

Rule	Description	Summary of Rule	Relevant Idaho Code Statute(s)	Charter Schools	Innovation Schools
08.02.01 RULES GOVERNING ADMINISTRATION					
01.001	Waivers	The State Board of Education may grant a waiver of any rule not required by state or federal law to any school district upon written request.			
01.005	Altering School District Boundaries	The State Board of Education sets forth the following rules to govern the application and hearing procedures for alteration of school boundaries pursuant to Section 33-308, Idaho Code.	33-308		
01.150	Deviation From Standard Employment Contract Form	Any deviation from this contract form must be approved by the State Superintendent of Public Instruction and reviewed for reapproval once every three (3) years.	33-513		
01.200	Emergency Closure - Teacher Strike or Withholding of Service	The State Board of Education does not recognize a teacher strike or the withholding of service as sufficient cause to declare an emergency closure.	33-1003A		
01.250	Pupil Accounting and Required Instructional Time	Establishes guidelines for calculating pupil attendance and required instructional time	33-512, 1001		
01.300	Funds Withheld - Late Submission of Records	If a district is delinquent with the required forms, apportionment payment to that district will be withheld until such time as the district has met its obligation.	33-1004D		
01.350	Early Graduation	Any high school student who completes the number of credits and exiting standards required by both the state and the school district prior to completing eight (8) semesters of high school work may petition the local superintendent and board of trustees to graduate early.		*	*
01.400	Special Educaiton Funding for Districts with Approved Programs	Provides guidelines for calculating SpEd reimbursement funding	33-1002, 2004		
01.450	Reimbursement to Districts for Substitute Teacher Costs	The Professional Standards Commission (PSC) is authorized to reimburse the employing district for a classroom teacher member of the PSC for the costs incurred in the employment of a substitute teacher for a member while the member is engaged in PSC business.	33-1279		
01.500	School District Building Account (Non-Lottery Money)	The board of trustees of any school district may apply to the State Board of Education to receive a payment or payments from the School District Building Account as authorized under Section 33-905(3a), Idaho Code.	33-905(3)(a)		

01.550 Out-of-State Tuition	An annual agreement for out-of-state tuition, signed by a local board of trustees and approved by the State Board of Education, may allow students who are residents of an Idaho school district that borders on an adjacent state to attend school in the adjacent state for educational services in kindergarten through grade twelve (K-12).	33-1403
01.600 Reimbursement to Districts for a Feasibility Study of High School or School District Consolidation	Provides guidelines for reimbursing costs to determine the feasibility of consolidating high schools or districts	33-310B
01.650 General Education Development Tests/Idaho High School Equivalency Certificate	Students who drop out of school and believe it is in their best interest to take the (General Education Development) GED. test may do so under the following conditions and, upon successful completion of all GED requirements, may apply for an Idaho High School Equivalency Certificate	
01.700 Veterans Education	The Governor of the state of Idaho has designated the State Department of Education as the approval agency in the State of Idaho for the purpose of approving courses for the enrollment of veterans and other eligible persons.	33-105, 107
01.750 Idaho State Penitentiary	The vocational and academic programs at the Idaho State Penitentiary will be approved on an annual basis as special programs for the purpose of training inmates.	
01.800 Private Correspondence and Trade Schools	Private correspondence and trade schools teaching any course, plan, or programs of instruction, whether conducted in person, by mail, or any other method, will register with the State Department of Education on forms approved by the Board, which are on file in the State Department of Education.	
01.801 Continuous Improvement Planning and Training	Every local education agency (LEA) shall develop and maintain a strategic plan that includes a continuous improvement process focused on improving student performance of the LEA	33-320
01.802 Literacy Growth Targets	Statewide trajectory annual growth targets are based on aggregated student performance on the spring administration of the statewide reading assessments. Local growth targets are set by the LEA based on the LEA's available resources and student demographics. Statewide trajectory growth targets indicated the statewide goal for year over year increases in the percentage of students reading at grade level.	
01.803 Statewide Average Class Size	Provides standards for determining the statewide average class size	

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08.02.02 RULES GOVERNING UNIFORMITY

02.000 Legal Authority	All rules in IDAPA 08.02.02, "Rules Governing Uniformity," are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.
02.001 Title and Scope	These rules shall be known as IDAPA 08.02.02, "Rules Governing Uniformity." Uniform standards and governance by the State Board of Education pertinent to Teacher Certification, School Facilities, Accreditation, Transportation, School Release Time, Driver's Education and Juvenile Detention Centers.
02.002 Written Interpretations	In accordance with Section 67-5201(19)(b)(iv), Idaho Code, 67-5201(19)(b)(iv) any written interpretations of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State St., Room 307, Boise, Idaho 83702.
02.003 Administrative Appeals	Administrative appeals are by written application to the State Board of Education pursuant to IDAPA 08.01.01, "Rules of the State Board of Education and Board of Regents of the University of Idaho – Administrative Procedures and Records," Section 050.
02.004 Incorporation by Reference	The Rules incorporate by reference the Idaho Standards for Initial Certification of Professional School Personnel (June 16, 2016); Standards for Idaho School Buses and Operations (June 23, 2011) ; and Operating Procedures for Idaho Public Driver Education Programs (June 16, 2016)
02.005 Office -- Office Hours -- Mailing and Street Address	Established the office hours and mailing address for the State Board and State Department of Education
02.006 Public Records Act Compliance	This rule has been promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and is a public record.
02.007 Definitions	Provides definitions relevant to the Rules
02.012 Accredited Institution	For purposes of teacher certification, an accredited school, college, university, or other teacher training institution is considered by the Idaho State Board of Education to be one that is accredited by a regional accrediting association recognized by the State Board of Education or an alternative model approved by the State Board of Education.
02.013 Certification of Teachers Trained in Foreign Institutions	Considering credentials for teacher certification submitted by persons trained in the institutions of foreign countries will be initiated by a translation and evaluation of the applicant's credentials.

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02.014 Certificates Issued to Applicants from Regionally Accredited Institutions	The department of education is authorized to issue Idaho Certificates to applicants from regionally accredited institutions meeting requirements for certification or equivalent (i.e., those based on a baccalaureate degree) in other states when they substantially meet the requirements for the Idaho Certificate.	33-1203, 2203
02.015 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. Includes standard instructional certificate, pupil personnel services certificate, administrator certificate, career technical educators, degree based career technical certification, occupational specialists, postsecondary, American Indian language, Junior Reserved Officer Training Corps, and renewal requirements.	* *
02.016 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 route to certification as prescribed herein.	33-4104
02.017 Interstate Certification Compact	Idaho participates in the Interstate Agreement of Qualification of Education Personnel. This agreement applies equally to teachers entering Idaho from another compact-member state and to teachers entering another compact- member state from Idaho. The compact applies to classroom teachers only. Trades and industries teachers are not covered by the agreement.	33-4104
02.018 Content, Pedagogy and Performance Assessment for Certification	State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho's classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval.	
02.021 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.	

- 02.022 Endorsements - A - D
- 02.023 Endorsements - E - L
- 02.024 Endorsements - M - Z
- 02.042 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.

- 02.060 Application Procedure/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.

- 02.066 Fees

The state department of education shall maintain a record of all certificates issued, showing names, dates of issue and renewal, and if revoked, the date thereof and the reason therefor. A nonrefundable fee shall accompany each application for a prekindergarten through grade twelve (12) certificate, alternate certificate, change in certificate or replacement

- 02.075 Fingerprinting and Criminal History Checks

All certificated and non-certificated employees and other individuals who are required by the provisions of Section 33-130, Idaho Code, must undergo a criminal history check.

33-130, 512

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- 02.076 Code of Ethics for Idaho Professional Educators

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct.

33-1208, 1209

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- 02.077 Definitions for Use with the Code of Ethics for Idaho Professional Educators

33-1208, 1209

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02.100 Official Vehicle for Approving Teacher Education Programs	<p>The official vehicle for the approval of teacher education programs is the Council for the Accreditation of Educator Preparation (CAEP) and the approved Idaho Standards for the Initial Certification of Professional School Personnel. The Idaho Standards are based upon the accepted national standards for educator preparation and include state-specific, core teaching requirements.</p>	33-114	
02.110 Personnel Standards	<p>The State Board of Education supports the efforts made by the Idaho Legislature to lower class size. Significant progress has been made in grades one through three (1-3). The State Board of Education believes that class sizes in grades four through six (4-6) are too high. Districts are encouraged to lower all class sizes as funds become available. Each district will develop personnel policies and procedures to implement the educational program of the district.</p>		
02.111 Bullying, Harassment and Intimidation Prevention and Response	<p>School districts and charter schools shall make reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students.</p>		*
02.120 Local District Evaluation Policy - Teacher and Pupil Personnel Certificate Holders	<p>Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based 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 must be determined based on a combination of professional practice and student achievement as specified in Subsection 120.02 and 120.03.</p>		* *
02.121 Local District Evaluation Policy - School Principal	<p>For principal 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 are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule.</p>		

02.130 School Facilities	Each school facility consists of the site, buildings, equipment, services, and is a critical factor in carrying out educational programs. The focus of concern in each school facility is the provision of a variety of instructional activities and programs, with the health and safety of all persons essential.	*	*	
02.140 Accreditation	All public secondary schools, serving any grade(s) 9-12, will be accredited. 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.	33-119	*	*
02.150 Transportation	Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as incorporated in Section 004 of these rules and as authorized in Section 33- 1511, Idaho Code.	33-1511		
02.160 Maintenance Standards and Inspections	School buses will be maintained in a safe operating condition at all times. Certain equipment or parts of a school bus that are critical to its safe operation must be maintained at prescribed standards.			
02.170 School bus Drivers and Vehicle Operation	All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as incorporated in Section 004 of these rules.			
02.180 Written Policy	The board of trustees will establish and adopt a set of written policies governing the pupil transportation system. Each school district that provides activity bus transportation for pupils shall have comprehensive policies and guidelines regarding activity transportation.			
02.190 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	33-1006		

02.220 Release Time Program for Elementary and Secondary Schools	In the view of the State Board of Education, public elementary and secondary school programs that permit the practice of releasing students from school for the purpose of attending classes in religious education or for other purposes should observe certain practices that are in keeping with the present state of the law.	33-519
02.230 Driver Education	All public driver education courses offered in Idaho public schools must be conducted in compliance with all the requirements in the Operating Procedures for Idaho Public Driver Education Programs, as incorporated.	
02.240 Juvenile Detention Centers	Every public school district in the state within which is located a public or private detention facility housing juvenile offenders pursuant to court order will provide an instructional program.	

08.02.03 - RULES GOVERNING THOROUGHNESS

03.000 Legal Authority			
03.001 Title and Scope			
03.002 Written Interpretations			
03.003 Administrative Appeals			
03.004 Incorporation by Reference			
03.005 Office - Office Hours - Mailing Address and Street Address			
03.006 Public Records Compliance			
03.007 Definitions A - G			
03.008 Definitions H - S			
03.009 Definitions T - Z			
03.100 Basic Curriculum	See Idaho Code 33-118		
03.101 Kindergarten Curriculum	Kindergarten curriculum will be established at the local level.		
03.102 Instructional Requirements	All schools will deliver a core of instruction and advisement programs (see Section 108, Guidance Programs) for each student in elementary schools, middle schools/junior high and high schools.	*	*
03.103 Instruction Grades 1-12	Instruction is inclusive of subject matter, content and course offerings. Patterns of instructional organization are a local school district option. Schools will assure students meet locally developed standards with the state standards as a minimum.	*	*
03.104 Other Required Instruction	Other required instruction for all students and other required offerings of the school	*	*

03.105 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.	*	*	
03.106 Advanced Opportunities	All high schools in Idaho shall be required to provide Advanced Opportunities, as defined in Subsection 007, or provide opportunities for students to take courses at the postsecondary campus.	*	*	
03.107 Middle Level Credit System	A school district or LEA must implement a credit system no later than grade seven (7) that includes components that address the credit requirements, credit recovery, alternate mechanisms and attendance. The local school district or LEA may establish credit requirements beyond the state minimum.	*		
03.108 Guidance Programs	In each Idaho school, a comprehensive guidance program will be provided as an integral part of the educational program.	33-1212	*	*
03.109 Special Education	The State Department of Education and education agencies shall comply with all governing special education requirements.	33-201, 2001, 2002, 2004, 2005, 2010	*	*
03.110 Alternative Secondary Programs	Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Designated differences must be established between the alternative school programs and the regular secondary school programs.	33-1002, 1002C, 1002F		
03.111 Assessment in the Public Schools	All students in Idaho public schools, grades kindergarten through twelve (K- 12), are required to participate in the comprehensive assessment program approved by the State Board of Education are funded.		*	*
03.112 Accountability	School district, charter school district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement.		*	*
03.114 Failure to Meet Annual Measurable Progress	Accountability measures and timelines will be determined by the state board of education for school districts and schools who fail to meet annual measurable progress.			

03.115 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.			
03.116 Unique Student Identifier	Effective April 1, 2009, each student enrolled or enrolling in an Idaho school district or LEA will be assigned a unique student identifier.		*	*
03.118 Home School	Any student not attending a public or private school within the state of Idaho may, as an alternative, receive educational instruction in a home school setting at the direction of the student's parent or guardian. A home schooled student is required to receive such instruction in subjects commonly and usually taught in the public schools of the state of Idaho.			
03.128 Curricular Materials Selection and Online Course Approval	The State Board of Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years.	33-118, 118A		
03.129 Communication	Each year, age-appropriate classroom, school and community activities will be provided to all students for the purpose of developing written and oral communication skills with individuals and groups. Good listening skills are a critical component of the communication process.	33-1612	*	*
03.130 Technology	Throughout the kindergarten through twelve (K-12) system, technology will be integral to curriculum, instruction and assessment.	33-1612	*	*
03.140 Workforce Skills	All students will be provided the opportunity to develop their academic skills (i.e., reading, language arts and communication, mathematics, science, social studies) and to develop the skills necessary for entering the workforce, including self-management skills (i.e., ability to plan, self-discipline, respect for authority, ongoing skill improvement), individual and teamwork skills (i.e., personal initiative, working with others), thinking/information skills (i.e., reasoning, problem solving, acquiring and using information) and vocational-technical skills based on the standards of the industry as approved by the State Board of Vocational Education.	33-1612	*	*

03.150 Basic Values	Honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized.	33-1612	*	*
03.160 Safe Environment and Discipline	Each school district will have a comprehensive districtwide policy and procedure	33-1612	*	*
03.170 Citizenship	Schools will provide instruction and activities necessary for students to acquire the skills to enable them to be responsible citizens in their homes, schools, communities, state and nation.	33-1612	*	*
03.171 Gifted and Talented Programs	The State Department of Education and districts shall comply with all governing gifted and talented education requirements.			
03.200 K-12 Idaho Content Standards	As stated in Subsection 105.02 of these Thoroughness rules, all students graduating from Idaho public high schools must meet locally established content standards.		*	*
08.02.04 RULES GOVERNING PUBLIC CHARTER SCHOOLS			*	
04.000 Legal Authority			*	
04.001 Title and Scope			*	
04.002 Written Interpretations			*	
04.003 Administrative Appeals			*	
04.004 Incorporation by Reference			*	
04.005 Office Information			*	
04.006 Public Records Act Compliance			*	
04.010 Definitions			*	
04.100 Limitations on New Public Charter Schools	Provides certain requirements upon the approval of a new public charter school.		*	
04.101 Authorized Chartering Entity	Provides regulations for institutions serving as authorized chartering entities		*	
04.102 Authorizer Fee	It is the responsibility of each authorizer to notify the Department if the authorizer fee has not been received by the date specified in Section 33-5208, Idaho Code.		*	
04.200 Procedure for Formation of a New Public Charter School	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.	33-5211	*	
04.201 Policies and Procedures Adopted by an Authorized Chartering Entity	An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school, including a public virtual school.		*	

04.202 Petition 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.

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04.203 Admission Procedures

Notwithstanding, the petition must include, at a minimum, the information described in Section 33-5205, Idaho Code.

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 203 of this rule.

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04.205 Review of Petitions

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.

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04.206 Withdrawal of Petition; Referral of Petition to the Commission

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.

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.

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04.300 Public Charter School Responsibilities

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.

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04.301 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.	*
04.302 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.	*
04.303 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.	*
04.400 Appeals	Certain actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules.	*
04.401 Appeal to the Department of a Decision Relating to the Formation of a New or Conversion Public Charter School	The denial of a petition to form a new public charter school, or the granting of a petition to form a conversion public charter school over the objection of thirty (30) or more persons or employees of the local school district, may be appealed to the Department, as provided by Section 33-5207(1), Idaho Code.	*
04.402 Appeal to the Board Relating to the Denial of a Request to Form a New Public Charter School	Establishes procedures governing an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school.	*
04.403 Appeal Relating to the Denial of a Request to Revise a Charter or Performance Certificate or a Charter Non-Renewal of Revocation Decision	Establishes procedures governing an appeal relating to the denial of a request to revise a charter or a charter non-renewal or revocation decision.	*
04.404 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 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.	*

04.500 Miscellaneous

Provides information regarding definitions and designations as an LEA.

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