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Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators MORTIMER, Thayn, Buckner-Webb and,
Representatives DEMORDAUNT, VanOrden, Pence

FROM: Brooke Brouman - Principal Legislative Research Analyst

DATE: July 08, 2015

SUBJECT: Temporary Rule

IDAPA 08.02.02 - Rules Governing Uniformity - Adoption of Temporary Rule - Docket No.
08-0202-1503

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Brooke Brouman at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1503

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 20, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 33-101, 33-116, 33-1201, 33-1202, 33-1203, and 33-1612, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The temporary rule would address issues some school districts, mainly in rural areas, are having in finding qualified applicants to fill certificated positions. The amendments modify the alternate route for content specialists to allow some of the provisions to be completed during the first year in the classroom rather than the current requirement that they be completed prior to entering the classroom. The temporary rule will allow for these provisions to be in place for school districts who are currently hiring for the 2015-2016 school year.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule will confer a benefit to school districts by allowing them to fill certificated positions in emergency situations. The Department of Education had been granting provisional certificates to school districts that could not fill open positions with qualified applicants. These provisional certificates are not authorized under Idaho code. Idaho code requires teachers who serve in our public schools to be certificated and then only allows the State Board of Education to grant provisional certificates at a school districts request once they have declared an emergency exists. The Department was notified that the current practice was not authorized by law, and it has been discontinued. This has created a hardship on some rural districts that have not been able to find teachers qualified for either a standard teaching certificate or one of the existing alternate routes to certification and had been using the provisional certificate in the past. The amendments would address this issue in these emergency situations.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 5th Day of June, 2015.

Tracie Bent
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0202-1503
(Only those Sections being amended are shown.)

044. 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~~ that has declared an emergency need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. ~~(3-20-04)~~(5-20-15)T

01. Initial Qualifications. (3-20-04)

a. ~~Prior to application, a~~A candidate must hold a Bachelor's degree or have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion. ~~(4-4-13)~~(5-20-15)T

b. ~~The candidate shall meet enrollment qualifications of the alternative route preparation program~~
The hiring district shall ensure the candidate is highly and uniquely 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. ~~(3-20-04)~~(5-20-15)T

02. Alternative Route Preparation Program -- College/University Preparation or Other State Board Approved Certification Program. ~~(3-20-04)~~(5-20-15)T

a. During the first year of the 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 preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation must include mentoring and a minimum of one (1) classroom observation per month ~~until certified~~ while teaching under the alternative authorization. ~~(3-20-04)~~(5-20-15)T

b. ~~Prior to entering the classroom, t~~The candidate must complete eight (8) to sixteen (16) weeks of accelerated study in education pedagogy prior to the end of the first year of the authorization. ~~(3-20-04)~~(5-20-15)T

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university or the 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 to receive a recommendation for ~~full standard~~-certification. ~~(3-20-04)~~(5-20-15)T

d. 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. ~~(3-20-04)~~(5-20-15)T

e. 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)