



**STATE BOARD OF EDUCATION MEETING  
November 29, 2021  
Idaho State Board of Education  
OSBE Conference Room  
650 West State Street, Suite 307  
Boise, ID 83720**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference November 29, 2021, with the call originating from the Office of the State Board of Education in Boise. Board President Kurt Liebich called the meeting to order at 2:00 p.m. (MT).

**Present**

Kurt Liebich, President  
Dr. Dave Hill, Vice-President  
Dr. Linda Clark, Secretary  
Shawn Keough

Bill Gilbert  
Cally J. Roach  
Cindy Siddoway  
Superintendent Sherri Ybarra

**Absent**

None

**Monday, November 29, 2021, 2:00 p.m. (Mountain Time)**

**POLICY, PLANNING AND GOVERNMENTAL AFFAIRS – Linda Clark**

Before the meeting began Dr. Clark asked Tracie Bent, Chief Policy and Planning Officer, Idaho State Board of Education, to give a brief overview of impact of the Board's action on Administrative Rules and why they are considering Pending and Omnibus Rules at this meeting. Ms. Bent said the majority of the proposed rules the Board will be considering today began their journey in the spring after the legislature adjourned. The proposed rules are then brought before the Board at the June and August Board meetings for approval. After the Board approves the proposed rules, and after the 21-day public comment period ends, the pending rules are then brought back to the Board for consideration as pending rules, the pending rules approved by the Board will then be submitted to the Legislature for consideration during the next Legislative session. The deadline to get these rules to the State Office of Administrative Rules this year is November 30, 2021. Therefore the Board needs to consider these rules no later than close of business, November 29, 2021. As a reminder, Administrative Rules are part of Idaho law, so they have the force and effect of law the same as statues. Ms. Bent said the unique role of the Idaho State Board of Education in Idaho due to the constitutional

responsibility for governance and oversight over all publicly funded education and specific statutory authority to promulgate rules concerning Education before they are brought to the Legislature for consideration.

1. Pending Rule – Docket 08-0102-2101 – Postsecondary Credit Scholarship – Action Item

Ms. Bent said this pending rule comes before the Board as part of the zero-based regulations initiative from the Governor's office to remove anything in administrative rules that is duplicative to what was in statute. No public comments were received, and no changes were made between the proposed rule the Board approved and the pending rule.

**BOARD ACTION**

**M/S (Clark / Roach) I move to approve the pending rule docket number 08-0102-2101, as submitted in Attachment 1.** A roll call vote was taken, the motion passed 7-0. Due to a technical glitch Mrs. Keough's vote was not recorded.

There were no comments or questions from the Board.

2. Pending Rule – Docket 08-0110-2101 – Work Study Program – Action Item

Ms. Bent said the Idaho College Work Study Program pending rule comes before the Board as part of the zero-based regulations initiative from the Governor's office to remove anything in administrative rules that is duplicative to what was in statute. No public comments were received, and no changes were made between the proposed rule the Board approved and the pending rule.

**BOARD ACTION**

**M/S (Clark / Hill) I move to approve the pending rule docket number 08-0110-2101, as submitted in Attachment 1.** A roll call vote was taken, the motion passed 8-0.

There were no comments or questions from the Board.

3. Pending Omnibus Rule – Docket 08-0000-2100 – Action Item

Dr. Clark referenced the agenda materials and pointed to one change at Tab 3, page 30. Under 004, item 01, Idaho Standards for the Initial Certification of Professional School Personnel, the Board did not act on this rule in October 2021 so the date should be struck and reverted to the June 9<sup>th</sup>, 2019 date.

Ms. Bent said the omnibus rules are in part due to the Legislature not extending the previously codified rules at the end of the last legislative session. This particular rule combines two previously proposed rules that were part of the zero-based initiative. A number of amendments were made by the Board and a number of public comments were received. There were no comments received regarding any of the standards

incorporated by reference. Based on the comments received the following four changes have been made to the pending rule.

1. The majority of the public comments received were against changing the interim certificate for a school psychologist from a master's degree to a bachelor's degree. The proposed rule therefore reverts the proposed amendments to the endorsement back to a Master's Degree.
2. IDAPA 08.02.02, added a sentence regarding use of the professional endorsements to distinguish from the use of content area endorsements.
3. IDAPA 08.02.03 including a college entrance exam in grades 11 and 12. Currently testing is done in 11<sup>th</sup> grade and students can make it up in 12<sup>th</sup>.
4. IDAPA 08.02.03, changes the reference to the grade 8 "learning plan" to the "career pathways plan." This is the plan all students need to create in the 8<sup>th</sup> grade and then update annually until they graduate.

### **BOARD ACTION**

**M/S (Clark / Siddoway) I move to approve omnibus pending rule Docket 08-0000-2100 as provided in Attachment 1.** A roll call vote was taken, the motion passed 8-0.

Board President Liebich asked about the changes in this rule concerning how enrollment is calculated. Ms. Bent said this rule does not impact how enrollment or attendance is calculated. The amendments are basically the same as what is already in statute, but it simplifies the language to make it easier to explain.

Mrs. Siddoway asked why the change to lower the requirements for school psychologists was brought up in the first place. Ms. Bent said that amendment came from the State Department of Education.

Dr. Clark said the complexity of the needs of our special education students, the 504 plans, the individual learning plans, and the testing, all of that requires someone with the training beyond a Bachelor's degree to be a school psychologist. The responses from the practitioners and the school districts spoke loudly of the need to keep this level of education at a Master's degree or higher.

There were no further comments or questions from the Board.

#### **4. Pending Omnibus Rule – Docket 55-0000-2100 – Action Item**

Ms. Bent said this is also an omnibus rule and concerns the rules for Career Technical Education and their quality agricultural start up grant program. There were a few minor changes that the Board considered. There were no other changes between proposed and pending rule and no public comments were received.

### **BOARD ACTION**

**M/S (Clark / Hill) I move to approve omnibus pending rule Docket 55-0000-2100 as provided in Attachment 1.** A roll call vote was taken, the motion passed 8-0.

There were no comments or questions from the Board.

5. Pending Omnibus Fee Rule – Docket 08-0000-2100F – Action Item

Ms. Bent said this is a companion omnibus rule to Docket 08-0000-2100 and is a fee rule addressing the sections of IDAPA 08 that include fees. Fee rules require both the House and the Senate to accept. This rule recodifies all of the fees that have been in place with no changes. No public comments were received, and no changes between proposed and pending were made.

**BOARD ACTION**

**M/S (Clark / Keough) I move to approve the pending omnibus fee rule Docket 08-0000-2100F, as provided in Attachment 1.** A roll call vote was taken, the motion passed 8-0.

There were no comments or questions from the Board.

There being no further business a motion to adjourn was entertained.

**M/S (Hill / Roach) I move to adjourn the meeting at 2:31 p.m. (MT).** A roll call vote was taken, and the motion carried 8-0.