal skills – In the areas of s

Self-management,

sSelf-care, and/or

A. Ppersonality characteristics.

A.B. Functional skills – A person’s level of skill working with data, people, and things.

Specific work skills – competencies in specific work task areas.

B.C. Many tools exist to assist the customer and the VRC to identify aptitudes and transferable skills.

**7.2.2 Identification of potential employment goal, rehabilitation needs, and IPE services**

The VRC and customer will evaluate a potential employment goal and identify rehabilitation needs and services required to achieve that employment goal.

**Vocational Assessment:**

Vocational assessment is a comprehensive process involving the VRC and the customer that focuses on functional abilities and will incorporate medical, psychological, social, vocational, educational, cultural, economic data, and real or simulated work. This is done to identify the employment goal, its overall feasibility, and the VR services that are needed to achieve that goal. Examples of vocational assessment include:

- A. Formal Vocational Evaluation
- B. Community Based Assessment
- C. Guidance & Counseling – Facilitated Self-Discovery
- D. Labor Market Research
- E. Assistive Technology Review

**7.3 IPE Development:**

Through the comprehensive assessment the customer has made an informed choice of his/her vocational goal. For the vocational goal to be implemented, the VRC must concur that the vocational goal is feasible. The VRC will then assist in identifying the IPE services needed to remove barriers to employment. The VRC is required to address all previously identified disability related barriers to employment. These services include but are not limited to:

- A. Counseling and Guidance
- B. Training
- C. Medical and mental restoration
- D. Disability adjustment training
- E. Information and referral services
- F. Interpreter services
- G. Job placement assistance
- H. Job readiness training
- I. Job search assistance
- J. Maintenance
- K. On-the-job supports
- L. On-the-job training
- M. Other services
- N. Personal attendant services
- O. Reader services
- P. Rehabilitation technology
- Q. Technical assistance services
- R. Transportation services

Vocational rehabilitation services are any services described in an IPE necessary to assist a customer with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customer.

The following are essential components that need to be addressed and documented as part of the comprehensive assessment:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

- Compatibility of Disability with Employment
- Skills, Interests, Aptitudes, and Abilities
- Market Analysis
- Economic Expectations and Potential for Career Growth
- Vocational Strengths and Capacities
- Customer Financial Issues
- Informed Customer Choice
- Social Support
- Training and Academic Test Results
- Rehabilitation Technology needs
- Legal barriers and industry specific requirement (criminal issues, drug and alcohol screenings, tobacco use, etc.)

#### ***7.4 Medical Consultation Policy***

Medical consultants are retained by IDVR. Medical consultants can be used to review a customer's diagnostic information 1) to determine if it is complete or if updated and/or additional medical reports are necessary; 2) to train the counselor about medical conditions; and 3) to assist in case management direction.

Examples of times to use a medical consultant are:

- A. Eligibility determination
- B. Plan development
- C. Prior to medical restoration services
- D. Whenever a VR staff member has a question about a customer's treatment, medications, or condition including such issues as the natural course of the disease or treatment options.

When presenting a case file to the medical consultant, be prepared to:

1. Present specific questions to the medical consultant; and
2. Speak knowledgeably about the customer.

Some examples of things a VR staff member may consider prior to medical consultation:

- A. File medical information in chronological order with most recent on top
- B. Highlight or tab important information
- C. Eliminate duplicate data
- D. List questions for the medical consultant

### **SECTION 8.0 ~~CUSTOMER FINANCIAL PARTICIPATION OF CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED~~**

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

In order to further IDVR's mission to help customers move towards independence and self-sufficiency, IDVR encourages customers to be personally invested in and contribute financially towards the cost of their VR plan [services](#), when possible. The extent of the customer's participation in the cost of Vocational Rehabilitation services is based on their income and other factors. The Financial Participation Assessment is an effective tool for identifying customer resources as they relate to VR planning and implementation, regardless of the amount contributed by the customer.

Reminder: Financial need and/or participation status are not factors in the eligibility determination.

**Financial Participation is assessed using IDVR's Financial Participation Assessment (FPA) Form.**

1. After eligibility, during plan development, while exploring comparable benefits, AND
2. Every twelve (12) months or if financial circumstances change significantly, whichever occurs sooner.

**Services Exempt from Financial Participation:**

A Financial Participation Assessment will be applied as a condition for providing vocational rehabilitation services, EXCEPT for the following: (34 CFR 361.54(b) (3))

1. Assessment for determining eligibility and vocational rehabilitation needs.  
NOTE: Assessment services for determining eligibility and vocational rehabilitation needs, which are not diagnostic in nature and are provided in the trial work period (i.e., transportation), are subject to financial participation.
2. Vocational rehabilitation counseling and guidance and referral services;
3. Any auxiliary aid or services (e.g., interpreter services or reader services) that an individual with a disability requires in order for the individual to participate in the vocational rehabilitation program. Auxiliary aids and services do not include personally prescribed devices such as eye glasses, hearing aids, or wheelchairs;
4. Personal assistance services;
5. Job related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services, i.e., Community Based Work Adjustment, Job Site Development (CBWAJSD), Community Based Work Adjustment (CBWA), Placement and Follow Along Job Site Development (P&FJSD), and Placement and Follow Along (P&F).

Upon completion of the FPA and the determination of services to be included on the IPE the counselor and customer will identify the specific IPE services that will be paid for by each party.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

It should be emphasized to the customer and vendor that IDVR will not be responsible for the customer's debts, under any circumstances. If the customer's debts to a vendor inhibit the provision of services necessary to achieve the employment goal, IDVR will work with the customer to explore options for the continuation of services.

**Exemption from Required Participation**

Customers who receive SSI and/or SSDI are exempt from financial contribution. However, to ensure a customer qualifies for this exemption, written proof of SSI or SSDI qualification must be received. *It should be noted that customers who receive Social Security benefits from retirement, spouse of retired worker, child of a retired worker, child of deceased worker, widow, parent of deceased worker, spouse of disabled worker, or child of a disabled worker would not be eligible for this exemption.*

**Factors for Determining Customer Financial Participation**

Several factors are considered to determine a customer's level of financial participation, including the customer's and/or spouse's income, estimated annual plan costs, exclusions such as impairment related work expenses, and available financial resources which exceed the Department of Health and Human Services (HHS) Federal Poverty Guidelines.

The following steps are taken to identify the level of participation:

The applicable income is subject to two calculations. The first calculation will determine the required participation by comparing income category and expected plan costs.

The second calculation identifies an annual maximum percentage of the applicable income that the customer will be required to contribute toward their plan costs and will not exceed 25% of the applicable income.

The lower amount of the two calculations above will determine the customer's expected annual contribution. All service costs anticipated or purchased during the twelve (12) month period covered by the FPA are to be considered in aggregate rather than individually calculated.

In exceptional cases, circumstances may occur where rigid adherence to the Financial Participation Policy could seriously jeopardize the customer's opportunity to achieve rehabilitation objectives and an employment outcome. In such cases, exceptions to the policy may be considered by the RM and Chief of Field Services.

The customer, parents or legal guardian completing the Financial Participation Assessment Form will be required to provide financial documentation for verification. If the customer has a financial participation requirement, it will be applied to purchases prior to assessing any maximum agency contributions from the Agency Payment Policy (Section 12.2).

## SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM

All purchases must follow federal, state, and IDVR purchasing guidelines.

Purchases require written authorization (Authorization for Purchase (AFP)), prior to initiation of the service or the purchase of any equipment.

The responsibility for authorizing services and approving payment of those services must be assigned to separate employees.

Purchases will be made consistent with the prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.

The Rehabilitation Act of 1973, as amended, and its implementing regulations mandate procedures in the provision of services and methods of procurement. Customers with a disability served through the vocational rehabilitation program must be actively involved in choosing the vocational rehabilitation services they receive and the entities providing those services.

Consistent with procurement guidelines, a VRC cannot obligate IDVR to services that exceed his/her procurement authority. An Individualized Plan for Employment (IPE) that will include a service ~~generating an AFP~~ over \$~~5,000~~9,999 will require the RM's written approval of the IPE prior to the plan being approved. The VRC will inform the customer that the plan is pending approval during this process. An AFP cannot be fragmented into multiple AFP's as a way to circumvent this approval.

In accordance with the Agency payment policy, all individual services with an authorization (AFP) All purchases in excess of \$~~5,000~~9,999 shall be approved by ~~reviewed and recommended by~~ the RM or designee.

**NOTE:** *Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Verbal authorizations are permitted in emergency situations by the RM or designee, but must be confirmed promptly in writing and forwarded to the provider. These authorizations are to be issued within three (3) business days of the beginning of the service.*

### **The following principles shall guide customer purchases:**

- A. The IPE is the primary document that determines the scope, duration and provider of services. The customer with a disability must agree to the terms and conditions of the IPE prior to services being provided.
- B. VRCs are required to determine the rehabilitation needs of the customer first, and then determine the provider and the procurement method. Costs, availability, success, experience providing the service and customer research are characteristics that guide the choice of the provider.



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- C. The method of procurement is also determined in partnership with the customer. The Agency prefers that a state AFP be provided to the selected vendor, with an invoice from the vendor documenting the service provision. Other methods are available, given the informed choice of the customer, including reimbursement.
- D. The provision of services must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the customer.
- E. All purchased services that are evaluative and restorative shall be authorized prior to the provision of services. The Agency will pay providers of medical services (both medical and psychological) based upon usual and customary fees for their area of specialization or based upon maximum agency contributions- that have been imposed for specific services (review the Payment Policy – Section 12.2 for more guidance). Customers are responsible for the cost of no-show or missed appointments. Regional Managers may approve exceptions on a case-by-case basis. Documentation of the exception is required in the case record.
- F. Staff will ensure fair and equitable treatment of all persons doing business with the Division.
- G. Purchases will be made consistent with the elimination and prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.
- H. The responsibility for authorizing services and approving payment of these services must be assigned to separate employees.
- I. The customer’s record of service shall contain necessary evidence and documentation of adherence to these principles.
- J. RMs are the Division’s field service procurement liaisons and are responsible to ensure that staff have necessary training.

**SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)**

***10.1 Options for Developing the IPE***

The eligible customer or, as appropriate, the customer’s representative may develop all or part of the IPE:

- A. Without the assistance from IDVR or any other entity
- OR
- A.B. With assistance from:
    - a. A qualified VRC employed by IDVR.
    - b. A qualified VRC who is not employed by IDVR.
    - c. Other resources.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

IDVR will not pay for IPE development services from other providers. IPE development must be completed on IDVR forms.

The IPE must be agreed to and signed by the customer or, as appropriate, the customer's representative, the VRC, and when required, the RM or designee. An IPE is considered approved and services initiated only after all required signatures have been obtained.

A comprehensive assessment must be completed in developing the IPE as described in section 7.2.

Customers must receive the supports that will assist them in making informed choices.

Customers shall promptly receive a copy of their initial IPE and any subsequent IPEs. Copies shall be provided in the native language of the customer or through appropriate modes of communication if appropriate.

NOTE: Because of the capability of the Case Management tool, with the ability to clone plans, write new plans, edit features and delete completed services, there will be only one active IPE plan at any given time, which is the current plan with all current services reflected on it. When the current plan is signed and approved by the customer and approving authority (counselor or supervisor) all previous plans will become void.

The record of services must support the selection of the specific employment outcome, the objectives of the IPE and the selection of providers of services. All goods and services, except assessment services, may only be provided in accordance with IPE.

An IPE can support one of the ~~three~~ five following employment outcomes:

1. Competitive integrated employment typically found in the ~~integrated~~ labor market;-
2. Self-employment;
3. Integrated employment with supports/

IDVR must:

1. Reinforce the ultimate purpose of the IPE: To assist the customer to prepare for, secure, retain, or regain employment.
2. Insure that the customer fully understands that she/he must participate as an active and cooperative partner in the identification and selection, through informed choice, of a vocational goal, having a reasonable expectation for marketable success.
3. Insure that the customer fully commits to participate in the implementation and completion of the IPE.

### 10.2 *Developing the Vocational Goal:*

In selecting a vocational goal, it is important that the customer is actively involved in all phases of this development. Much research has been done to substantiate that the successful outcome of vocational rehabilitation increases when the customer is involved in every phase of the vocational planning. Vocational planning is built around vocational exploration, understanding the customer's medical and work history, his/her perception of disability, social habits, functional limitations, inherent aptitudes and transferable skills, vocational exploration through vocational evaluation, training options, and labor market research. The customer will explore the relationship of vocational objectives around his or her personal capabilities, interest, and situations and then attempt to understand the way these different factors impact and influence vocational potential. This information then helps the customer to develop the steps to a solid rehabilitation plan and provides tools for the customer to assess his/her current state of mind and to encourage positive self-initiated resolutions.

### 10.3 *Ticket to Work*

When a customer has a Ticket to Work through SSA and an approved VR IPE, their ticket is automatically assigned to IDVR, unless the ticket is already assigned to another employment network (EN). If the customer has a ticket assigned to another EN prior to IDVR involvement, the customer will be requested to reassign the ticket to IDVR. If the customer does not reassign their ticket, IDVR will need a copy of the work plan from the EN that the ticket was assigned to, to ensure that no duplication of services overlap occurs. It is the customer's responsibility to provide the ticket work plan prior to IPE implementation. IDVR needs to have an agreement with the EN for IDVR plan costs to be paid.-

An Agency verification program has been implemented that informs Maximus of all SSA recipients customers -who have been placed into an initial IPE. If a customerrecipient has been assigned a ticket by SSA, Maximus will designate the ticket as "in usage" at the time of notification by the Agency.

The VRC should always inform the SSA recipientcustomer that the choice to participate in an active IPE program will restrict the any option to assign the ticket to other employment networks (ENs) while participating in the VR program.

At closure, the ticket is automatically unassigned from IDVR and eligible VRC is not required to contact Maximus. An Agency verification program has been designed to inform Maximus of ease closure. This notification will re-activate the ticket for further ticket reassignment to an EN. engagement if desired by the customer.

At successful closure, when appropriate it is highly recommended that a VRC will provide a list of ENs to the customer who is capable of provides initiating follow-along or other relevant services, which may be needed, such as "Phase 2" and or "Monthly Outcome Payment" services. By rReferring the customers whose is earnings are at or above Substantial Gainful Activity (SGA) level at closure to an EN; increases the probability that the customer will be able to successfully maintain their employment of agency reimbursement, at the completion of nine months of employment will be increased significantly.

10.4 The IPE must include the following:

- A. A specific employment outcome determined by the VRC and customer using the information from the Comprehensive Assessment (Section 7.2) and consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. In concert with the customer, the VRC must conduct a thorough market analysis to include job outlook and the customer's economic expectations and needs. Planned services on the IPE should only entail those required to achieve the vocational goal.
- B. The specific rehabilitation services needed to achieve the employment outcome, along with the projected dates for initiation and anticipated duration of each service, including, as appropriate, assistive technology devices, assistive technology services and personal assistance services including training in the management of those services as provided in the most integrated setting that is appropriate for the services and is consistent with the informed choice of the eligible customer;
- C. A description of the entity or entities chosen by the eligible customer or, as appropriate, the customer's representative that will provide the vocational rehabilitation services and the methods to procure those services;
- D. A description of the criteria ("Plan Documentation") that will be used to evaluate progress toward achievement of the employment outcome;
- E. The terms and conditions of the IPE, including information describing the responsibilities of IDVR and the customer to achieve the employment outcome;
- F. The extent of the customer's participation in paying for the costs of services;
- G. Customer requirements to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will be listed on the IPE;
- H. As necessary, the expected need for post-employment services prior to the point of successful closure (Review Post-Employment – Section 12.14).
  - a. A description of the terms, conditions, and duration of the provision of post-employment services;
  - b. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services or benefits;
- I. Supported Employment – for customers with the most severe disabilities for whom a vocational objective of supported employment has been determined appropriate, the following must be addressed:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

- a. A description of time-limited services to be provided by IDVR not to exceed 24 months in duration, unless under special circumstances, the eligible customer and the VRC jointly agree to extend the time to achieve the employment outcome;
  - b. A description of an identified source of funding for the extended services needed (long-term support). If it is not possible to identify the source of such funding, a statement that there is a reasonable expectation that extended services will be available. Extended services for adults are provided by a State agency, a private non-profit organization, employer, or other appropriate resource, from funds other than IDVR. See FSPM Section 12.13 Supported Employment for information on Youth Extended Services provided by IDVR.
- J. In developing an IPE for a transition student with a disability, the IPE shall be prepared in coordination with the appropriate educational agency and will consider the student's Individualized Education Program (IEP) if one exists;
- K. Completion of the IPE for all School-Work transition customers, within 90 days of the eligibility decision.

***10.4 The IPE must include the following:***

- ~~A. Using the information from the Comprehensive Assessment (Section 7.2) the VRC and customer must determine a specific employment outcome consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. In concert with the customer, the VRC must conduct a thorough market analysis to include job outlook and the customer's economic expectations and needs. Planned services on the IPE should only entail those required to achieve the vocational goal.~~
- ~~B. The specific rehabilitation services needed to achieve the employment outcome, along with the projected dates for initiation and anticipated duration of each service, including:
  - ~~a. As appropriate, assistive technology devices, assistive technology services and personal assistance services including training in the management of those services;~~
  - ~~b. As provided in the most integrated setting that is appropriate for the services and is consistent with the informed choice of the eligible customer;~~
  - ~~c. Timelines for the achievement of the employment outcome and for the initiation of services;~~
  - ~~d. A description of the entity or entities chosen by the eligible customer or, as appropriate, the customer's representative that will provide the vocational rehabilitation services and the methods to procure those services;~~
  - ~~e. A description of the criteria ("Plan Documentation") that will be used to evaluate progress toward achievement of the employment outcome;~~~~

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- ~~f. The terms and conditions of the IPE, will include information describing the responsibilities of IDVR and the customer to achieve the employment outcome;~~
- ~~g. The extent of the customer's participation in paying for the costs of services;~~
- ~~h. The customer is required to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will be listed on the IPE;~~
- ~~i. As necessary, the expected need for post-employment services prior to the point of successful closure (Review Post-Employment—Section 12.14).~~
- ~~j. A description of the terms, conditions, and duration of the provision of post-employment services;~~
- ~~k. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services or benefits;~~
- ~~l. Supported Employment—for customers with the most severe disabilities for whom a vocational objective of supported employment has been determined appropriate, the following must be addressed:
  - ~~• A description of time limited services to be provided by IDVR not to exceed 24eighteen (18) months in duration, unless under special circumstances, the eligible customer and the VRC jointly agree to extend the time to achieve the employment outcome;~~
  - ~~• A description of an identified source of funding for the extended services needed (long term support). If it is not possible to identify the source of such funding, a statement that there is a reasonable expectation that extended services will be available. Extended services for adults are provided by a State agency, a private non-profit organization, employer, or other appropriate resource, from funds other than IDVR. See FSPM Section 12.13 Supported Employment for information on Youth Extended Services provided by IDVR.~~~~
- ~~m. In developing an IPE for a transition student with a disability, the IPE shall be prepared in coordination with the appropriate educational agency and will consider the student's Individualized Education Program (IEP) if one exists;~~
- ~~n. Completion of the IPE for all School-Work transition customers, *before they exit the school system.*~~

~~**NOTE:** Because of the capability of the Case Management tool, with the ability to clone plans, write new plans, edit features and delete completed services, there will be only **one active plan**, which is the current plan with all current services reflected on it. When the current plan is~~

~~signed and approved by the customer and approving authority (counselor or supervisor) all previous plans will become void.~~

#### 10.4.1 Implementation of the IPE

##### Plan Approval Authority:

VRCs who do not meet CSPD will continue to require RM approval for all plans. RMs may, at their discretion, delegate this function to an Assistant Regional Manager (ARM) or other senior counselors at a level 2 or 3.

The VRC should ensure that the IPE is developed and implemented in a timely manner, within 90 days of the eligibility decision. If, for exceptional and unforeseen circumstances, the IPE cannot be written by the 90 day deadline, an IPE extension may be made. The IPE extension must be agreed to by the customer and the VRC. An exception may be made and must be documented on or before the plan due date if this timeframe will be exceeded due to the needs of the customer. Documentation should include the reason for the extension, customer readiness to implement the IPE (i.e. legal, family, medical, transportation, ~~or~~ housing issues), additional information required for IPE development and the specific date the IPE will be written, and the anticipated time frame for resolution of factors delaying IPE implementation.

#### 10.5 Annual IPE Review

The IPE must be reviewed and documented annually by a qualified VRC and the customer to assess the eligible customer's progress toward achieving the identified employment outcome. An approved plan amendment would replace an annual review.

#### 10.6 IPE Electronic Case Management Functions

**New Plan:** The "New Plan" option is utilized when completing an initial plan or when the overall nature of the IPE is changed. This would occur when a new vocational goal is chosen and there are major changes in the planned services. Any time a new vocational goal is chosen, a new comprehensive assessment case note must be completed that supports the new vocational goal. Remember: with the development of a new plan, the VRC and customer will need to include all needed services and complete the pertinent comparable benefit documentation outlined in Section 11.0.

**Clone:** The clone feature is to be used when the basic nature of the plan is going to remain the same. This feature brings forward a full copy of the previous IPE and allows the VRC and customer to add new services. New services will be given new service numbers when they are added to the clone. It is important to add new services before deleting previous services from the plan that have been completed or expired. This keeps service number 1-2-3... in numerical order and allows for subsequent services to be numbered appropriately. Justification for the new services must be documented in the comments section of the Plan sub page. *If the goal is changed without the need to modify services, the IPE can be cloned.* Change the goal and update the comprehensive assessment in a case note to justify vocational change. When adding new or

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

~~expanded services to a clone, *always update the justification in the “documentation” box.* It is not necessary to clone the plan each time the price of a service outlined on a plan increases. This can be accommodated through the authorization showing the increased costs.~~

~~**Edit:** There are limited circumstances when editing an IPE is allowed. When editing an IPE, a VRC, who meets CSPD standards, must document in a case note the customer’s agreement with the edit of the IPE. The only two situations where an IPE can be edited are:~~

~~1. Changing the provider of a service~~

~~Generic services can be edited on an IPE, with customer agreement, without a customer’s signature, prior to the initiation to that service. Non-generic services cannot be edited. No service may be added to the IPE through the edit process.~~

~~a. Generic services — Tutoring, computer equipment / software, auto repairs, books, transportation, community rehabilitation services, child care, clothing, academic testing, dental work, dialysis, driver’s training, eye glasses, functional capacity evaluation, GED, hearing aids, information referral services, insurance, kidney related services, lab work, licensure, maintenance, medication, vocational adjustment, tools and equipment, supplies, and x-rays.~~

~~b. Non-generic services — Medical examination, diagnostic examinations, case management, post-secondary education, medical records, counseling and guidance, treatment, evaluation, hospitalization, interpreter services, education and evaluation, therapy, OJT, other services, personal assistant services, psychological consultation, prosthetics / orthotics, rehabilitation technology, rehab engineering, self-employment technical assistance, surgery, transition planning, and vocational evaluation.~~

~~2. Changing the cost of a service~~

~~The cost of services on the IPE can be edited if the cost increase is 10% or less for that particular service.~~

~~**Plan Approval Authority:**~~

~~VRCs who do not meet CSPD will continue to require RM approval for all plans. RMs may, at their discretion, delegate this function to an Assistant Regional Manager (ARM) or other senior counselors at a level 2 or 3.~~

~~**Annual Review:** Upon completion of annual review with customer, the VRC must complete annual review function in [the](#) Case Management System.~~

## **SECTION 11.0 COMPARABLE SERVICES AND BENEFITS**

### ***11.1 Comparable Services and Benefits***



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

Each eligible customer will be required to identify, with the VRC, all potential comparable benefits that may be available during the development of the Individualized Plan for Employment (IPE). If comparable benefits are available for VR services, including accommodations, personally prescribed devices (hearing aids, eyeglasses, or wheelchairs) and auxiliary aids and services (interpreter and reader services), they *are required to* be utilized, to meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services should be utilized before IDVR agency funds are expended.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

Provision of Services:

1. If comparable services or benefits exist under any other program and are available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, ~~the designated State~~IDVR ~~unit~~ must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.
2. If comparable services or benefits exist under any other program, but are not available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, ~~the designated State unit~~IDVR must provide vocational rehabilitation services until those comparable services and benefits become available.

The utilization of comparable services and benefits does not apply in the following situations:

- A. If the determination of the availability would delay the provision of vocational rehabilitation to any customer who is at extreme medical risk. A determination of extreme medical risk shall be based upon medical documentation provided by an appropriate licensed medical professional and means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously. It is strongly recommended that such cases receive medical consultation review whenever possible.
- B. If an immediate job placement would be lost due to a delay in the provision of comparable benefits.

### ***11.2 Exempt Services***

The following categories of service are exempt to the requirement that comparable services and benefits be utilized:

- A. Medical, psychological or other examination to determine eligibility.
- B. IDVR counseling, guidance, information and referral, and IDVR job related services including: job search and placement assistance, job retention services, follow-up services, and follow along services.
- C. Evaluation of vocational rehabilitation potential.
- D. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices. Exemption of rehabilitation technology services does not extend to auxiliary aids or services or personally prescribed devices, such as eye glasses, hearing aids, or wheelchairs.

~~E. Post employment services that are outlined through A-D.~~

### ***11.3 Timeliness of Comparable Benefits***

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

If a comparable benefit exists, but is not available to the customer at the time needed to satisfy the rehabilitation objectives on the IPE due to no delay on the part of the eligible participant in seeking such benefits, IDVR may provide services until the comparable benefits become available.

## **SECTION 12.0 VOCATIONAL REHABILITATION SERVICES**

### ***12.1 Timeliness***

The VRC and customer require adequate time to accomplish all steps in the VR process to reach a determination and approval of an agreed upon feasible vocational goal. VR services, other than assessment services, are initiated when the steps to this process have been completed and a plan is in place. Sufficient time must be allowed for the completion of a comprehensive assessment prior to implementation of IPE services.

Post-Secondary Training (PST) and other IPE services are VR services that are provided when it is required for a VR customer to become a competitive applicant for an approved IPE goal. If an applicant for VR services expresses an interest in a vocational goal that requires Post-Secondary Training and the VR applicant is either already enrolled in or desires to start a PST program within six (6) months of application, IDVR reserves the right to assert that six (6) months or less may not be adequate to complete the process described above.

### ***12.2 Agency Payment Policy***

Many of the services listed below include *maximum agency contributions*. This section outlines in detail the payment policy of IDVR in regard to specific services. It is the policy of IDVR to pay usual, customary, and reasonable charges for services provided to its customers by providers, except for the list provided in this section. An exception to the payment policy is included at the end of this section, explaining that the maximum agency contributions established may, on occasion be exceeded. It is important to emphasize that IDVR is not obligated to pay the total cost of services required to ensure that a customer achieves an employment outcome. When available, customers are required to utilize Comparable Services and Benefits (Section 11.0). Personal financial participation in the payment of some portion of the costs of a vocational plan may be required based upon the particular service selected as well as the identification of personal resources that could be applied toward the cost of the targeted service.

#### **Social Security Beneficiaries (SSI or SSDI)**

Social Security disability benefits recipients are [exempt from ~~not required to~~ participating in the FPA. However they are responsible for ~~and~~ financially contributing towards any costs which are in excess of the Agency payment policy. Exceptions should be sought when these costs effectively deny access to a necessary service.](#)

#### **Applying the Financial Participation Assessment Information to Making Purchases**

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

If the customer has a financial participation requirement (Section 8.0), it will be applied to purchases ~~after~~<sup>prior to</sup> assessing any maximum agency contributions from the purchasing section.

**Purchasing Requirements to Procure Goods and Services**

The State of Idaho purchasing statutes require State agencies to purchase goods and services off of the statewide contract. This allows agencies to purchase items off of contracts at pre-negotiated prices. Therefore, before ordering goods or services for customers, staff must verify that those items are or are not on the statewide contract list. Goods and services purchased using the statewide contracts do not require three bids from vendors. If goods or services cannot be purchased through one of the statewide contracts, other vendors may be used in the competitive bid process. For those goods and services which are \$500 or more, staff will need to obtain three bids. Idaho is a low bid State; therefore, the lowest bid, meeting specifications, will be the maximum amount IDVR will contribute to the purchase of goods or services.

The following items are exempt from the Department of Purchasing's requirement to use the statewide contract if the items are under \$50,000, however purchasing rules still apply with regard to acquiring three bids, when available and practical.

1. Prosthetics or personally prescribed devices.
2. Tuition or training fees for individualized job-related training.
3. Vehicle modifications to meet individual mobility needs.

[On a case by case basis, an exemption to using the statewide contract may be requested from the Division of Purchasing for any individualized service.](#)

**Rates of Payment**

Fees are established in accordance with federal guidelines that permit an agency to establish maximum agency contribution for services designed to ensure a reasonable cost to the program for each service. The Payment Policy will determine the maximum that IDVR will contribute to the purchase. For items not included in the payment policy, the usual, customary and reasonable rate will be used for the service, not to exceed the rate charged other public agencies. The services that will meet the customer's need, at the least cost to IDVR, shall be the service purchased. All decisions on cases, including fee for services, are determined on an individual case basis. The customer may choose his or her preferred vendor, however if the cost of the services exceeds the maximum agency contribution established by the Payment Policy, the customer will be responsible for the excess amount.

**IDVR Payment Rates:**

- 1. Post-Secondary Training:** IDVR provides financial assistance for Post-Secondary Training. Listed below are maximum assistance allowances to apply toward all training and educational programs including college, university, vocational-technical, truck driving, cosmetology, business school, computer training, commercial pilot training, etc.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

~~The established percentage support applies to ALL tuition and fees including any associated health insurance fees.~~

- a. Pell Grant/Financial Aid:** Any customer planning on attending an institution that is eligible for Pell Grant funding must complete the Free Application for Federal Student Aid (FASFA) application and receive an award or denial letter prior to any IDVR financial participation. All PELL grant proceeds must be applied first toward tuition and book expenses before IDVR assistance is provided.

Any non-merit grants or scholarships must also be applied to tuition, fees and books before IDVR assistance is applied.

A merit scholarship, based on academic standing or achievement, can be utilized at the student's discretion.

Student loans, including Federal student loans, can be utilized at the student's discretion.

In situations where a comparable and accessible Pell Grant and non-Pell Grant supported programs co-exist, IDVR requires utilization of the Pell Grant supported program.

An exception for IDVR financial support to a non-Pell Grant supported program (when a comparable Pell Grant supported program exists) can be granted after review and approval by the RM if the student can show extenuating circumstances and/or other very strong rationale for attending the non-Pell Grant supported program.

- b. Tuition:** IDVR will pay ~~up to up to 90% of~~ the total cost of tuition and fees (less any applicable grants) of any Idaho Public Post-Secondary Institution.

For customers choosing to attend out of the state or private institutions, IDVR will ~~pay~~ up to 90% of the tuition and fees at the rate of the highest Idaho Public Post-Secondary Institution offering the same or similar program.

- c. Non-Idaho Public Education and Training Institutions:** Public or private post-secondary institutions including colleges, universities, vocational technical schools, and other educational and training institutions (see 12.5).

Normally, IDVR financial participation will be limited to equivalent rates established for in state education and training with the following exceptions;

- i. If a customer's vocational goal requires an educational degree that is not available at a State of Idaho public institution, IDVR will pay a maximum of 1.5 times the rate of a single semester's tuition of the University of Idaho.
- ii. If the course of study is offered in-state and, because of the additional costs caused by accommodations for disability, it would be more cost effective for the Agency to support the attendance of the customer at an out-of-state educational institution; VR may pay the training rates established for out-of-state programs.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- d. Summer Sessions:** Summer sessions are generally considered optional for academic programs. Therefore additional funding is typically not allotted for summer sessions.

Payment for a summer session will be considered with approval from the RM. Maximum assistance rates will be established according to the length of the term, i.e. semester, trimester, quarter. Approval or denial for summer school assistance will be considered if it meets any of the following conditions;

- i. IDVR may pay for summer session if it is a required part of a program.
- ii. IDVR may pay for summer session in exceptional cases where a disability-related reasonable accommodation is verified.
- iii. IDVR may pay for an additional summer session if by attending the session the customer will be able to complete the college or university degree program by the end of that session.
- iv. IDVR may pay for a summer session if by attending the session the customer will be able to complete the college or university degree program within the timelines identified on the IPE.

- 2. Books:** Where available and feasible, customers are ~~encouraged~~[required](#) to use rental text books or e-books. Customers are required to adhere to the rental agreement.

If unavailable for rent or e-book format, some text books may need to be purchased. The expectation is that used books will be purchased when available.

IDVR will pay up to actual cost of the text books. If non-merit grant funds are remaining after paying tuition and fees they must be applied to books.

- 3. Medical Insurance for students in post-secondary education:** IDVR may pay for medical insurance for students while attending an institution that requires medical insurance. If the student has medical insurance or can obtain medical insurance that meets the institutions requirement, IDVR will not pay for medical insurance.

**Note to staff:** this must be issued as a separate authorization and classified as insurance.

- 4. Medical exams with written report:**

- a. General Physical exam - \$90 maximum
- b. Specialist exam by M.D. [or other qualified/licensed professional \(e.g., Physical or Occupational Therapist, etc.\)](#) - \$350 maximum, plus actual cost of related procedures (e.g. x-rays).

- 5. Psychiatric Evaluations:** \$250 maximum for the evaluation plus one medication monitoring sessions that is considered a diagnostic.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

6. **Psychological Exam by Licensed Psychologist:** \$300 maximum plus actual cost of psychometric tests.
7. **Ophthalmologist:** The specialist fee (\$350) for an ophthalmologist will be authorized when diseases of the eye are present and cannot be dealt with by an Optometrist.
8. **Optometrist:** Maximum fees are established for general visual exam, accompanying test, frames and glasses. Tinted glasses require a prescription for IDVR payment.

**Procedure Fees:**

Visual Exam \$90

Frames w/ Single Vision Lenses (per pair) \$180

Frames w/ Bifocal Lenses (per pair) \$200

Frames w/ Trifocal Lenses (per pair) \$230

Contact Lenses – Contact lenses cannot be purchased for clients unless there is documentation by an Ophthalmologist or Optometrist that there is a medical or visual need. Maximum assistance - \$125

9. **Psychotherapy/-Counseling Sessions:** IDVR recognizes the benefits of additional training, education, and credentialing and has established the following payment policy for customer psychotherapy and counseling.
  - a. Doctorate level licensed psychologist up to \$100.00 per session.
  - b. Masters level clinician (to include LPC, LCPC, MSW, LCSW, and ACADC) up to \$80.00 per session.
  - c. Bachelor's level counselor (CADC) up to \$60.00 per session.
  - d. Group Counseling – IDVR also recognizes the importance of group counseling as a part of mental health restoration and as a supplement to customer counseling. The following payment policy has been established for group counseling (not to include family counseling). Group counseling up to \$40.00 per session.

The maximum that can be spent on any psychotherapy or counseling services is \$1,000.00 for the life of the case.

**10. Medication and Medication Monitoring:**

Maximum: 3 months of medication identified on an IPE with one additional month if needed for diagnostic purposes, for a total of 4 months, while customer applies for reduced cost or free medication programs provided by drug companies or other sources of comparable benefits.

Maximum: 5 sessions of medication monitoring identified on an IPE. This does not include the one follow-up that is part of the evaluation.

**11. Dental Work:** including but not limited to, fillings, extractions, crowns, and dentures. Dental Work would need to eliminate or create an impediment to employment and must be appropriate to the identified employment goal.

Maximum: \$500 per case

**11.12. Hearing Aids: Maximum: \$1,000 per hearing aid.**

**Audiologist exam: \$~~100~~85.00 maximum**

**12.13. Transportation:**

- a. Public conveyance (bus, van) – Actual cost of service
- b. Private vehicle not to exceed \$60 maximum per month within a 20 mile radius or up to a maximum of \$200 per month outside the 20 mile radius.
- c. Taxi Services – In areas without public conveyance, IDVR will not exceed \$60 maximum per month.

**13.14. Car Repairs:** Maximum: \$300 per case (except for cost of reasonable accommodation for disability). IDVR will not pay for customary general car maintenance (i.e. oil changes, tire rotations, etc.).

**14.15. Auto Insurance:** Maximum six (6) months of auto insurance. VR will only pay auto insurance required, minimum liability coverage as required by the State of Idaho, to cover the VR customer as a vehicle operator.

**15.16. Vehicle Purchase:** Maximum: \$5,000  
IDVR does not purchase new vehicles (See Section 12.9).

**16.17. Maintenance:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are *in excess* of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an Individualized Plan for Employment (IPE). (Ref 34 CFR Part 361.5 (35)).

**NOTE:** *Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.*

Maximum: \$2,000 total per fiscal year.

**17.18. Copy Fees:**

Maximum: \$25 for a copy of records or reports.

**18.19. Community Rehabilitation Programs (CRPs):**



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- a. Maximum hourly rate for community based services - \$47.80/hour.

Services purchased from CRPs are not subject to the allowable maximum for training and educational expenses.

RMs can approve exceptions to the following limits:

- All types of Job Site Development - maximum 40 hours per strategy.
- Community Based Work Evaluation (CBWE) – maximum 40 hours.
- Community Based Work Adjustment (CBWA) – maximum 40 hours.
- Placement & Follow Along (P&F) – maximum 15 hours.
- Supported Employment (SE) Job Coaching – up to 80 initial hours, additional hours with RM approval, as needed.

Maximum daily rate for in-house work evaluation, work adjustment - \$69.55/day

**19.20. Tools & Equipment:**

Maximum: \$1,500 per case. The Agency's existing inventory of tools and equipment will count towards the \$1,500 maximum. *The VRC must always negotiate in the best interest of the agency on cost services and must use the statewide contract or obtain three bids (if not on the statewide contract), if vendors are available, on all durable equipment (reusable) valued at \$500 or more.*

Tools will need to be required for training or employment and must be verified by the school or employer.

Exception: If there is a change in employment outcome, the customer must return the original tools to VR. After the tools have been returned, VR may then purchase new tools up to the \$1,500 maximum for the new vocational goal.

**NOTE:** *A Property Agreement must be secured on all durable equipment or reusable supplies that are \$500 or more in value.*

**21. On-the-Job Training (OJT) Fees:**

(See section 12.5 On-The-Job Training)

Maximum: \$3,000 for a salary of \$9.00 per hour and under; \$5,000 for a salary between \$9.01 - \$15.00 per hour; \$7,500 for a salary of \$15.01 or more. There is a 20 hour a week minimum.

- a. The VRC must negotiate OJT fees based on:

- Employer's cost to train the individual above the normal level of training

- Level of technical skills required for job
- Number of hours worked
- b. The Individualized Plan for Employment (IPE) and OJT Agreement must include:
  - Cost of training
  - Length of time (# of months)

VRCs are strongly encouraged to negotiate a decreasing payment schedule with the employer.

## **22. Computers including hardware and software:**

Maximum: \$500 per case, except for disability related assistive technology. Standard use computers are required to use the statewide contract.

## **23. Self-Employment Plans – (see Section 12.10)**

**24. Child Care:** Maximum up to \$300 per month per case.

## **25. Reimbursements for Fines and/or Judgements:**

IDVR will not pay for costs associated or incurred due to illegal behavior (fines, restitution, judgements, and reinstatements due to legal related suspensions).

## **26. Advanced Degree:**

IDVR may assist with an advanced degree based upon the rehabilitation needs of the customer. (See section 12.5)

## **27. Typical exclusions from VR financial participation:**

- a. Securing a private pilot's license
- b. Organ transplant
- c. Surgery; Surgery may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome.

IDVR will only cover the cost of surgery if it will substantially reduce functional limitations. It is highly practical and appropriate for the VRC to explore alternative employment opportunities with customers that may negate the need for the corrective surgery. Such an alternative should accommodate the customer's functional restrictions and provide a level of income that would be comparable with potential earnings following a surgery.

**NOTE:** When physical restoration services for customers who have a temporary disability, which will be eliminated by surgical care in an acute general hospital, is the only vocational rehabilitation service to be provided, and the condition is likely to be remedied by relatively routine medical intervention with no significant lasting effects, the RSA position is that such cases should be referred to other agencies. Such services should not be paid for under vocational rehabilitation auspices. – (RSA Position Paper, 3/28/80, Robert R. Humphreys, commissioner of RSA)

28. No-Show or Missed Appointments:

If a customer does not attend an appointment and does not cancel or reschedule the appointment (within the parameters of the provider) the customer will be responsible for payment of any charges – not VR. Regional Managers may approve exceptions on a case-by-case basis. Documentation of the exception is required in the case record.

Exception includes: if VR authorizes for an interpreter to be present and the customer does not attend, VR will cover cost of the interpreter through administrative authorization.

**Exception to Maximum Agency Contribution Policy:**

The Rehabilitation Act of 1973, as amended, requires that IDVR have a policy that allows for exceptions to the Payment Policy, unless the exception would violate State or Federal laws. All exceptions will be reviewed on an individual case basis.

**Exception to Maximum Agency Contribution Process:**

To be considered for an exception, the customer and VRC should first seek approval from the RM. RMs have the authority to approve an exception as long the exception is not more than 50% of the maximum agency contribution. Greater than 50% of the maximum agency contribution will require the approval of the Chief of Field Services. The RM shall submit the request for the exception in writing to the Chief of Field Services.

The request must include a:-

A description of the requested exception including d:-

Detailed reasons why the customer, VRC and RMmanager (when appropriate) believe the exception is warranted. The Chief of Field Services (or RM when appropriate) will have ten (10) days from the date of receipt of the request to make a decision. If the request is approved, written notification will be sent to the RM (when appropriate) and this will be placed in the case file.

The Chief of Field Services reserves the right to deny any request. If a request for exception is denied, the customer must be informed of the reason why and of his/her right to appeal the decision within ten (10) days of notification of the denial.

**Reasons for Exception:**

The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception to policy will be granted. Financial need alone is not always sufficient justification for requesting an exception. While a customer may present one or more of these reasons for an exception, VRCs should use discretion in requesting an exception. It is sometimes the nature and scope of the reason and not the number of reasons that may justify the exception.

1. The need is disability related.
2. The customer has used all sources available; including his/her own financial contribution, as well as all available Federal Financial Aid for post-secondary training, insurance, Medicaid, Medicare, and other resources typically used by persons without disabilities.
3. Changes in circumstances resulting in loss of income or support making previously available resources unavailable.
4. The sService is not available, in certain geographical locations of the state, within the maximum agency contributions policy.

### ***12.3 Counseling and Guidance***

IDVR recognizes that vocational counseling and guidance is the key element in the rehabilitation process in that it is the method for involving the customer and significant others in that process. It begins when the customer contacts the agency and does not end until closure as successfully rehabilitated or through the completion of the post-employment period.

Vocational counseling and guidance, including referral and placement, are essential VR services provided by the VRC throughout the rehabilitation process. This is the *primary service* in the VR plan.

Counseling, guidance and placement should be an integral part of every IPE regardless of other services because it is the best method of coordinating services and maintaining a good working relationship with the customer. This is also the method used by the counselor to facilitate customer input. The VRC gathers the necessary information for providing vocational counseling and guidance services from a wide variety of sources, including, but not limited to:

- A. Medical and psychological information.
- B. Vocational evaluation information including labor market information, job analysis, aptitude and interest information, situational assessments and trail work experiences.
- C. Analysis of transferable skills.
- D. Rehabilitation technology, including rehabilitation engineering.

Counseling will address vocational and personal adjustment issues that are creating barriers to the customer obtaining and maintaining employment.

Counseling will be provided in a respectful manner encompassing the core conditions of helping. These will include unconditional positive regard, genuineness and congruence. Counselors will always maintain a professional demeanor and not allow counseling issues to become personal. Counselors are to follow the canons of ethical behavior and practice outlined by the Commission on Rehabilitation Counselor Certification (CRCC) Code of Ethics.

Counseling services must be provided in every case but will vary depending on the needs and complexities of each individual customer. Frequency of guidance and counseling contacts is determined at plan development and included on the IPE. Case notes will reflect contact and content of meetings. *A monthly summary of guidance and counseling activities is the agency "best practice" norm for recording progress.*

### ***12.4 Physical and Mental Restoration Services***

These are services necessary to correct or to substantially modify a physical or mental condition that is stable or slowly progressive. *Before medical restoration is provided, there must be documentation that the clinical status of the customer is stable or slowly progressive and the service is a requirement for the customer's successful employment. The medical consultant shall*

*review the record* to insure the adequacy of medical information, advice on the service requirement, educate the counselor on the procedure and required follow-up, and provide any necessary liaison with medical community.

Current maximum financial contributions by IDVR for specified services can be found in the “Payment Policy” section 12.2 of the manual (See also section 12.2 “Typical Exclusions” and section “Comparable Benefits”). For all other services listed below, IDVR will pay the prevailing “Usual and Customary” charges after a comprehensive assessment of potential or available comparable benefits and resources has been conducted.

#### **12.4.1 Concurrent Acute or Chronic Conditions Arising from Physical or Mental**

**Restoration:** Services necessary to assist with acute treatment or care for a condition associated with or arising from physical and mental restoration services that are on the IPE. Comparable benefits will always be explored prior to authorization of this service. *The medical consultant should be utilized to determine the medical rationale for such services whenever possible.*

These services should be provided in the least intensive medical environment appropriate.

In the case of a chronic condition which does not appear to be resolving in a reasonable amount of time, consultation with the medical consultant should be used to determine whether a case should be closed.

### ***12.5 Training Services***

#### **12.5.1 Disability Related Training Services**

Disability related services include, but are not limited to: orientation and mobility, rehabilitation technology, speech reading, sign language, and cognitive training/retraining.

#### **12.5.2 Post-Secondary Training**

Post-Secondary training is provided when necessary to become a competitive applicant for an agreed upon IPE goal that reflects the customer’s interests and informed choice to the extent that those factors are consistent with a customer’s strengths, resources, priorities, concerns, capabilities and abilities. IDVR may support graduate study when the customer’s employment objective is otherwise unachievable.

Prior to providing post-secondary training, comparable benefits shall be determined. The customer is required to complete and submit for processing the Free Application for Federal Student Assistance (FAFSA). The resulting Student Aid Report (SAR) and Financial Aid Award Letter will determine the Federal grant awards available that are to be applied to tuition, books and fees. Proof of financial award status *is required to be placed* into the record of services for all customers sponsored in post-secondary education by IDVR for training and degrees that are eligible for grants. Examples of proof include; the SAR, Financial Aid Award Letter or Post-Secondary Institution Student Budget, Compromise and Release documents from Worker’s Compensation.

All non-merit scholarships and grants [are](#) to be applied to tuition, books and fees as a first dollar source, prior to the consideration of expenditures of IDVR funds. Merit based funding may be applied to any legitimate college costs as determined by the customer, with no comparable benefit test required.

When IDVR has a joint case with another VR agency (Veterans Administration, Tribal Vocational Rehabilitation, Idaho Commission for the Blind and Visually Impaired, or another state VR agency) the sharing of case cost shall be done in a way that multiple agencies are not paying for the same service.

The FAFSA Expected Family Contribution, Student Contribution, Work Study and other grants must be considered in meeting the financial needs of the customer's post-secondary education to the maximum extent possible.

Customers are required to submit an application for FAFSA whether or not they believe they are eligible for funding. *This process should occur along with the verification of determination of eligibility/ineligibility for financial aid prior to IDVR developing an Individualized Plan of Employment (IPE) and participating in financial assistance for a post-secondary education.*

#### **12.5.2.1 Out of State Training**

##### Out-of-State Post-Secondary Education

- a. If the VR customer must attend an out-of-state institution because the course of study is not offered within the state of Idaho, please see section 12.2.
- b. If the course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be more cost effective for the agency to have the customer attend the out-of-state educational institute, see section 12.2.
- c. If the customer chooses to attend an out-of-state institution when comparable training is clearly available in the state, see section 12.2.

#### **12.5.2.2 Progress Measures**

Customers must maintain a term and cumulative grade point average that meets the school's academic requirements, program entry requirements, or a minimum of 2.0 GPA whichever is higher and must demonstrate timely progress towards meeting the goal of the IPE. VR financial participation for education/training may be paused if academic progress is such that the customer will not qualify for entry into the program stated on their IPE.

If the customer is placed on academic probation, or does not meet the standards stated above, s/he has one grade period in which to attain good standing. IDVR financial participation will terminate after that grade period until the customer achieves good standing.

If a customer does not pass a course(s) or withdraws following the designated drop period for the post-secondary institution, she/he is responsible to cover costs to repeat the course(s). *This understanding should be documented on the IPE that supports the training services.*

If a customer receives an incomplete, she/he is responsible to complete the course(s) as designated by the institution and may be responsible to pay for the repeat of the course(s) *based upon whether or not active participation in the original coursework was demonstrated as agreed upon in the IPE. Disability-related interruptions will serve as justification for an incomplete, but should be carefully assessed to determine the feasibility of extending a particular program.* If a customer is unable to complete a course(s) due to a disability related issue, IDVR may assist in coordinating with the institution to resolve the matter (examples: finances, withdrawals, incompletes, etc.).

IDVR post-secondary educational support will cease if the customer has an expulsion for academic dishonesty.

#### **12.5.2.3 Loan Default**

VR funds may not be utilized to pay for post-secondary education if a customer has defaulted on a State or Federal student loan. If a good faith effort is being made to come out of default status, VR funding may be available. The university or college financial aid office may be able to assist in unusual circumstances. Additional information can be obtained at the U.S. Department of Education website <http://studentaid.ed.gov>, section “Repay Your Loans.”

#### **12.5.2.4 Loan Deferment**

Consumers may be eligible for temporary suspension of loan payments during specific conditions such as, returning to school, unemployment, disability, or military service. Additional information may be sought through the Financial Aid Office at the school the student plans to attend.

#### **12.5.2.5 On-the-Job-Training (OJT)**

An OJT is for a customer who is hired by an employer who needs specific training to achieve the employer’s expectations. On-the-job training requires the completion and signing of the IDVR OJT Agreement between the customer, counselor, and employer, which states the hourly wage, the specific training needs, responsibility for Workers’ Compensation coverage and any other conditions of employment. IDVR pays a training fee for OJT, not reimbursement or wages.

### ***12.6 Benefits Counseling***

Benefits counseling includes an informed discussion of the customer’s benefits, employment status, consideration of work incentives, and the impact on existing or potential benefits a change in employment may create. All social security recipients should receive benefits counseling services.

### ***12.7 On-the-Job-Supports***

On-the-job-support services are provided to a customer who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include; job coaching, follow-up and follow-along, and job retention services.

### ***12.8 Job Placement Services of Customers***



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

All customers have the obligation to be involved in their own job search activities to the fullest extent possible. The customer and the VRC will work together to identify the supports necessary for job search and placement. Some of the job search activities could include:

- Communication and presentation skills.
- Gaining access to and using information.
- Introducing customers to specific programs such as job centers.
- Gaining networking skills.
- Use of online job search and applications.
- Community Rehabilitation Provider (CRP) services.
- Providing information around Federal and State employment opportunities.

IDVR does not pay fees to private staffing/employment agencies.

**12.8.1 Community Rehabilitation Providers (CRPs)**

Community Rehabilitation Providers may be used to assist a customer as they prepare to obtain or maintain employment. CRP services may only be provided if they are agreed to by customer, VRC, and CRP. The CRP services should be consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and be the informed choice of the customer. Potential employers contacted by the CRP should be informed of the CRPs contractual relationship with IDVR. If workplace accommodation or assistive technology needs are identified for a customer, IDVR staff will be involved in addressing the accommodation needs with the employer (this is not referring to job coaching accommodations).

If services are contracted out to a CRP:

1. The customer and VRC will review the available list of CRP vendors and the services offered by each and will make a selection. This process should be noted as "customer choice" when documenting the choice of the CRP vendor and services to be provided. The customer will sign an information release form authorizing communication between the selected vendor and IDVR.
2. The customer and VRC will contact the CRP to discuss required services, negotiate and agree upon time frames and costs.
3. The VRC will submit referral information necessary for the CRP to provide the agreed upon services.
4. The customer, VRC, and CRP will have a staffing prior to initiating services (this staffing can be by phone or in person).
5. The VRC and customer will develop and agree to regularly scheduled contacts while receiving CRP services (minimum once a month).
6. The customer, VRC, and CRP will mutually agree upon frequency of contacts to monitor progress, quality, and duration of services provided.

Employers should be educated with regard to the fact that a person eligible for vocational rehabilitation services under ID. Title 33, Chapter 23, Idaho Code and the Administrative Rules

of IDVR, who is placed with an employer through the authorized services of a CRP for community-based evaluation, community-based work adjustment or ~~community~~-supported employment (€SE) training is covered for liability purposes through the Worker's Compensation Insurance carried by the CRP unless an actual customer has actually been hired by a targeted employer prior to the provision of authorized services.

### **12.8.2 Schedule A Appointing Authority in the Federal Government**

5 CFR 213.3102 (t) (cognitive impairment), (u) (severe physical disabilities), and (gg) (psychiatric disabilities) are combined into one streamlined authority, 5 CFR 213.3102 (u). This authority is used to appoint persons who are certified that they are at a severe disadvantage in obtaining employment because of disrupted employment due to hospitalization or outpatient treatment for the severe disabilities listed above.

#### **Appointment and Certification Process**

IDVR can assist customers with disabilities (whether IDVR customers or not) in completing the Schedule A process. Information on how to assist customers with disabilities with the Schedule A process can be found at:

[www.eeoc.gov/eeoc/initiatives/lead/upload/abc\\_applicants\\_with\\_disabilities.cfm](http://www.eeoc.gov/eeoc/initiatives/lead/upload/abc_applicants_with_disabilities.cfm) or [http://www.opm.gov/disability/appointment\\_disabilities.asp](http://www.opm.gov/disability/appointment_disabilities.asp)

### **12.8.3 Alternative Hire Process for Employment with State Government**

Within the IDAPA rules (15.04.01) of the Division of Human Resources and Idaho Personnel Commission exists the provisions and protocol entitled: 097 "Alternative Examination Process for Persons with Disabilities," under this rule:

1. The VRC determines the need for the Alternative Hire process by documenting that the customer cannot competitively compete for the job due to a disability(ies).
2. The VRC determines that the customer meets the criteria for the alternative hire program.
  - Disability limits one or more functional areas.
  - The customer meets the qualifications of the class.
  - The customer lacks competitiveness in the normal hiring process due to disability.
3. The VRC will complete the Application for the Alternative Hire Program Form. Include a letter to Idaho Division of Human Resources (DHR) explaining why the customer cannot compete through the normal examination process due to his/her disability. The examination process includes application, testing, and interviewing.
4. The VRC will staff the case with the RM for approval. The RM will subsequently forward the application to the VR Administrator for final approval.
5. IDVR Administrator approves/disapproves. If approved, the application will be forwarded to the Administrator of the Division of Human Resources for final review.
6. Upon approval from DHR, the VRC proceeds with the Alternative Hiring Process to the hiring authority.

**NOTE:** This process requires the use of the “Alternative Hire Application.”

### ***12.9 Vehicle Purchase***

Vehicle purchase may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome. The vehicle purchased will be only at a level to meet the vocational rehabilitation need of the customer. If the customer desires a vehicle above and beyond the level of vehicle needed to meet the vocational rehabilitation need they will be required to pay the cost difference between the two. This amount would not count towards the customer’s financial participation requirements and IDVR will not be party to associated financial obligations.

Purchase of vehicles for a customer is allowable only when the occupation of the customer will require a vehicle as occupational equipment. The agency may not purchase a vehicle for a routine need for transportation to and from a place of employment.

The vehicle will be purchased after all other aspects of the IPE necessary to achieve the employment goal have been completed.

Vehicle purchases require approval from the RM and Chief of Field Services prior to agreeing to the purchase for the customer. The VRC will be required to document responses to the following:

- How the purchase is essential to the achievement of a successful employment outcome.
- Whether the vehicle is required as a condition for employment or why it is needed to achieve an employment outcome.
- An explanation of the transportation alternatives explored and the reason(s) these options will not meet the customer’s needs.
- A summary of other resources explored, such as insurance, a PASS Plan for customer receiving SSI/SSDI, or other sources, and how these resources will be utilized.
- The customer’s disability is stable or slowly progressive and is not likely to impair his or her ability to drive in the foreseeable future.
- If the customer has a known pattern of alcohol or drug abuse within the past 5 years, whether in remission or not, a complete and current drug/alcohol evaluation included.
- An abstract of the driver’s complete driving record obtained from the Department of Motor Vehicles. Citations other than parking tickets and minor traffic offenses may impact approval.
- Current Idaho driver’s license of the person who will be driving the vehicle.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- Verification of customer's driving capacity as demonstrated through modified driving assessment or significant demonstrated safe driving history under current functional capacities.
- Verification of the customer's financial ability to pay for the fuel, license and registration, insurance, and vehicle maintenance. This will require an insurance quote appropriately reflecting vehicle usage. Additionally, the customer will have to develop a plan for how they will replace the vehicle in the future as part of the feasibility review. If the customer does not have a method to replace and/or repair the vehicle if an accident occurs, the customer will show the ability to provide comprehensive insurance.
- The type of vehicle being considered (estimated price range and any special considerations). IDVR does not purchase new vehicles or vehicles that require above an Idaho Class D operator's license.

**NOTE:** *IDVR does not purchase vehicles to address geographical or other barriers that are not disability related.*

**Following the decision to purchase the vehicle:**

- ~~Must follow~~ All state and IDVR purchasing guidelines must be followed.
- IDVR will only authorize purchase vehicles from licensed dealerships.
- An inspection of the vehicle prior to purchase from a qualified mechanic is required. Also, obtaining a Car Fax is required.
- The vehicle title will be granted to the customer upon proof of insurance and all appropriate licensing (a tool agreement is not required).
- Every six (6) months the customer must show proof of insurance and maintenance until case closure.

IDVR has no ~~further~~ obligation to purchase any additional future vehicles due to customer negligence.

### ***12.10 Self-Employment Policy***

#### **Introduction**

The primary goal of the IDVR is to assist the customer in attaining a suitable competitive employment outcome that results in financial self-sufficiency. Self-Employment is one option that may be considered to assist the customer in selecting a vocational goal.

The impediment created by the customer's disability must be addressed in the overall comprehensive assessment leading up to Individualized Plan of Employment (IPE).

The successful self-employment enterprise is operated by a participant who can demonstrate an array of skills and abilities, including; organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. These may be accomplished through natural supports or other resources and would

need to be included in the self-employment plan. It is essential that the participant is well informed of potential risks and that efforts are made to minimize those risks.

A vocational evaluation/career exploration may be used as a method of assisting the customer and VRC in deciding if self-employment is a possible viable option. Vocational evaluators have a variety of instruments, work samples, inventories and other strategies to use in providing feedback and information related to self-employment.

There may be a need for VR services prior to a commitment from IDVR on a self-employment plan. It could be appropriate for IDVR to assist a customer in services, such as training needed for certain skills or business knowledge before the decision is made by the customer and VRC to pursue the development of a business plan.

IDVR values [appropriate](#) self-employment as a viable vocational outcome. Self-employment is presented by the VRC within the repertoire of vocational options and may be considered by customers and VRCs as they work toward the development of an appropriate vocational goal.

IDVR supports active, not passive or speculative, self-employment goals.

### **General Self-Employment Process and Flow Chart**

The following steps will be required for all self-employment. The nature and extent of activities within each step will vary by the type and complexity of the self-employment business goal.

- 1. Assessment of Customer's Appropriateness for Self-Employment**
- 2. Writing an IPE – Developing a Business Plan**
- 3. Amending IPE - Implementing the Business Plan**
- 4. Closure of Self-Employment Case**

### **Definitions**

- a. Business Plan** – A detailed outline of the business description, objectives, organization, product or service description, summary of Customer qualifications, analysis of the potential business environment and market, management and organizational structure, and financial plan.

The level of detail required for the various components of the business plan will vary depending upon the type of self-employment being pursued.

- b. Contracting and Sub-Contracting** – When the VR customer works with a company under a limited or contract basis for either short or long term employment, but is not a company employee. There are some types of employment goals that [would typically involve](#) ~~could be~~ sub-contractors [as opposed to](#) a standalone business. Examples of likely contracting and sub-contracting opportunities include but are not limited to:
  - Realtor
  - Construction trades
  - Cosmetology, nail tech, and hair stylist
  - Paper delivery
  - Tattoo artist

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

This is a type of start-up self-employment that will often be processed as a low cost, low risk, low complexity self-employment plan.

- c. **Continued Self-Employment** – Employment where the VR customer is presently or recently (within the last year) engaged in a *successful* self-employed business as identified by the customer and feasibility of the business is recognized by IDVR. In this scenario, the IPE services will address *disability related barriers* to employment. [The IPE](#) will be written [with the goal of](#) maintaining employment.

Any capitalization of the business will require the use of low cost/low risk/low complexity, complex, or supported self-employment strategy.

- d. **Feasibility Analysis** – Provides an in-depth analysis of the business concept, the market, the financial investment and income potential. In addition, the feasibility analysis considers:

- Financial resources, skills and history of the customer as it relates to successfully operating a small business
- The need for customer training
- The availability of strong support network for long-term business success
- The need for a comprehensive business plan
- The likelihood of sustainability in a reasonable amount of time (what is a reasonable amount of time will likely vary by the type of self-employment)

The feasibility analysis offers the VRC and customer a comprehensive, objective evaluation of the strength of the proposed self-employment venture.

- e. **Forms of Organization** - refers to the way the individual legally organizes the business

- i. *Sole Proprietorship* - one person who owns the business alone, but may have employees. She/he will have unlimited liability for all debts of the business, and the income or loss from the business will be reported on his or her personal income tax return along with all other income and expense she/he normally reports (although it will be on a separate schedule).
- ii. *Corporation* – requires a legal filing with the Internal Revenue Service for corporate status. Corporate organization provides limited liability for the investors. Shareholders in a corporation are obligated for the debts of the corporation; creditors can look only to the corporation's assets for payment. The corporation files its own tax return and pays taxes on its income.
  - VR customers who legally organize their businesses as a corporation, and are employed by their corporation may be eligible while in the startup phase of operations.
- iii. *General and Limited Partnerships* – two or more individuals, one of which is a customer of IDVR with the controlling share (see Eligibility Requirements for Self-Employment).

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

iv. *Limited Liability Company* - limited liability for all of its members (business partners), with the IDVR customer as the controlling member.

f. **Hobby** - customers identifying business-related goals that indicate a business activity that is:

- Operated for recreation and/or pleasure.
- Not projected to be profitable.
- Not seeking profitability.
- Neither operating nor carrying on activity in a business-like manner.
- Not depending on activity for livelihood.

g. **Low Cost / Low Risk / Low Complexity Self-Employment** – A comprehensive business plan is not required if a feasibility analysis report indicates the business concepts represents a (1) low cost (under \$5,000) total cost of anticipated self-employment start-up, (2) low risk (strong likelihood of success) and (3) low complexity (few and clearly identifiable barriers to self-employment). Examples of self-employment ventures that may not require a comprehensive business plan include:

- A VR customer is already self-employed and has demonstrated skills and abilities to successfully manage the business, and VR services are needed to retain employment due to a disability-related condition.
- The VR customer has previous experience being self-employed in the same or similar field and start-up needs are minimal.
- The VR customer has skills and experience in a trade and needs minimal training and services for startup, such as, lawn care, pressure washing, window washing, and bookkeeping.
- A VR customer has experience or training in a trade and will lease space or sub-contract with an existing business and pay their own taxes, i.e., massage therapist, manicurist, cosmetologist, real estate agent.

h. **Complex Self-Employment** – All self-employment plans that do not meet the criteria for low cost/low risk/low complexity, continued self-employment or supported self-employment fall under this category.

i. **Multi-Level Marketing** – As a marketing strategy, in which a person is compensated not only for sales they personally generate, but also for the sales of others they recruit into a business venture, creating a “down line” of distributors and a hierarchy of multiple levels of compensation.

j. **Natural Supports** – Long term supports provided by individuals naturally invested in the success of the VR customer (family and friends).

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- k. Startup Self-Employment** - refers to an employment outcome in which a customer works in a business that she/he starts, owns, operates, and manages with the intention of being profitable.
- l. Supported Self-Employment** – refers to an employment outcome in which a customer works in a business that she/he owns, operates, and manages with natural or long term supports, with the intention of being profitable.

**Eligibility Requirements**

Participation in self-employment or supported self-employment as a vocational goal requires that:

1. The business venture is, at a minimum, 51% owned, controlled and managed by the IDVR customer. For those in supported self-employment, some IDVR customers may require the assistance of a guardian or conservator in controlling or managing a business.
2. Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies, as noted in Definitions-Forms of Organization.
3. The business venture is considered legal in all jurisdictions in which it operates (Federal, Tribal, State and local Governments). This includes business and other necessary licenses.
4. The business venture is accurately reporting to appropriate government agencies, including the Internal Revenue Service and State taxing agency or other applicable
5. State or local authorities.
6. The business venture is organized as a for-profit entity.

**Financial Participation Requirements**

Social Security beneficiaries are not required to financially participate towards the cost of their self-employment plan.

IDVR customers have a variety of sources to obtain their portion of the business costs. Some of these include:

- Investment of funds from microloans;
- Commercial and consumer loans;
- Loans from family;
- Forgivable loans;
- Equity grants;
- Equipment critical to the business operation;
- Inventory;
- Supplies;
- Facility (including fair value of existing facility in which the business will be operated)



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

- a. In consideration of the business start-up capitalization noted in the Business Plan, financial participation by IDVR and VR customer for the entirety of the self-employment plan, per case is as follows:

<u>Business Capitalization</u>	<u>Maximum IDVR Financial Assistance</u>	<u>Minimum Customer Participation</u>
Under \$2,500	100%	0%
\$2,501 to \$5,000	80% of startup capital	20%
\$5,001 to \$7,500	70% of startup capital	30%
\$7,501 to \$10,000	60% of startup capital	40%
\$10,001 and up	50% of startup capital	50%

If IDVR's portion for business start-up and capitalization [costs, for the aggregate of all IPEs](#), is more than \$10,000, the Chief of Field Services must provide approval.

- b. Financial participation will not be required for IDVR investment in:
- Training and technical assistance.
  - Accommodations necessitated by the customer's disability in order to participate in training, technical assistance or in consideration of financial assistance.

**Limitations and Restrictions**

Services provided under a Self-Employment Plan must adhere to the stipulations of the Agency's Payment Policy (Section 12.2) and the maximum agency contributions. Financial assistance for business start-up capitalization does not include:

1. Funding for speculative real estate development.
2. Deposits that are refundable to the customer or business.
3. Cash.
4. Salary or benefits for the customer, partners in ownership, or any employees of the business.
5. Purchase of real estate.
6. Erection of buildings.
7. Inventory or business supplies that include tobacco, firearms or alcoholic beverages.
8. Refinancing of existing debt – business or personal.

9. Business continuation expenses subsequent to the initial start-up costs.

IDVR does not support a customer hobby as a self-employment goal.

Self-employment involving payment for registration, legal services, patents, trademarks, copyrights, or franchise fees require an exception to policy approved by the Chief of Field Services.

Multi-Level Marketing plans are often similar to illegal pyramid schemes; therefore, VRCs are cautioned about supporting self-employment businesses with a multi-level marketing structure. Support for multi-level marketing businesses may be appropriate when the emphasis is on sales by the VR customer versus recruitment of down line distributors.

### **Types of Self-Employment**

#### **A. Start-up Business**

##### **a. Low Cost / Low Risk / Low Complexity Business Plan**

#### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- ~~May authorize~~ Authorize, as appropriate, for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

## II. Role of the IDVR Customer

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may ~~include;~~require collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VRC.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the agency for post start-up monitoring.
- ~~Fulfilling participation~~Participating in the business start-up as noted in the Individualized Plan of Employment (IPE).

## III. Assessment of IDVR Customer's Appropriateness for Self-Employment

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include the use of ~~a) use of~~ data gathering instruments ~~;~~ and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture, including barriers or limitations related to the customer's ~~their~~ disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.

- ~~Examination of~~Examine the customer's financial goals related to self-employment should include consideration of issues such as impact on government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

#### IV. Writing an IPE – Developing a Business Plan

After a positive assessment of the feasibility of the business concept, an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- The IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- The IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

##### 1. Customer Training and Technical Assistance:

- Customers may be expected to attend training and participate in technical assistance services related to self-employment. This could include ~~options such as;~~ training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

##### 2. Business Plan Development:

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- A basic Business Plan must be written and approved to the satisfaction ~~for~~of the VRC.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

**3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- All low cost/low risk/low complexity self-employment plans will be reviewed by the customer and the VRC.
  - a. If the customer and IDVR agree that amendment of the IPE is appropriate, then the VRC and customer proceed to amend the IPE to initiate the self-employment plan.
  - b. If the customer and IDVR agree, that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.
  - c. The customer may decide not to proceed with the identified business goal. If so, the customer and the VRC proceed with developing a new IPE goal (this may or may not be a different self-employment option).

**V. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VRC an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update the comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying ing specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.

3. Identifying necessary training and technical assistance needed to implement the plan.

4. Identifying post start-up support services that may be needed.

4.5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:

- Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
- Withdrawal of IDVR support of the business and reassess other VR options.
- Proceeding with case closure.

## VI. Closure of Self-Employment Case

### 1. Successful Closure

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- The customer has achieved aAt least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### 2. Unsuccessful Closure

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All oOther rReasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## b. Complex Business Plan

### I. Role of IDVR

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- Provide relevant information regarding the availability of self-employment services supported by the Agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- Authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Assist in identifying resources for the capitalization of the business plan.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate ~~at~~ post start-up of the business.
- Monitor business development ~~at~~ post start-up.

**II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This includes conducting research, gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance.
- Researching the availability of financial resources.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- ~~Fulfilling participation~~ Participating in the business start-up as noted in the Individualized Plan of Employment (IPE).

**III. Assessment of IDVR Customer's Appropriateness for Self-Self-EE Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include ~~the use of~~ a) use of data gathering instruments; and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including ~~their barriers or limitations related to the customer's~~ disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- Confirm that tThe customer has attended a training session, such as the Small Business Development Center's "Exploring Entrepreneurship" or another comparable program, to evaluate the advantages and disadvantages of business ownership and explore self-employment preparedness from a personal perspective.
- Examination ~~of~~ the customer's financial goals related to self-employment ~~should include~~ including consideration of issues such as, impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.
- Conduct a preliminary assessment of various funding sources for business capitalization. The customer's expectations relative to the financial support she/he anticipates/expects from IDVR should be discussed at the onset. It is important that the customer understands that *IDVR will not be the sole source of startup capitalization and that any funding allocated to the start-up of the business will be consistent with IDVR policy related to financial participation.*

**IV. Assessment of the Feasibility of the Business Concept**



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

Customers may be referred to outside resources for assistance in examining the concept, market and financial feasibility of the business. If the business idea is deemed feasible, the information developed at this stage will provide some of the basic data that will be used in completing the Business Plan to be written later.

Testing the feasibility of the business idea should be formalized through a written Feasibility Assessment documenting the following:

- **Concept Feasibility:** Clear description of the business idea; customer's background related to the business concept including education, training, direct experience and transferable skill sets; a summary statement identifying issues of concern regarding the feasibility of the concept; and a recommendation as to whether the business concept is feasible.
- **Market Feasibility:** Geographic description of market area; description of competitors working in or marketing to potential customers in geographic area; definition of target markets including size and scope of each market; zoning issues/requirements for establishing a business at intended location.
- **Financial Feasibility:** Capitalization requirements (start-up funding not to exceed 6 months) consistent with the individual's business concept; identification of resources for start-up funding and ongoing capitalization. Twelve (12) months of projected sales/expenses may be included, when appropriate.

#### **V. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept, an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

##### **1. IDVR Customer Training and Technical Assistance:**

- All customers will be expected to attend training, when available, and participate in technical assistance services related to self-employment. This could include ~~options such as;~~ training and technical assistance on subjects such

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing. *Exceptions to the above requirement may be made with supervisory approval in limited circumstances.*

- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

**2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR, banks, micro lenders, and other funding organizations to determine whether or not to participate in capitalizing the business venture.

- A comprehensive Business Plan will be required for all complex self-employment goals. The content for a comprehensive Business Plan is a thorough assessment of all the components listed in the Business Plan definition.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

**3. Explore and Apply for Resources Available From Other Sources:**

IDVR customers pursuing self-employment are required to explore funding from sources other than IDVR. These may include microloans, commercial and consumer loans, loans from family, forgivable loans, equity grants, and work incentives for Social Security recipients including Plans to Achieve Self Support (PASS) and personal property (inventory and equipment) essential to the operation of the business. If the business plan is approved and the IPE is amended, the customer will apply for other resources necessary to implement the business plan.

**4. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- The business plan [will be](#) submitted for technical assistance and feasibility review by an outside consultant (approved by the VRC and customer) with experience in business development.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- All complex self-employment plans will be reviewed by a self-employment team. The self-employment team will include the customer, VRC, RM, at least one outside consultant, and other individuals as appropriate.
  - a. If the customer and IDVR agree, based on the feedback from the self-employment team, then the VRC and customer proceed to amend the IPE to initiate the self-employment plan.
  - b. If the customer and IDVR agree, based on the feedback from the self-employment team, that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.
  - c. If the customer does not agree with the recommendations from the self-employment team the customer may choose to follow the appeal process. (See Section 4.0)
  - d. The customer may decide not to proceed with the identified business goal. If so, the customer and the VRC proceed with developing a new IPE goal (this may or may not be a different self-employment option).

**VI. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VRC, an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, resources, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and that the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- Withdrawal of IDVR support of the business and reassess other VR options.
- Proceeding with case closure.

**VII. Closure of Self-Employment Case**

**1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- [The customer has achieved a](#)At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

**2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All other reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

**B. Supported Self-Employment**

**a. Role of IDVR**

When working with customers expressing an interest in supported self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of supported self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether supported self-employment is an appropriate option to achieve their employment goal.
- Assess the customer’s disability as it relates to the self-employment goal and the nature and level of support required (Examples: guardians/family members, targeted service coordinator, psychosocial rehabilitation provider, Medicaid broker, SSA payee).
- Reduce or eliminate barriers to supported self-employment created by the disability.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- ~~May authorize~~ Authorize, as appropriate, for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer, support team, and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate ~~at~~ post start-up of the business.
- Monitor business development ~~at~~ post start-up.

**b. Role of the IDVR Customer with their Support Team**

Customer and support team's responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VRC.
- Contributing, ~~as appropriate~~, financially, as appropriate, to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the customer's disability, as well as identifying possible solutions.
- Identifying the areas within self-employment that need ongoing support and identifying -the specific individuals or resources that will provide that support.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- ~~Fulfilling participation~~ Participating in the business start-up as noted in the Individualized Plan of Employment (IPE).

**c. Assessment of Customer's Appropriateness for Supported Self-Employment**

- A. Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to supported self-employment. This may include the use of a) data gathering instruments and b) formal ~~;- a) use of data gathering instruments, and b) formal~~ vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business with adequate support systems.
- B. Ensure the viability of supported self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including barriers or limitations related to the customer's ~~their~~ disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- C. Examine ation of the customer's financial goals related to supported self-employment ~~should include including~~ consideration of issues such as: impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

**I. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- The IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- The IPE must be identified as a supported self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of supported self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for supported self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

**1. IDVR Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to supported self-employment. This could include options such as; training and technical assistance on subjects such as exploring

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.

- Customers may require business specific skill training or support to eliminate gaps for the operation of the business.

**2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture. If the supported self-employment plan meets the criteria for a complex self-employment plan, refer to the business plan development for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan, refer to the business plan development for low cost/low risk/low complexity plan.

**3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

If the supported self-employment plan meets the criteria for a complex self-employment plan, refer to the business plan review for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan, refer to the business plan review for low cost/low risk/low complexity plan.

**II. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer, support team, and the VRC, an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update the comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, costs, and vendors need to implement the supported self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify and secure rResources to provide long term support (Extended Employment Services, Medicaid waiver, private pay, or natural supports)-~~are identified and secured.~~
4. Identifying necessary training and technical assistance needed to implement the plan.

5. Identify ~~ing~~ post start-up support services that may be needed.
6. Identify ~~ing~~ the benchmarks for successful closure. At minimum, one benchmark must identify ~~an~~ acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of supported self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting ~~the~~ benchmarks on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

### III. Closure of Supported Self-Employment Case

#### 1. Successful Closure

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- ~~The customer has achieved a~~At least 90 days of stable employment and at least six (6) months of business operation.
- ~~Verification of a~~Necessary long term supports ~~have been verified~~.

Equipment provided for the supported self-employment plan may be released or returned, consistent with Section 13 of the policy.

#### 2. Unsuccessful Closure

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All ~~o~~ther ~~r~~Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

### C. Continued Self-Employment:

#### I. Writing IPE

1. Prior to completing the IPE, a comprehensive assessment must be completed.



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

2. Identify specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify necessary training and technical assistance needed to implement the plan.
4. Identify post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmarks on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

## **II. Closure of Continued Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- [The customer has achieved a](#)At least 90 days of stable employment.

Equipment provided for the continued self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All [o](#)Other [r](#)Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the continued self-employment plan, consistent with Section 13 of the policy.

## ***12.11 Effective Communication Services for Customers with Sensory Impairments***

IDVR can provide interpreter services and note taking services for customers who are deaf, including tactile interpreting for customers who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for customers who are blind; telecommunications, sensory and other technological aids and devices.

**NOTE:** *If the customer is enrolled in an academic/technical training program at an institution that receives Federal financial support, the institution will be responsible for the provision of interpreter services within the classroom or formal training environment i.e., outside the classroom, but mandated or supported by the class curriculum. (A regional exception has been made at the Eastern Idaho Technical College – EITC as per the agreement between IDVR and EITC).*

### ***12.12 Occupational Licenses, Tools, Equipment Initial Stocks and Supplies necessary in order to enter an Occupation***

Occupational licenses, tools, equipment, initial stocks, and supplies may be purchased in order to adequately prepare the customer for a vocational outcome. A private pilot's license will not be secured through the financial support of IDVR.

IDVR will not purchase land or buildings for customers with disabilities. IDVR retains the right to reclaim occupational tools and equipment purchased by IDVR when:

- The customer's IPE is not completed.
- The tools and equipment are no longer necessary or appropriate for the existing or new employment goal.
- The case is closed other than rehabilitated.

### ***12.13 Supported Employment Services***

**Authority: 34 CFR 363**

#### **12.13.1 Supported Employment**

Supported employment means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, may be working on a short-term basis (earning less than a competitive wage) toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities. SE services may be provided by VR for a period of time not to exceed 24 months, unless the VRC and customer jointly agree to extend the time to achieve the employment outcome identified in the IPE. Supported employment services will be provided on an individualized basis, with the VRC consistently evaluating the of service needs.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

For the purposes of this policy, SE refers to support services (e.g. job coaching) provided after placement and before the individual reaches initial stability, and prior to utilization of extended services (long-term supports).

Key aspects of SE include:

- Can be provided up to 24 months for both youth and adults
- Must be in Competitive Integrated Employment (with rare time-limited exceptions).
- Youth Extended Services (YES) are available for customers under the age of 25 where external extended services are unavailable.

### 12.13.2 When is a Supported Employment Strategy Indicated?

Supported Employment (SE) is indicated for individuals for whom competitive integrated employment (CIE) has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition from IDVR services in order to maintain their employment.

SE is identified as an appropriate employment outcome on the basis of a comprehensive assessment of rehabilitation needs including an evaluation of rehabilitation and career needs.

### 12.13.3 Ongoing Support Services

Ongoing support services are those services needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment; which are identified by the VRC based on the customer's need and specified in their IPE.

Ongoing support services (OSS) are provided from the time of job placement -and thereafter by extended services providers throughout the customer's term of employment. Both Supported Employment under IDVR and Extended Services regardless of payer are considered forms of OSS.

These services include an assessment of employment stability and provision of specific services at the worksite that are needed to maintain stability based on; at a minimum, twice-monthly monitoring at the worksite or at the request of the customer can be conducted off-site with the customer.

Ongoing support services may consist of any of the following activities, after initial job placement:

- Any ~~particular~~ supplementary assessment ~~supplementary~~ (to the comprehensive assessment) ~~to the comprehensive assessment~~;
- ~~I~~ntensive job skill training at the work site;
- ~~J~~ob development and training;
- Social skills training;
- Regular observation or supervision of the customer;
- Follow-up services including regular contact with the employers, the customers, ~~the parents, family members, guardians, advocates,~~ and other individuals authorized to participate by the customer in order to reinforce and stabilize the job placement;
- ~~F~~acilitation of natural supports at the worksite;
- \_\_\_\_\_
- Any other service identified in the scope of vocational rehabilitation services for customers.

### 12.13.3 Extended Services (ES)

Extended services (ES) are those services provided to youth and adults after initial stabilization which are required for an individual to maintain their employment. ES are based on the needs of the individual as specified in their IPE. For adults, extended services can only be funded through external sources, whereas IDVR may provide extended services for youth.

The availability of extended services funding is not an eligibility issue, but one of resource availability: Federal regulations do not allow the VRC to find an individual ineligible for services because the source of extended services is not identified. A customer should continue to receive supported employment services and be given the opportunity to obtain extended services, even if the source of funding is not known at the time the IPE is developed.

If funding for extended services is not available for adults, the VR counselor will:

- Document that extended support services are required;
- Work with the customer and/or guardian to seek out needed extended services, which may include natural supports.
- Provide necessary on-going supported employment services under an IPE until the availability of extended services are available, or until the supported employment services timeframe is exhausted.

#### **12.13.4 Youth Extended Services (YES)**

IDVR may provide extended services for youth when comparable extended services are unavailable in the community. Where an SE strategy is indicated for youth, and where youth will not be able to immediately access external extended services, VR can provide Youth Extended Services (YES) once initial job stabilization is achieved. Youth Extended Services under IDVR will be paid at the Extended Employment Services (EES) rate as these are identical services. Prior to the provision of VR funded YES, the VRC will need verification provided by the customer or guardian that external extended services are currently not available from other sources in the community.

These extended support services for youth can continue until:

1. Externally funded extended services become available OR
2. IDVR has provided YES for four years, ~~or~~OR
3. ~~€~~The individual reaches the age of 25 (whichever comes first).

#### **12.13.5 Natural Supports**

Natural supports are extended services provided on the job site by a supervisor, ~~or~~co-workers, or, ~~on the job site or on a limited basis,~~ family members. Natural supports should be used cautiously as they may be difficult to sustain on a long-term basis. The person responsible for implementing natural supports must make the commitment in writing to provide ongoing natural supports in the absence of funded extended services.

#### **12.13.6 Competitive Integrated Employment**

Competitive Integrated Employment (CIE) has three primary components: compensation, integrated location, and opportunity for advancement. Determinations of whether or not a particular position meets the definition of CIE can be made by the VR counselor. All three of the following conditions must be met in order for a jobsite to qualify as competitive integrated employment:

1. Competitive earnings: Earnings are greater than or equal to the Federal or State minimum wage (Idaho municipalities are prohibited from instituting a local minimum wage). Additionally, wages must be comparable to the customary rate paid by the employer to employees without disabilities in similar positions with comparable skills, experience, and training. The employee must also receive benefits comparable to those of employees without disabilities in similar positions.
2. Integrated settings are those typically found in the community, and integration is an absolute requirement for any successful closure. The primary consideration of integration is that the level of interpersonal interaction among all employees in a work unit should be similar regardless of disability status. This level of interaction applies both within the work unit and to all level of interaction at the worksite (e.g. the employee with a disability interacts with co-workers and with customers at roughly the same frequency and intensity as peers in the work unit without disabilities). Questions about whether a worksite is integrated or not should be directed to a Regional Manager.

**Note:** Employment settings that are “typically found in the community” are those in the competitive labor market. IDVR staff will work with employers, when needed, to determine if the employment setting meets the criteria of competitive integrated employment.

3. People with disabilities must have the same opportunities for advancement on the job as people without disabilities in similar positions in order to be considered a competitive integrated worksite. These opportunities do not necessarily need to be with the current employer; rather individuals must have the opportunity to advance in general within the given industry.

### 12.13.7 Employment Stabilization

Initial stabilization is the expected point of transition to extended services (sustained or maintained stabilization refers to stabilization that is maintained over the course of extended services provision). Day one of the 90 day requirement for a successful SE closure begins when the customer has achieved initial employment stabilization (employment outcome) and the customer begins extended services. Customers are considered stabilized in employment if:

- All reasonable support needs have been addressed including worksite accommodations and employer concerns.
- The individual is satisfied with the type of work and number of hours worked per week.
- The individual has achieved their highest expected level of independence on the job and has reached a predictable level of intervention.

- Fading has occurred and the VRC has evidence that establishes the appropriate level of extended support needed by the individual.

Progress toward initial employment stabilization should be assessed on at least a monthly basis. Evidence of progress could include any of the following, and is not limited to, an increase of hours, increase of responsibilities, mastery of job skills, or added tasks, monthly CRP progress reports and monthly check-ins with the customer which illustrate improvement. A rationale that initial employment stability has been achieved should be articulated in a case note and should address each of these bullets above (support needs, customer agreement, level of independence and fading).

### **12.13.8 Allowance for less than competitive wage on a short-term basis**

WIOA creates an allowance for the short-term basis of a non-competitive wage for people with a SE employment goal. This allowance may only be used in limited situations to ensure competitive integrated employment can be reasonably achieved within six months of achieving an employment outcome in supported employment, or in limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome.

This allowance can include non-competitive wages which exceed minimum wage, but will always be triggered where a subminimum wage is being paid to individuals. More common cases would involve 14(c) subminimum wage certificate holders or instances where an individual is under 20 years of age and the employer is utilizing a training wage not below \$4.25 for the first 90 consecutive calendar days as allowable under Idaho Code §44-1502(3). In all SE cases, RM consultation and approval is required prior to supporting a temporary non-competitive wage allowance on a short-term basis.

Strong rationale for the six month extension must be documented in the case record. In these exceptional circumstances, and on a short-term basis, individuals with an MSD who are working in an integrated setting may be allowed to work for less than competitive wage, provided they are working towards CIE and are reasonably expected to be making a competitive wage within six months of achieving the supported employment outcome. Again, the short-term basis should only be used if there is progress towards a competitive integrated employment outcome. Progress towards competitive integrated employment could include, but is not limited to an increase of hours, increase of responsibilities, mastery of job skills, incremental wage increases, or added tasks.

In extraordinary circumstances, with RM approval, this extension may be expanded up to 12 months based on the needs of the individual coupled with evidence of interim progress toward a competitive wage. IDVR cannot support SE services beyond the short-term basis period: In cases where a competitive wage has not been achieved within a short-term extension period, the VRC should review other CIE options with the customer, or close the case. In no circumstances is Supported Employment allowable in a non-integrated environment.

- a. After 90 days of sustained stability in employment, ensure the conditions for successful SE closure have been met (under 'Successful Closure Requirements' below this section). If so, close with a successful SE outcome.

### 12.13.9 Successful Closure Requirements

The following must be satisfied before a VRC can close a SE case successfully:

- The individual must have completed SE services and is no longer receiving VR funded services including VR extended services for youth.
- The individual has achieved employment stability for a period of 90 days after transitioning to extended services.
- The job meets the definition of competitive integrated employment.
- The job is consistent with the vocational goal specified in the IPE.
- At the end of the 90 days the customer and VRC agree that the customer is performing well in employment.
- The individual is informed, through appropriate modes of communication, about the availability of Post-Employment Services.

~~Supported employment services may be provided to customers with the most severe disabilities who require ongoing training on the job and support services.~~

### 12.13.1 Supported employment is defined as follows:

~~A. Competitive work (defined as payment of an hourly rate not less than minimum wage or less than the employer usually pays individuals who are not disabled) in an integrated work setting (defined as an environment in which the customer engages in as much contact with co-workers or the non-disabled general public as any other non-disabled person working in that job would experience) with ongoing support services for customers with the most severe disabilities for whom competitive employment:~~

- ~~1. Has not traditionally occurred; or~~
- ~~2. Has been interrupted or intermittent as a result of severe disability; and~~
- ~~3. Who, because of the nature and severity of their disability(ies), need intensive supported employment services or extended services in order to be gainfully employed; or~~

~~B. Transitional employment for customers with chronic mental illness.~~

~~**NOTE:** Non-competitive, non-integrated employment (sometimes referred to as Sheltered Work, Facility Based Work, Work Services, or Workshop Services) is not part of VR services. If a customer requests these services, IDVR will provide information about competitive, integrated employment to assist in informed choice. If the customer still request non-competitive, non-integrated employment they will be referred to the Extended Employment Services Program through the Extended Employment Services Referral Form.~~

### 12.13.2 Supported Employment Process:

~~A. Through an assessment (internally provided or through a review of external documentation) or through the provision of VR services, supported employment is identified as a necessary strategy for successful employment.~~



- ~~B. The VRC and customer will identify the level of ongoing job support necessary to maintain successful employment.~~
- ~~C. The VRC and customer will identify the availability of long term support strategies for the level of supported employment services identified.~~
- ~~D. If long term support strategies are available then an IPE may be written.~~
- ~~E. If long term support strategies are not available the case will be closed "Extended services not available."~~

### **12.13.3 Supported Employment Strategies**

~~**Natural Supports:** Support from supervisors and co-workers occurring in the workplace to assist employees with disabilities to perform their jobs, including supports already provided by an employer for all employees. These natural supports may be both formal and/or informal, and include mentoring, supervision (ongoing feedback on job performance), training (learning a new job skill with a co-worker), and co-workers socializing with employees with disabilities at breaks or after work. Support provided by family, friends, or significant others are also included within this definition.~~

~~**Extended Employment Services:** (IDAPA 47.01.02) Funds Managed by IDVR/EES. There are four eligibility categories:~~

- ~~A. Developmental Disabilities (as defined in section 66-402, Idaho Code).~~
- ~~B. Mental Health: (Typically Schizophrenia, Major Mood Disorders, Borderline Personality Disorder, Delusional Disorder, Schizoaffective Disorder).~~
- ~~C. Specific Learning Disability.~~
- ~~D. Traumatic Brain Injury.~~

### **Medicaid Funded Employment Supports:**

~~Developmental Disabilities—Adult DD Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.703.03). Eligibility for this waiver is determined by the Independent Assessment Providers (IAP) at the Idaho Center on Disability Evaluation. The Self-Directed option falls under this waiver.~~

~~Aged or Disabled Waiver—Supported Employment is a component included in this Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.326.17).~~

### **12.14 Post-Employment Services (PES)**

A customer with a disability who had been previously rehabilitated may require additional services in order to maintain, advance in, or regain suitable employment. In order to qualify for

this service strategy, the need must be based upon a disability previously documented in the eligibility determination section. Post-employment services require an amendment to the IPE. *In order to qualify for these services, the customer's vocational needs must be minor in scope (\$1,000 or less) and duration (6 months or less). This means the customer only needs relatively short-term services with minimal cost associated.* Customers requiring multiple services over an extended period of time and/or a comprehensive/complex rehabilitation plan should be encouraged to reapply for the full-spectrum of VR services since their needs exceed the intent of post-employment services. PES can be initiated within three (3) years of successful closure. ~~Once the record is destroyed, if Post-employment services are unavailable or not appropriate,~~ a new case must be opened.

**NOTE:** The intent of PES is to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

### ***12.15 Rehabilitation Technology***

Rehabilitation technology services (rehabilitation engineering, assistive technology devices and services) may be provided as compensatory strategies to increase, maintain, or improve functional capabilities of customers with disabilities. Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility and vocational rehabilitation needs, trial work, services provided under an IPE, and post-employment services. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices are exempt from a determination of the availability of comparable services or benefits exist under any other program. IDVR may not request the use of comparable services and benefits for these services. ~~However, personally prescribed devices, such as eye glasses, hearing aids, or wheelchairs are the exception, they~~ not exempt from the consideration of comparable benefits. (For further information, please review the series of comprehensive fact sheets provided by Idaho Assistive Technology Project located on the IDVR intranet web site. There are also direct links to the Idaho Assistive Technology Project web site at that location).

**12.15.1 “Assistive technology service”** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including:

- A. The evaluation of the needs of a customer;
- B. Purchasing, leasing, or otherwise providing for the acquisition by a customer with a disability of an assistive technology device;
- C. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- D. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- E. Training or technical assistance for a customer with a disability.

**12.15.2** An assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a customer with a disability.

**12.15.3** Vehicle modification may be provided as an assistive technology device only when the applicant/customer is otherwise precluded from achieving a vocational objective.

1. In the event that a vehicle requires modification, e.g., hand controls, lift installation, or structural revision, [these modifications](#) may only be provided on vehicles with an expected life of five (5) years or longer after modification, as evaluated by a certified mechanic (paid for by IDVR). The customer must agree to maintain insurance on the vehicle for replacement costs of the modified equipment.
2. Any vehicle modification over \$3,000 must include a minimum of two bids from approved vendors.
3. Adaptive equipment items that are not documented as medically and/or vocationally necessary will be the responsibility of the customer.
4. When a customer purchases a new vehicle requiring modifications they should check with the dealership to see if the vehicle modification assistance is available. The VRC will check with the customer to see if the customer is willing to access and apply the rebate to the cost of vehicle modification.

**12.15.4** Housing modifications may be provided as a supportive service so the customer can benefit from a core vocational rehabilitation service. Typically these services are provided under an IPE.

### ***12.16 Supportive Services***

- A. Maintenance is a funding provision designed to offset *identified additional costs incurred as a result of participating in a rehabilitation service.* ~~(expenses incurred by the customer while engaged in assessments required for determining eligibility or while receiving services under an IPE).~~

**NOTE:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Ref: 34 CFR, Part 361.5 (35)).

Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.

Maintenance intended to cover shelter related expenses will not exceed four (4) months per case without the Chief of Field Service's approval.

Maintenance intended to cover food expenses will not exceed four (4) weeks per case without the Chief of Field Service's approval.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

Maximum per diem food rates for the state of Idaho can be found at:  
<http://www.sco.idaho.gov/>.

Maximum per diem food rates for out of state can be found at: [www.gsa.gov](http://www.gsa.gov).

VRCs should be aware and make their customers aware, that any maintenance payments for food, shelter, or clothing may impact SSI benefits.

B. Transportation is a service for identified travel and related expenses for customers to participate in a vocational rehabilitation services or assessment.

1. Actual costs may be paid for taxi, buses, airplanes, etc. ([See 12.2 Agency Payment Policy](#))
2. When using a privately owned vehicle, fuel assistance will be negotiated. This depends upon actual transportation expenses for participation in rehabilitation services. Routine vehicle maintenance is not covered by IDVR.
3. The VRC must take into account the following issues when confronted with a request from a customer to repair a privately owned vehicle:
  - a.—The overall condition and value of vehicle.
  - b.—The extent of the repairs.
  - c.—The availability of other appropriate transportation.
  - d.—The necessity that the vehicle be used for IDVR participation or work.

**12.17 ~~School Transition~~Pre-Employment Transition and Transition Services for Students and Youth**

**Authority: 34 CFR 361.5, 361.22, and 361.48**

Idaho Division of Vocational Rehabilitation (IDVR) engages in the delivery of pre-employment transition services for students and transition services for youth with disabilities to ensure they have meaningful opportunities to receive the necessary services to achieve employment outcomes in competitive integrated employment. These services are an early start at job exploration and should be viewed as preparation for engagement in other transition services leading to competitive integrated employment.

Pre-employment transition services may be provided to students eligible for VR services or to potentially eligible students, who may have not applied for VR services. IDVR is required to collect basic information for those potentially eligible students who receive Pre-ETS. Students are encouraged to apply for VR services at the earliest possible time if they require services beyond the five Pre-ETS activities. Pre-employment transition services will be delivered to students with disabilities on a statewide basis; however, some services may be delivered in a manner to accommodate the unique characteristics of the different areas across the state.

The development and approval of an Individualized Plan for Employment (IPE) for students with disabilities will occur as early as possible during the transition planning process, but not later than the time when the eligible student leaves the school setting or, if operating under an Order of Selection, before each eligible student with a disability able to be served under Order of Selection leaves the school setting.

### **12.17.1 Definitions:**

#### **Student with Disability**

The definition for student with a disability has three components including age requirement; education program attendance; and the individual is eligible for and receiving special education or related services under the Individuals with Disabilities Education Act (IDEA), or is an individual with a disability for purposes of Section 504 of the Act.

- **Age Requirements:** Individuals may begin receiving Pre-ETS services when they turn 15 and can continue to receive these services until their 22<sup>nd</sup> birthday.
- **Educational Programs:** Includes secondary education (including home schooling); non-traditional or alternative education (e.g., general education equivalency (GED) preparation programs); and postsecondary education and vocational education. Other recognized educational programs include those offered through the juvenile justice system.
- **Disability:** The student must be eligible for and receiving special education or related services under IDEA. —Students with disabilities for purposes of Section 504 of the Act are not required to be receiving services under Section 504 to receive Pre-ETS.

#### **Availability of Services to Students with Disabilities**

Students with disabilities, regardless of whether or not they have applied for or been determined eligible for the VR program, are eligible to receive Pre-ETS.

#### **Youth with Disability**

A youth with a disability is an individual with a disability between the ages of 14 and 24. There is no requirement that youth participate in an education program. Youth must apply for, and be determined eligible and have an IPE to receive transition related and VR services. Additionally, youth with disabilities are subject to FPA requirements.

#### **Transition Services**

Transition services are VR services available to both students and youth with disabilities. They are a coordinated set of activities that are outcome oriented and promote movement from school to post-school activities; including postsecondary and vocational training and competitive integrated employment. Other transition services may include job-related services, job search and placement assistance, job retention services, follow-up and follow along services. Transition services are based upon the student or youth's needs including their preferences and interests that promotes the achievement of the employment outcome identified in the student or youth's IPE and includes outreach and engagement of parents or representatives, as appropriate.

Transition services may be provided as group services or as individualized services. Group transition services may be provided to potentially eligible students; group transition services may also be provided to eligible students and youth with disabilities. Group transition services are to

benefit a group of students or youth with disabilities and are not individualized services directly related to an IPE. Individualized transition services may only be provided to students and youth who have been determined eligible and have an IPE.

Transition services for youth may be the same services provided to students; however, Pre-ETS funds cannot be used for youth with disabilities, as these funds can only be applied to students.

### **Pre-Employment Transition Services (Pre-ETS)**

The five pre-employment transition services which are delivered directly to students with disabilities are those services which can be provided in a group or on an individual basis and include:

1. **Job exploration counseling** may include counseling on in-demand occupations, labor market composition, nontraditional employment or career pathways, administration of interest inventories, and discussions of local labor market information that applies to the student's areas of interest.
2. **Work-based learning experiences** may include in-school, after school, or summer work opportunities, or experience outside the traditional school setting that is provided in an integrated environment in the community to the maximum extent possible, and can also include informational interviews, job shadows, etc.
3. **Counseling on opportunities for enrollment in postsecondary education** occur at institutions of higher learning and may include but is not limited to: counseling on course offerings and career options, types of academic/occupational training needed to succeed in the workplace, and postsecondary education associated with career fields or pathways, academic curricula advisement, college admittance process assistance, help with financial aid forms, or information on scholarship opportunities.
4. **Workplace readiness training** may include developing social and independent living skills, communication and interpersonal skills, financial literacy, job-seeking skills and understanding employer expectations for punctuality and performance, and soft skills training necessary for employment.
5. **Instruction in self-advocacy** may include teaching students about their rights and responsibilities, self-determination, how to request accommodations or services and supports, and how to communicate their thoughts, concerns, and needs.

### **12.17.2 Delivery of Pre-Employment Transition Services**

Pre-employment transition services provided to students with disabilities are exempt from financial participation consideration, even when such services are provided on an IPE. However, if receiving services under an IPE, all non-exempt services will be subject to the Division's Financial Participation Assessment (FPA). Additionally, once a student no longer meets the definition of 'student with a disability' all services become subject to financial participation consideration. (See FSPM Section 8.0, Participation of Customers in Cost of Services Based on Financial Need for more guidance).

### **12.17.3 Auxiliary Aides or Services Necessary to Support Pre-Employment Transition Services**

If a student with a disability, including potentially eligible students, requires an auxiliary aid or service, e.g., interpreter, reader services, or accessible informational materials, to access or participate in pre-employment transition services, VR may pay for the service, if not customarily provided by another entity, including local educational agencies. Auxiliary aides and services are those services necessary to ensure equal access to pre-employment transition services, as required by the Americans with Disabilities Act of 1990 (ADA), as revised by the ADA Amendments Act of 2008, and Section 504 of the Rehabilitation Act.

If a student with a disability requires additional VR services (e.g., job coaching, transportation, or assistive technology, etc.) to participate in Pre-ETS activities he or she will need to apply for VR services and be determined eligible and have an approved IPE.

#### **12.17.4 Pre-Employment Transition Services Under an Order of Selection**

In the event IDVR enters into an OOS, certain services may or may not be provided depending upon prior service provision or order classification: Neither the statute nor the regulations exempt students with disabilities from any of the order of selection requirements:

- Students with disabilities who are receiving Pre-ETS under an IPE prior to IDVR initiating an Order of Selection (OOS) can continue to receive Pre-ETS and other necessary VR services.
- Students who receive at least one Pre-ETS prior to eligibility determination may continue to receive Pre-ETS regardless of OOS category assignment.
- Eligible individuals in closed priority OOS categories who have not received Pre-ETS prior to eligibility determination may not receive Pre-ETS until they are removed from the OOS waitlist.
- Regardless of OOS category assignment, Pre-ETS provision shall terminate once the individual no longer meets the definition of a student with a disability.

#### **12.17.5 Service Provision and Collaboration with Schools**

IDVR works collaboratively with the State Department of Education (SDE), Local Education Agencies (LEAs), and local school personnel to develop effective referral and outreach strategies to maximize opportunities for students with disabilities to participate in Pre-ETS activities, including students who are receiving accommodations under Section 504 of the Rehabilitation Act. When invited, VRCs may attend Individualize Education Program (IEP) meetings or other school related meetings in person, by video conference, or teleconferencing.

IDVR and the SDE have developed a comprehensive formal interagency agreement which addresses collaborative service provision, consultation and technical assistance, including the programmatic and fiscal responsibilities for each agency, as well as the documentation requirements with regard to students with disabilities who are seeking subminimum wage employment. Specific criteria are used to determine which agency (IDVR or LEA) has the primary responsibility for providing and paying for transition related services for students with disabilities. These criteria are based on several factors, including the purpose of the service, which entity customarily provides the service, and program eligibility.

#### **12.17.6 IPE Development**

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

VRC's may develop a "projected" or preliminary post-school employment outcome before agreeing on a specific vocational goal. The services in the projected IPE goal must outline the Pre-ETS activities and other VR services that will guide the student/youth's career exploration that will eventually lead to the identification of a specific vocational goal (which will require an amendment to the plan). When developing the first projected IPE vocational goal it is acceptable to use entry level positions in an occupation – such as; all other service workers, clerk, certified nursing or medical assistant, teacher's assistant, bookkeeper, etc. Additionally, the development and approval of an IPE for students with disabilities will occur as early as possible, but not later than the time when the eligible student leaves the school setting.

~~IDVR participates in student transition planning as outlined at 34 CFR 361.22 of the Rehabilitation Act. The Regulations require plans, policies, and procedures that provide for the development and approval on an individualized plan for employment as early as possible during the transition planning process but, at the latest, by the time each student who is determined to be eligible for vocational rehabilitation services leaves the school setting. The Act also provides for:~~

- ~~1. Consultation and technical assistance to educational agencies in planning for transition of students with disabilities from school to post-school activities, including vocational rehabilitation;~~
- ~~2. Transition planning by personnel of IDVR and the educational agency for students with disabilities that facilitates the development and completion of their Individualized Education Programs (IEP's) under section 614 (d) of the Individuals with Disabilities Education Act (IDEA);~~
- ~~3. The roles and responsibilities including financial responsibilities, of each agency; and~~
- ~~4. Procedures for outreach to and identification of students with disabilities who are in need of transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation programs, eligibility requirements; application procedures, and scope of services that may be provided to eligible customers.~~
  - ~~● Referrals should be made to the VRC as early as possible following the completion of the student's sophomore year. Earlier referrals can be made based on individual student need. All students with disabilities should be referred, not just those students in special education.~~
  - ~~● The VRC may participate and/or consult during the development of Individualized Education Programs (IEPs), Individual Transition Plans (ITPs) and Child Study Teams (CSTs) at the invitation of the school and agreement between the VRC and CST members. VRC will determine the appropriate time to take an application when the focus is on the final vocational objective or formal planning for continued employment preparation after the student exits from high school.~~



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- ~~• The school district's responsibility is to provide a free and appropriate education to all students. This includes instructional aides, devices, and necessary services to achieve educational goals.~~
- ~~• IDVR's responsibility is to facilitate the accomplishment of long-term vocational rehabilitation goals and intermediate rehabilitation objectives identified in the student's IPE. Only services that are required for achievement of the employment goal will be provided or coordinated.~~

### ***12.18 Services to Family Members***

The definition of "Family Member" is a relative or guardian of the customer or someone who lives in the same household as the customer and has a substantial interest in the well-being of the customer.

#### **Conditions and Criteria:**

- A. Service may be provided only to individuals that meet the definition of family member.
- B. The services to be provided are those which are deemed to be necessary to the successful completion of the customer's rehabilitation plan (IPE or Trial Work Period). The customer and VRC will make the determination as to whether a service to a family member is necessary to the vocational rehabilitation of the individual customer.
- C. Comparable services and benefits are to be explored and if available, utilized prior to expenditure of agency funds.
- D. IDVR funds can only be utilized if economic need is established through the Financial Participation Assessment (FPA).
- E. Family members may not have access to the customer's record of service without a release of information. Family members may have access to information pertaining to the services they received.

#### **Procedures:**

- A. The category of Services to Family Members requires prior approval from the RM.
- B. The IPE must set forth the services to be provided to the family member.
- C. In developing the IPE the VRC must ensure that the customer and family member(s) understand the basis for the provision of services in order to avoid any misunderstanding as to the scope, nature, and duration of services.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- D. Services under this section must comply with all other portions of the manual relating to the provision of IDVR services.
- E. Services to family members must be terminated whenever one of the following conditions prevails:
  - 1. When a service(s) is no longer necessary to the customer's plan; or
  - 2. When the customer's plan is terminated in accordance with case closure procedures; or
  - 3. When Post-Employment Services are terminated.
- F. When services are provided to family members, the record of service must include:
  - 1. A rationale that services are required to support the customer's success in completing objectives of the IPE;
  - 2. Data, including medical information, to support the decision to provide services (the least amount necessary to verify the need);
  - 3. Identification of family member(s) receiving those services;
  - 4. The cost of such services; and
  - 5. Documentation of the time limited nature of these services.

***12.19 Personal Care Assistant Services***

A personal care assistant (PCA) assists a customer with a significant disability by performing personal activities of daily living requiring hands-on help, which cannot be performed by the customer because of the significance of the disability. PCA services including personal care related tasks such as:

- 1. Eating
- 2. Drinking
- 3. Toileting
- 4. Bathing
- 5. Transfers
- 6. Dressing
- 7. Grooming
- 8. Medications

PCA services do not include chore services, respite, cueing, or household tasks. In most cases, tasks performed by the PCA are customer directed. The PCA is not responsible for any tasks that the customer with a disability can perform independently.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

PCA services have been developed to enhance the ability of a customer with a significant disability to live and work independently. The need for PCA services is normally identified through an independent living (IL) evaluation.

A PCA must have completed a State approved training program or have substantial knowledge and experience in providing PCA services.

It is the policy of the IDVR to provide PCA services to customers with significant disabilities, when PCA services over and above those required for normal daily living are required to assist the customer to complete the IDVR process. IDVR does not provide PCA services in lieu of existing PCA programs and providers. If the VRC determines that PCA services are necessary for the customer to complete the objectives of the IPE, the VRC will need to conduct or obtain a personal care assistant evaluation to determine the number of hours of PCA services that are required for participation in the IPE over and above the customer's normal daily living needs.

It is the responsibility of the customer and the VRC to identify, apply for and utilize any and all similar benefits for PCA services. PCA recruitment and management is the responsibility of the customer. Payment for PCA services is made through an authorization to the customer for PCA services. The customer then pays the chosen provider. IDVR will not exceed the current rate established by Medicaid. IDVR does not pay for standby time; only for direct service time related to the VR service that the PCA service is addressing. The customer is required to submit verification of services received from the provider to IDVR on a monthly basis to continue to receive PCA funded services.

IDVR PCA services are time limited in nature and are provided during the vocational rehabilitation process, if required, to assist in determining eligibility, for participation in vocational evaluation and assessment, and during implementation of an IPE with a goal leading to competitive employment. The provision of PCA services must be linked directly to the objective of the IPE. PCA services funded by IDVR must be for those tasks over and above PCA services normally required for tasks of daily living. No more than 40 hours per week will be authorized for PCA services.

When the IPE objectives have been successfully completed and the goal of competitive employment has been achieved, provision of PCA services required to maintain employment becomes the responsibility of the customer.

### ***12.20 Services to a Group of Individuals***

The Rehabilitation Act of 1973 as amended authorizes the provision of rehabilitation services to groups of individuals.

#### **Guidelines**

Services for a group of individuals with disabilities must be expected to substantially contribute to the vocational rehabilitation of a group of individuals, but does not relate directly to the individualized rehabilitation program of any one individual with disability. The decision

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

to provide services to groups will be made based on the need for the services as well as the available resources of the agency.

**Establishment**

Under the authority of 34 CFR 361.49(a)(1), IDVR may pursue the establishment, development, or improvement of a public or non-profit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment, including, under special circumstances, the construction of a facility for a public or non-profit community rehabilitation program. Examples of “special circumstances” include the destruction or natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private non-profit organizations are currently able to provide vocational rehabilitation services to individuals.

Any CRP establishment activities undertaken by IDVR will be supported by the pre-planning requirements under 34 CFR 361.49(b)(1) & (2) and 34 CFR 361.29.

In order for IDVR to engage in activities to establish, develop or improve a public or non-profit CRP, pursuant to 34 CFR 361.49(a)(1), and use of non-Federal expenditures incurred by those activities to satisfy match requirement under the VR Program, IDVR must first satisfy several pre-planning requirements:

1. IDVR must have written policies that set forth the nature and scope of services that will be provided to groups of customers with disabilities, and the criteria that will be used to determine the provision of those services (34 CFR 361.49(b)(1)); and
2. Establishment activities must have been identified as a need in IDVR's most recent statewide comprehensive needs assessment and IDVR must have included in its State plan a discussion of the strategies it would use to meet that need (34 CFR 361.29).

If IDVR has satisfied the above pre-planning requirements for activities related to establishing, developing, or improving a CRP, then the following requirements must be satisfied in order for IDVR to use non-Federal expenditures incurred for these activities towards its match requirements under the VR program pursuant to 34 CFR 361.60(b)(3)(i):

1. The activities proposed must fit within the definition of establishment, development, or improvement of a CRP at 34 CFR 361.5(b)(17);
2. The establishment, development, or improvement of a facility for a CRP at 34 CFR 361.5(b)(18), or
3. The construction of facility for a CRP at 34 CFR 361.5(b)(12); and
4. The activities must be designed to provide services to IDVR customers and applicants.

Based on 34 CFR 361.5(b)(17), IDVR may:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

1. The establishment of a facility for a public or non-profit community rehabilitation program.
2. Staffing, if necessary to establish, develop, or improve a community rehabilitation program for the purpose of providing vocational rehabilitation services to applicants or eligible customers.
3. Other expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness in providing vocational rehabilitation services to applicants or eligible customers, but are not ongoing operating expenditures of the program.

**Employment Related Services to Customers with Disabilities**

Under the authority of 34 CFR 361.49(a)(6), IDVR may pursue services that promise to contribute substantially to the rehabilitation of a group of customers but that are not related directly to the individualized plan for employment of any one customer.

The nature and scope of the services provided include:

1. Increase access to employment and educational opportunities for persons who are deaf or hard of hearing.
2. Increase awareness of the needs of persons who are deaf and hard of hearing through educational informational programs.
3. Encourage consultation and cooperation among departments, agencies, and institutions serving the deaf and hard of hearing.

**SECTION 13.0 - CLOSURE**

***13.1 Closure During Application Status***

**A. No disabling condition**

The VRC is unable to verify the existence of a disabling condition. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

c. Information regarding the Client Assistance Program (CAP)

3. Referral to other agency (ies), including Idaho Department of Labor.

**B. No impediment to employment**

The VRC cannot establish that there is a substantial barrier to employment based on disability. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of:

a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.

b. Appeal rights (Rights and Responsibilities)

c. Information regarding the Client Assistance Program (CAP)

3. Referral to other agency (ies), including Idaho Department of Labor.

**C. Does not require VR services to achieve an employment outcome**

The VRC has been unable to identify substantial VR services necessary to secure, retain or regain employment. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of:

a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.

b. Appeal rights (Rights and Responsibilities).

c. Information regarding the Client Assistance Program (CAP).

3. Referral to other agency (ies), including Idaho Department of Labor.

**D. Unable to benefit from VR services**

The VRC, through trial work has established that the applicant is unable to benefit in terms of an employment outcome. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

- a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies as appropriate.
  4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

**E. Extended services unavailable**

The VRC has determined that extended services are required and the VRC and customer have determined that the extended services are not available at this time. The decision requires IDVR staff to:

1. Provide opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies as appropriate.

**F. No longer interested in receiving services, unable to locate/contact or moved, death, institutionalized or incarcerated, transportation not feasible or available, transferred to another agency, and all other reasons.**

These are closures without eligibility determination. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities).

- c. Information regarding the Client Assistance Program (CAP).

### ***13.2 Closure During Eligibility Status***

#### **A. Unable to benefit from VR services, disability too severe for services**

The VRC, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies or the Extended Employment Program, as appropriate.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

#### **B. Extended services unavailable**

The VRC has determined that extended services are required and the VRC and customer have determined that the extended services are not available at this time. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

3. Referral to other agencies, as appropriate.

**C. No longer interested in receiving services, unable to locate/contact or moved, death, institutionalized or incarcerated, transportation not feasible or available, transferred to another agency, and all other reasons.**

The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

**D. Closure from the Order of Selection Wait List**

When the VRC is unable to contact (the VRC uses the closure reason – unable to locate/contact or moved) or the customer has declined VR participation (the VRC uses the closure reason – **No longer interested in receiving services**).

The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).

***13.3 Unsuccessful Closure After Implementation of IPE***

**A. Unable to benefit from VR services, disability too severe for services**

The VRC, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. A closure determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires IDVR staff to:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agencies or the Extended Employment Program, as appropriate.
4. Customer must return tools and equipment to the agency at the time of unsuccessful closure, in accordance to the tool agreement. Exceptions must be approved by the RM.

**B. Extended services unavailable**

The VRC has determined that extended services are required and the VRC and customer have determined that the extended services are not available at this time. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

**C. No longer interested in receiving services, unable to locate/contact or moved, death, institutionalized or incarcerated, transportation not feasible or available, transferred to another agency, and all other reasons.**

The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation);

- a. Closure determination.
- b. Appeal rights (Rights and Responsibilities)
- c. Information regarding the Client Assistance Program (CAP)

### ***13.4 Successful Competitive Closure After Implementation of IPE***

#### **A. Rehabilitated with supports**

Customers in supported employment are determined rehabilitated when the objectives of the IPE for supported employment training are achieved and a plan for extended support services is verified through the activation of services related to the long-term source of support.

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VRC consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

Case closure requires IDVR staff to:

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification or other appropriate mode of communication.

**B. Rehabilitated without supports**

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VRC consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

Case closure requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification or other appropriate mode of communication.

***13.5 Closure After Post Employment Services (PES)***

**A. Closed unemployed; opening a new VR case**

The VRC has made a determination that the scope of services is inappropriate for PES and the customer has agreed to apply for a new VR case.

1. PES is closed.
2. Customer applies for services.

**B. Employment maintained or regained**

The customer and VRC are in agreement the job is or has been maintained, regained or advanced in.

1. PES case is closed
2. Customer agreement with case closure is documented in the case record.

**C. Lost job; no further services at this time**

The customer's employment was not maintained, regained, or advanced in and no VR services are appropriate at this time.

1. PES case is closed
2. Customer has been informed of case closure is documented in the case record.

**SECTION 14.0 ORDER OF SELECTION**

***14.1 Authority***

Rehabilitation Act of 1973, as amended. 34 CFR §361.36.

In the event that the projected fiscal and personnel resources of IDVR become inadequate to provide the full range of VR services, as appropriate, to all eligible customers, the Administrator will implement the Division's Order of Selection (OOS). Federal regulations require the Division ensure that customers with the most significant disabilities are served first. The criteria used for determining the OOS is the severity of disability priority category defined in the Field Services Policy Manual Section 6.2.

***14.2 Factors Prohibited in Order of Selection Consideration***

Factors that will not be used as criteria for establishing an Order of Selection priority include:

- A. Type of disability;
- B. Duration of residency, provided the customer is present in the state;
- C. Age, gender, race, color or national origin;
- D. Source of referral or cooperative agreements with other agencies;
- E. Type of expected employment outcome;
- F. The need for specific services or anticipated cost of such services; or

G. The income level of the customer or customer's family.

### ***14.3 Administrative Requirements***

Under Order of Selection the Division must:

- Continue to accept applications and make determinations of eligibility. This includes the continued provision of diagnostic services necessary to determine eligibility and the individual's priority under the Order of Selection.
- Continue to provide pre-employment transition services to students with disabilities who were receiving such services prior to determination of eligibility and assignment to a priority category.
- Continue to provide services to all individuals under an IPE who has begun to receive services prior to the effective date of the Order of Selection, regardless of the severity of the individual's disability.
- Implement the Order of Selection on a statewide basis.
- Notify all eligible individuals of the priority categories and their assignment to a particular category.
- Notify eligible individuals of their right to appeal their category assignment.
- Ensure all funding arrangements, including third-party cooperative arrangements and awards under the establishment authority, are consistent with the Order of Selection or renegotiate the funding arrangements to be consistent with the Order of Selection.
- Provide adequate referral assistance (including the documentation of a point of contact for the referral agency) to individuals with disabilities who are:
  1. not eligible for services or
  2. are eligible, but are currently on a wait list.

### ***14.4 Procedures***

#### **Determination of Severity of Disability**

When a VRC makes an eligibility determination, they also determine the severity of disability based upon the criteria established in the Field Services Policy Manual Section 6.0. The severity of the customer's disability is categorized into one of the following three priority categories:

Priority 1 – Eligible individuals with the Most Significant disabilities (MSD).

Priority 2 – Eligible individuals with Significant Disabilities (SD).

Priority 3 – All other eligible individuals with Disabilities (D).

Individuals will be released from the statewide wait list based first on priority category and second by earliest date of application. Prior to any change to priority categories being served, the field and impacted customers, will be notified of the change and the effective date.

#### **Reassessment of Severity of Disability**

A request for priority category reclassification is allowable in cases where it would be necessary and appropriate for IDVR to authorize a reassessment of the significance of a disability when existing records and/or other evidence do not accurately describe the individual's current level of functioning. Regional Manager approval is required prior to a reevaluation of severity of

disability. A Customer will make a request for reclassification of severity of disability by submitting a written request to the Regional Manager within 21 calendar days of notification of their priority category.

### **Maintenance of Statewide Order of Selection Wait List**

After priority category assignment, an individual will be served or placed on a wait list if their category is restricted.

Written notification will be provided to the customer informing them of:

- Their eligibility determination.
- The priority categories of IDVR's Order of Selection.
- Their assignment to a particular category.
- Their placement on the wait list (if applicable).
- Their right to appeal their category assignment.
- Their requirement to respond to agency contact within 30 days to avoid case closure and removal from the wait list.
- The availability of the Client Assistance Program (CAP).

Individuals on the OOS wait list will be contacted at least once in the first 90 days after an eligibility determination is made. Subsequent contact shall be made at least every 180 days while the customer is on the wait list.

The Division will conduct periodic projections of fiscal resources and its ability to serve customers in all priority categories.

### **Initiating Services for Customers on the Wait List**

Based upon current and projected fiscal resources, IDVR will determine when it is appropriate to open a priority category and begin serving eligible individuals on OOS wait list and notify field staff of this change.

Upon receipt of the case from the Order of Selection wait list, VR staff will initiate the following steps:

1. Engage the customer to determine if services are still needed and schedule an appointment.
2. If initial contact attempts (e.g., phone or e-mail) are unsuccessful, a letter will be sent to notify the customer of their change in status and their need to contact IDVR to verify their continued interest in VR services.
3. Make reasonable efforts to locate updated phone numbers and/or addresses for the customer.
4. If the customer has not responded within 30 days from the date the letter was sent, IDVR staff will proceed with case closure.

VR staff need to consider the communication needs of the customer, including the need for information in alternate formats when initiating contact by telephone or letter.

Steps to contact each customer will be documented in case notes and filed in the case service record.

### ***14.5 Information and Referral (I&R)***

When operating under Order of Selection, IDVR is required to offer Information and Referral (I&R) services to customers who cannot be served and must wait for services because of the Order of Selection.

IDVR must document and retain information about referrals to other Federal and State programs that provide employment-related services.

#### **Information and Referral Requirements**

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

- A. Provide customers with accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) to prepare for, get, or keep a job.
- B. Refer customers with disabilities to other Federal or State programs that are best suited to address their specific employment needs, including partners in the workforce development system.

#### **Documenting a Formal Referral**

If a customer requests a referral, the IDVR staff member prepares and sends a written referral to the organization best suited to meet the specific employment needs of the customer. The VR counselor is required to document this referral in casenotes. In addition, the VRC provides the customer with the following:

- A. A copy of the written referral notifying the other Federal or State program about the referral.
- B. The name of the person in that organization to be contacted by the customer being referred.
- C. Information about the most suitable services to prepare for, secure, retain, or regain employment.



## Informal Referrals

VRCs routinely provide information to applicants and eligible customers about community assistance programs that may offer services or benefits to assist the customer in meeting a variety of needs. Formal documentation requirements that apply to workforce development system partners do not apply to informal referrals.

### ***14.6 Post Employment Services***

Order of Selection does not impact or alter the provision of post-employment services. Post-employment services are considered an amendment of the IPE, and therefore, a customer who needs post-employment services is not required to meet the highest priority category currently being served under an Order of Selection nor is the customer required to wait for services.

If substantial services are needed, PES is not appropriate. A new application should be taken and would be subject to Order of Selection.

## **SECTION 15.0 – SERVICES FOR INDIVIDUALS EMPLOYED OR SEEKING EMPLOYMENT AT SUBMINIMUM WAGE**

### **15.1 Authority: 34 CFR 397.1**

The Rehabilitation Act, as amended, emphasizes that individuals with disabilities, including those with the most significant disabilities, can achieve competitive integrated employment if provided necessary supports and services. The limitations imposed by Section 511 of the Act reinforce this belief by requiring individuals with disabilities, including youth, to satisfy certain service-related requirements in order to start or maintain, as applicable, employment for less than minimum wage.

### **15.2 Definitions:**

Employer: Entity who holds a special wage certificate under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 2014(c) and employs individuals with disabilities at less than minimum wage.

Employee: Individual with a disability working for less than minimum wage, or individual with a disability who is seeking to work at less than minimum wage

Youth: Individuals with disabilities age 14 to under the age of 25 who are considering subminimum wage employment.

### **15.3 Purpose**

The purpose of Section 511 seeks to ensure that individuals with disabilities have a meaningful opportunity to understand all potential employment options in their community including Competitive Integrated Employment (CIE). This process includes the requirement for Vocational Rehabilitation (VR) to arrange for the provision and documentation of career

counseling and information and referral (CC/I&R) for all individuals with disabilities employed at or seeking subminimum employment, regardless of age.

Section 511 includes specific and additional service and documentation requirements for youth under the age of 25 who are seeking employment for less than minimum wage with employers who hold special wage certificates under Section 14(c) of the Fair Labor Standards Act of 1938. These requirements for youth must be satisfied, prior to beginning employment at subminimum wage, in addition to the career counseling and information and referral requirements which apply to all subminimum/potential subminimum wage employees.

These additional requirements for youth are intended to provide an increased level of engagement and information provision at a critical period for career development and to ensure youth and parents/guardians are aware that CIE is an option and that assistance is available from VR if they are interested in pursuing CIE.

#### **15.4 General Requirements for CC/I&R**

Current employees can choose to continue to work for less than minimum wage provided they engage in a recurring Career Counseling/Information and Referral (CC/I&R). This service addresses federal requirements allowing the employer to continue to employ individuals at less than minimum wage.

Those adults employed on or after July 22, 2016 must receive CC/I&R twice per year for their first year of subminimum wage employment, and once per year thereafter. Prospective adult employees may begin subminimum wage employment prior to receiving CC/I&R services from IDVR, however they must receive CC/I&R within their first six-months of employment.

#### **15.5 Additional Requirements for Youth**

Youth have additional requirements, including participation in the VR process prior to beginning work for less than minimum wage. Prior to youth entering subminimum wage employment, Career Counseling must be provided during the course of VR Counseling and Guidance. In addition, the Information and Referral packet must be given to the youth. Before providing documentation verifying the delivery of CC/I&R, the following must occur:

1. Evidence of transition services under IDEA or documentation of transition or pre-employment transition services (Pre-ETS) provided by IDVR has been collected and contains all of the elements required for sufficient documentation; and
2. Application to IDVR and eligibility determination. For those determined eligible for VR, an Individualized Plan for Employment (IPE) must be developed and the customer should engage in their IPE services unless the customer has a stated employment goal of subminimum wage employment. In these cases, the customer will be closed and notified that they may reapply to VR at any time; and/or
3. Career counseling and information and referral are provided.

15.6 Documentation

Once all individuals, youth seeking and adults working in subminimum wage employment, have completed the necessary requirements, IDVR will provide the verification documentation necessary for them to work for subminimum wage. IDVR will maintain documentation of 511 related services for a period of three years from date of completion of the service as per 2 CFR 200.333.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Proposed Rule – Docket 55-0103-1701 – Rules of Career Technical Schools

**REFERENCE**

2000 Board approved rules creating IDAPA 55.01.03 –  
Rules of Career Technical Schools

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, 55.01.03  
Section 33-1002G, Idaho Code

**BACKGROUND/DISCUSSION**

Since the original approval by the Board of Education of rules governing career technical schools in 2000, and the adoption of the rules by the 2001 Legislature, this section has become outdated. Proposed amendments will update the rule language with current terminology, remove outdated language that no longer conforms to Idaho Code, streamline requirements for more efficient administration and make technical changes, like alphabetizing the definition section.

Funding for career technical schools was intended to be based on the existing data reporting structure that has school districts reporting required data to the Department of Education (Department), the data is then sent by the Department to the Division of Career Technical Education. This data transfer process has never functioned as intended, requiring school districts to self-report their career technical school related data directly to the Division of Career Technical Education (Division). The district self-reporting process has led to processing errors, reporting discrepancies, and an increased burden on district administrators and Division staff. The Division started the negotiated rulemaking process in April 2017. As part of the negotiated process the Division worked with career technical school administrators to clarify the types of courses that qualify for funding, outline the enrollment requirements that a career technical school must meet in terms of enrolling students from more than one high school, and define the qualifications of a career technical school administrator.

The proposed changes will also clarify the process for calculating and distributing funds to career technical schools. The long-term goal of the Division is to transition funding for career technical schools to an enrollment based approach. The Division has proposed legislation that the Board will be considering under another agenda item that, if enacted by the Legislature, will allow them to move in that direction. Enrollment-based funding will more closely align with how the infrastructure and costs for career technical school programs are calculated and will reduce the reporting burden for administrators. In the interim, these changes

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

are a more accurate representation of the existing process and ensure consistency statewide.

**IMPACT**

The policy will have a positive impact on program delivery. Career technical schools will have a clear understanding of program expectations from year to year and which courses are eligible to receive funding. There will be no additional immediate fiscal impact, as these changes simply clarify the distribution of funds within any given appropriation.

**ATTACHMENTS**

Attachment 1 – Proposed Rule Docket 55-0103-1701

Page 5

**STAFF COMMENTS AND RECOMMENDATIONS**

Pursuant to Section 33-1002G, Idaho Code, Career Technical Schools are funded through added cost units. This section of code specifically requires:

“... In order for a school to qualify for funding as a career technical school, it must make application to the division of career technical education on or before the first Friday in July for the following fiscal year. All school programs must have a career technical component and meet at least four (4) of the five (5) following criteria:

- (1) The school serves students from two (2) or more high school attendance zones with a minimum of fifteen percent (15%) of the total student body residing in attendance zones apart from the attendance zone of the majority of students.
- (2) The school offers a majority of its class offerings as dual credit opportunities in conjunction with an accredited institution of higher education.
- (3) All school programs involve at least one (1) supervised field experience.
- (4) The school is administered and funded as a distinct school separate from schools that qualify for computation as regular secondary support units.
- (5) The school is to be located at a separate site from regular high school facilities.
- (6) Hardship exemptions for the separate site requirement may be granted by the state board of education.
- (7) For funding purposes, students in attendance at a qualifying career technical school will be reported in full or half days. The state board of education will develop rules that will determine funding in instances where students attend a career technical school on a regular basis, but in increments of time that total less than 2.5 hours per day.

The hierarchy of state policy when there is a conflict between Administrative Code (rule) and Idaho Statute, the statute governs. In rule-writing it is considered a best practice to not duplicate requirements in statute unless doing so provides additional clarification and ease of understanding of the administrative requirements in rule. The Division is proposing amendment to Section 33-1002G, Idaho Code, under a separate agenda item. Should the proposed rule be

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

approved by the Board and enacted by the Legislature, the Division will bring back a temporary rule to the Board for consideration to bring the rule into compliance with the new funding methodology.

The proposed amendments to IDAPA 55.01.03. subsection 104, would allow for the Division to make partial payments to a school that does not meet all of the eligibility requirements to qualify as a career technical school. Section 33-1002G, Idaho Code, does not authorize the Division to make partial payments is a school does not meet the minimum eligibility requirements specified in Idaho Statute. Board staff will work Division staff to explore available options in this area. Any identified changes will be brought back to the Board for consideration, if approved, as a pending rule.

Once approved by the Board, proposed rules are published in the Administrative Bulletin. Publication of the proposed rule starts the 21-day public comment period. At the close of the public comment period, based on comments received and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules are brought back to the Board for approval prior to re-submittal to the Department of Administration for publication as a pending (or final rule) in the Idaho Administrative Bulletin. The Department of Administration then forwards all pending rules to the legislature for consideration during the next legislative session. Pending rules go into effect at the end of the session in which they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.

Staff recommends approval.

**BOARD ACTION**

I move to approve Proposed Rule Docket 55-0103-1701 as submitted in attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**IDAPA 55**  
**TITLE 01**  
**CHAPTER 03**

**55.01.03 - RULES OF CAREER TECHNICAL SCHOOLS**

**000. LEGAL AUTHORITY.**

The State Board of Education is designated as the State Board for Career Technical Education and is responsible to execute the laws of the state of Idaho relative to career technical education, administer state and federal funds, and through the administrator of the State Division of Career Technical Education, coordinate all efforts in career technical education (Section 33-2202 through 33-2212, Idaho Code). (3-30-01)

**001. TITLE AND SCOPE.**

**01. Title.** The rules shall be cited as IDAPA 55.01.03, "Rules of Career Technical Schools." (3-30-01)

**02. Scope.** These rules serve the administration of Career Technical Education in Idaho and define the duties of the State Division of Career Technical Education. (3-30-01)

**002. WRITTEN INTERPRETATIONS.**

Written interpretations of these rules, if any, are on file at the office of the State Division of Career Technical Education. (3-30-01)

**003. ADMINISTRATIVE APPEALS.**

All appeals under these rules shall be conducted pursuant to the procedures set forth by the State Board of Career Technical Education. (3-30-01)

**004. (RESERVED)**

**005. DEFINITIONS.**

**01. Administrator.** A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02.015 and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies.

**0102. Attendance Zones.** For purposes of Section 33-1002G, Idaho Code, each high school is classified as an attendance zone. The attendance zone requirement can be met by having students from at least two (2) high school zones within a district or at least two (2) high school zones in different districts participate in the career technical school. A minimum of fifteen percent (15%) of the total student body must reside in attendance zones apart from the attendance zone of the majority of students. Cooperative Service Agencies must meet the fifteen percent (15%) attendance criteria on a program-by-program basis. (3-30-01)

**0203. Dual Credit.** Pursuant to Section 33-5109, Idaho Code, dual credit may be granted for Advanced Placement, College Level Examination Program, or Tech Prep class offerings that are approved through an accredited institution of higher education. This does not have to be a one (1) credit for one (1) credit articulation. Competencies from multiple classes can count toward postsecondary credit/credits. **Capstone Course.** A culminating course that requires students to demonstrate apply the knowledge and skills learned throughout their course program of study.

**04. Career Technical Schools.** Schools designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

~~thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (3-30-01)~~  
~~(3-30-01)~~

**0305. Field Experience.** Paid or unpaid work experience such as business/industry internship, clinical experience, supervised occupational experience, job placement, school-based enterprise, or similar work experience setting. The field experience must be of sufficient duration and depth to add to the technical competencies of the student. (3-30-01)

~~**04. Career Technical Schools.** Schools designed to provide high-end, state-of-the-art technical programs that foster quality technical education at the secondary level. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (3-30-01)~~

**006. -- 099. (RESERVED)**

**100. STATEMENT OF PURPOSE.**

The purpose of this rule is to clearly define general implementation criteria, the criteria for approval for funding, the added cost unit calculation, the procedure to follow in calculating average daily attendance (ADA), the process to follow for fund distribution, and program accountability for Idaho Career Technical Schools. (3-30-01)

**101. CAREER TECHNICAL SCHOOL GENERAL APPROVAL CRITERIA.**

For approval, applying ~~career technical school's~~ districts/~~consortiums~~ must meet at least four (4) of the five (5) criteria listed in Section 33-1002G, Idaho Code. Approval criteria: (3-30-01)

**01. High School Attendance Zones.** Two (2) or more high school attendance zones. (3-30-01)

**02. Dual Credit.** (3-30-01)

**03. Field Experience.** (3-30-01)

**04. Funded as a Separate School.** (3-30-01)

**05. Separate Site or Cooperative Service Agency.** Located at a separate site or approved by the State Board of Education as a cooperative service agency. (3-30-01)

**102. CAREER TECHNICAL COMPONENT CRITERIA.**

**01. Program Criteria.** Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. The lab should be appropriately designed for the type of program and the number of students enrolled. The program should have state-of-the-art equipment, current technology and strong links to business and industry. (3-30-01)

**02. Career Technical School Program.** Each program of a career technical school shall: (3-30-01)

~~a. Be based on industry standards that are measurable using a competency-based evaluation system. (3-30-01)~~

~~b. Demonstrate a responsiveness to students' needs and to labor market needs. (3-30-01)~~

~~ea. Contain a sequence of instruction that follows a set of industry competencies. Deliver a sequence of career technical education courses that culminate in a capstone course. (3-30-01)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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- ~~d. Reinforce basic and advanced academic skills. (3-30-01)~~
- ~~eb. Have at least one (1) dual credit technical course or be approved for postsecondary credit as part of a Tech Prep agreement. Meet all of the required technical competency credit standards established by the state board of education. (3-30-01)~~
- ~~f. Promote access and equity for all students and school personnel. (3-30-01)~~
- ~~gc. Incorporate active input from an appropriately qualified business/industry technical advisory committee. Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-30-01)~~
- ~~hd. Ensure that all programs iImplement instructional delivery methods that use current teaching and industry technologies. integrate advances in industry technologies. (3-30-01)~~
- ~~ie. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the division of career technical education. (3-30-01)~~
- ~~jf. Be delivered over a term of not less than five semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the division of career technical education.~~
- ~~g. Enroll students from at least two high schools. No single high school will comprise more than eight-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides.~~
- ~~h. Promote the development of leadership, interpersonal and other cross functional workplace skills through career technical student organizations or other appropriate means. (3-30-01)~~
- ~~k. Ensure that the instructional setting is appropriate and effective regarding: (3-30-01)~~
  - ~~i. Student teacher ratios. (3-30-01)~~
  - ~~ii. Number of lab work stations. (3-30-01)~~
  - ~~iii. Number of quality work experience sites. (3-30-01)~~
  - ~~iv. Safety. (3-30-01)~~
  - ~~v. Work experience agreements. (3-30-01)~~
  - ~~vi. Facility maintenance. (3-30-01)~~

**103. APPLICATION PROCESS.**

Applications for career technical school funding must be received by the Division of Career Technical Education on or before the first Friday in July for the following fiscal year. (3-30-01)

**104. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUNDING AND ELIGIBILITY.**

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is based on the average daily attendance (ADA) of students enrolled in the career

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

technical school. If any approved program within a career technical school does not enroll students from more than one high school during the reporting period, the enrolled students may not be counted as part of the school's average daily attendance for that reporting period. If the overall enrollment exceeds more than eighty-five percent (85%) of students from any single high school during the school year, the division of career technical education may withhold all or part of the career technical school's funding. (3-30-01)

**105. CAREER TECHNICAL SCHOOL AVERAGE DAILY ATTENDANCE.**

The Division of Career Technical Education shall use the enrollment and attendance reports sent to the State Department of Education submitted to the division of career technical education by the school district to calculate career technical school average daily attendance (ADA) in accordance with applicable laws and rules (Section 33-1002, Idaho Code). Students in attendance at a qualifying career technical school shall be reported as aggregate hours and/or aggregate attendance. The aggregate hours and aggregate attendance will be combined to calculate the ADA for the career technical school. (3-30-01)

**01. Aggregate Hours.** The daily hours of all students enrolled in approved intermediate and capstone courses who attend less than two and one-half (2.5) hours per day shall be added together and reported as weekly aggregate hours. (3-30-01)

**02. Aggregate Attendance.** Students enrolled in approved intermediate and capstone courses attending who attend more than two and one-half (2.5) hours per day are to be reported as aggregate attendance. (3-30-01)

**106. CAREER TECHNICAL SCHOOL ADDED COST UNIT CALCULATION.**

The Division of Career Technical Education shall use the career technical school average daily attendance (ADA) as the basis for added cost unit funding. (3-30-01)

**01. State Support Unit Value.** The added cost support unit value shall be based on state salary-based apportionment, state paid employee benefits (less state unemployment), base support, and safe environment distribution factors found in the Public School Support Program. (3-30-01)

**02. Support Unit Divisor.** Added cost support units for career technical schools shall be calculated by using the secondary support unit attendance divisor of eighteen and one-half (18.5) as shown in Section 33-1002(6), Idaho Code. (3-30-01)

**03. Added Cost Support Factor.** The added cost support factor for career technical schools shall be calculated by multiplying point thirty-three (.33) times the added cost support units generated in the career technical school. (3-30-01)

**04. Estimated Reimbursement Distribution.** The estimated reimbursement distribution shall be calculated by multiplying the state support unit value by the added cost support factor. (3-30-01)

**107. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUND DISTRIBUTION.**

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. (3-30-01)

**01. Payment Distribution.** Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (3-30-01)

**a.** Seventy percent (70%) of the total estimated funds for which a-career technical schools are is eligible shall be distributed each year following receipt of first-period attendance enrollment data from the Department of Education the approved career technical schools. Funding will not be distributed until reports have been received and approved by the division of career technical education from each approved schools. (3-30-01)

**b.** Based on actual support units generated during the year, the balance shall be distributed each year

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

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by July 15th.

(3-30-01)

~~02. **Reduced Funding.** In the event that the legislature does not appropriate enough funds to cover at least ninety percent (90%) of the calculated per unit value, preference will be given to existing schools and funding will not be reduced to less than ninety percent (90%) of the previous year's level.~~ (3-30-01)

~~03. **Adjusted Distribution.** In the event that program growth exceeds the amount of the requested appropriation on a given year, the distribution of funds to each career technical school will be based on the projected ADA from the Annual Application or the actual ADA from the enrollment reports, whichever is smallest.~~ (3-30-01)

**108. ACCOUNTABILITY.**

01. **Assessment Process.** The Division of Career Technical Education shall develop an assessment process that includes measures and standards for career technical school programs. (3-30-01)

02. **Reporting.** No later than October 15 of each year, the career technical schools will submit a report to the division of career technical education, detailing their enrollment at the program level by high school.

~~0203. **Administrator Responsibility.** The administrator of each career technical school shall be responsible to provide onsite administration of the career technical school. The administrator will submit all required career technical school reports requested by the division of career technical education, a complete report for each program on the measures and standards at the end of each fiscal year.~~ (3-30-01)

0304. **Accreditation.** Each career technical school shall be accredited following Department of Education guidelines. This accreditation shall be appropriate for the individual type of career technical school that is developed. (3-30-01)

0405. **School Improvement Plan.** The administration, faculty and staff at each career technical school shall be responsible to develop and implement a local school improvement plan based on the assessment process developed by the division of career technical education.

(3-30-01)

**109. -- 999. (RESERVED)**

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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**DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Proposed Rule Docket 55-0104-1701, Rules Governing 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.
November 2014	Board approved pending rule Docket 55-0114-1501.

**APPLICABLE STATUTE, RULE, OR POLICY**

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

**BACKGROUND/DISCUSSION**

These proposed amendments to IDAPA 55.01.14 reflect two years of the Idaho Quality Program Standards (IQPS) Incentive Grant and Agricultural Education Program Start-Up Grant implementation. Following the second round of grant awards, Agriculture and Natural Resource teachers requested a review of the existing language. This review was intended to ensure the structure and award of the grants continued to align with legislative intent and were serving the intended purpose of improving the quality of programs.

The Division entered into negotiated rulemaking in April 2017, as well as conducted a series of focus groups with teachers to identify the strengths and weaknesses of the current process. Teachers identified changes in two main areas: the first creates a “carry forward” function within the grant that would allow qualified teachers priority consideration for a subsequent grant cycle, in the event that a qualified teacher does not receive funds in the year they are eligible. In years that the number of qualified teachers exceeds available funds, those teachers would be placed at the top of the consideration list the following year. The second change expands the window of time that a new program is eligible for the start-up grant from one year to three years of program approval.

The Division has also changed the funding structure of the grants. Rather than funding the grants using a reimbursement process, districts will now receive their entire grant award around October of each year and then file an annual report with the Division documenting the appropriate use of funds.

**IMPACT**

The policy will have a positive impact on expanding the number of teachers who will receive the award. Under the existing structure, a teacher who receives the award in one year can continue to receive the award indefinitely, making it difficult for new teachers to participate in the grant. Under the new structure, teachers will have an additional incentive to continue to apply for the grant, as they are guaranteed to eventually receive funding, assuming they continue to meet the eligibility requirements. The changes also have a positive impact for new programs, as districts can request start-up funds beyond the initial year of approval. This additional flexibility is particularly beneficial for those districts where a program is approved but not started within the first year.

There will be no additional immediate fiscal impact, as these changes simply clarify the distribution of funds within the existing grant structure. Long term fiscal impact will be determined if the number of teachers who qualify for the grant increases and if the Legislature appropriates additional funds for either grant program.

**ATTACHMENTS**

Attachment 1 – Proposed Rule Docket 55-0104-1701

Page 5

**STAFF COMMENTS AND RECOMMENDATIONS**

The Idaho Legislature enacted Section 33-1629, Idaho Code, Agricultural and Natural Resource Education Programs during the 2014 session. The statute establishes an Agricultural and Natural Resource Education Program that provides incentive grants for high quality programs that meet the standards approved by the Board and provides start-up grants for school district to start high quality programs. In addition to the two grant programs the statute establishes a Quality Program Incentive Fund that public and private funds may be deposited into for use toward the grant programs. The Division is proposing legislation that would create a similar program for career technical education programs other than agricultural and natural resource education programs. This proposal is included in the 2018 legislation under a separate agenda item.

Once approved by the Board, proposed rules are published in the Administrative Bulletin. Publication of the proposed rule starts the 21-day public comment period. At the close of the public comment period, based on comments received and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules are brought back to the board for approval prior to re-submittal to the Department of Administration for publication as a pending (or final rule) in the Idaho Administrative Bulletin. The Department of Administration then forwards all pending rules to the legislature for consideration during the next legislative session. Pending rules go into effect at the end of the session in which they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

The notice of intent to promulgate this rule was published in the April 5, 2017 (Vol.17-4) Administrative Bulletin.

**BOARD ACTION**

I move to approve Proposed Rule Docket 55-1014-1701 as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 10, 2017**

---

**55.01.04 - RULES GOVERNING 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. (4-11-15)

**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 Agricultural Education Program Start-Up Grants." (4-11-15)

**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 Career Technical Education. (4-11-15)

**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 Career Technical Education. (4-11-15)

**003. ADMINISTRATIVE APPEALS.**

All appeals under these rules shall be conducted pursuant to the procedures outlined herein. (4-11-15)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules.(4-11-15)

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Division of Career Technical Education are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-11-15)

**02. Street Address.** The offices of the Division are located at 650 W. State Street, Boise, Idaho. (4-11-15)

**03. Mailing Address.** The mailing address of the Division is P.O. Box 83720, Boise, ID 83720-0095. (4-11-15)

**04. Telephone Number.** The telephone number of the Division is (208) 334-3216. (4-11-15)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**05. Facsimile.** The facsimile number of the Division is (208) 334-2365. (4-11-15)

**06. Website.** The website of the Division is <http://cpte.idaho.gov/>. (4-11-15)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-11-15)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS AND ABBREVIATIONS.**

**01. Administrator.** The administrator for the Division of Career Technical Education. (4-11-15)

**02. Agricultural and Natural Resources Program.** A program approved by the Division of Career 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. (4-11-15)

**03. Board.** The State Board for Career Technical Education. (4-11-15)

**04. Division.** The Division of Career Technical Education. (4-11-15)

**05. FTE.** Full Time Equivalent employee. (4-11-15)

**06. School District or District.** A public school district or a charter school authorized by the Public Charter School Commission or school district. (4-11-15)

**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. (4-11-15)

**a.** An agricultural and natural resources program in any grade nine (9) through twelve (12) must first meet the minimum program-specific quality program standards as approved by the board. (4-11-15)

**b.** Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

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 (1) year may be found eligible in subsequent year. Programs will be assessed by the division. (4-11-15)

**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. (4-11-15)

**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 instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. All instructors of agricultural and natural resources programs in grades nine (9) through twelve (12) are eligible to apply for the grant. (4-11-15)

**e.** Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program. (4-11-15)

**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. (4-11-15)

**02. Application Process.** The application process consists of a formal application and assessment. (4-11-15)

**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. (4-11-15)

**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

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications. (4-11-15)

**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: (4-11-15)

a. Applicants will be ranked according to their overall score. Scores will be calculated using the sum of: (4-11-15)

i. The average score of the program quality indicators; and (4-11-15)

ii. The average score of the instructor-specific program quality indicators. (4-11-15)

**04. Incentive Grant Award.** (4-11-15)

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. (4-11-15)

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 ten thousand dollars (\$10,000) until available funds are exhausted or all qualified recipients have been awarded the grant. In the event that funds are exhausted and a qualified teacher does not receive the grant in the year he or she applies, that teacher will receive priority consideration for the grant the following year. If the teacher(s) reapplies and continues to meet the minimum qualifications the following year, he or she will be eligible to receive the grant regardless of where he or she ranks. Once the prioritized teacher(s) has been awarded funds, the remaining teachers will be ranked and funds will be awarded until the remaining funds have been exhausted. This cycle of prioritization may continue for multiple years; once a qualified teacher receives funds, he or she automatically moves back into the pool of teachers whose applications will be ranked in the following application cycle

Grants may be less than ten thousand dollars (\$10,000) when certain conditions exist: (4-11-15)

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. (4-11-15)

ii. Less than full-time employment in an approved program. Grants will be

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

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. (4-11-15)

**c.** Grants are awarded on an annual basis and are not renewable or transferable. (4-11-15)

**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. (4-11-15)

**e.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (4-11-15)

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; (4-11-15)

ii. Purchase or repair equipment; or (4-11-15)

iii. Purchase educational supplies/curricula. (4-11-15)

**f.** Grant funds may not be used to: (4-11-15)

i. Cover the costs of either salaries or benefits, including extended contracts; (4-11-15)

ii. Offset expenses associated with the FFA organization or other student organizations; or (4-11-15)

iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (4-11-15)

**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 nine (9) through twelve (12) when specific eligibility requirements are met. Districts are only eligible to apply for the grant in the within the first three fiscal years their program is approved or re-established. If a district applies for the grant but does not receive it, the district may reapply the following year(s). However, the district may only receive the grant once and may not apply beyond

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

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[the three-year window.](#)

(4-11-15)

**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 (1) 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. (4-11-15)

**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 nine (9) through twelve (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 (2) academic years to qualify for the grant. (4-11-15)

**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 [in the request](#). (4-11-15)

**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. (4-11-15)

**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. (4-11-15)

**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. (4-11-15)

**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 twenty-five thousand dollars (\$25,000) until available funds are exhausted or all qualified recipients have been awarded the grant. (4-11-15)

**a.** Grants are awarded on a one-time basis and are not renewable or transferable. If a district is awarded the grant for a new program, the program is ineligible



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

for future awards should the program terminate and then be re-established. (4-11-15)

**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. (4-11-15)

**c.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (4-11-15)

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; (4-11-15)

ii. Purchase or repair equipment; (4-11-15)

iii. Purchase educational supplies/curricula; or (4-11-15)

iv. Start-up costs, up to one thousand dollars (\$1,000<sup>7</sup>) associated with establishing a new chapter of FFA or other relevant student organization. (4-11-15)

**d.** Grant funds may not be used to: (4-11-15)

i. Cover the costs of salaries and/or benefits, including extended contracts; (4-11-15)

ii. Offset ongoing expenses associated with the FFA organization or other student organizations; or (4-11-15)

iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (4-11-15)

**201. -- 299. (RESERVED)**

**300. PAYMENTS.**

Payment of grant funds will be made to the district using a reimbursement process once the final award determinations are made. 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. No later than June 30 of the fiscal year the grant was received, the district must submit a detailed expenditure report to the Division. Each report is subject to review and verification by the Division and must detail that all expenditures were allowable under the grant and that all funds were spent within the fiscal year. Any unspent grant funds must be returned to the Division. (4-11-15)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 10, 2017**

---

**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. (4-11-15)

**01. Review.** 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. (4-11-15)

**02. Presentation.** 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. (4-11-15)

**03. Final Decision.** 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. (4-11-15)

**302.--999.(Reserved)**

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