

**CONSENT
NOVEMBER 20, 2025**

TAB	DESCRIPTION	ACTION
1	PENDING RULE – DOCKET NO. 08-0205-2501, RULES GOVERNING PAY FOR SUCCESS CONTRACTING	Action Item
2	PENDING RULE – DOCKET NO. 55-0103-2501, RULES OF CAREER TECHNICAL CENTERS	Action Item

**CONSENT
NOVEMBER 20, 2025**

SUBJECT

Pending Rule – Docket No. 08-0205-2501, Rules Governing Pay for Success Contracting

REFERENCE

August 2016	Board Approved Proposed rule, Docket 08-0205-1601, outlining the newly established Idaho code 33-125B in rule.
November 2016	Board Approved Pending rule, Docket 08-0205-1601, outlining the newly established Idaho code 33-125B in rule.
August 2025	Board Approved Proposed rule, Docket 08-0205-2501, regarding the sunseting of the rule.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Code § 33-125B
Idaho Administrative Code, IDAPA 08.02.05, Rules Governing Pay for Success Contracting
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act

BACKGROUND/DISCUSSION

Administrative rules promulgated under the Board's authority include IDAPA 08, IDAPA 55, and IDAPA 47.

Each rule chapter is required to be reviewed by the agency that promulgated the rule, according to a schedule established by the Division of Financial Management (DFM). In 2024, HB563 amended Section 67-5292, Idaho Code, to establish an ongoing five-year cycle for review of all administrative rules.

The Board approved the proposed rule in August 2025. Subsequently, the rule was published in the October 1, 2025, Administrative Bulletin of Negotiated Rulemaking, Vol. 25-10. This publication marks the opening of a formal 21-day public comment period. The public comment period closed on October 22, 2025.

The rule was promulgated and structured around statute 33-125B, Idaho Code. 33-125B and the rule have not been utilized by the State Department of Education in recent years or possibly ever. Additionally, IDAPA 08.02.05 is scheduled for review in reference to the Zero-based Regulation review process brought forth by Executive Order 2020-21. The process requires full chapter evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will also be removed. For this reason, the action of this rule is to repeal the rule in its entirety.

The final version of the rule is presented to the Board for approval with no changes from the proposed rule. If approved, the rule will be submitted to DFM as pending.

CONSENT
NOVEMBER 20, 2025

The final proposed rule language is presented as Attachment 2 – Pending Rule.

IMPACT

If the Board approves the pending rule, it will move forward for review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code.

All approved pending rules become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

ATTACHMENTS

Attachment 1 – Notice of Pending Rule Docket No. 08-0205-2501

Attachment 2 – Pending Rule Docket No. 08-0205-2501

BOARD STAFF COMMENTS AND RECOMMENDATIONS

No comments were received regarding the proposed rule. There were no changes to the proposed rule, and it is presented in Attachment 2 as it was approved by the Board on October 1. Staff recommends approval.

BOARD ACTION

I move to approve pending rule – Docket 08-0205-2501, as submitted in Attachment 2.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.05 - RULES GOVERNING PAY FOR SUCCESS CONTRACTING

DOCKET NO. 08-0205-2501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with [Section 67-5224](#), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 33-125B](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The rule was promulgated and structured around statute 33-125B, Idaho Code. 33-125B and the rule have not been utilized by the State Department of Education in recent years or possibly ever. Additionally, IDAPA 08.02.05 is scheduled for review in reference to the Zero-based Regulation review process brought forth by Executive Order 2020-21. The process requires full chapter evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will also be removed. For this reason, the action of this rule is to repeal the rule in its entirety.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Volume 25-10, pages 176](#).

FEE SUMMARY: Pursuant to [Section 67-5224\(2\)\(d\)](#), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: **NA**

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: **NA**

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

DATED this 21st day of November, 2025.

Nicholas Wagner, Agency Rules Coordinator Idaho State Board of Education
650 W State St. PO Box 83720
Boise, ID 83720-0037
Phone: (208) 488-7586
Fax: (208) 334-2632

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.05 - RULES GOVERNING PAY FOR SUCCESS CONTRACTING

DOCKET NO. 08-0205-2501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to section 33-125b, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule was promulgated and structured around statute 33-125B, Idaho code. 33-125B and the rule has not been utilized by the State Department of Education in recent years or possibly ever. Additionally, IDAPA 08.02.05 is scheduled for review in reference to the Zero Based Regulation review process brought forth by Executive Order 2020-21. The process requires full chapter evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will also be removed. For this reason, the action of this rule is to repeal the rule in its entirety.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, Volume 25-6

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

DATED this 21st day of August

Nicholas Wagner / Administrative Rules Coordinator / Idaho State Board of Education / 650 W State St. / PO Box 83720 / Boise, Idaho and 83720-0037 / Phone: (208)488-7586, fax: (208)334-2632

~~08.02.05 — RULES GOVERNING PAY FOR SUCCESS CONTRACTING~~

~~000. — LEGAL AUTHORITY.~~

~~In accordance with Sections 33-125B(8), Idaho Code, the State Board of Education may promulgate rules implementing the provisions of Section 33-125B, Idaho Code. (3-15-22)~~

~~001. — SCOPE.~~

~~These rules constitute the requirements for Pay for Success Contracting. (3-15-22)~~

~~002. — 009. — (RESERVED)~~

~~010. — DEFINITIONS.~~

~~01. — Board. The State Board of Education. (3-15-22)~~

~~02. — Department. The State Department of Education. (3-15-22)~~

~~03. — Oversight Committee. Committee formed pursuant to Section 33-125B(6), Idaho Code, to evaluate pay for success contracting proposals. (3-15-22)~~

~~04. — Pay for Success Contracting. Contracting for services with private entities whereby services are reimbursed based on the achievement of outcomes pursuant to Section 33-125B, Idaho Code. (3-15-22)~~

~~011. — 100. — (RESERVED)~~

~~101. — INITIATING CONTRACTING.~~

~~01. — Two Routes for Initiating Contracting. Contracting may be initiated through two (2) separate routes. (3-15-22)~~

~~a. — Initiated by Department. The Department may issues a request for information upon identification of a need for a service; or (3-15-22)~~

~~b. — Initiated by interested party. An interested party or service provider may identify a need for service and submit a proposal to the State Department of Education. Proposals must include a letter of intent to participate in a pay for success contract and must include the following information: (3-15-22)~~

~~i. — Special service(s) that the service provider will provide; (3-15-22)~~

~~ii. — How the services will enhance student academic achievement; (3-15-22)~~

~~iii. — Source of education funding from which savings will be realized; (3-15-22)~~

~~iv. — Identity of one (1) or more qualified external evaluators; (3-15-22)~~

~~v. — Provide external evaluator's qualifications and expertise as required pursuant to Section 33-125B, Idaho Code; and (3-15-22)~~

~~vi. — Identify local education agencies (LEA) that have expressed interest in participating in the service and documentation that LEA meets the requirements pursuant to Section 33-125B, Idaho Code. (3-15-22)~~

~~02. — Additional Information. As part of the review process, the oversight committee may request additional information. (3-15-22)~~

~~03. — Format. Proposals may be submitted in electronic or hard copy format. (3-15-22)~~

~~102. PROPOSAL EVALUATION.~~

~~01. Timeline. (3-15-22)~~

~~a. Within five (5) business days of receipt of the complete proposal, the proposal will be forwarded electronically to the oversight committee. (3-15-22)~~

~~b. After receiving the proposal, the oversight committee will determine if additional information is needed to evaluate the proposal. The oversight committee will request additional information from the interested party within thirty (30) days of receiving the initial proposal. (3-15-22)~~

~~c. The interested party shall respond to a request for additional information within fifteen (15) days of receiving the request. (3-15-22)~~

~~i. Requests for additional response time may be granted at the discretion of the oversight committee. (3-15-22)~~

~~ii. If the interested party fails to respond or additional information is not received within the specified time, the oversight committee may reject the proposal without further consideration. (3-15-22)~~

~~d. The oversight committee shall hold an initial meeting either in person, telephonically, or by other means, to consider the merits of the proposal within forty five (45) days of receipt of the proposal. (3-15-22)~~

~~e. The oversight committee chair shall inform the Department designated staff person, and the interested party, of its decision on a proposal within ninety (90) days of receipt of the complete proposal. (3-15-22)~~

~~02. Oversight Committee Action. Following consideration of a proposal, the oversight committee shall take one (1) of the following actions: (3-15-22)~~

~~a. Require the Department to start negotiations with the interested party; (3-15-22)~~

~~b. Require the Department to start negotiations with the interested party, subject to conditions imposed by the oversight committee; (3-15-22)~~

~~c. Reject the proposal with suggestions for improving the proposal prior to considering resubmittal, or; (3-15-22)~~

~~d. Reject the proposal. (3-15-22)~~

~~03. Proposal Resubmittal. Proposals that have been rejected may be resubmitted for consideration if amendments have been made to the proposal or additional information has been added for the oversight committee's consideration. (3-15-22)~~

~~103. CONTRACT NEGOTIATIONS.~~

~~01. Negotiation Teams. Contract negotiations for accepted proposals shall involve the following individuals: (3-15-22)~~

~~a. The Department chief budget officer or designee; (3-15-22)~~

~~b. One (1) or more individuals with a background in complex financial instruments; (3-15-22)~~

~~c. One (1) or more individuals with a background in complex financial instruments, at least one (1) of which will be from the state treasurer's office or the state endowment fund board; (3-15-22)~~

~~_____d._____ One (1) or more financial officers from a local education agency. In the event a local education agency has already been identified to participate in the proposal, the chief financial officer for the local education agency shall participate. (3-15-22)~~

~~_____e._____ One (1) or more individuals representing the interested party. (3-15-22)~~

~~_____02._____ **Negotiation Timeline.** Negotiations shall be completed within ninety (90) days unless extended by the oversight committee. To be extended by the oversight committee, the committee must determine that all parties have made a best effort to negotiate the contract. (3-15-22)~~

~~_____03._____ **Negotiation Updates.** The Department shall provide regular contract negotiation updates to the oversight committee, not less than every thirty (30) days during contract negotiations. Failure to negotiate mutually agreeable terms within ninety (90) days shall be reported to the oversight committee. The committee may extend the timeline for negotiations, appoint a new negotiations team or terminate the negotiations. (3-15-22)~~

~~_____04._____ **Time Tracking.** State employees' time spent on the evaluation or negotiation shall be tracked and recorded on a per proposal basis and be provided to the oversight committee, or to other interested parties upon request. (3-15-22)~~

104._____ CONTRACT MONITORING.

Contract monitoring reports will be submitted to the oversight committee by the Department in a timeline and format established by the oversight committee. (3-15-22)

105._____ 999._____ (RESERVED)

**CONSENT
NOVEMBER 20, 2025**

SUBJECT

Pending Rule – Docket No. 55-0103-2501 Rules of Career Technical Schools

REFERENCE

August 2023	Board approved proposed rule, Docket 55-0103-2301. Zero-Based Regulations review
November 2023	Board approved proposed rule, Docket 55-0103-2301. Zero-Based Regulations review
August 2025	Board Approved Proposed rule, Docket 55-0103-2501, regarding the updates to rule definitions.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 55.01.03, Rules of Career Technical Schools
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act
Section 33-1002G, Idaho Code and Sections 33-2202 through 33-2205, Idaho Code

BACKGROUND/DISCUSSION

Administrative rules promulgated under the Board's authority include IDAPA 08, IDAPA 55, and IDAPA 47.

Each rule chapter is required to be reviewed by the agency that promulgated the rule, according to a schedule established by the Division of Financial Management (DFM). In 2024, HB563 amended Section 67-5292, Idaho Code, to establish an ongoing five-year cycle for review of all administrative rules.

The Board approved the proposed rule in August 2025. Subsequently, the rule was published in the October 1, 2025, Administrative Bulletin of Negotiated Rulemaking, Vol. 25-10. This publication marks the opening of a formal 21-day public comment period. The public comment period closed on October 22, 2025.

This amendment would remove an unnecessary term that is federally defined as part of the Perkins V program to align with federal changes. The proposed amendment removes the definition of the term concentrator and the reference to the term concentrator from the definition of participation. The current methodology references enrolled concentrator students in a capstone course because the students in a capstone course already meet the definition of a concentrator.

The final version of the rule is presented to the Board for approval with no changes from the proposed rule. If approved, the rule will be submitted to DFM as pending.

The final proposed rule language is presented as Attachment 2 – Pending Rule.

IMPACT

CONSENT
NOVEMBER 20, 2025

If the Board approves the pending rule, it will move forward for review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code.

All approved pending rules become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

ATTACHMENTS

Attachment 1 – Notice of Pending Rule Docket No. 55-0103-2501

Attachment 2 – Pending Rule Docket No. 55-0103-2501

BOARD STAFF COMMENTS AND RECOMMENDATIONS

No comments were received regarding the proposed rule. There were no changes to the proposed rule, and it is presented in Attachment 2 as it was approved by the Board on October 1. Staff recommends approval.

BOARD ACTION

I move to approve pending rule – Docket 55-0103-2501, as submitted in Attachment 2.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

DOCKET NO. 55-0103-2501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with [Section 67-5224](#), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Sections 33-101](#), [33-105](#), [33-107](#), [33-1002G](#), [33-1629](#), [33-2202](#), [33-2207](#), and [33-2211](#) in Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This amendment would remove an unnecessary term that is federally defined as part of the [Perkins V](#) program to align with federal changes. The proposed amendment removes the definition of the term concentrator and the reference to the term concentrator from the definition of participation. The current methodology references enrolled concentrator students in a capstone course because the students in a capstone course already meet the definition of a concentrator.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Volume 25-10, pages 452-453](#).

FEE SUMMARY: Pursuant to [Section 67-5224\(2\)\(d\)](#), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: **NA**

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: **NA**

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

DATED this 21st day of November 2025.

Nicholas Wagner, Agency Rules Coordinator Idaho State Board of Education
650 W State St. PO Box 83720
Boise, ID 83720-0037
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IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

DOCKET NO. 55-0103-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 33-101](#), [33-105](#), [33-107](#), [33-1002G](#), [33-1629](#), [33-2202](#), [33-2207](#), and [33-2211](#) in Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than one (1) day prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This amendment would remove an unnecessary term that is federally defined as part of the [Perkins V](#) program to align with federal changes. The proposed amendment removes the definition of the term concentrator and the reference to the term concentrator from the definition of participation. The current methodology references enrolled concentrator students in a capstone course because the students in a capstone course already meet the definition of a concentrator.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6, p 357-358](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
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Phone: (208)488-7586
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DIVISION OF CAREER TECHNICAL EDUCATION
Rules of Career Technical Centers

Docket No. 55-0103-2501
Proposed Rulemaking

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0103-2501
(Only Those Sections With Amendments Are Shown.)

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

05. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical education program administrator certificate pursuant to IDAPA 08.02.02, “Rules Governing Uniformity,” Subsection 015.04.b., and who oversees and monitors the career technical center programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (7-1-24)

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (7-1-24)

03. ~~Concentrator Student.~~ ~~A student enrolled in the career technical education program capstone course.~~ (7-1-24)

043. Division. The Division of Career Technical Education. (7-1-24)

054. Enrollment Units. The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. (7-1-24)

065. Intermediate Course. A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course and is offered in grades 9 through 12. (7-1-24)

076. Participation ~~Data~~. The number of technical skills assessments taken by enrolled ~~concentrator~~ students as part of each required capstone course during the previous academic year. (7-1-24)()

087. Technical Skills Assessment. An assessment given at the culmination of a pathway program during the capstone course and measures a student’s understanding of the technical requirements of the occupational pathway. (7-1-24)

098. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical center program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. (7-1-24)