



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Senators MORTIMER, Thayn, Buckner-Webb and,  
Representatives CLOW, Kerby, McCrostie

**FROM:** Elizabeth Bowen - Principal Legislative Drafting Attorney

**DATE:** May 08, 2020

**SUBJECT:** Temporary Rule

IDAPA 08.02.02 - Rules Governing Uniformity - Adoption of Temporary Rule - Docket No.  
08-0202-2001

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 Elizabeth Bowen at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.02 – RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-2001**

**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is April 1, 2020.

**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 Section 33-1006, Idaho Code.

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

During the COVID-19 pandemic, schools have had to move from in-person instruction to an online or distance modality for student learning. In order to continue to serve our low-income student populations and students without internet access or devices schools are still providing meals and hard copies of instructional materials. In some school districts this is accomplished through the delivery of meals and instructional material by bus. This temporary rule will allow for schools to include the delivery of instructional materials and school meals to be included in their reimbursable miles. Pursuant to Section 33-1006, Idaho Code, the Board has set out the type of miles that are reimbursable in the Standards for Idaho School Buses and Operations. These standards are incorporated by reference into IDAPA 08.02.02, Section 004. The temporary rule updates the standards incorporated by reference to an amended version that includes provisions allowing miles accumulated for the delivery of meals and instructional material during a national, state or local emergency to be part of their reimbursable miles.

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

Adoption of this temporary rule is necessary to continue to confer the benefit of distance instruction and meal programs to students while complying with social distancing guidelines to assure student health, safety and welfare during the coronavirus (COVID-19) pandemic.

**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: N/A

**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](mailto:tracie.bent@osbe.idaho.gov).

Dated this 3rd day of April, 2020.

Tracie Bent, Chief Planning and Policy Officer  
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0202-2001  
(Only Those Sections With Amendments Are Shown.)

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

**01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on June 9, 2019.** Copies of this document can be found on the Office of the State Board of Education website at <https://boardofed.idaho.gov>. (3-20-20)

**02. Standards for Idaho School Buses and Operations as approved on ~~November 15, 2017~~ March 23, 2020.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (~~3-28-18~~)(4-1-20)T

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-29-17)