

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
NOVEMBER 15, 2017**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>PENDING RULE DOCKET NO. 08-0111-1701 REGISTRATION OF POSTSECONDARY EDUCATION INSTITUTIONS AND PROPRIETARY SCHOOLS</b>	Motion to Approve
<b>2</b>	<b>PENDING RULE DOCKET NO. 08-0113-1701 - RULES GOVERNING OPPORTUNITY SCHOLARSHIP PROGRAM</b>	Motion to Approve
<b>3</b>	<b>PENDING RULE DOCKET NO. 08-0202-1703 – RULES GOVERNING UNIFORMITY, ACCREDITATION</b>	Motion to Approve
<b>4</b>	<b>PENDING RULE DOCKET NO. 08-0202-1705 – RULES GOVERNING UNIFORMITY, EDUCATOR CREDENTIAL AND EVALUATIONS</b>	Motion to Approve
<b>5</b>	<b>PENDING RULE DOCKET NO. 08-0202-1707 – RULES GOVERNING UNIFORMITY, TRANSPORTATION</b>	Motion to Approve
<b>6</b>	<b>PENDING RULE DOCKET NO. 08-0202-1708 – RULES GOVERNING UNIFORMITY, EDUCATOR CREDENTIAL – CAREER TECHNICAL EDUCATION CERTIFICATION</b>	Motion to Approve
<b>7</b>	<b>PENDING RULE DOCKET NO. 08-0203-1707 – RULES GOVERNING THOROUGHNESS, DEFINITION - DIPLOMA</b>	Motion to Approve
<b>8</b>	<b>PENDING RULE DOCKET NO. 08-0203-1709 – RULES GOVERNING THOROUGHNESS, CAREER READINESS DEFINITION AND COMPETENCIES</b>	Motion to Approve
<b>9</b>	<b>PENDING RULE DOCKET NO. 08-0203-1710 – RULES GOVERNING THOROUGHNESS, CAREER TECHNICAL EDUCATION CONTENT STANDARDS</b>	Motion to Approve
<b>10</b>	<b>PENDING RULE DOCKET NO. 08-0203-1712 – RULES GOVERNING THOROUGHNESS, DATA COLLECTION - GPA</b>	Motion to Approve

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11	<b>PENDING RULE DOCKET NO. 08-0204-1701 – RULES GOVERNING PUBLIC CHARTER SCHOOLS AND PENDING RULE DOCKET NO. 08-0301-1701 – RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION</b>	Motion to Approve
12	<b>PENDING RULE DOCKET NO. 08-0401-1701 – RULES GOVERNING THE IDAHO DIGITAL LEARNING ACADEMY</b>	Motion to Approve
13	<b>PENDING RULE DOCKET NO. 08-0501-1701 – RULES GOVERNING SEED CERTIFICATION</b>	Motion to Approve
14	<b>PENDING RULE DOCKET NO. 47-0101-1701 – RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION – FIELD SERVICE POLICY MANUAL</b>	Motion to Approve
15	<b>PENDING RULE DOCKET NO. 55-0103-1701 – RULES GOVERNING CAREER TECHNICAL SCHOOLS</b>	Motion to Approve
16	<b>PENDING RULE DOCKET NO. 55-0104-1701 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARD INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS</b>	Motion to Approve

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**SUBJECT**

Pending Rule Docket No. 08-0111-1701 – Registration of Postsecondary Education Institutions and Proprietary Schools

**REFERENCE**

August 2012	Board approved proposed rule Docket 08-0111-1201, updating registration requirement for postsecondary education institutions and proprietary schools.
November 19, 2012	Board approved pending rule Docket 08-0111-1201.
June 2016	Board approved a legislative idea clarifying the exemption status for proprietary schools regulated by other state agencies pursuant to Title 54.
August 2017	Board approved proposed rule Docket 08-0111-1701

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.01.11  
Chapter 24, Title 33, Idaho Code

**BACKGROUND/DISCUSSION**

IDAPA 08.01.11 sets out the registration requirements for postsecondary (degree granting) education institutions and proprietary schools that have a physical presence in Idaho. IDAPA 08.01.11.301.02 sets the standards for courses and courses of study delivered by proprietary schools. The proposed amendments provide clarification that the Board does not review these courses and that if the courses apply to an occupation that is otherwise regulated in the state of Idaho, the applicant must attest to the courses meeting the regulatory agency or boards requirements for licensure or certification. Additional technical edits include removing the hyphen from the word “post-secondary” to be consistent with its usage in other section of Idaho law and specifying that appeal requests must be in writing.

**IMPACT**

The proposed changes will clarify the rule the Board serves in the evaluation of courses and courses of study for proprietary schools that are regulated by other state agencies or boards.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0111-1701

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**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 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

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agency discusses the areas that they want to amend or add to Administrative Code and why, 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, in part 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 as a proposed rule. Once the rule is drafted it is then brought before the Board for consideration as a proposed 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.

The notice of intent to promulgate this rule was published in the May 3, 2017 (Vol.17-5) Administrative Bulletin. No requests were received to negotiate the rule. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0111-1701 as submitted in attachment 1.

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

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**IDAPA 08  
TITLE 01  
CHAPTER 11**

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

(Only Those Sections With Amendments Are Shown)

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

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

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

**02. Criteria for Approval of Registration.** To be approved for registration, the institution must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-9-09)

**03. Public Information.** All information submitted to the Board in connection with the application is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-12)

**04. Certificate of Registration or Exemption.** (3-29-12)

**a.** A certificate of registration will be issued to a post-secondary educational institution that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution or any of its courses, courses of study, or degrees. (4-7-11)

**b.** An institution exempt from registration under these rules may request a certificate of exemption. (3-29-12)

**c.** If a post-secondary educational institution wishes to offer additional courses, courses of study, or degrees during a registration year that were not included in its annual registration application to the Board, then the institution must submit a letter to the Board Office along with documentation of its accrediting agency's approval of those specific curriculum changes. (4-7-11)

**05. Disapproval and Appeal.** If a post-secondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision ~~in accordance with Chapter 52, Title 67, Idaho Code by submitting written request.~~ The request must be in writing and made to the Board office within thirty (30) days of the date the institution is notified of the disapproval. ~~(3-29-12)~~

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

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

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

  - i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)
  - ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)
  - iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; (3-29-12)
  - iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board Office has been received; or (3-29-12)
  - v. Loss of accreditation status. (3-29-12)
- c. If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board office of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board Office of this event. (3-29-12)

**202. -- 299. (RESERVED)**

**300. REGISTRATION OF PROPRIETARY SCHOOLS.**

**01. Delegation.** Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

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

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

b. Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issuance of a certificate of registration and continue through June 30 of the next succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. (3-29-12)

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

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

a. A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, or if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

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

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i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 300.03.a. of this rule; (3-29-12)

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

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

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

a. An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the Board. (3-29-12)

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

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

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

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

f. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year. (3-29-12)

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

h. An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the Western Governors University. (3-29-12)

i. An individual or entity that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount equal to or less than fifteen (15) percent of the total course or program cost. (3-29-12)

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

**06. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous tax reporting year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (4-4-13)

**07. Deadline for Registration.** An initial application for registration may be submitted to the Board at

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anytime. A school should expect the Board review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

**08. Information Required.** Such application must include all the information requested on the application form. In addition, a school must attest by signature of the primary official on the application form that it is in compliance with Standards I through V set forth in Section 301 of this rule and must provide verification of compliance with Standards I through V set forth in Section 301 of this rule upon request. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 300.06 of this rule, shall remain applicable. (3-29-12)

**301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.**

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

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

**a.** The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval. (4-7-11)

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

**c.** Each owner, agent, instructor and/or school official must be appropriately qualified by the trade board (as applicable) to ensure courses are of high quality and the rights of students are protected. (3-29-12)

**d.** Written policies must be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-7-11)

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

**f.** All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll. Schools offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. The school must provide to each prospective student, newly-enrolled student, and returning student complete and clearly presented information indicating the school's current completion and job placement rate. (4-4-13)

**02. Standard II - Courses or Courses of Study.** Instruction must be the primary focus of the school. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (3-29-12)



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a. The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study ~~will~~ must follow applicable trade or occupational board training curriculum standards or be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. Applicants must include an attestation that courses or courses of study applicable to occupations which are otherwise regulated, licensed, or registered with another state agency or state board meet the regulating state agency or state board standards for licensure or certification at the time of application. The office of the state board of education does not review course or program curriculum. (3-29-12)

b. Written course descriptions must be developed for all courses or courses of study. Written course descriptions must be provided to instructors. Instructors are expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (3-29-12)

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

d. The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information, and the refund policy, must be given to students in writing. (3-29-12)

**03. Standard III - Student Support Services.** The school must have clearly defined written policies that are readily available to students. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (3-29-12)

a. The admission of students must be determined through an orderly process established in a written policy using published criteria which must be uniformly applied. Admissions decisions must take into account the capacity of the student to grasp and complete the instructional training program and the ability of the school to handle the unique needs of the students it accepts. (3-29-12)

b. There must be a clearly defined policy to re-evaluate students dismissed from the school and, if appropriate, to readmit them. (3-29-12)

c. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, given to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (3-29-12)

d. Prior to enrollment, all prospective students must receive the following information in writing: (3-29-12)

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

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

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

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

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

vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)

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- vii. A complete list of instructors and their qualifications; (4-9-09)
- viii. A listing of available student services; and (4-9-09)
- e. Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-9-09)
- 04. Standard IV - Faculty/Instructor Qualifications and Compensation. (3-29-12)**
  - a. Instructor qualifications (training and experience) must be recorded and available to students. (3-29-12)
  - b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)
  - c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)
  - d. Commissions may not be used for any portion of the faculty compensation. (4-9-09)
  - e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources. (4-9-09)**
  - a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including classroom and training facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (3-29-12)
  - b. The school must have sufficient instructional resource materials so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements for a comparable teach-out opportunity with another proprietary school or refund one hundred (100) percent of prepaid tuition. (3-29-12)
  - c. School financial/business records and reports must be kept separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. (3-29-12)
  - d. The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. (4-9-09)
  - e. If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)

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**SUBJECT**

Pending Rule Docket No. 08-0113-1701 - Rules Governing the Opportunity Scholarship Program

**REFERENCE**

August 2015	Board approved proposed rule amendments, consisting of technical edits allowing for greater efficiency in administering the Opportunity Scholarship program.
November 30, 2015	Board approved pending rule Docket 08-0113-1501, Rules Governing the Opportunity Scholarship.
August 2017	Board approved proposed rule amendments, Docket 08-0113-1701.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 08.01.13  
Section 33-4303, Idaho Code

**BACKGROUND/DISCUSSION**

IDAPA 08.01.13 sets out the eligibility and application requirements for the Opportunity Scholarship applicants as authorized by Section 33-4303, Idaho Code. Proposed amendments make technical corrections and remove redundant or unnecessary language, add language allowing cumulative grade point averages of more than one decimal place to be rounded, and expands the maximum award amount to include tuition and fees rather than tuition alone.

Additionally, in 2016 the SAT assessment scoring process was changed, creating a misalignment with the SAT assessment score used for determining academic eligibility for some scholarship applicants. Amendments update the SAT assessment score used for determining academic eligibility for students who have obtained a general equivalency diploma (GED)

**IMPACT**

The proposed changes will align the college entrance exam scores used for determining student eligibility for students who receive a GED and make additional technical corrections.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0113-1701

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**STAFF COMMENTS AND RECOMMENDATIONS**

Administrative rules are made up of three types of rules. Temporary rules, proposed rules and pending rules. Temporary and proposed rules may be promulgated jointly with a single docket number or temporary rules may be promulgated as a standalone rule. A rule must go through the proposed rule and pending rule steps to become a final rule. Temporary rules go into effect at the time of Board

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approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria:

- provides protection of the public health, safety, or welfare; or
- is to come into compliance with deadlines in amendments to governing law or federal programs; or
- is conferring a benefit.

The temporary rule was approved by the Governor and is currently in effect. The pending rule, if accepted by the 2018 Legislature, will go into effect at the end of the 2018 legislative session, at which time the temporary rule will expire.

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. 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 requests were received to negotiate the rule. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0113-1701, as submitted in Attachment 1.

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

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**IDAPA 08**  
**TITLE 01**  
**CHAPTER 13**

**08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM**

(Only Those Sections With Amendments Are Shown)

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-105, and 33-56054303, and 33-5606(2)(c), Idaho Code, the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. (4-2-08)( )

*(BREAK IN CONTINUITY OF SECTIONS)*

**101. ELIGIBILITY.**

Applicants must meet all of the eligibility requirements to be considered for the scholarship award. ( )

**01. Undergraduate Student.** An eligible student must be pursuing their first undergraduate certificate or degree. A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. (3-20-14)

**02. Academic Eligibility.** (4-2-08)

~~a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their cumulative GPA.~~ (3-20-14)( )

**ba.** To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (3-20-14)( )

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one decimal place shall be rounded to one decimal place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or (3-9-16)( )

ii. A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a nine hundred fiftyone thousand and ten (9501010) or better, to be academically eligible to apply for an opportunity scholarship; or (3-9-16)( )

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of three point zero (3.0) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one decimal place shall be rounded to one decimal place. (3-20-14)( )

**03. Financial Eligibility.** Applicants for the opportunity scholarship are selected as recipients, in part, ~~on the basis of~~ based on demonstrated financial need. The tool used to determine financial need ~~will be~~ is the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the ~~validated-verified~~ expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the March 1 application deadline. (3-20-14)( )

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**04. Additional Eligibility Requirements.** (4-2-08)

**a.** A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. (3-20-14)

**b.** If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (3-20-14)

**i.** The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an opportunity scholarship; (4-2-08)

**ii.** The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-2-08)

**iii.** Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. (3-9-16) ( )

**102. -- 201. (RESERVED)**

**202. APPLICATION PROCESS.**

**01. Initial Applications.** An eligible student must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. All applicants must complete and submit the FAFSA on or prior to March 1. ~~An applicant without electronic capabilities may submit an application on the form established by the executive director through the United States Postal Service, which must be postmarked by March 1.~~ (3-9-16) ( )

**02. Announcement of Award.** Announcement of the award of initial scholarships will be made no later than June 1 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcement may be made after this date based on the availability of funds and the acceptance rate of the initial awards. (3-9-16)

**03. Communication with State Officials.** Applicants must respond by the date specified to any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the ~~state board of education~~ executive director or designee. (3-20-14) ( )

**203. -- 299. (RESERVED)**

**300. SELECTION OF SCHOLARSHIP RECIPIENTS.**

**01. Selection Process.** Scholarship awards will be based on the availability of scholarship program funds. ~~In addition, o~~ Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (3-20-14) ( )

**a.** Eligible students shall be selected based on rating ranking criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in

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a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (3-20-14)( )

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an ~~in previous~~ opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility ~~requirements based upon financial need and other criteria~~ provided in these rules. (4-2-08)( )

**02. Monetary Value of the Opportunity Scholarship. (4-2-08)**

a. The Board will ~~by resolution each year~~, establish annually the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the opportunity scholarship program. ~~The educational costs will be established as a not to exceed amount for each eligible Idaho postsecondary educational institution.~~ (3-20-14)( )

b. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-2-08)

i. The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

ii. The amount of federal grant aid, as identified by the Student Aid Report (SAR) that is known at the time of award determination; (3-20-14)

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (3-20-14)

c. The amount of an opportunity scholarship award to an individual student shall not exceed the educational cost established by the Board annually, and shall not exceed the actual cost of tuition and fees at an Idaho public postsecondary educational institution, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year postsecondary educational institutions. (3-20-14)( )

**301. OPPORTUNITY SCHOLARSHIP AWARD.**

**01. Payment.** Payment of opportunity scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient within a reasonable time following receipt of the payment. (4-2-08)

**02. Duration.** Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship may covers up to four (4) educational years, or eight (8) semesters or equivalent for attendance at an eligible Idaho postsecondary educational institution. Awards are contingent on annual appropriations by the legislature and continued eligibility of the student. (3-20-14)( )

**03. Eligibility.** If a student receives an opportunity scholarship payment and it is later determined that the student did not meet all of the Opportunity Scholarship Program eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible Idaho postsecondary educational institution's refund policy. (4-2-08)

**302. CONTINUING ELIGIBILITY.**

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules, ~~in addition to the following requirements:~~ (4-2-08)( )

**01. Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year and update and submit the FAFSA on or

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prior to March 1. (3-20-14)

**02. Credit Hours.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. (3-9-16)

**03. Satisfactory Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of three point zero (3.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial aid regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. ~~(3-20-14)~~ ( )

**04. Maximum Duration of Scholarship Award.** The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (3-20-14)

**05. Eligibility Following Interruption of Continuous Enrollment.** A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the ~~state board of education's~~ executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. ~~(3-9-16)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**501. APPEALS.**

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may file a written appeal ~~such adverse of the~~ decision ~~as follows. The opportunity scholarship applicant or recipient must appeal no later than within~~ thirty (30) days following notice of the decision, and the written statement must include the basis for the appeal. Decisions based on specific requirements established in Idaho Code or these rules may not be appealed. The appeal must be submitted to the executive director of the Board. The office of the board shall acknowledge receipt of the appeal within seven (7) days. The executive director of the Board 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) financial aid administrator at an eligible postsecondary educational institution in Idaho. ~~(3-20-14)~~ ( )

**01. Transmittal to Subcommittee.** If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the executive director of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship 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. (3-20-14)

**02. Subcommittee Recommendations.** Following the subcommittee's decision, the executive director of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting



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of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the executive director of the Board, be permitted to make a presentation to the Board. (3-20-14)

**03. Board 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 opportunity scholarship applicant or recipient in writing of the decision of the Board. (4-2-08)

**502. -- 999. (RESERVED)**

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**SUBJECT**

Pending Rule Docket 08-0202-1703 – Rules Governing Uniformity, Accreditation

**REFERENCE**

August 2011	Board approved proposed rule amendments to IDAPA 08.02.02.140, school accreditation references.
November 19, 2011	Board approved pending rule Docket 08-0202-1102.
September 2017	Board approved legislation amending Section 39-1207, Idaho Code cleaning up inaccurate references to accreditation and residential schools (the legislation was not enacted by the 2017 Legislature).
August 31, 2017	Board approved proposed rule amendments Docket 08-0202-1703.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.02.02.140, Accreditation  
Section 33-119, Idaho Code, Accreditation

**BACKGROUND/DISCUSSION**

Section 33-119, Idaho Code requires the State Board of Education to establish “standards for the accreditation of any secondary school and minimum requirements to be met by public, private and parochial secondary schools, and those in chartered school districts, for accredited status; and the board may establish such standards for all public elementary schools as it may deem necessary.” IDAPA 08.02.02.140 sets forth those minimum accreditations standards.

In August, 2007, the State Board of Education eliminated the Idaho State Accreditation process and adopted the Northwest Association of Accredited Schools (NAAS) standards for accreditation purposes, eliminating the duplication of processes for schools to meet both state accreditation requirements while at the same time becoming accredited for purposes of national recognition. Since that time schools accredited by NAAS have meet the requirements for being accredited by (or recognized as accredited by) the State Board of Education. In 2011 NAAS changed their name to the Northwest Accreditation Commission (NWAC) to better reflect their organizational structure as a commission rather than an association due to changes in membership and representation. Since that time NWAC has become a part of AdvancEd. AdvancEd was created by the merger of the Pre-K-12 divisions of the North Central Association Commission on Accreditation and School Improvement and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement in 2006. In 2012 they were expanded through the addition of the Norwest Accreditation Commission. AdvancEd accredits elementary and secondary school as well as entire school districts and has available specialized accreditation such as STEM School Accreditation. AdvancEd accredits 313, public and private, schools and districts in Idaho and reports the accreditation status of each school to the Board annually.

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Proposed amendments update reference to the Northwest Accreditation Commission to recognize it is now a part of AdvancEd, removes a reference to private and parochial schools that conflicts with language in Section 33-119, Idaho Code, and adds a reference to Residential Schools.

Proposed references to residential schools applies to residential school certified as accredited by the State Board of Education as referenced in Section 39-1207, Idaho Code. Without the additional reference to residential schools all accredited residential schools would be exempt from the health and safety requirement outlined in Section 39-1210, Idaho Code. The elimination of the Idaho State Accreditation process in 2007, made the references to Board or Department of Education accreditation in Section 39-1207, Idaho Code out of date. Attempts to update Section 39-1207, Idaho Code during the 2017 legislative session were not successful.

**IMPACT**

The proposed changes will remove conflicting language with Idaho Statute, update the reference to the accrediting body recognized by the State Board of Education, and an additional health and safety requirement for residential schools who wish to be recognized as accredited.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No.08-0202-1703

Page 5

**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 requests were received to negotiate the rule. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. One comment was received during the 21-day comment period supporting the amendments. No changes have been made between the proposed and pending rule.

Staff recommends approval.

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**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0202-1703 as submitted in attachment 1.

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

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**IDAPA 08**  
**TITLE 02**  
**CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

(Only Those Sections With Amendments Are Shown)

**140. ACCREDITATION.**

All public secondary schools, serving any grade(s) 9-12, will be accredited pursuant to Section 33-119, Idaho Code. Accreditation is voluntary for elementary schools, grades K-8, ~~private and parochial schools,~~ and alternative schools not identified in Subsection 140.01.a. through 140.01.e. of this rule. ~~(Section 33-119, Idaho Code)~~ ~~(3-20-14)~~  
( )

**01. Alternative Schools.** Beginning with the 2014-15 school year, an alternative school serving any grade(s) 9-12 that meets any three (3) of the criteria in Subsections 140.01.a. through 140.01.e. of this rule, shall be required to be accredited. An alternative school that does not meet three (3) of the following criteria in Subsections 140.01.a. through 140.01.e. shall be considered as an alternative program by the district board of trustees and shall be included in the accreditation process and reporting of another secondary school within the district for the purposes of meeting the intent of this rule. (3-20-14)

**a.** School has an Average Daily Attendance greater than or equal to 36 students based on previous year's enrollment; (3-20-14)

**b.** School enrolls any students full-time for the school year once eligibility determination is made as opposed to schools that enroll students for "make-up" or short periods of time; (3-20-14)

**c.** School offers an instructional model that is different than that provided by the traditional high school within the district for a majority of the coursework, including but not limited to online/virtual curriculum; (3-20-14)

**d.** School administers diplomas that come from that alternative school as opposed to students receiving a diploma from the traditional high school within the school district; or (3-20-14)

**e.** School receives its own accountability rating for federal reporting purposes. (3-20-14)

~~**02. Continuous School Improvement Plan.** Schools will develop continuous school improvement plans focused on the improvement of student performance. (4-2-08)( )~~

**03. Standards.** Schools will meet the accreditation standards of the Northwest Accreditation Commission, a division of AdvancEd. ~~(3-29-12)( )~~

~~**04. Residential Schools.** In addition to the academic standards, residential schools must meet the applicable health and safety standards established pursuant to Section 39-1210, Idaho Code, to be considered fully accredited by the State Board of Education. ( )~~

~~**045. Reporting.** An annual accreditation report will be submitted to the State Board of Education identifying each accredited school and school district in the state and the status of their accreditation. (4-2-08)( )~~

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**SUBJECT**

Pending Rule Docket No. 08-0202-1705 - Rules Governing Uniformity, Educator Credential and Evaluations

**REFERENCE**

June 2017	Board reviewed Evaluation Review Report with recommendations for revision of IDAPA 08.02.02.120 to clarify evaluation requirements and provide clear guidelines for training for administrators.
August 2016	Board approved proposed rule restructuring instructional certificates into a single certificate and updated the evaluation requirements to bring them into alignment with the career ladder measurements of student achievement.
November 28, 2016	Board approved pending rule restructuring instructional certificates into a single certificate and updated the evaluation requirements to bring them into alignment with the career ladder measurements of student achievement.
August 31, 2017	Board approved temporary and proposed rule Docket 08-0202-1705.

**APPLICABLE STATUTE, RULE, OR POLICY**

IDAPA 08.02.02, Rules Governing Uniformity  
Sections 33-1201 through 33-1204, Idaho Code

**BACKGROUND/DISCUSSION**

IDAPA 08.02.02 establishes requirements for individuals to be granted an educator credential (become certified) in Idaho as well as the Idaho evaluation requirements for all certificated staff. Additional provisions within this section of Administrative Code set out uniform processes and regulations for meeting the Idaho Constitutional requirement for a uniform system of public schools.

Proposed amendments would make technical corrections to the existing definition of an institutional recommendation to differentiate between the institutional recommendation that is required for instructional staff and the one required for administrators and change existing references to professional development plans and professional learning plans to a single uniform term for consistency. Additional changes will amend educator evaluation requirements to provide clarification to the existing requirements including, but not limited to, documentation requirements and school district evaluation policy requirements. Proposed evaluation amendments are based on areas identified during the annual evaluation review process. Additional technical corrections are based on areas identified during the negotiated rulemaking process.

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**IMPACT**

Approval of the proposed/temporary rule will confer a benefit to Idaho educators in more clearly defining and aligning certification requirements and rule to support Idaho's framework for evaluation of certificated staff.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No.08-0202-1705

Page 5

**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. Representatives of the Idaho School Boards Association, Idaho Education Association, Idaho Association of School Administrators and Department of Education Staff requested participation in the negotiated rulemaking meeting. A meeting was held on July 13<sup>th</sup>, to discuss potential rule amendments identified by the evaluation review process. General consensus was formed around the proposed amendments going forward to the Board for consideration with the understanding that the stakeholder associations would have the opportunity to provide additional comments and feedback from the members during the proposed rule 21 day comment period. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin.

No formal public comments were received during the 21-day comment period. In consultation with Department staff, a few additional revisions were identified. The majority of the revisions between the proposed rule and the pending rule are of a technical nature related to the consistency of terms. Two minor edits have been made of a non-technical nature. The first, on page 20, subsection 060.01 State Board of Education Requirements for Professional Growth, romanette iv. was added specifying the required credits earned for renewal purposes must be earned during the validity period of the certificate being renewed. The second, on page 27, subsection 121.04. Evaluation Policy – Content, restored the removal of subsection f. Communication of results.

Staff recommends approval.

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**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0202-1705, as submitted in Attachment 1.

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

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**IDAPA 08**  
**TITLE 02**  
**CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

(Only Those Sections With Amendments Are Shown)

**007. DEFINITIONS.**

**01. Active Teacher.** K-12 teacher with a valid Idaho certificate who is currently teaching in an Idaho K-12 classroom or school, either in person or online. (3-29-17)

**02. Alternative Routes.** Routes to teacher certification designed for candidates who want to enter the teaching profession from non-education professions or the paraprofessional profession, or for teachers lacking certification in a specific area defined as an emergency district need. (3-29-17)

**03. Credential.** The general term used to denote the document on which all of a person's educational certificates and endorsements are listed. The holder is entitled to provide educational services in any and/or all areas listed on the credential. (3-16-04)

**04. Endorsement.** Term used to refer to the content area or specific area of expertise in which a holder is granted permission to provide services. (3-16-04)

**05. Idaho Student Achievement Standards.** Standards of achievement for Idaho's K-12 students. See IDAPA 08.02.03, "Rules Governing Thoroughness." (3-16-04)

**06. Individualized Professional Learning Plan.** An individualized professional development plan based on the Idaho framework for teacher-evaluation as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. ~~(3-25-16)~~( )

**07. Institutional Recommendation.** Signed form or written verification from an accredited institution with an state board approved teacher-educator preparation program stating that an individual has completed the program, received a basic or higher rating in all ~~twenty-two (22)~~ components of the approved Idaho framework for teaching-evaluation, has an individualized professional learning plan, has demonstrated the ability to produce measurable student achievement or growth-student success and, has the ability to create student learning objectives, and is now being recommended for state certification. Institutional recommendations must include statements of identified competency areas and grade ranges. Institutional Recommendation for administrators must additionally include a competency statement indicating proficiency in conducting accurate evaluations of instructional practice based upon the state's framework for evaluation as outlined in Section 120 of these rules. ~~(3-25-16)~~( )

**08. Local Education Agency (LEA).** An Idaho public school district or charter school pursuant to Section 33-5203(8), Idaho Code. (3-29-17)

**09. Orientation.** School district/school process used to acquaint teachers new to district/school on its policies, procedures and processes. (3-16-04)

**10. Paraprofessional.** A noncertificated individual who is employed by a school district or charter school to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. (3-29-17)

**a.** To qualify as a paraprofessional the individual must have a high school diploma or general equivalency diploma (GED) and: (3-29-17)

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i. Demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or (3-29-17)

ii. Have completed at least two (2) years of study at an accredited postsecondary educational institution; or (3-29-17)

iii. Obtained an associate degree or higher level degree; demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in. (3-29-17)

b. Individuals who do not meet these requirements will be considered school or classroom aides. (3-29-17)

c. Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. (3-29-17)

**11. Pedagogy.** Teaching knowledge and skills. (3-16-04)

**12. Student Learning Objective (SLO).** A measurable, long-term academic growth target that a teacher sets at the beginning of the year for all student or for subgroups of students. SLOs demonstrate a teacher's impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. (3-25-16)

**13. Teacher Leader.** A teacher who facilitates the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. (3-25-16)

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. IDAHO EDUCATOR CREDENTIAL.**

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (3-25-16)

**01. Standard Instructional Certificate.** A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

a. Professional education requirements: (3-29-17)

i. Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)

ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)

b. Completed an approved teacher preparation program and have an institutional recommendation

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from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (3-29-17)

c. Individuals seeking endorsement in a secondary grade (pursuant to section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; (3-29-17)

d. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)

e. The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**02. Pupil Personnel Services Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-25-16)

a. Counselor Endorsement (K-12). To be eligible for a Pupil Personnel Services Certificate-Endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-25-16)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-25-16)

ii. An institutional recommendation is required for a Counselor K-12 Endorsement. (3-25-16)

b. School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

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iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-25-16)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

c. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. in addition to the requirement of Subsection 015.02.c.iii. (3-29-17)

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-29-17)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (3-25-16)

(1) Health program management; (3-25-16)

(2) Child and adolescent health issues; (3-25-16)

(3) Counseling, psychology, or social work; or (3-25-16)

(4) Methods of instruction. (3-25-16)

iii. Additionally, each candidate must have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (3-25-16)

d. Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

e. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

f. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

g. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.: (3-29-17)



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- i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)
- ii. An institution recommendation from an Idaho State Board of Education approved program; and (3-29-17)
- iii. The successful completion of a school social work practicum in a kindergarten through grade twelve 12 (K-12) setting. Post-MSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a K-12 setting. (3-29-17)
- iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54 and the rules of the State Board of Social Work Examiners. (3-29-17)
- h. Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

**03. Administrator Certificate.** Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Proof of proficiency in evaluating teacher performance shall be required of all Administrator Certificate holders. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as an initial certification requirement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**a.** School Principal Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for School Principal Pre-K-12, a candidate must have satisfied the following requirements: (3-25-16)

- i. Hold a master's degree from an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)
- iii. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-25-16)
- iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)
- v. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement.

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(3-25-16)

**b.** Superintendent Endorsement. To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-25-16)

i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)

ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)

iii. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-25-16)

iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)

v. An institutional recommendation is required for a School Superintendent Endorsement. (3-25-16)

**c.** Director of Special Education and Related Services Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: (3-25-16)

i. Hold a master's degree from an accredited college or university; (3-25-16)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)

iii. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership; (3-25-16)

iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; (3-25-16)

v. Have completed an administrative internship/practicum in the area of administration of special education and related services; and (3-25-16)

vi. An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. (3-25-16)

**04. Certification Standards For Career Technical Educators.** Teachers of career technical courses or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Standard Instructional Certificate or on an Occupational Specialist

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Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Career Technical Education, and application processes are managed by the Division of Career Technical Education.

(3-29-17)

**05. Degree Based Career Technical Certification.**

(3-25-16)

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

(3-29-17)

**b.** The Career Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of career technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the Division of Career Technical Education.

(3-29-17)

**i.** Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate with an applicable endorsement;

(3-29-17)

**ii.** Provide evidence of a minimum of four (4) years' teaching, three (3) of which must be in a career technical discipline;

(3-29-17)

**iii.** Hold a master's degree; and

(3-25-16)

**iv.** Complete at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of career technical education; administration of personnel; and legal aspects of career technical education, and statewide framework for teacher evaluations that includes a laboratory component. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation.

(3-29-17)

**v.** To renew the Career Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for career technical instructional staff.

(3-29-17)

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

(3-29-17)

**d.** Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate-Endorsed Counselor K-12 and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice.

(3-25-16)

**06. Occupational Specialist Certificate.** The Occupational Specialist Certificates are industry based career technical certifications issued in lieu of a degree based career technical certificate. Certificate holders must meet the following eligibility requirements:

(3-29-17)

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**a.** Be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-29-17)

i. Have eight (8) years or sixteen thousand (16,000) hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the eight (8) years on a month-to-month basis for journeyman training or completed postsecondary training in a career technical education program; or (3-29-17)

ii. Have a baccalaureate degree in the specific occupation or related area, plus three (3) years or six thousand (6,000) hours of recent, gainful employment in the occupation; or (3-29-17)

iii. Meet one (1) of the following: (3-25-16)

(1) Be a journeyman with two (2) years of recent, full-time, gainful, related work experience, or have completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved state apprenticeship agency; (3-29-17)

(2) Pass an approved state or national certification examination plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis); or (3-29-17)

(3) Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. (3-29-17)

**b.** Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in public schools. The certificate is valid for three (3) years and is non-renewable: (3-29-17)

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; (3-29-17)

ii. Complete a new-teacher induction workshop at the state or district level; (3-25-16)

iii. Within the three-year (3) period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation. (3-29-17)

**c.** Standard Occupational Specialist Certificate. This certificate is issued to individuals who have: (3-29-17)

i. Completed the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; and (3-29-17)

ii. Completed a new-teacher induction workshop at the state or district level; and (3-29-17)

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iii. Can satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education; and (3-29-17)

iv. Can demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and (3-29-17)

v. The Standard Occupational Specialist Certificate is valid for five (5) years and must be renewed pursuant to Section 060 of these rules. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)

i. Meet the requirements for the Standard Occupational Specialist Certificate; (3-29-17)

ii. Can provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved education related course work, such as educational methodology in the content area, in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-29-17)

iii. File a new professional development plan for the next certification period; and (3-25-16)

iv. The Advanced Occupational Specialist Certificate is valid for five (5) years and must be renewed pursuant to Section 060. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17)

**07. Postsecondary Specialist.** A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-29-17)

a. Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)

b. Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-25-16)

c. The candidate must meet the following qualifications: (3-25-16)

i. Hold a master's degree or higher in the content area being taught; (3-25-16)

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- ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-25-16)
- iii. Complete and pass a criminal history background check as required according to Section 33-130, Idaho Code. (3-25-16)

**08. American Indian Language.** Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

**a.** The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

**b.** Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a fee for undergoing a criminal history check pursuant to Section 33-130, Idaho Code. (3-25-16)

**c.** The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

**09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors.** (3-25-16)

**a.** Each school district with a Junior ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools. (3-25-16)

**b.** Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (3-25-16)

**c.** Authorization Letter. Upon receiving the items identified in Subsections 015.09.a. and b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-29-17)

**10. Additional Renewal Requirements.** In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

**a.** Mathematics In-Service Program. In order to recertify, the state approved mathematics instruction course titled "Mathematical Thinking for Instruction", or another State Department of Education approved alternative course, shall be required. The "Mathematical Thinking for Instruction" course consists of three (3) credits. Teachers must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment. Any teacher successfully completing said course shall be deemed to have met the requirement of Subsection 060.02.c. of this rule as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education. Successful completion of a state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following must successfully complete the "Mathematical Thinking for Instruction" course or another State Department of Education approved alternative course in order to recertify: (3-29-17)

**i.** Each teacher holding an Early Childhood/Early Childhood Special Education Blended endorsement (Birth - Grade 3) who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; (3-29-17)

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ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school as a K-6 multi-subject teacher; (3-29-17)

iii. Each teacher holding a Standard Instructional Certificate (6-12) teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and (3-29-17)

iv. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school as a special education teacher. (3-29-17)

v. Each school administrator coming from out-of-state holding an Administrator Certificate who is employed by a school district or charter school. (3-29-17)

**b.** Waiver of Mathematics In-Service Program. When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual living outside of the state of Idaho who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (3-25-16)

**c.** Idaho Comprehensive Literacy Course. In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals must successfully complete an Idaho Comprehensive Literacy course in order to recertify: (3-25-16)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Endorsement (Birth - Grade 3) who is employed by a school district or charter school; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school; and (3-29-17)

iii. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school. (3-29-17)

**d.** Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved ~~teacher~~ **educator** preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: ( )

i. Understanding professional practice in Idaho evaluation requirements, including gathering accurate evidence and artifacts, understanding and using the state framework for evaluation rubric with fidelity, proof of calibration and interrater reliability, ability to provide effective feedback for teacher growth, and understanding and advising teachers on individualized learning plan and portfolio development. ( )

ii. Understanding student achievement and growth in the Idaho evaluation framework, including understanding how measurable student achievement and growth measures impact summative evaluation ratings and proficiency in assessment literacy. (3-29-17) ( )

**016. IDAHO INTERIM CERTIFICATE.**

The State Department of Education or the Division of Career Technical Education, as applicable to the certificate, is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in an alternate

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route to certification as prescribed herein.

(3-29-17)

**01. Interim Certificate Not Renewable.** Interim certification is only available on a one-time basis per individual except under extenuating circumstances approved by the State Department of Education. It will be the responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. (3-29-17)

**02. Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for full certification. (3-25-16)

**a.** Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho Comprehensive Literacy Course requirement. (3-25-16)

**03. Mathematical Thinking for Instruction.** For all Idaho teachers working on interim certificates (alternate authorizations, nontraditional routes, or coming from out of the state), with an All Subjects K-8 endorsement or any mathematics endorsement must complete a state approved Mathematical Thinking for Instruction, or another State Department of Education approved alternative course, as a one-time requirement to receive a standard instructional, standard occupational, or advanced occupational certificate. (3-29-17)

**04. Technology.** Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve their technology skills. (4-7-11)

**05. Reinstatement of Expired Certificate.** An individual holding an expired Idaho certificate may be issued a nonrenewable three-year interim certificate. During the validity period of the interim certificate, the applicant must meet all current requirements listed for the specific certificate and endorsement(s) including the appropriate content, pedagogy, and performance assessments. (3-29-12)

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

**07. Codes of Ethics.** All laws and rules governing standard certificated staff with respect to conduct, discipline and professional standards shall apply to all individuals certificated staff serving in an Idaho public school, including those employed under an interim certificate. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. ENDORSEMENTS.**

Holders of a Standard Instructional Certificate, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of required credits if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (3-29-17)



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**01. Clinical Experience Requirement.** All endorsements require supervised teaching experience in the relevant content area, or a State Department of Education [or Division of Career Technical Education](#) approved alternative clinical experience [as applicable to the area of endorsement](#). (3-12-14)( )

**02. Alternative Authorization to Endorsement.** Candidates shall meet all requirements [of the chosen option](#) for the endorsement as provided herein. (3-29-17)( )

**a.** Option I -- An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching field if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. (3-29-17)

**b.** Option II -- National Board. By earning National Board Certification in content specific areas, teachers may gain endorsement in a corresponding subject area. (3-29-17)

**c.** Option III -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid [instructional](#) certificate. (3-29-17)( )

**d.** Option IV -- Testing and/or Assessment. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (3-29-17)

**i.** Pathway 1 -- Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally, requires the successful completion of a one (1)-year state-approved mentoring component [or](#) (3-25-16)( )

**ii.** Pathway 2 -- Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally, requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. (3-25-16)

**(BREAK IN CONTINUITY OF SECTIONS)**

**042. ALTERNATE ROUTES TO CERTIFICATION.**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Paraprofessionals and, individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of an emergency endorsement in another area may obtain an endorsement through an alternate route as described in subsection 021.02 of these rules. (3-29-17)

**01. Alternative Authorization -- Teacher To New Certification.** The purpose of this alternative authorization is to allow Idaho school districts to request additional certification when a professional position cannot be filled with someone who has the correct certification. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-29-17)

**a.** Prior to application, a candidate must hold a baccalaureate degree, and a valid Idaho instructional certificate. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (3-29-17)

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**b.** A candidate must participate in an approved alternative route preparation program. (3-25-16)

i. The candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal; and (3-25-16)

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

**02. Alternative Authorization -- Content Specialist.** The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-25-16)

**a.** Initial Qualifications. (3-20-04)

i. A candidate must hold a baccalaureate degree or have completed all of the requirements of a baccalaureate degree except the student teaching or practicum portion; and (3-29-17)

ii. The hiring district shall ensure the candidate is qualified to teach in the area of identified need through demonstrated content knowledge. This may be accomplished through a combination of employment experience and education. (3-25-16)

**b.** Alternative Route Preparation Program -- College/University Preparation or Other State Board Approved Certification Program. (3-25-16)

i. At the time of authorization a consortium comprised of a designee from the college/university to be attended or other state board approved certification program, and a representative from the school district, and the candidate shall determine the preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This plan must include mentoring and a minimum of one (1) classroom observation by the mentor per month, which will include feedback and reflection, while teaching under the alternative authorization. The plan must include annual progress goals that must be met for annual renewal; (3-29-17)

ii. The candidate must complete a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required credits will be specified in the consortium developed plan; (3-29-17)

iii. At the time of authorization the candidate must enroll in and work toward completion of the alternative route preparation program through a participating college/university or other state board approved certification program, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions for annual renewal and to receive a recommendation for full certification; (3-25-16)

iv. The participating college/university or other state board approved certification program shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences; and (3-25-16)

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

**03. Non-Traditional Route to Teacher Certification.** An individual may acquire interim certification as found in Section 016 of these rules through an approved non-traditional route certification program.

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(3-25-16)

**a.** Individuals who possess a baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim Idaho Teacher Certification. (3-29-17)

**b.** To complete this non-traditional route, the individual must: (3-25-16)

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

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

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

**c.** Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Certification and Professional Standards Department. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. ~~In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification.~~ All laws and rules governing ~~the fully standard instructional~~ certificated teachers and ~~pupil service staff~~ with respect to conduct, discipline and professional standards shall apply to individuals teaching under any Idaho certificate including an interim certificate. (3-29-17) ( )

**d.** Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain a valid renewable Idaho Educator Credential during the three (3) year interim certification term. (3-25-16)

**e.** Types of Certificates and Endorsements. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. (3-20-14)

**04. Alternative Authorization - Pupil Personnel Services.** The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for these endorsements are defined in Subsection 015.02 of these rules. The alternate authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-29-17)

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

i. Prior to application, a candidate must hold a master's degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and (3-25-16)

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

**b.** Alternative Route Preparation Program. (4-2-08)

i. The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. The alternative route preparation program must include annual progress goals. (3-25-16)

ii. The candidate must complete a minimum of nine (9) semester credits annually to be eligible for

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extension of up to a total of three (3) years. (4-2-08)

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

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

**05. Alternate Authorization Renewal.** Annual renewal will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements. (3-25-16)

**043. -- 059.**

**(RESERVED)**

**060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.**

To obtain a new, renew, or reinstate an Idaho Educator Credential, the applicant must submit an application on a form supplied by the State Department of Education or the Division of Career Technical Education as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career- Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential. (3-29-17)

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

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

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

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

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

~~iv. Credits must be taken during the validity period of the certificate.~~ ( )

b. Graduate or undergraduate credit will be accepted for recertification. Credit must be college transcribed transferable and completed through an accredited college or university accredited by an entity recognized by the state board of education. (4-1-97) ( )

c. All requests for equivalent in-service training to apply toward recertification, except occupational specialist certificates, must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Occupational Specialist Certificates must be made through the Division of Career- Technical Education. Applicants must receive prior approval of in-service training and course work prior to applying for renewal. All in-service training must be aligned with the individual's individualized professional learning plan or related to professional practice. (3-29-17) ( )

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

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

~~f. Certificated personnel teaching in subjects outside their major area of preparation will be~~

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~~encouraged to complete the courses required for major certification endorsement. (4-1-97)~~

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

**h.** An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission or the Division of Career Technical Education, as applicable to the certificate type, shall be available to applicants whose credits submitted for recertification, in part or as a whole, are rejected for any reason if such denial prevents an applicant from renewing an Idaho certificate. An applicant whose credits submitted for recertification are rejected, in part or as a whole, within six (6) months of the expiration of the applicant's current certification shall be granted an automatic appeal and a temporary certification extension during the appeal or for one (1) year, whichever is greater. (3-29-17)

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

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

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

**c.** At least three (3) semester credits will be taken for university or college credit. Verification ~~will~~ may be by official or unofficial transcript. Individuals found to have intentionally altered transcripts used for verification who would have not otherwise met this renewal requirement will be investigated for violations of the Code of Ethics for Idaho Professional Educators, which may result in the revocation of the individual's certification disciplinary action. (4-1-97) ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**120. LOCAL DISTRICT EVALUATION POLICY -- TEACHER INSTRUCTIONAL STAFF AND PUPIL PERSONNEL SERVICE STAFF CERTIFICATE HOLDERS.**

Each school district board of trustees will develop and adopt policies for ~~teacher-certificated staff~~ performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based. For pupil service staff, those standards shall be aligned with the profession's national standards. For instructional staff, those standards shall be and aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components of instruction. Individual domain and component ratings specified in Subsection 120.01 of this rule and must be determined based on a combination of professional practice and student achievement. For all certificated personnel, domain and or component ratings may be weighted based on the individual's individualized professional learning plan. The summative evaluation rating must be based on a combination of professional practice and student achievement as specified in Subsections 120.02 and 120.03. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-29-17) ( )

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

**a.** Domain 1 - Planning and Preparation: (3-29-10)

i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)

ii. Demonstrating Knowledge of Students; (3-29-10)

iii. Setting Instructional Outcomes; (3-20-14)

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- iv. Demonstrating Knowledge of Resources; (3-29-10)
- v. Designing Coherent Instruction; and (3-29-10)
- vi. Designing Student Assessments. (3-29-12)
- b.** Domain 2 - The Classroom Environment: (3-29-12)
  - i. Creating an Environment of Respect and Rapport; (3-29-10)
  - ii. Establishing a Culture for Learning; (3-29-10)
  - iii. Managing Classroom Procedures; (3-29-10)
  - iv. Managing Student Behavior; and (3-29-10)
  - v. Organizing Physical Space. (3-29-10)
- c.** Domain 3 - Instruction and Use of Assessment: (3-29-10)
  - i. Communicating with Students; (3-29-12)
  - ii. Using Questioning and Discussion Techniques; (3-29-10)
  - iii. Engaging Students in Learning; (3-29-10)
  - iv. Using Assessment in Instruction; and (3-29-12)
  - v. Demonstrating Flexibility and Responsiveness. (3-29-12)
- d.** Domain 4 - Professional Responsibilities: (3-29-10)
  - i. Reflecting on Teaching; (3-29-10)
  - ii. Maintaining Accurate Records; (3-29-10)
  - iii. Communicating with Families; (3-29-10)
  - iv. Participating in a Professional Community; (3-29-12)
  - v. Growing and Developing Professionally; and (3-29-10)
  - vi. Showing Professionalism. (3-29-10)

**02. Professional Practice.** ~~For evaluations conducted on or after July 1, 2013, a~~ All certificated instructional employees must receive an evaluation in which at least a majority of the evaluation ratings must be based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition domains and components. Professional Practice shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. At least one documented summative evaluation must include a rating for all components of the applicable professional standards used for evaluation of certificated personnel. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of ~~all each~~ certificated instructional employee evaluations: (3-29-17)( )

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

**03. Student Achievement.** Instructional staff evaluation ratings must in part be based on measurable student achievement, as defined in Section 33-1001, Idaho Code, as applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators, as defined in Section 33-1001, Idaho Code, as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) year or both years' data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-29-17)

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

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

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

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

~~eb. Evaluator -- identification of the individuals responsible for appraising-observing or evaluating certificated instructional staff and pupil ~~personnel~~ service staff performance. The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five (5) years of conducting any evaluations and prior to September 1, 2018, shall demonstrate proof of proficiency in conducting observations and evaluating effective teacher performance by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement. (3-20-14) ( )~~

~~d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For certificated instructional staff, a minimum of two (2) documented classroom observations shall be included as one (1) source of data. At least one (1) of those observations must be completed prior to January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long term illness, late year hire, etc., one (1) documented classroom observation is acceptable. Parent/guardian input, student input and/or portfolios shall be considered as sources of data to support professional practice. (4-11-15)~~

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

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

~~gd. Personnel actions -- the action available to the school district as a result of the evaluation and the~~



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procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (3-20-14)( )

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

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

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

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

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

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

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

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

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

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

iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum ~~rankings ratings~~ at the discretion of the school district or charter school. (3-29-17)

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

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

**07. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the ~~rankings rating~~ of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation ~~rankings ratings~~ in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)



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

**121. LOCAL DISTRICT EVALUATION POLICY - SCHOOL PRINCIPALADMINISTRATOR.**

All school and school district administrators must receive an annual evaluations. Individuals serving in the role of superintendent or its equivalent shall be evaluated by the local board of trustees. Individuals serving in the capacity of a school district superintendent and principal shall be evaluated based on the school district evaluation policy for superintendents. For principal and other school level administrators evaluations ~~conducted on or after July 1, 2014,~~ each school district board of trustees will develop and adopt policies for principal performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal or other school level administrators are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. ~~Districts must, at a minimum, pilot such an evaluation during the 2013-2014 school year and report the results of that pilot to the State Department of Education no later than July 1, 2014, in a format determined by the Department. For Special Education Directors, standards aligned with the profession's nation standards may replace those outlined in Subsection 121.01.~~ The process of developing criteria and procedures for principal-administrator evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. (3-20-14)( )

**01. Standards.** Each district principal and school level administrator evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state's adopted model framework for evaluations, the Charlotte Danielson Framework for Teaching Second Edition. ~~Proof of proficiency Training~~ in evaluating teacher performance shall be required of all individuals assigned the responsibility for ~~appraising,~~ observing, or evaluating certificated personnel performance. ~~Those responsible for measuring teacher performance are district leadership such as principals, assistant principals, special education directors, and superintendents. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement prior to September 1, 2018.~~ Principal evaluation standards shall additionally address the following domains and components: (4-11-15)( )

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

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

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

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

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

i. Shared Leadership - Principal fosters shared leadership that takes advantage of individual expertise,

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strengths, and talents, and cultivates professional growth. (3-20-14)

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

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

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

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

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

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

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

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

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

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

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

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

a. Parent/guardian input; (3-20-14)

b. Teacher input; (3-20-14)

c. Student input; and/or (3-20-14)

d. Portfolios. (3-20-14)

**03. Student Achievement.** ~~For evaluations conducted on or after July 1, 2013, a~~All ~~certificated instructional employees, principals and superintendents~~administrators must receive an evaluation in which ~~at least~~

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~~thirty-three percent (33%) part~~ of the summative evaluation results are based in part on ~~multiple~~ objective measures of growth in measurable student achievement, as defined in Section 33-1001, Idaho Code ~~student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included.~~ This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) or ~~multiple both~~ years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff administrators, as determined by the local board of trustees.  
(3-20-14) ( )

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

~~a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional leadership, personnel decisions.~~ (3-20-14)

**ba.** Evaluation criteria -- statements of the general criteria upon which principals administrators will be evaluated. (3-20-14) ( )

**eb.** Evaluator -- identification of the individuals responsible for appraising observing or evaluating principal school level administrator performance. The individuals assigned this responsibility shall have received training in administrator evaluations based on the statewide framework for evaluations. (3-20-14) ( )

~~d. Sources of data -- description of the sources of data used in conducting principal evaluations. Proficiency in conducting observations and evaluating effective teacher performance shall be included as one (1) source of data.~~ (3-20-14)

~~e. Procedure -- description of the procedure used in the conduct of principal evaluations.~~ (3-20-14)

**fc.** Communication of results -- the method by which principals individuals are informed of the results of evaluation. (3-20-14)

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

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

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

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

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

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

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

**nf.** Individualizing principal evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. ~~No later than July 1, 2014, d~~ Districts shall have ~~established~~ an individualized principal evaluation rating system with a minimum of three ~~rankings ratings~~ used to differentiate

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performance of principals including:

~~(3-20-14)~~ ( )

- i. Unsatisfactory being equal to “1”; (3-20-14)
- ii. Basic being equal to “2”; and (3-20-14)
- iii. Proficient being equal to “3”. (3-20-14)
- iv. A fourth evaluation rating of Distinguished, being equal to “4,” may be used in addition to the three (3) minimum ~~rankings ratings~~ at the discretion of the school district or charter school. (3-29-17)

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

**05. Evaluation Policy - Frequency of Evaluation.** The evaluation policy should include a provision for evaluating all ~~principals-administrators~~ on a fair and consistent basis. All ~~principals-administrators~~ shall be evaluated at least once annually no later than June 1 of each year. ~~(3-29-17)~~ ( )

**06. Evaluation Policy - Personnel Records.** Permanent records of each principal evaluation will be maintained in the employee’s personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the ~~rankings ratings~~ of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation ~~rankings ratings~~ in local school districts in accordance with the approved policies of the Idaho State Board of Education Data Management Council. (3-29-17)

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

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**SUBJECT**

Pending Rule Docket No. 08-0202-1707, Rules Governing Uniformity, Transportation – Program Operations

**REFERENCE**

August 31, 2017                      Board approved temporary and proposed rule Docket 08-0202-1701.

**APPLICABLE STATUTE, RULE, OR POLICY**

IDAPA 08.02.02, Rules Governing Uniformity  
Section 33-1006, Idaho Code

**BACKGROUND/DISCUSSION**

IDAPA 08.02.02. subsections 150 through 190 outline requirements for school district pupil transportation programs as authorized by Section 33-1006, Idaho Code, Transportation Support Program. Senate Bill 1123 (2017) amended Section 33-1006, Idaho Code, removing the prohibition that only allowed reimbursement for transporting students for the purposes of regular school attendance during regular days and hours and added language allowing for the cost of the program to be based on, in part, transportation to and from approved school activities as may be approved by the rules of the State Board of Education. The pending rule will authorize reimbursement of allowable transportation costs for the purposes of transporting students as part of structured college or university visits.

**IMPACT**

Amendments to Section 33-1006, Idaho Code during the 2017 legislative session allow for greater flexibility in receiving reimbursement for transporting pupils.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0202-1707

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Administrative rules are made up of three types of rules. Temporary rules, proposed rules and pending rules. Temporary and proposed rules may be promulgated jointly with a single docket number or temporary rules may be promulgated as a standalone rule. A rule must go through the proposed rule and pending rule steps to become a final rule. Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria:

- provides protection of the public health, safety, or welfare; or
- is to come into compliance with deadlines in amendments to governing law or federal programs; or
- is conferring a benefit.

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The proposed amendments will bring this rule into compliance with the amendments to state law through Senate Bill 1123 (2017). The temporary rule was approved by the Governor and is currently in effect. The pending rule, if accepted by the 2018 Legislature, will go into effect at the end of the 2018 legislative session, at which time the temporary rule will expire.

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 June 7, 2017 (Vol.17-6) Administrative Bulletin. One request was received to negotiate the rule. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0202-1707, Rules Governing Uniformity, as submitted in Attachment 1.

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

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**IDAPA 08  
TITLE 02  
CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

(Only Those Sections With Amendments Are Shown)

**190. PROGRAM OPERATIONS.**

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, program support and district waiver procedures shall be delineated in Standards for Idaho School Buses and Operations incorporated in Section 004 of these rules. [Approved school activities shall include structured college/university visits when such visits are part of the school district college and career advising and mentoring plan.](#) (Section 33-1006, Idaho Code) ~~(5-8-09)~~(\_\_\_\_\_)

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**CAREER TECHNICAL EDUCATION**

**SUBJECT**

Pending Rule Docket No. 08-0202-1708, Educator Credential – Occupational Specialist

**REFERENCE**

August 2016	Board approved proposed rule restructuring instructional certificates into a single certificate and making technical updates to the occupational specialist certificates.
November 28, 2016	Board approved pending rule restructuring instructional certificates into a single certificate and making technical updates to the occupational specialist certificates.
August 31, 2017	Board approved temporary and proposed rule, Docket 08-0202-1708.

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-118, Idaho Code; Section 33-1201, Idaho Code; and Section 33-2211, Idaho Code  
Idaho Administrative Code, IDAPA 08.02.02, Rules Governing Uniformity

**BACKGROUND/DISCUSSION**

Administrative code sets out the requirements for all certificated staff serving in Idaho public schools. In addition to the standard instructional certificates, IDAPA 08.02.02.015, Educator Credential, outlines the provisions for career technical education instructors and administrators certification requirements. Three levels of occupational specialist certificates exist, Limited Occupational Specialist, Standard Occupational Specialist, and Advanced Occupational Specialist. Individuals entering the field of career technical teaching for the first time receive a Limited Occupational Specialist Certificate, this is a one time, three year certificate. At the conclusion of the term of this certificate individuals may apply for either a Standard Occupational Specialist Certificate or an Advanced Occupational Specialist Certificate. The standard and advanced certificates are renewable five year certificates.

Occupational certification may be earned either through a degree based program from one of the approved educator preparation programs in Idaho or through an industry experience based route. The proposed amendments provide clarification to the various certification requirements and provides for additional options to receive occupational specialist certification within the existing routes.

Specific amendments include:

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- Clarification that all occupational specialist certificates are approved through the Division of Career Technical Education and additional technical changes to allow for ease of understanding;
- Add an additional option for individuals holding an Administrator Certificate with a Superintendent or Principal endorsement to earn a Career Technical Administrator certificate;
- Increase the minimum age requirement to be eligible for an occupational specialist certificate from 18 to 21;
- Reduce the minimum number of years and or hours of experience necessary to receive an occupational specialist certificate from eight years or 16,000 hours to six years or 12,000 hours; and
- Add a second pathway using a cohort training model for completing a limited occupational specialist certificate and earning a standard occupational specialist certificate

**IMPACT**

Proposed amendments will update and streamline the certification requirements for individual seeking an occupational specialist certificate.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0202-1708

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

The notice of intent to promulgate this rule was published in the July 5, 2017 (Vol.17-7) Administrative Bulletin. Approximately 100 requests were received to participate in the negotiated rulemaking on the proposed changes. A negotiated rulemaking meeting was held on August 24<sup>th</sup>. Individuals were able to participate either in-person or over the phone. Representation, included secondary and postsecondary career technical education teachers and faculty, public school administrators, and educator preparation program representatives. Much of the discussion focused on the balance between maintaining a high standard for educators and providing concerns over the difficulty of hiring career technical education teachers. While not all participants agreed to each of the amended numbers regarding minimum years and/or clock hours of experience, there was general consensus on lowering the hours as well as the other proposed amendments.

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

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they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.

The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period supporting the amendments. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Pending Rule Docket No. 08-0202-1708, as submitted in Attachment 1.

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

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**IDAPA 08**  
**TITLE 02**  
**CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

(Only Those Sections With Amendments Are Shown)

**015. IDAHO EDUCATOR CREDENTIAL.**

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (3-25-16)

**01. Standard Instructional Certificate.** A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

**a.** Professional education requirements: (3-29-17)

i. Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)

ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)

**b.** Completed an approved teacher preparation program and have an institutional recommendation from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (3-29-17)

**c.** Individuals seeking endorsement in a secondary grade (pursuant to section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; (3-29-17)

**d.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)

**e.** The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**02. Pupil Personnel Services Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-25-16)

**a.** Counselor Endorsement (K-12). To be eligible for a Pupil Personnel Services Certificate-Endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate

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with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-25-16)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-25-16)

ii. An institutional recommendation is required for a Counselor K-12 Endorsement. (3-25-16)

**b.** School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-25-16)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

**c.** School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. in addition to the requirement of Subsection 015.02.c.iii. (3-29-17)

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-29-17)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (3-25-16)

(1) Health program management; (3-25-16)

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- (2) Child and adolescent health issues; (3-25-16)
- (3) Counseling, psychology, or social work; or (3-25-16)
- (4) Methods of instruction. (3-25-16)

iii. Additionally, each candidate must have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (3-25-16)

**d.** Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

**e.** Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

**f.** Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

**g.** School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.: (3-29-17)

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)

ii. An institution recommendation from an Idaho State Board of Education approved program; and (3-29-17)

iii. The successful completion of a school social work practicum in a kindergarten through grade twelve 12 (K-12) setting. Post-MSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a K-12 setting. (3-29-17)

iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54 and the rules of the State Board of Social Work Examiners. (3-29-17)

**h.** Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-17)

**03. Administrator Certificate.** Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator

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Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Proof of proficiency in evaluating teacher performance shall be required of all Administrator Certificate holders. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as an initial certification requirement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

**a.** School Principal Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for School Principal Pre-K-12, a candidate must have satisfied the following requirements: (3-25-16)

- i. Hold a master's degree from an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)
- iii. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-25-16)
- iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)
- v. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement. (3-25-16)

**b.** Superintendent Endorsement. To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-25-16)

- i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)
- iii. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-25-16)
- iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)
- v. An institutional recommendation is required for a School Superintendent Endorsement. (3-25-16)



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c. Director of Special Education and Related Services Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: (3-25-16)

i. Hold a master's degree from an accredited college or university; (3-25-16)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)

iii. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership; (3-25-16)

iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; (3-25-16)

v. Have completed an administrative internship/practicum in the area of administration of special education and related services; and (3-25-16)

vi. An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. (3-25-16)

**04. Certification Standards For Career Technical Educators.** Teachers of career technical courses or programs in secondary ~~or postsecondary~~ schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. ~~This endorsement may be held on a Standard Instructional Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Career Technical Education, and application processes are managed by the Division of Career Technical Education. All occupational certificates must be approved by the division of career technical education regardless of the route an individual is pursuing to receive the certificate.~~ (3-29-17)( )

**05. Degree Based Career Technical Certification.** (3-25-16)

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural science and Natural Resource technology; ~~B~~business ~~T~~echnology ~~E~~ducation; computer science technology; engineering; ~~F~~family and ~~C~~consumer ~~S~~ciences; ~~M~~arketing ~~T~~echnology ~~E~~ducation; Computer Science Technology and Engineering Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated ~~four one~~ thousand (4,000/1,000) clock hours of related work experience or ~~shall have completed a Division of Career Technical Education approved~~ practicum in their respective field of specialization, as approved by the division of career technical education. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to section 060 of these rules. (3-29-17)( )

b. The Career Technical Administrator certificate is required for an individual serving as an administrator, director, or manager ~~or coordinator~~ of career technical education programs at the state division of career technical education or in Idaho public schools, secondary or postsecondary level. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area

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~~will be determined on an individual basis by the Division of Career Technical Education. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to section 060 of these rules to renew.~~ (3-29-17) ( )

i. Qualify for or hold an Advanced Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate ~~\_with an applicable endorsement;~~ (3-29-17) ( )

~~ii. Provide evidence of a minimum of four (4) years' teaching, three (3) of which must be in a career technical discipline;~~ (3-29-17) ( )

~~iii. Hold a master's degree; and~~ (3-25-16) ( )

~~iv. Complete at least fifteen (15) semester credits of administrative course work. Applicants must have completed credits in: education financial finance, administration and supervision of personnel, legal aspects of career technical education; administration of personnel; and legal aspects of career technical education, and conducting evaluations using the statewide framework for teacher evaluations that includes a laboratory component. Additional course work can may be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation.~~ (3-29-17) ( )

~~ii. Hold a superintendent or principal (pre-K-12) endorsement on a standard administrator certificate and provide evidence of a minimum or four (4) years' teaching, three (3) of which must be in a career technical discipline or successfully complete the division of career technical education twenty-seven (27) month Idaho career technical education leadership institute.~~

~~v. To renew the Career Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for career technical instructional staff.~~ (3-29-17) ( )

c. Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-29-17)

d. Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate Endorsed with a School Counselor K-12 endorsement and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice. (3-25-16) ( )

**06. Industry Based Occupational Specialist Certificate.** The industry based Occupational Specialist Certificates are industry based career technical certifications issued in lieu of a degree based career technical certificate. Certificate holders must meet the following eligibility requirements: (3-29-17) ( )

a. Be at least eighteen twenty-two (1822) years of age; document ~~\_full time, successful,~~ recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-29-17) ( )

i. Have eight-six (86) years or sixteen-twelve thousand ~~(46,000)~~ 12,000 hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the eight-six (86) years or twelve thousand (12,000) hours on a month-to-month basis for journeyman training or completed postsecondary training in a career technical education program;

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or ~~(3-29-17)~~ ( )

ii. Have a baccalaureate degree in the specific occupation or related area, plus ~~three-two (32)~~ years or ~~six-four thousand (6,0004,000)~~ hours of recent, gainful employment in the occupation for which certification is required, at least half of which must have been during the immediate previous five (5) years; or ~~(3-29-17)~~ ( )

iii. Meet one (1) of the following: ~~(3-25-16)~~

~~(1) Be a journeyman. Have completed a formal apprenticeship program in the occupation or related area for which certification is requested with plus two (2) years or four thousand (4,000) hours of recent, full-time, gainful, related work experience, or have completed a formal apprenticeship program in the occupation or related area for which certification is requested at least half of which must have been completed in the immediate previous five (5) years. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved state apprenticeship agency;~~ ~~(3-29-17)~~ ( )

~~(2) Pass an approved state or national certification examination plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis); or~~ ~~(3-29-17)~~

~~(3) Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, gainful, related work experience (length and type of work experience will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence.~~ ~~(3-29-17)~~

b. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in section 015.06.a of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate; ~~(3-29-17)~~ ( )

i. Pathway I – Coursework: Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; ~~(3-29-17)~~

~~ii. Complete a new teacher induction workshop at the state or district level;~~ ~~(3-25-16)~~

~~iii. Within the three-year (3) period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the division of career technical education and demonstrate competencies in Pprinciples/Ffoundations of Ooccupational Eeducation and Mmethods of Tteaching Ooccupational Eeducation. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: Ccareer Ppathways and gGuidance; Aanalysis, Iintegration, and Ccurriculum Ddevelopment; and Mmeasurement and Eevaluation.~~ ~~(3-29-17)~~ ( )

ii. Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the division of career technical education sponsored two (2) year cohort training and complete the two (2) training within the three (3) year validity period of the interim certificate.

c. Standard Occupational Specialist Certificate. This certificate is issued to individuals who have held a limited occupational specialist certificate and completed one of the pathways for completions.; ~~(3-29-17)~~ ( )

i. Completed the pre-service workshop sponsored by the Division of Career Technical Education and an approved course in career technical methods and student assessment; and ~~(3-29-17)~~

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- ~~ii. Completed a new teacher induction workshop at the state or district level; and (3-29-17)~~
- ~~iii. Can satisfactorily demonstrate competencies in Principles/Foundations of Occupational Education and Methods of Teaching Occupational Education; and (3-29-17)~~
- ~~iv. Can demonstrate competencies in two (2) of the following areas: Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; and Measurement and Evaluation; and (3-29-17)~~

~~vi. The Standard Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years, and must be renewed pursuant to Section 060 of these rules to renew. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17) ( )~~

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)

i. ~~Meet the requirements~~ Are eligible for the Standard Occupational Specialist Certificate; (3-29-17) ( )

ii. ~~Can provide~~ Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of ~~division of career technical education~~ approved education or content related course work, such as educational methodology in the content area, in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-29-17) ( )

iii. Have on file a new professional development plan for the next certification period; and (3-25-16)

iv. The Advanced Occupational Specialist Certificate is valid for five (5) . Six (6) semester credit hours are required every five (5) years years and must be renewed pursuant to Section 060 of these rules to renew. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based on verification of one hundred twenty (120) hours of approved related work experience or forty-five (45) hours of participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-29-17) ( )

**07. Postsecondary Specialist.** A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate will be for distance education, virtual classroom programs, and for public and postsecondary partnerships. (3-29-17)

a. Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)

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**b.** Fees. The fee is the same as currently in effect for an initial or renewal certificate as established in Section 066 of these rules. (3-25-16)

**c.** The candidate must meet the following qualifications: (3-25-16)

i. Hold a master's degree or higher in the content area being taught; (3-25-16)

ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-25-16)

iii. Complete and pass a criminal history background check as required according to Section 33-130, Idaho Code. (3-25-16)

**08. American Indian Language.** Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

**a.** The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

**b.** Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a fee for undergoing a criminal history check pursuant to Section 33-130, Idaho Code. (3-25-16)

**c.** The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

**09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors.** (3-25-16)

**a.** Each school district with a Junior ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools. (3-25-16)

**b.** Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (3-25-16)

**c.** Authorization Letter. Upon receiving the items identified in Subsections 015.09.a. and b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-29-17)

**10. Additional Renewal Requirements.** In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

**a.** Mathematics In-Service Program. In order to recertify, the state approved mathematics instruction course titled "Mathematical Thinking for Instruction", or another State Department of Education approved alternative course, shall be required. The "Mathematical Thinking for Instruction" course consists of three (3) credits. Teachers must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment. Any teacher successfully completing said course shall be deemed to have met the requirement of Subsection 060.02.c. of this rule as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education. Successful completion of a state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following must successfully

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complete the “Mathematical Thinking for Instruction” course or another State Department of Education approved alternative course in order to recertify: (3-29-17)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended endorsement (Birth - Grade 3) who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school as a K-6 multi-subject teacher; (3-29-17)

iii. Each teacher holding a Standard Instructional Certificate (6-12) teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and (3-29-17)

iv. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school as a special education teacher. (3-29-17)

v. Each school administrator coming from out-of-state holding an Administrator Certificate who is employed by a school district or charter school. (3-29-17)

**b.** Waiver of Mathematics In-Service Program. When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual living outside of the state of Idaho who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (3-25-16)

**c.** Idaho Comprehensive Literacy Course. In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals must successfully complete an Idaho Comprehensive Literacy course in order to recertify: (3-25-16)

i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Endorsement (Birth - Grade 3) who is employed by a school district or charter school; (3-29-17)

ii. Each teacher holding a Standard Instructional Certificate (K-8) who is employed by a school district or charter school; and (3-29-17)

iii. Each teacher holding a Standard Exceptional Child Generalist Endorsement who is employed by a school district or charter school. (3-29-17)

**d.** Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved teacher preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. (3-29-17)

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**SUBJECT**

Pending Rule Docket No. 08-0203-1707 – Rules Governing Thoroughness, Definition - Diploma

**REFERENCE**

August 31, 2017                      Board approved proposed rule Docket 08-0203-1707, creating a definition for diploma.

**APPLICABLE STATUTE, RULE, OR POLICY**

IDAPA 08.02.03, Rules Governing Thoroughness  
Section 33-1612, Idaho Code, Uniform and Thorough Public Education System

**BACKGROUND/DISCUSSION**

IDAPA 08.02.03, sets out requirements for meeting the state's constitutional requirement for a thorough system of public education. This section includes minimum state graduation requirements and references the term diploma in reference to these graduation requirements. While the term is used, it is not defined. Board staff regularly receive questions from school districts regarding minimum diploma requirements as well as questions regarding granting diplomas to individuals who may have attended the high school in the distant past and now would like to receive a diploma from the high school they attended in their youth. Additionally, staff receive regular inquiries regarding minimum state requirements on the format of diplomas.

Proposed changes would provide a definition for the term diploma as it relates to students meeting the state and school district graduation requirements and clarify that school districts may determine the format of the diploma issued by the school district, including the recognition of emphasis areas a student may have excelled in or pathways they may have taken to graduation. The definition will also specify which graduation requirements a diploma would be based on for students that may have attended the school in the past.

**IMPACT**

The proposed changes will clarify a school districts authority in granting and formatting diplomas.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No.08-0203-1707

Page 3

**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



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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 requests were received to negotiate the rule. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No formal public comments were received during the 21-day comment period. Informal feedback was provided during the Idaho School Boards Association in November supportive of the definition as published in the proposed rule. Feedback received from the Department of Education was supportive of the majority of the definition; however, they were not supportive of the final sentence calling out a school districts ability to include emphasis areas or pathways a student may have pursued on the diploma.

No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0203-1707 as submitted in attachment 1.

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

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**IDAPA 08**  
**TITLE 02**  
**CHAPTER 03**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

(Only Those Sections With Amendments Are Shown)

**007. DEFINITIONS A - G.**

**01. Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and level one (1) through level six (6) on Idaho’s English language assessment by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (3-29-17)

**02. Advanced Opportunities.** Are defined as Advanced Placement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. (3-25-16)

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

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

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

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

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

**08. Asynchronous Course.** An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school computer lab. (4-4-13)

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

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

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

**12. Content Standards.** Describe the knowledge, concepts, and skills that students are expected to

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acquire at each grade level in each content area.

(4-2-08)

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

(4-5-00)

**14. Cooperative Work Experience.** Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op.

(4-5-00)

**15. Criteria.** Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides.

(4-5-00)

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

(4-5-00)

**17. “C” Average.** A combined average of courses taken on a four (4) point scale with “C” equal to two (2) points.

(4-11-06)

**18. Diploma.** A document awarded to a student by a secondary school to show the student has successfully completed the state and local education agency graduation requirements. Diplomas may be awarded to individuals who attended a secondary school prior to the year in which the student is requesting issuance of a diploma based on the graduation requirements in existence at the time the student attended. Determination of meeting past graduation requirements may be determined based on proficiency as determined by the local education agency. Each local education agency may determine the format of the diploma, including the recognition of emphasis areas based on a student’s completion of courses or courses or studies in an emphasis area or educational pathways, including but not limited to science, technology, engineering and math (STEM), career technical education, or arts and music.

2

**1819. Decode.**

(4-5-00)( )

**a.** To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning.

(4-5-00)

**b.** To change communication signals into messages, as to decode body language.

(4-5-00)

**1920. Dual Credit.** Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student’s permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus.

(4-11-06)( )

**2021. Emergent Literacy.** Development of the association of print with meaning that begins early in a child’s life and continues until the child reaches the stage of conventional reading and writing.

(4-5-00)( )

**2122. Employability Skills.** Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility.

(4-5-00)( )

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**2223. Entry-Level Skills.** The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. ~~(4-5-00)~~ ( )

**23243. Evaluation (Student).** Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. ~~(4-5-00)~~ ( )

**2425. Experiential Education (Application).** Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. ~~(4-5-00)~~ ( )

**2526. Exploratory Experience (Similar to a Job Shadow).** An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. ~~(4-5-00)~~ ( )

**2627. Fluency.** The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. ~~(4-5-00)~~ ( )

**2728. Genre (Types of Literature).** A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

**2829. Graphophonic/Graphophonemic.** One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). ~~(4-5-00)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

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**SUBJECT**

Pending Rule Docket No. 08-0203-1709, College and Career Readiness Definition and Competencies

**REFERENCE**

April 2017	Board reviewed and discussed the College and Career Readiness Competencies and requested the addition of "Knowledge of Core Subjects."
May 2017	Board discussed incorporated the College and Career Readiness Competencies into administrative rule once approved. There was no opposition to moving forward.
June 2017	Board unanimously adopted the college and career readiness definition and competencies. Staff were directed to bring back to Board for consideration as a proposed rule.
August 31, 2017	Board approved proposed rule Docket 08-0203-1709.

**BACKGROUND/DISCUSSION**

At the April 2017 Board meeting, the Board was presented with draft College and Career Readiness Competencies developed by a cross section of representatives the postsecondary institutions (2 and 4 year), Department of Education, Department of Labor, Department of Commerce, STEM Action Center, Governor's Office, Industry representatives (across occupational sectors), and the State Board of Education. The Board reviewed and discussed the competencies and staff were asked to add academic skills as a specific competency. At the May 2017 Board Retreat as part of the discussion on system-wide strategies, the Board discussed incorporating college and career readiness competencies as a minimum standard for students in the public school (K-12) system. There was consensus around this effort moving forward. At the June 2017 Board meeting, the Board approved amended college and career competencies and discussed bringing back the competencies as a proposed administrative rule.

Proposed amendments would provide a uniform definition for college and career readiness and incorporate the approved college and career competencies and competencies students need to know by the time they graduate from high school. The proposed changes do not require credits be earned in this specific area and there is no state level assessment tied to these competencies. Additionally, many of the competencies identified should be imbedded in various existing subject area content standards (e.g. English Language Arts, Information and Communication Technology, etc.). Additional amendments to the graduation requirements will allow the completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program be used to meet the senior project graduation requirement.

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**IMPACT**

The approval of the pending rule defining college and career readiness and incorporating the competencies into administrative rule will help to align expectation across systems, including: public education (K-20), labor, and commerce and bring the importance of these competencies to the forefront of statewide policy discussions.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0203-1709

Page 5

**STAFF COMMENTS AND RECOMMENDATIONS**

The notice of intent to promulgate this rule was published in the July 5, 2017 (Vol.17-7) Administrative Bulletin. Representatives of the Idaho School Boards Association, Idaho Education Association, Idaho Association of School Administrators and Department of Education Staff requested participation in the negotiated rulemaking meeting. A meeting was held on July 24<sup>th</sup>, to discuss defining college and career readiness in administrative rule and incorporating the approved competencies. Additional amendments discussed centered on amendments to the current senior project graduation requirement. All participants opposed incorporating the college and career readiness competencies into rule. None of the participants saw the purpose of including them in the rule if there was not course requirement tied to them. The stakeholder organization representatives did support allowing for additional ways for students to meet the senior project requirement.

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 proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

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**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0203-1709, as submitted in Attachment 1.

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



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**IDAPA 08  
TITLE 02  
CHAPTER 03**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

(Only Those Sections With Amendments Are Shown)

**004. INCORPORATION BY REFERENCE.**

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

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

- a.** Arts and Humanities Categories: (3-24-17)
  - i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii.** World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on December 15, 2016. (12-15-16)T
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** College and Career Readiness Competencies adopted on June 15, 2017 ( )
- lm.** Career Technical Education Categories: (~~3-29-17~~)( )

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- i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
- ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
- iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
- iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
- v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
- vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)

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

**06. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on September 3, 2015. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (10-20-16)T

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

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

**09. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)

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

The principal place of business of the State Board of Education is in Boise, Idaho. The office is located at 650 W. State Street, Room 307, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037. the telephone number is (208) 334-2270, the facsimile number is (208) 334-2632, and the email address is [board@osbe.idaho.gov](mailto:board@osbe.idaho.gov). (3-15-02)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

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This rule has been promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and is a public record. (3-15-02)

**007. DEFINITIONS A - G.**

**01. Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and level one (1) through level six (6) on Idaho’s English language assessment by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (3-29-17)

**02. Advanced Opportunities.** Are defined as Advanced Placement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. (3-25-16)

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

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

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

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

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

**08. Asynchronous Course.** An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school computer lab. (4-4-13)

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

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

**11. College and Career Readiness.** College and career readiness is the attainment and demonstration of state board adopted competencies that broadly prepare high school graduates for a successful transition into some form of postsecondary education and/or the workplace. ( )

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

**1213. Content Standards.** Describe the knowledge, concepts, and skills that students are expected to

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acquire at each grade level in each content area. (4-2-08) ( )

**1314. Context (of a Performance Assessment).** The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00) ( )

**1415. Cooperative Work Experience.** Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00) ( )

**1516. Criteria.** Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (4-5-00) ( )

**1617. Cues.** Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers have about the ways in which language is understood by others in their culture. (4-5-00) ( )

**1718. “C” Average.** A combined average of courses taken on a four (4) point scale with “C” equal to two (2) points. (4-11-06) ( )

**1819. Decode.** (4-5-00) ( )

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

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

**1920. Dual Credit.** Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student’s permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06) ( )

**2021. Emergent Literacy.** Development of the association of print with meaning that begins early in a child’s life and continues until the child reaches the stage of conventional reading and writing. (4-5-00) ( )

**2122. Employability Skills.** Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00) ( )

**2223. Entry-Level Skills.** The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00) ( )

**2324. Evaluation (Student).** Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00) ( )

**2425. Experiential Education (Application).** Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00) ( )

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**2526. Exploratory Experience (Similar to a Job Shadow).** An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. ~~(4-5-00)~~ ( )

**2627. Fluency.** The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. ~~(4-5-00)~~ ( )

**2728. Genre (Types of Literature).** A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

**2829. Graphophonic/Graphophonemic.** One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). ~~(4-5-00)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

**01. Elementary Schools.** (4-11-06)

**a.** The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**b.** Additional instructional options as determined by the local school district. For example:  
Languages other than English  
Career Awareness (4-1-97)

**02. Middle Schools/Junior High Schools.** (4-11-06)

**a.** No later than the end of Grade eight (8) each student shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the [state and school district's](#) or LEA's graduation standards [in preparation for postsecondary goals](#). The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. ~~(4-11-06)~~ ( )

**b.** A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (3-12-14)

**c.** Other required instruction for all middle school students:  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**d.** Other required offerings of the school:  
Family and Consumer Science  
Fine & Performing Arts  
Career Technical Education

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Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

**03. High Schools.** (4-11-15)

**a.** High schools must offer a wide variety of courses to satisfy state and local graduation requirements. High schools are required to provide instructional offerings in Physical Education (fitness) and Career Technical Education and the instruction necessary to assure students are college and career ready at the time of graduation.—(4-11-15)( )

**b.** High schools will annually review and update with the student the parent-approved student learning plans outlined in Subsection 104.02.a. (4-11-15)

**105. HIGH SCHOOL GRADUATION REQUIREMENTS.**

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

**a.** Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA<sup>2</sup>s may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

**b.** Mastery. Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-17)

**c.** Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

**d.** Mathematics. Six (6) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

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

(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

(2) Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

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



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ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics.

(3-12-14)

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

(3-12-14)

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

(3-12-14)

i. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based.

(3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement.

(3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the ~~Idaho~~ Interdisciplinary Humanities Content Standards.

(3-29-10), ( )

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

(3-12-14)

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

(4-1-15), ( )

**02. Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures.

(3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter grade nine (9) in Fall 2012 or later.)

(3-12-14)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students graduating prior to 2017 may also use the Compass to meet this requirement. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement:

(3-25-16)



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- i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)
  - ii. Was homeschooled during grade eleven (11); or (3-12-14)
  - iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)
- b.** A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)
- i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)
  - ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)
  - iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

**04. Senior Project.** A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. Completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program may be used to meet this requirement. ~~(3-12-14)( )~~

**05. Civics and Government Proficiency.** Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. (3-29-17)

**06. Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met. (3-25-16)

- a.** The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)
- b.** The course meets the same content standards that are required in high school for the same course; and (3-25-16)
- c.** The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)
- d.** The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule. (3-25-16)

**07. Special Education Students.** A student who is eligible for special education services under the

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Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

**08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

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## **CAREER TECHNICAL EDUCATION**

### **SUBJECT**

Pending Rule Docket No. 08-0203-1710, Incorporated by Reference - Career Technical Education Secondary Program Content Standards

### **REFERENCE**

June 2016	Board approved the career technical secondary program standards.
August 2016	Board approved proposed rule incorporating career technical content standards into administrative code.
November 28, 2016	Board approved pending rule incorporating career technical content standards into administrative code.
August 31, 2017	Board approved proposed rule Docket 08-0203-1710.

### **APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-118, Idaho Code; Section 33-1612, Idaho Code; and Section 33-2211, Idaho Code  
Idaho Administrative code, IDAPA 08.02.03, Rules Governing Thoroughness

### **BACKGROUND/DISCUSSION**

Similar to academic programs, content standards exist for secondary career technical programs. These content standards are developed with secondary and postsecondary instructors and industry representatives by the Division of Career Technical Education. Postsecondary instructors provide guidance into the post-secondary program alignment, and industry representatives validated the outcomes with current needs of the particular industry occupations supported by the program.

Once the career technical standards and student learning outcomes are developed and vetted through the initial development team, the learning outcomes are shared with a larger group of industry representatives. The Division of Career Technical Education asks industry representatives to rank each learning outcome as to their importance in the workplace. Each learning outcome is then scored and reflected in the program's Technical Skills Assessment based on the level of criticality established by the representative community.

Each secondary career technical program is evaluated regularly by the Division and held to these standards. Prior to 2016 these standards were standalone documents updated and maintained by the Division. During the 2016 rulemaking process the Division started the process of bringing the career technical content standards forward for incorporation into administrative code. The standards being considered this year add the following subcategories into the current content standard areas, create a new area for Health Sciences, and updates the previously approved Early Childhood Education Standards:

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- Agriculture and Natural Resources
  - Plant and Soil Standards
- Business and marketing
  - Business Management
  - Digital Communications
- Engineering and Technology
  - Digital Media Production
  - Medial Technology – Commercial Photography
- Health Sciences
  - Dental Assisting
  - Emergency Management Technicians
  - Nursing Assistant
  - Physical Therapy Assistant
- Skilled and Technical Sciences
  - Cabinetry and Millwork
  - Industrial Mechanics
  - Law Enforcement
  - Small Engine Repair

**IMPACT**

Approval of the proposed rule changes will add additional career technical education subcategories into the existing content standard areas.

**ATTACHMENTS**

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**STAFF COMMENTS AND RECOMMENDATIONS**

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.

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 Division's initial process. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

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**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0203-1710, as submitted in Attachment 1.

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

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**08.02.03 - RULES GOVERNING THOROUGHNESS**

(Only Those Sections With Amendments Are Shown)

**004. INCORPORATION BY REFERENCE.**

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

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

- a.** Arts and Humanities Categories: (3-24-17)
  - i. Dance, as revised and adopted on August 11, 2016; (3-24-17)
  - ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
  - iii. Media Arts, as adopted on August 11, 2016. (3-24-17)
  - iv. Music, as revised and adopted on August 11, 2016; (3-24-17)
  - v. Theater, as revised and adopted on August 11, 2016; (3-24-17)
  - vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
  - vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on December 15, 2016. (12-15-16)T
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** Career Technical Education Categories: (3-29-17)
  - i. Agricultural and Natural Resources, as revised and adopted on ~~June 16, 2016~~August 31, 2017. (~~3-29-17~~)(      )



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- ii. Business and Marketing Education, as revised and adopted on June 16, 2016August 31, 2017. (~~3-29-17~~)( )
- iii. Engineering and Technology Education, as revised and adopted on June 16, 2016August 31, 2017. (~~3-29-17~~)( )
- iv. Health Sciences, as adopted on August 31, 2017 ( )
- ~~iv~~v. Family and Consumer Sciences, as revised and adopted on June 16, 2016August 31, 2017. (~~3-29-17~~)( )
- ~~v~~vi. Skilled and Technical Sciences, as revised and adopted on June 16, 2016August 31, 2017. (~~3-29-17~~)( )
- ~~v~~vii. Workplace Readiness, as adopted on June 16, 2016. (~~3-29-17~~)( )

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

**04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)

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

**06. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on September 3, 2015. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (10-20-16)T

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

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

**09. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-17)

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**SUBJECT**

Pending Rule Docket No. 08-0203-1712 - Rules Governing Thoroughness, Data Collection – Grade Point Average

**REFERENCE**

August 2017                      Board approved proposed rule Docket 08-0203-1712, adding GPA to the State longitudinal data system

**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**

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.

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**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0203-1712

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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.

The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0203-1712, as submitted in Attachment 1.

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

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**08.02.03 - RULES GOVERNING THOROUGHNESS**

(Only Those Sections With Amendments Are Shown)

**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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**SUBJECT**

Pending Rule Docket No. 08-0204-1701 – Rules Governing Public Charter Schools and Pending Rule Docket No. 08-0301-1701 – Rules Governing the Public Charter School Commission

**REFERENCE**

June 2013	Board approved temporary and proposed rule changes to IDAPA 08.02.04 and 08.03.01 pertaining the public charter schools and the public charter school commission to bring then into alignment with legislative changes enacted during the 2013 legislative session.
October 2013	Board approved pending rules Docket 08-0204-1301 and Docket 08-0301-1301.
August 31, 2017	Board approved temporary and proposed rule Dockets 08-0204-1701 and 08-0301-1701.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 08.02.04 and IDAPA 08.03.01, Sections 33-5201 to 5216, Idaho Code

**BACKGROUND/DISCUSSION**

IDAPA 08.02.04, sets out the rules governing public charter schools in Idaho while IDAPA 08.03.01, sets out the rules governing the Public Charter School Commission. These rules include specific provisions related the formation of new public charter schools, petition requirements, responsibilities of chartering entities and the review and appeal procedures for petitions. During the 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from and streamlining the timelines for review and approval of applications. These legislative changes required amendments to IDAPA 08.02.04, Rules Governing Public Charter Schools and IDAPA 08.02.01, Rules Governing the Public Charter School Commission. The proposed amendments add a single application process that will apply to all charter school petitioners, regardless of the chartering entity and remove sections that are no longer required due to the legislative changes.

**IMPACT**

The pending rule changes will bring the rule into compliance with changes enacted during the 2017 legislative session.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0204-1701	Page 5
Attachment 2 – Pending Rule Docket No. 08-0301-1701	Page 17

## **STAFF COMMENTS AND RECOMMENDATIONS**

Administrative rules are made up of three types of rules. Temporary rules, proposed rules and pending rules. Temporary and proposed rules may be promulgated jointly with a single docket number or temporary rules may be promulgated as a standalone rule. A rule must go through the proposed rule and pending rule steps to become a final rule. Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria:

- provides protection of the public health, safety, or welfare; or
- is to come into compliance with deadlines in amendments to governing law or federal programs; or
- is conferring a benefit.

This temporary and proposed rule brings this section of administrative code into compliance with amendments made by House Bill 279 (2017). The temporary rule was approved by the Governor and is currently in effect. The pending rule, if accepted by the 2018 Legislature, will go into effect at the end of the 2018 legislative session, at which time the temporary rule will expire.

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. Representatives of the Public Charter School Commission, the Idaho Charter School Network, Idaho School Boards Association, Idaho Education Association, Idaho Association of School Administrators and Department of Education Staff requested participation in the negotiated rulemaking meeting. A meeting was held on August 24th, to discuss potential rule amendments necessary to bring IDAPA 08.02.03 and 08.03.01 into alignment with the statutory changes. General consensus was formed around the proposed amendments going forward to the Board for consideration with the understanding that the stakeholder associations would have the opportunity to provide additional comments and feedback from the members during the proposed rule 21 day comment period. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

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Staff recommends approval.

**BOARD ACTION**

I move to Pending Rules Docket No. 08-0204-1701 as submitted in Attachment 1 and Docket No. 08-0301-1701 as submitted in Attachment 2.

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



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**IDAPA 08  
TITLE 02  
CHAPTER 04**

**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**

(Only Those Sections With Amendments Are Shown)

**100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.**

**01. Responsibilities of Petitioners on Approval of Charter.** Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall provide the Board with written notice of such approval. The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request. (4-4-13)

**02. Authorization to Begin Educational Instruction.** The public charter schools authorized to begin educational instruction during a given school year shall be those public charter schools that have received approval from their authorized chartering entities to begin educational instruction during such school year. A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year. (3-20-14)

~~**03. Notification.** The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin educational instruction during a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter. (4-11-06) ( )~~

**101. AUTHORIZED CHARTERING ENTITY.**

**01. Institution.** An institution shall receive approval from their governing board prior to authorizing any charter schools. (3-20-14)

**a.** Petitions shall be submitted to the president of the institution or his designee. (3-20-14)

**b.** An institution may approve or deny a petition, ~~but cannot refer the petition to another authorized chartering entity.~~ (3-20-14) ( )

**c.** Notwithstanding Sections 400 through 404, of these rules, denial of a new petition by an institution is final. A petitioner may submit a petition that has been denied by an institution to any authorized chartering entity. (3-20-14)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.**

**01. Assistance With Petitions.** The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule. (4-11-06)

**02. Public Charter School Workshops.** The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. (4-11-06)

~~**03. Petition Sufficiency Reviews.** Prior to submitting a petition to an authorized chartering entity,~~

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~~petitioners shall submit one (1) copy of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with statutory requirements.~~**Petition Submittal.** A public charter school petition may be submitted to only one authorized chartering entity at a time. A petitioner may submit a petition that has been denied by an authorized chartering entity to any other authorized chartering entity after an appeal process, if any, is complete and a final decision has been reached. (4-4-13)( )

**(BEAK IN CONTINUITY OF SECTIONS)**

**202. ~~PETITION-NEW PUBLIC CHARTER SCHOOL APPLICATION-REQUIREMENTS.~~**

~~A petition to form a new or conversion public charter school shall be submitted in accordance with instructions, and in such format, as may be required by the Board. Notwithstanding, the petition must include, at a minimum, the information described in Section 33-5205, Idaho Code. Pursuant to Section 33-5205, Idaho Code, petitioners seeking to establish a new public charter school must complete an application consisting of all of the following elements:~~  
- (4-11-06) ( )

**01. Introduction.** Briefly introduce the proposed public charter school by providing the following:  
( )

**a.** Cover page with the proposed school's name, intended opening year, general location, and the contact information for one petitioner who will serve as liaison with the authorizer during the petition process; (-  
)

**b.** Table of contents; ( )

**c.** One-page executive summary describing the proposed school's organizational structure, educational program, and student outcome expectations; and ( )

**d.** Mission statement. ( )

**02. Educational Program.** Describe the proposed school's educational program by explaining the following: ( )

**a.** Educational philosophy; ( )

**b.** Student academic achievement standards and any additional goals and methods for measuring achievement; ( )

**c.** Key educational design elements, including curricula, tools and instructional methods identified to carry out the educational philosophy and meet academic and mission-specific goals, which may include evidence demonstrating efficacy of these elements; and ( )

**d.** Strategies for meeting the needs of specific student populations, including but not limited to at-risk students, special education students, English language learners, and gifted students. ( )

**03. Financial and Facilities Plan.** Demonstrate a sound understanding of public charter school finances and facilities needs. ( )

**a.** State whether the school intends to provide transportation or food service, and provide plans for provision of these services if they will be offered; ( )

**b.** Describe how the school's finances will be managed and monitored. ( )

**c.** Provide a working draft of the school's prospective facilities plan, including likely facilities needs and estimated costs. ( )

**d.** Provide a description of any potential facilities that have been identified and a timeline and process for securing appropriate space; and ( )

**e.** Attach the following to Appendix A: Pre-opening budget and 3-year operating budget, including detailed assumptions for all revenue and expenditures for each year; year one, break-even budget demonstrating the minimum enrollment needed to achieve a zero or marginal net income balance at the end of the year; cash flow projection for the first operational year, demonstrating an understanding of charter school monetary flow; evidence of existing and anticipated funds; and evidence that projected facilities costs are reasonable within the start-up and 3-year budgets. ( )

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- 04. Board Capacity and Governance Structure.** Provide information about the legal entity and the individuals involved in opening the proposed school. ( )
- a. Attach copies of the nonprofit corporation's Articles of Incorporation and Corporate Bylaws to Appendix B, though note that they will not be incorporated as part of the school's charter. ( )
- b. Provide a description of the governance structure; ( )
- c. List any already identified members of the board of directors, attach their professional resumes to Appendix C, and provide any additional information about their qualifications; ( )
- d. Describe the board's plan for a smooth transition from initial founding members to subsequent members; and ( )
- e. Describe the plan for board member recruitment and training. ( )
- 05. Student Demand and Primary Attendance Area.** Demonstrate the need and community demand for the proposed public charter school in the selected location. ( )
- a. Describe the primary attendance area and list the public school districts that overlap this area; ( )
- b. Clearly articulate the need and demand for a school in the selected location, including demographics for the intended neighborhood. Need is the reason(s) existing schools are insufficient or inadequate and includes state performance data. Demand is evidence of desire from prospective families to attend the school; ( )
- c. Describe the population of students the proposed school intends to serve and how the selected location supports serving such students; ( )
- d. Provide the target enrollment by grade level and projected growth over five years; ( )
- e. Describe any community partnerships or other local support for the proposed school; and ( )
- f. Describe strategies for informing underserved students and their families about the prospective school and the enrollment process. ( )
- 06. School Leadership and Management.** Describe the proposed school's administrative leadership structure, and provide information about any potential education service providers. ( )
- a. Attach an organizational chart to Appendix D illustrating the proposed school's leadership structure and indicating the reporting structures of school leaders to the board. If school leaders have already been identified, include their names, contact information, resumes and any additional information about their qualifications in the appendices. ( )
- b. Describe the responsibilities of and relationships among school leadership, the governing board, instructional leaders, and staff, and include a plan for evaluating school leaders. ( )
- c. If the proposed school intends to work with an educational service provider, provide the name of the company, a contact within the company, and specify in detail the extent of the entity's participation in the management and operation of the school. Attach the following to Appendix E: ( )
- i. A term sheet indicating the fees to be paid by the proposed school to the management company, the length of the proposed contract, the terms for the contracts renewal, and provisions for termination; ( )
- ii. Copies of the two most recent contracts that the entity has executed with operating charter schools; and ( )
- iii. A detailed description of the education service provider's relationship to the school's board of directors; ( )
- iv. A detailed description of how and why the management organization or educational service provider was selected, and evidence that the organization provides high-quality service to similarly situated schools, if applicable. ( )
- 07. Supporting Documents.** ( )
- a. Appendix A - Budgets, cash flow, additional funds ( )
- b. Appendix B – Articles of Incorporation and Bylaws ( )

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- c. Appendix C – Board of Directors ( )
- d. Appendix D – School Administration ( )
- e. Appendix E – Education Service Provider ( )
- f. Appendix F – Optional additional supporting documents ( )

**203. ADMISSION PROCEDURES.**

**01. Model Admission Procedures.** ~~In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 33-5206(11), Idaho Code, and Section 203 of this rule. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures.~~ (3-20-14) ( )

**02. Enrollment Opportunities.** ~~Section 33-5205(3)(c), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners-Charter holders shall ensure that citizens in the primary attendance area shall be made aware of the enrollment opportunities of the public charter school. sSuch process shall include the dissemination of enrollment information, taking into consideration the language demographics of the attendance area, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs.~~ (4-11-06) ( )

**03. Enrollment Deadline.** Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all written requests for admission to attend the public charter school for the next school year must be received. The enrollment deadline cannot be changed once the enrollment information is disseminated as required by Subsection 203.02. (4-11-06)

**04. Requests for Admission.** A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter school, a single written request for admission must be submitted on behalf of all siblings. The written request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The written request for admission shall contain the name, grade level, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process. Only written requests for admission shall be considered by the public charter school. Written requests for admission received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. If there is an opening in one grade, a sibling, if any, from a late submitted application must go to the bottom of the sibling list. (4-11-06)

**05. Admission Preferences.** A public charter school shall establish an admission preference for

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students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish additional admission preferences, as authorized by Section 33-5205(3)(i)5206(11), Idaho Code. (3-20-14) (\_\_\_\_\_)

**06. Proposed Attendance List for Lottery.** Each year the public charter school shall create an attendance list containing the names of all prospective students on whose behalf a written request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to each prospective student. The columns shall be designated “A” for returning student preference; “B” for founders preference; “C” for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and “D” for attendance area preference. (4-11-06)

**07. Equitable Selection Process.** If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows: (4-11-06)

**a.** The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, with the order for each grade level selected randomly. The index cards containing the names of the prospective students for the grade level being selected shall be placed into a single container. (4-11-06)

**b.** A neutral, third party shall draw the grade level to be completed first and then draw each index card from the container for that grade level, and such person shall write the selection number on each index card as drawn, beginning with the numeral “1” and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person. (4-11-06)

**c.** If the name of the person selected is a returning student, then the letter “A” shall be written on such index card. If the name of the person selected is the child of a founder, the letter “B” shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter “C” shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter “D” shall be written on such index card. (4-11-06)

**d.** With regard to the sibling preference, if the name of the person selected has a sibling who has already been selected, but the person previously selected did not have the letter “C” written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter “C” shall now be written on that person’s index card at this time. (4-4-13)

**e.** With regard to the founder’s preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter “B.” When the number of index cards marked with the letter “B” equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter “B,” even if such person selected would otherwise be eligible for the founders preference. (4-11-06)

**f.** After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter “A” shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter “B,” based on the chronological order of the selection number written on each index card; followed by all index cards with the letter “C,” based on the chronological order of the selection number written on each index card; followed by all index cards with the letter “D,” based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card. (4-11-06)

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**g.** After the index cards have been drawn and sorted for all grade levels, the names shall be transferred by grade level, and in such order as preferences apply, to the final selection list. (4-11-06)

**08. Final Selection List.** The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. (4-11-06)

**09. Notification and Acceptance Process.** (4-11-06)

**a.** With respect to students selected for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send an offer letter to the parent, guardian, or other person who submitted a written request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter by the public charter school. (4-11-06)

**b.** With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the parent, guardian, or other person who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available. (4-11-06)

**c.** If a parent, guardian, or other person receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

**d.** If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

**10. Subsequent School Years.** The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. (4-11-06)

**204. (RESERVED)**

**205. REVIEW OF PETITIONS.**

~~**01. Sufficiency Review of Petition.** Prior to submitting a petition with an authorized chartering entity, petitioners shall submit one (1) copy of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. (3-20-14)~~

~~**02. Timeframe for Sufficiency Review.** The Department shall complete the sufficiency review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (3-20-14)~~

~~**03. Notification of Findings After Sufficiency Review.** The Department shall notify the petitioners promptly in writing describing the results of the sufficiency review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (3-20-14)~~

~~**04. Correction of Deficiencies in Proposed Draft Petition.** Petitioners shall address any deficiencies~~

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~~in the proposed draft petition and shall resubmit the petition to the Department for additional reviews until the Department determines that the petition is sufficient. (3-20-14)~~

~~05. Substantive Review of Petition. The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)~~

~~0602. If Denied, Petitioners May Appeal. (4-11-06) ( )~~

~~a. If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. (4-11-06)~~

~~b. Petitions submitted to a local board of trustees of a school district or the public charter school commission may be appealed. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (3-20-14)~~

~~206. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.~~

~~01. Referral of Petition by Local Board of Trustees. A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(c)(iii), Idaho Code. If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt written notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly notify the Commission of the referral decision, including all the reasons for referral. (4-4-13)~~

~~02. Withdrawal by Charter Petitioners. Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within seventy five (75) days after the petition is received by the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the petition, after a reasonable and good faith effort. (4-4-13)~~

~~03. Reasonable and Good Faith Effort. For purposes of Subsection 206.02 of these rules, the authorized chartering entity shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the authorized chartering entity take at least all of the following actions: (4-4-13)~~

~~a. The authorized chartering entity must send written notice to petitioners acknowledging receipt of the charter petition and the date of receipt. (4-11-06)~~

~~b. The authorized chartering entity posts public notice of a public hearing for the purpose of considering the petition, and such meeting is scheduled to occur not later than seventy five (75) days after receipt of the petition and verification that there are thirty (30) signatures from qualified electors of the attendance area. (4-4-13)~~

~~c. Prior to the date the posted public hearing is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. (4-4-13)~~

~~d. Either prior to or at the posted public hearing, representatives from both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition. (4-4-13)~~

~~04. Failure of Authorized Chartering Entity to Make a Good Faith Effort. If the authorized chartering entity fails to make the good faith effort described in Subsection 206.03 of these rules, the petitioners may~~



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~~withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration, provided the petitioner takes at least all of the following actions: (4 4 13)~~

~~a. The petitioners must provide the authorized chartering entity with a petition that is administratively complete and that has been reviewed by the Department in accordance with Section 205 of these rules. (4 4 13)~~

~~b. The petitioners must contact the authorized chartering entity, in writing, to ensure awareness of the timelines for petition review and the petitioners' request for a review of the petition and public hearing to consider the merits of the petition. (4 4 13)~~

~~c. In the event correspondence is sent to the petitioners identifying concerns with the petition, then the petitioners must respond in writing to the authorized chartering entity addressing the identified concerns. (4 4 13)~~

~~d. The petitioners must meet with the authorized chartering entity and engage in face to face discussions regarding the petition, if the authorized chartering entity provides an opportunity to do so. (4 4 13)~~

**2076. -- 299. (RESERVED)**

**300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.**

**01. General.** The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. (3-20-14)

**02. Compliance with Terms of Performance Certificate.** The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with the terms and conditions of the performance certificate approved executed in accordance with Section 33-5205B(1), Idaho Code. (3-20-14)

**03. Annual Reports.** The governing board of a public charter school must submit an annual audit of the fiscal operations as required in Section 33-5206(7), Idaho Code, ~~and a copy of the public charter school's accreditation report.~~ An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its performance certificate. (3-20-14)( )

**04. Operational Issues.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its performance certificate. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. (3-20-14)

**05. Articles of Incorporation and Bylaws.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity of any revisions or amendments to the articles of incorporation or bylaws. ( )

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the performance certificate. (3-20-14)

**302. CHARTER REVISIONS.**

The governing board of a public charter school may reasonably request revisions to an approved charter or performance certificate, as authorized by Section 33-5206(8), Idaho Code. (3-20-14)

**01. Request for Revision of Charter or Performance Certificate.** The governing board of a public

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charter school that desires to revise its charter or performance certificate must submit a written request ~~describing and~~ the proposed revisions ~~with to~~ the public charter school's authorized chartering entity. ~~In addition, the governing board of the public charter school shall also submit one (1) copy of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and the authorized chartering entity promptly in writing describing the results of such review.~~ (3-20-14) ( )

**02. Request for Revision of Performance Certificate.** The governing board of a public charter school that desires to revise its performance certificate must submit a written request and the proposed revisions to the public charter school's authorized chartering entity. (3-20-14) ( )

**03. Procedure for Reviewing Request for Charter or Performance Certificate Revision.** The authorized chartering entity shall have seventy-five (75) days from the date of receipt of the written ~~notice from the Department request and proposed revisions~~ in which to issue its decision on the request for charter or performance certificate revision. The authorized chartering entity shall consider the request for charter or performance certificate revision at its next regular meeting following the date of receipt of the written ~~notice from the Department request and proposed revisions~~, provided that the request and proposed revisions ~~is~~ are submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter or performance certificate revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter or performance certificate revision. (4-4-13) ( )

**04. Procedure for Reviewing Request for Performance Certificate Revision.** ~~The authorized chartering entity shall have seventy five (75) days from the date of receipt of a request for performance certificate revision in which to issue its decision on the request for performance certificate revision. The authorized chartering entity shall consider the request for performance certificate revision at its next regular meeting following the date of receipt of the request for revision, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a performance certificate revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for performance certificate revision.~~ (3-20-14) ( )

**054. Approval of Proposed Charter or Performance Certificate Revision.** If the authorized chartering entity approves the proposed charter or performance certificate revision, a copy of such revision shall be executed by each of the parties to the charter or performance certificate and shall be treated as either a supplement to, or amendment of, the final approved ~~petition~~ charter or performance certificate, whatever the case may be. (3-20-14) ( )

**065. Denial of Proposed Charter or Performance Certificate Revision.** If the proposed revision is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for charter or performance certificate revision. The decision to deny a request for a charter or performance certificate revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter or performance certificate revision to the Board. The provisions of Section 403 of these rules shall govern the appeal. (3-20-14)

**303. REVOCATION.**

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303 of this rule if a public charter school has failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of Section 33-5209B(1), Idaho Code, by the dates specified. (3-20-14)

**01. Written Notice of Intention to Revoke Charter.** The authorized chartering entity must provide the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the

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date of such notice. (4-11-06)

**02. Public Hearing.** The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity. (4-11-06)

**a.** Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. (4-11-06)

**b.** The public hearing shall be conducted by the authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code. (4-11-06)

**03. Charter Revocation.** If the authorized chartering entity determines that the public charter school has ~~not complied with the corrective action plan and cured the defect at issue~~ failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of section 33-5209B(1), Idaho Code, by the dates specified, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. ~~(4-11-06)~~ (\_\_\_\_\_) (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR PERFORMANCE CERTIFICATE OR A CHARTER NON-RENEWAL OR REVOCATION DECISION.**

The following procedures shall govern an appeal relating to the denial of a request to revise a charter or a charter non-renewal or revocation decision. (3-20-14)

**01. Submission of Appeal.** The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to non-renew or revoke a charter or to deny a charter or performance certificate revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board one (1) hard copy and one (1) electronic copy of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (3-20-14)

**a.** The name, address, and telephone number of the appellant public charter school and the authorized chartering entity that issued the decision being appealed. (4-11-06)

**b.** Copies of all correspondence or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed. (4-11-06)

**c.** Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered or discussed. (4-11-06)

**d.** The written decision provided by the authorized chartering entity to the appellant public charter school. (4-11-06)

**02. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the filing of the notice of appeal. (4-11-06)

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

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**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

**05. Prehearing Conference.** The entity conducting the public hearing may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

**07. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, or reversing the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

**08. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

**a.** Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the non-renewal or revocation of the charter, or the request to revise the charter or performance certificate, or that the authorized chartering authority acted in an arbitrary manner in determining to non-renew or revoke the charter, or in denying the request to revise the charter or performance certificate. (3-20-14)

**b.** ~~In the case of a denial by the board of a local school district, redirect the matter to the public charter school commission for further review.~~ (3-20-14) ( )

**c.** Deny the appeal filed by the appellants. (4-11-06)

**404. EX PARTE COMMUNICATIONS.**

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, no party to the appeal nor any representative of any such party to the appeal, nor any person or entity interested in such appeal, may communicate, directly or indirectly, regarding any substantive issue in the appeal with the Board or the charter appeal

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committee or any hearing officer appointed to hear or preside over the appeal hearing, except upon notice and opportunity for all parties to participate in the communication. (4-11-06)

**405. -- 499. (RESERVED)**

**500. MISCELLANEOUS.**

**01. Definition of LEA.** As used in Section 500 of these rules, the term “local education agency” or “LEA” shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and as such term is further defined in 34 CFR 300.18. (4-11-06)

**02. LEA Designations.** Section 33-5203(7), Idaho Code, provides that the board of trustees of a school district may designate a public charter school it authorizes as an LEA, with the concurrence of the public charter school board of directors. In order to designate a public charter school as an LEA, the board of trustees of the school district must submit to the Department the following no later than February 1 in order for any such designation to be effective for the following school year: (3-20-14)

**a.** Verification that the board of trustees is the authorized chartering entity of the public charter school it wishes to designate as an LEA. (3-20-14)

**b.** Written documentation that the board of trustees of the school district and the board of trustees of the public charter school have agreed to the designation of the public charter school as an LEA. Such documentation shall be signed by representatives of both parties. (3-20-14)

**501. -- 999. (RESERVED)**

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**IDAPA 08  
TITLE 03  
CHAPTER 01**

**08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**

(Only Those Sections With Amendments Are Shown)

**~~300. PETITION SUBMISSION.~~**

~~01. Number of Copies.~~ Petitioners shall submit a petition consisting of an electronic copy of the petition in Microsoft® Word format. Appendices to the petition must be submitted as a single document and may be in Adobe® format (PDF). (4-4-13)

~~02. Case Number.~~ The Commission will assign a case number to a petition. Any future documents or correspondence submitted to the Commission after original filing must reference the assigned case number. (4-11-06)

~~03. Administratively Complete.~~ If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, IDAPA 08.02.04, "Rules Governing Public Charter Schools", and IDAPA 08.03.01, "Rules of the Public Charter School Commission." (3-20-14)

~~04. Considered Received.~~ A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (4-11-06)

~~05. Supplemental Information.~~ Submission of supplemental information to the Commission shall be accomplished by filing a complete, electronic copy of the petition, with the text to be removed stricken and the new language underlined, with the date of revision noted on the title page. (4-4-13)

~~06. Sufficiency Review.~~ Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 200.03 at the time the petition is filed with the Commission. (3-20-14)

**~~3010. COMPLIANCE MONITORING.~~**

The Commission shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the performance certificate, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (3-20-14)

**01. Certificate of Occupancy.** Certificate of Occupancy for the public charter school site; (4-4-13)

**02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety; (4-4-13)

**03. Fire Marshal Report.** A fire marshal report for the public charter school site; (4-11-06)

**04. Insurance Binders.** Copies of insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, unemployment insurance, and health insurance; (4-4-13)

**05. Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (4-11-06)

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~~06. Criminal History Checks.~~ A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code; (4-4-13)

~~07. Instructional Staff Certification.~~ Proof of certification for all instructional staff employed by the public charter school; and (4-4-13)( )

~~08. School Calendar.~~ The school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (4-4-13)

**3021. REQUIRED DOCUMENTS PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE COMMISSION MUST SUBMIT TO THE COMMISSION.**

**01. Lease Agreement.** If school structures are leased, a copy of the lease agreement for the building(s) at which students will be taught; (4-4-13)

**02. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (4-4-13)

**03. Accreditation Reports.** A copy of any notice from the public charter school's accreditation report as required by Section 33-5206(7), Idaho code, accrediting body that the public charter school has failed to meet or maintain full accreditation requirements must be submitted within five (5) business days of receipt; (4-4-13)( )

**04. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (4-4-13)

**05. Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (4-4-13)

**06. Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission. (4-4-13)

**3032. -- 399. (RESERVED)**

**~~401. PETITION -- FORMAT.~~**

~~All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section.~~ (4-11-06)

~~01. Cover Page.~~ The cover page must include the following information: (4-11-06)

~~a. Name of proposed charter school;~~ (4-11-06)

~~b. School year petitioning to open the school;~~ (4-11-06)

~~c. Name of the school district affected by the attendance area;~~ (4-11-06)

~~i. Where the public charter school building will be physically located; or~~ (4-11-06)

~~ii. If it is a virtual school and the physical location of the main office; and~~ (4-11-06)

~~d. Name, address, telephone number, and e-mail address of the petitioner's authorized representative.~~ (4-4-13)

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<b>02.</b>	<b>Table of Contents.</b> The second page shall be the beginning of the table of contents.	(4 11 06)
<b>03.</b>	<b>Tab 1.</b> Mission and vision statements.	(4 4 13)
<b>04.</b>	<b>Tab 2.</b> The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.	(4 4 13)
<b>05.</b>	<b>Tab 3.</b>	(4 11 06)
<b>a.</b>	A description of what it means to be an "educated person" in the twenty first century, and how learning best occurs.	(4 4 13)
<b>b.</b>	A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled.	(4 4 13)
<b>c.</b>	The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act.	(4 4 13)
<b>d.</b>	The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code.	(4 4 13)
<b>06.</b>	<b>Tab 4.</b>	(4 11 06)
<b>a.</b>	The measurable student educational standards the public charter school will use.	(4 4 13)
<b>b.</b>	The method by which student progress in meeting the identified student educational standards is to be measured.	(4 4 13)
<b>c.</b>	A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.	(4 4 13)
<b>d.</b>	A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board.	(4 4 13)
<b>e.</b>	A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act.	(4 11 06)
<b>07.</b>	<b>Tab 5.</b>	(4 11 06)
<b>a.</b>	A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school.	(4 4 13)
<b>b.</b>	A description of the ethical standards to which the governing board of the public charter school will adhere.	(4 4 13)
<b>c.</b>	A plan for the initial and ongoing training of the governing board of the public charter school.	(4 4 13)
<b>d.</b>	The process to be followed by the public charter school to ensure parental involvement.	(4 4 13)
<b>e.</b>	The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted.	(4 4 13)
<b>08.</b>	<b>Tab 6.</b>	(4 11 06)



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~~\_\_\_\_\_ a. \_\_\_\_\_ The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. (4-4-13)~~

~~\_\_\_\_\_ b. \_\_\_\_\_ The procedures that the public charter school will follow to ensure the health and safety of students and staff. (4-4-13)~~

~~\_\_\_\_\_ c. \_\_\_\_\_ The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (4-4-13)~~

~~\_\_\_\_\_ d. \_\_\_\_\_ The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and re-enrolled. (4-4-13)~~

~~\_\_\_\_\_ e. \_\_\_\_\_ A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. (4-4-13)~~

~~\_\_\_\_\_ f. \_\_\_\_\_ A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. (4-4-13)~~

~~\_\_\_\_\_ g. \_\_\_\_\_ A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. (4-4-13)~~

~~\_\_\_\_\_ h. \_\_\_\_\_ A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)~~

~~\_\_\_\_\_ 09. \_\_\_\_\_ Tab 7. (4-11-06)~~

~~\_\_\_\_\_ a. \_\_\_\_\_ Admission procedures, including provision for over enrollment. (4-4-13)~~

~~\_\_\_\_\_ b. \_\_\_\_\_ The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. (4-4-13)~~

~~\_\_\_\_\_ c. \_\_\_\_\_ The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. (4-4-13)~~

~~\_\_\_\_\_ d. \_\_\_\_\_ A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. (4-4-13)~~

~~\_\_\_\_\_ e. \_\_\_\_\_ A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (4-11-06)~~

~~\_\_\_\_\_ f. \_\_\_\_\_ The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)~~

~~\_\_\_\_\_ 10. \_\_\_\_\_ Tab 8. (4-11-06)~~

~~\_\_\_\_\_ a. \_\_\_\_\_ A detailed business plan including: (4-11-06)~~

~~\_\_\_\_\_ i. \_\_\_\_\_ Business description, (4-11-06)~~

~~\_\_\_\_\_ ii. \_\_\_\_\_ Marketing plan, (4-11-06)~~

~~\_\_\_\_\_ iii. \_\_\_\_\_ Management plan, (4-11-06)~~

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- ~~iv. The school's financial plan, and (4 4 13)~~
- ~~v. A pre opening plan and timeline. (4 4 13)~~
- ~~b. A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4 11 06)~~
- ~~c. Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (4 11 06)~~
- ~~11. Tab 9. If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(9), Idaho Code. (4 11 06)~~
- ~~12. Tab 10. (4 11 06)~~
- ~~a. A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations. (4 4 13)~~
- ~~b. Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (4 11 06)~~
- ~~c. A plan for termination of the charter by the board of the public charter school. (4 11 06)~~
- ~~13. Appendices. (4 4 13)~~
- ~~a. Copies of articles of incorporation, file stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation; (4 4 13)~~
- ~~b. Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. (4 4 13)~~
- ~~c. Resumes of the directors of the nonprofit corporation, including references; (4 4 13)~~
- ~~d. Copies of any contracts or lease agreements; (4 4 13)~~
- ~~e. Start up budget with assumptions form and supporting documentation; (4 4 13)~~
- ~~f. Three year operating budget form; and (4 4 13)~~
- ~~g. First year month-by-month cash flow form. (4 4 13)~~
- ~~h. The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format and any other such format as may be reasonably requested by the Commission. (4 4 13)~~

**4021. -- 999. (RESERVED)**

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**IDAHO DIGITAL LEARNING ACADEMY**

**SUBJECT**

Proposed Rule Docket No. 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 2006	Board approved proposed rule amendment to IDAPA 08.04.01. Rules of the Idaho Digital Learning Academy
August 10, 2017	Board approved Proposed Rule – Docket No. 08-0401-1701.

**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 – Pending Rule Docket No. 08-0401-1701

Page 3

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**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 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. 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. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0401-1701, as submitted in Attachment 1.

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

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**08.04.01 - Rules of the Idaho Digital Learning Academy**

(Only Those Sections With Amendments Are Shown)

**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)

**06. Website and E-Mail Address.** The electronic address of the Idaho Digital Learning Academy is <http://www.idahodigitallearning.org/> and the e-mail address is [idla@IdahoDigitalLearning.org](mailto:idla@IdahoDigitalLearning.org). (3-30-07)

**(BEAK IN CONTINUITY OF SECTIONS)**

**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

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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 organization recognized by~~ the State Board of Education ~~annually.~~ (3-30-07)(    )

**102. Accountability.**

**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

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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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**UNIVERSITY OF IDAHO**

**SUBJECT**

Pending Rule Docket No. 08-0501-1701, 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)
August 2017	Board approved proposed rule Docket 08-0501-1701 and amendments to the standards for grain and potato certification.

**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**

Through the Idaho Crop Improvement Association (ICIA) annual review process, the ICIA identified the need for an amendment to the Grain Certification Standards and Potato Standards. The pending rule pending rule will update the grain certification standards and potato certifications standards as recommended by the ICIA. 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.

Proposed legislation has been drafted and approved by the Board that will amend this process and allow for standards to be set through the University of Idaho College of Agriculture and the Idaho Agricultural Experiment Station.

**IMPACT**

Approval of the amendment as a pending rule will allow the rule to move forward through the rulemaking process.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 08-0501-1701

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**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. ICIA's review process includes the review by subject matter experts through the associations Foundation Seed Stocks – Rules and Regulations Committee.

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.

The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 08-0501-1701, as presented in Attachment 1.

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

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**08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION**

(Only Those Sections With Amendments Are Shown)

**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 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)

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**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~~[February 28, 2107](#). (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 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)

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**SUBJECT**

Pending Rule Docket No. 47-0101-1701 – Division of Vocational Rehabilitation – Field Service Policy Manual

**REFERENCE**

November 28, 2016	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 proposed rule Docket 47-0101-1701 and amendments to the Divisions Field Service Policy Manual.

**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 – Pending Rule Docket No. 47-0101-1701	Page 3
Attachment 2 – Field Services Policy Manual – Redlined	Page 4

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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.

The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. The Division received additional feedback on the proposed changes to the manual during the 21-day comment period and have incorporated the changes into the Field Service Manual. The revisions update section 12.13.4 Extended Services, remove language that was added as part of the August 10<sup>th</sup>, 2017 updates and are found on page 93.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Division of Vocational Rehabilitations Field Service Policy Manual as submitted in Attachment 2.

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

**AND**

I move to approve Pending Rule Docket No. 47-0101-1701 as submitted in Attachment 1.

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

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**47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION**

(Only Those Sections With Amendments Are Shown)

**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)

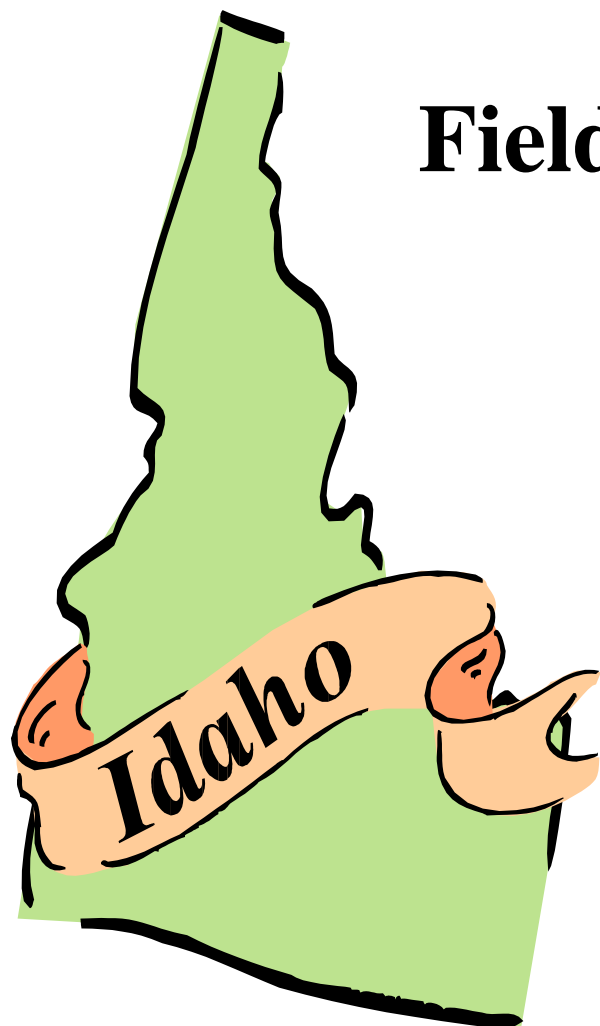
**b.** Idaho Division of Vocational Rehabilitation Field Services Policy Manual, approved ~~August 11~~ **November 15, 2016**, available for review on the website at <http://www.vr.idaho.gov/>. (3-29-17)

**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 xx~~November 15, 2017

Effective July 1, 20187

IDAHO DIVISION OF VOCATIONAL REHABILITATION  
FIELD SERVICES POLICY MANUAL

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## **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*



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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 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

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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 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

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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 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))

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- 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))
- 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

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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 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~~

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~~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 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

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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))

~~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;



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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 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))

~~ee.~~

~~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

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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 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 602~~709 (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) Pprovided 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))

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~~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 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))~~

~~jj-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))

~~kk-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**

- 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.crc certification.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.

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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.

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

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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**

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 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.

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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.



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- 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

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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;

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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 e~~Existing 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.

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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)

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.



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**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.

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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.

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)**

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- a. Meets the criteria established for a customer with a significant disability;
- 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 has~~ Has a physical or mental impairment;
- b. ~~Whose~~ Impairment constitutes or results in a substantial impediment to employment; and
- c. ~~Who can~~ Can 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.

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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.

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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.

### ***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)

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- 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.

F.B. Functional skills – A person's level of skill working with data, people, and things.

Specific work skills – competencies in specific work task areas.

H.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**



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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:

- 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~~ 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**

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).

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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.

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

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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.

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- 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.
- 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

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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.

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.

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3. Insure that the customer fully commits to participate in the implementation and completion of the IPE.



**10.310.2 *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 case 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

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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;

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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:

- 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.~~

~~—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;~~
- ~~—Timelines for the achievement of the employment outcome and for the initiation of services;~~
- ~~—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;~~

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- ~~—A description of the criteria (“Plan Documentation”) that will be used to evaluate progress toward achievement of the employment outcome;~~
- ~~a. The terms and conditions of the IPE, will include information describing the responsibilities of IDVR and the customer to achieve the employment outcome;~~
- ~~a. The extent of the customer’s participation in paying for the costs of services;~~
- ~~a. 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;~~
- ~~a. 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;~~
- ~~a. 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;~~
- ~~a. 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.~~
- ~~a. 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;~~
- ~~a. Completion of the IPE for all School Work transition customers, *before they exit the school system.*~~

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~~**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

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~~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 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:~~

~~— 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.~~

- ~~— 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.~~
- ~~— 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.~~

~~1. 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***

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.

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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.

~~—Post employment services that are outlined through A-D.~~



### ***11.3 Timeliness of Comparable Benefits***

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**

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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.

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~~The established percentage support applies to ALL tuition and fees including any associated health insurance fees.~~

**e.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.

**d.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.

**e.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.

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**f.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.

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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.

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**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):**  
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- 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



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- 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)

VRs 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



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*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.

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**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*

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*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***

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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 (CSE) 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.

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- Current Idaho driver's license of the person who will be driving the vehicle.
- 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).

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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](#) ~~or~~ a standalone business. Examples of likely contracting and sub-contracting opportunities include but are not limited to:
  - Realtor
  - Construction trades

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- Cosmetology, nail tech, and hair stylist
- Paper delivery
- Tattoo artist

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).

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).
- 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;

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- Inventory;
  - Supplies;
  - Facility (including fair value of existing facility in which the business will be operated)
- 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.

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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.



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- 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.

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- 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.

- 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.

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1. Update the comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying 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.

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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:

- 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.

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- 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.
- 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 t The 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**

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 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:**



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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.
- 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 ~~ing~~ 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).
- 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 ~~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.

## **B. Supported Self-~~E~~mployment**

### **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.

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- 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.
- ~~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.

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- Identifying the areas within self-employment that need ongoing support and identify~~ing~~ 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. Evaluate~~tion 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.

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- 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 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**

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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. Identify ing 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. Identify ing 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~~the benchmarks s 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 aAt least 90 days of stable employment and at least six (6) months of business operation.
- ~~Verification of n~~Necessary long term supports have been verified.

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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 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.

## **C. Continued Self-Employment:**

### **I. Writing IPE**

1. Prior to completing the IPE, a comprehensive assessment must be completed.
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 s 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 aAt least 90 days of stable employment.

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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 p~~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 c~~Customer's IPE is not completed.
- The tools and equipment are no longer necessary or appropriate for the existing or new employment goal.
- ~~The c~~ase 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.

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~~;
- ~~Intensive~~ job skill training at the work site;
- ~~Job 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;
- ~~Facilitation of natural supports at the worksite;~~
- Any other service identified in the scope of vocational rehabilitation services for customers.

#### 12.13.4 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 series, which may include natural supports.~~
- Inform the individual that SE services under an IPE cannot be initiated until extended services are available;
- Work with the customer and/or guardian to seek out needed extended services, which may include natural supports. If extended services are not available within 90 days of eligibility determination, or it is known that they will not be available within the 90-day timeframe, close the case "extended services not available". ~~Provide necessary on-going supported employment series under an IPE until the availability of extended series are available, or until the supported employment series timeframe is exhausted.~~

#### 12.13.5 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).

### **12.13.6 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.

### **12.13.7 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.

### **12.13.8 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

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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).

#### **12.13.9 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

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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.

### **12.13.10 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:**

~~—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:~~

- ~~0. Has not traditionally occurred; or~~
- ~~0. Has been interrupted or intermittent as a result of severe disability; and~~
- ~~0. 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~~

~~A. Transitional employment for customers with chronic mental illness.~~

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~~**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:**

- ~~—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.~~
- ~~A. The VRC and customer will identify the level of ongoing job support necessary to maintain successful employment.~~
- ~~A. The VRC and customer will identify the availability of long term support strategies for the level of supported employment services identified.~~
- ~~A. If long term support strategies are available then an IPE may be written.~~
- ~~A. 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:~~

- ~~—Developmental Disabilities (as defined in section 66-402, Idaho Code).~~
- ~~—Mental Health: (Typically Schizophrenia, Major Mood Disorders, Borderline Personality Disorder, Delusional Disorder, Schizoaffective Disorder).~~
- ~~—Specific Learning Disability.~~
- ~~—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, p~~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:



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- 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

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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.

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.~~ ~~a.~~
  - ~~c.~~ ~~b.~~ The extent of the repairs.
  - ~~d.~~ The availability of other appropriate transportation.
  - ~~e.~~ ~~c.~~
  - ~~f.~~ ~~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**

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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**

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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**

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:~~

- ~~— Consultation and technical assistance to educational agencies in planning for transition of students with disabilities from school to post-school activities, including vocational rehabilitation;~~
- ~~1. 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);~~
- ~~1. The roles and responsibilities including financial responsibilities, of each agency; and~~

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~~2. 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.~~
- ~~• 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.



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- D. IDVR funds can only be utilized if economic need is established [through the on](#) 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.
- 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***



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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.

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 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:

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)
  - 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.

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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:
  - 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.

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- 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

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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).
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:

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,

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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.

**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:

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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.

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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**

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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. 214(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



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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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**DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Pending Rule Docket No. 55-0103-1701 – Rules of Career Technical Schools

**REFERENCE**

2000	Board approved rules creating IDAPA 55.01.03 – Rules of Career Technical Schools
August 2017	Board approved proposed rule Docket 55-0103-1701

**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

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are a more accurate representation of the existing process and ensure consistency statewide.

**IMPACT**

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 – Pending Rule Docket No. 55-0103-1701

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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 April 5, 2017 (Vol.17-5) Administrative Bulletin. One request was received to negotiate the rule. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket No. 55-0103-1701 as submitted in attachment 1.

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

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**IDAPA 55  
TITLE 01  
CHAPTER 03**

**55.01.03 - RULES OF CAREER TECHNICAL SCHOOLS**

(Only Those Sections With Amendments Are Shown)

**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, 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) ( )

**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)

**(BREAK IN CONTINUITY OF SECTIONS)**

**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)

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- 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)

~~ca. 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) ( )

~~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 technologiesintegrate 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)

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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)

**(BREAK IN CONTINUITY OF SECTIONS)**

**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 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)



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**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 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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**DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Pending Rule Docket No. 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.
August 2017	Board approved proposed rule Docket 55-0104-1701.

**APPLICABLE STATUTE, RULE, OR POLICY**

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

**BACKGROUND/DISCUSSION**

The 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.

**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

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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.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket No. 55-0104-1701

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**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.

The notice of intent to promulgate this rule was published in the April 5, 2017 (Vol.17-4) Administrative Bulletin. The proposed rule was published in the October 4, 2017 (Vol. 17-10) Administrative Bulletin. No comments were received during the 21-day comment period. No changes have been made between the proposed and pending rule.

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**BOARD ACTION**

I move to approve Pending Rule Docket No. 55-0104-1701 as submitted in Attachment 1.

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

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**55.01.04 - RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS  
INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP  
GRANTS**

(Only Those Sections With Amendments Are Shown)

**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 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)

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**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 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



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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 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)

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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 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)

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**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 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) 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)

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**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)( )

**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)**