

08.02.03 – RULES GOVERNING THOROUGHNESS**000. LEGAL AUTHORITY.**

Article IX, Section 2 of the Idaho Constitution and Sections 33-116, 33-118, ~~and 33-1612~~, 33-1619, 33-5202A, and 33-5206 Idaho Code. (7-1-26)

001. SCOPE.

These rules govern the thorough education of all public school students in Idaho. (3-15-22)

002. -- 003. (RESERVED)***(BREAK IN CONTINUITY OF SECTIONS)*****128. CURRICULAR MATERIALS SELECTION AND ONLINE COURSE APPROVAL (SECTIONS 33-118; 33-118A, IDAHO CODE).**

The State Board of Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years. Committee appointments shall consist of not less than ten (10) total members from the following stakeholder groups: certified Idaho classroom teachers, Idaho public school administrators, Idaho higher education officials, parents, trustees, local board of education members, members of the Division of Career Technical Education, and State Department of Education personnel. The Executive Secretary will be an employee of the State Department of Education and will be a voting member of the committee. The State Department of Education shall charge publishers submission fees of sixty dollars (\$60) or equal to the retail price of each, whichever is greater, to defray the costs incurred in the curricular material review and adoption process. (3-23-22)

01. Subject Areas. Curricular materials are adopted by the State Board of Education for a period of six (6) years in the following subject areas: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, physical education, handwriting, literature, driver education, limited English proficiency. (3-23-22)

02. Multiple Adoptions. Multiple adoptions are Made in Each Subject Area. (3-23-22)

03. Bids. Each publisher must deliver, according to the committee schedule, a sealed bid on all curricular materials presented for adoption. (3-23-22)

04. Depository. The State Board will appoint a depository for the state-adopted curricular materials. Resource materials are a local option. (3-23-22)

05. Local Policies. School districts will follow their own policies for adoption in subject areas offered by a school district for which materials are not covered by the state curriculum materials committee. (3-23-22)

06. Online Course Review and Approval Process. The State Department of Education shall administer the review and approval of online course providers and courses. Reviewers shall be certified Idaho classroom teachers. Online course providers are approved for a period of four (4) years. The State Department of Education shall charge online course providers submission fees based on the number of courses offered, not to exceed the actual costs incurred in the online course and course provider review and approval process. (3-23-22)

129. SUPPLEMENTAL LEARNING FUNDS: ELIGIBLE EDUCATIONAL EXPENSES FOR VIRTUAL SCHOOLS ()

01. Purpose. The purpose of this rule is to establish uniform criteria for virtual schools to utilize supplemental learning funds for eligible educational expenses, as needed by public school students to engage with the virtual school, including general and elective online courses, and in alignment with Idaho content standards and appropriate use of public funds. ()

02. Definitions. For purposes of this section, “supplemental learning funds” and “eligible educational expenses” use the definitions provided in Section 33-5206(8)(m), Idaho Code. ()

a. Instructional materials. Items necessary for the delivery and assessment of instruction, including but not limited to curricular materials as defined in Section 33-188A, Idaho Code, consumable materials, manipulatives, and portable instructional equipment. ()

b. Technological equipment and services. Hardware, software, digital tools, connectivity and related services that are primarily used to access, participate in, support, deliver, or complete virtual education. ()

c. Accessibility resources. Any item or service needed to address accommodations outlined in a student’s individual educational program or section 504 plan, including but not limited to equipment, technology, and therapies provided by a licensed therapist, beyond what is outlined in the student’s individual education program or Section 504 plan. ()

d. Portable instructional eif.Direct payment. Payment made directly from a virtual school to a vendor to cover the cost of an educational expense related to an online course previously deemed eligible by meeting the requirements set forth in this rule. ()

g. Vendor. A business registered with the Idaho Secretary of State or having a federal EIN number that provides an item or service. The parent or guardian of the student for whom supplemental funds are used is prohibited from acting as a vendor for purposes of this rule. ()

h. Online course. A course of study delivered through virtual instruction, as defined in Section 33-1612(1)(c), Idaho Code, for which a student may earn credit and for which an individual certified to teach in Idaho and endorsed in the relevant content area oversees student progress and determines successful course completion. ()

i. Home district. The traditional, public school district a student is assigned to based on their address. ()

03. General Eligibility Standard ()

a. Required for Online Course Participation. Expenses for online courses are eligible for purchase by virtual schools if: ()

i. The course is aligned to Idaho content standards; or ()

ii. Is necessary for the student to receive educational instruction in an online course; or ()

iii. Provides an accommodation or support based on an established individual education program or section 504 plan beyond the minimum provision required of the school under the Individuals with Disabilities Education Act (IDEA). ()

iv. An expense that has qualified based on 03.a.i or 03.a.ii or 03.a.iii must also be:

(1) fully covered by direct payment to a vendor or reimbursement for internet access; and ()

(2) reasonably necessary and proportionate to the educational objectives. ()

b. Burden of Determination. Prior to directly payment of a requested item or service or reimbursing for internet access, the virtual school shall determine that each requested item meets the criteria in subsection 129.03. ()

04. Eligible Educational Expenses. Each of the following requested items or services are eligible educational expenses if the criteria outlined in subsection 129.03 has been met. ()

a. Instructional Materials, including but not limited to: ()

i. Curricular materials as defined in Section 33-118A, Idaho Code ()

ii. Textbooks; ()

iii. Art supplies (e.g., paper, paint, drawing materials); ()

iv. Basic laboratory science or project supplies. ()

b. Portable Instructional Equipment, including but not limited to: ()

i. Physical education equipment (e.g., jump ropes, resistance bands, balls); ()

ii. Entry-level musical instruments; ()

iii. Robotics or microcontroller kits used in computer science coursework. ()

c. Technological equipment and services, including but not limited to: ()

i. Laptop computers, printers, headphones, or other hardware as required for participation in virtual instruction or completion of assignments. ()

ii. Educational software, applications, or online educational program subscriptions or licenses with a user limit aligned to the number of enrolled students. ()

iii. Monthly fees to an internet service provider and/or purchase or rental of a modem, router, hotspot device, or Wi-Fi extender. ()

d. Fees for national standardized assessments: SAT, ACT, AP, IB, and industry-recognized certification exams. ()

e. Accessibility resources and the following therapies if not provided by the school through an individual education program or 504 plan. ()

i. Speech / language therapy ()

ii. Occupational therapy ()

iii. Physical therapy ()

iv. Vision therapy ()

v. Audiology services ()

f. Expanded Learning Opportunities ()

i. Elective course expenses where the topic is aligned to elective courses offered by the student's home district or as listed in 05. ()

ii. Field trip costs to a government owned or managed museum, historical site, or facility provided that the visit can be tied directly to grade-specific content standards. Field trip costs paid directly by the virtual

school may not exceed the costs of the students enrolled in the grade level that satisfies the content standards eligibility requirement. ()

05. Subject-Specific Application ()

a. Career-technical education. Costs or services in alignment with a career technical education pathway or standards pursuant to Idaho Code section 33-2202. Eligible expenses include basic tools and supplies required for coursework. Industrial or professional-grade equipment is ineligible. ()

b. Physical education. Eligible expenses are limited to portable instructional equipment necessary to demonstrate movement, fitness, and skill-based outcomes. Expenses for participation in specific recreational activities are ineligible unless deemed eligible for course credit as provided in 5.c.iii. ()

c. Performing and fine arts. Eligible expenses include consumable supplies and basic tools necessary for creation of student work. Studio equipment or professional-grade tools are ineligible. ()

d. Computer science and technology. Eligible expenses include software and entry-level hardware necessary to participate in virtual education. High-end personal computing systems are ineligible unless required for course delivery. ()

e. World languages. Eligible expenses include instructional texts, workbooks, software, and language tutoring. Experiential activities such as travel or immersion programs are ineligible. ()

06. Ineligible Expenses. The following expenses are not eligible to use supplemental learning funds: ()

a. Any item, service, or cost provided by the school district or school. ()

b. Travel costs; ()

c. Expenditures for recreational access or entry, included but not limited to; ()

i. Ski passes or lift tickets; ()

ii. Memberships to gyms, studios, or recreational facilities; ()

iii. Fees for participation in sports, camps, or recreational events unless necessary to receive course credit. The exemption may only be applied to participation in a single event per semester. ()

d. Entry or tickets for an event or activity unless deemed eligible pursuant 04.g.ii. ()

e. Personal infrastructure. Including but not limited to; ()

i. Home gym equipment (e.g., treadmills, weight benches, squat racks); ()

ii. Recreational structures (e.g., trampolines, basketball hoops, climbing structures); ()

iii. Permanent or semi-permanent installations, excluding one-time reimbursement for the cost of internet connectivity installation. ()

f Professional or hobby equipment. Including but not limited to: ()

i. High-end or professional-grade equipment exceeding average market value relative to educational use. ()

ii. Specialized equipment tied to a specific hobby or sport not required to meet course outcomes.
()

07. **Decision Guidance.** The State Department of Education may develop and release guidance to support virtual schools in determining the eligibility of items or services submitted for direct purchase or reimbursement. ()

08. **Implementation and Oversight** ()

a. Each virtual school shall establish internal procedures to review, approve, and audit direct payment and reimbursement of eligible educational expenses consistent with this rule. ()

i. Each virtual school shall develop a process and requirements for verifying the accuracy of invoices and receipts submitted for direct payment or reimbursement. At a minimum, invoices and receipts must be printed and include the name and address of the vendor, date of purchase or date of service, amount, and item or service description. Invoices for services must also include the name of the student or parent or guardian.
()

b. The State Board of Education, State Department of Education or an authorized state agency may audit expenditures for compliance with Sections 33-1619, 33-5202A, and 33-5206, Idaho Code, and this rule.
()

i. Findings of an audit or compliance review may result in recovery, withholding, or adjustment of supplemental learning funds by the State. ()

130-- 139. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)