

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1607

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-118 and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016. Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Regardless of whether a negotiated meeting is scheduled, written comments and recommendations will be taken via mail, email, or fax directed to the contact listed below or through our website at sde.idaho.gov/topics/admin-rules/ until June 22, 2016. Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Eighth grade pre-algebra was originally required as part of the high school redesign efforts. The original recommendation came from the Accelerated Learning and Preparation for Postsecondary Education Task Force in 2005. Members of the task force were educators and education stakeholders from across the state. The rule was put in place to ensure that high school students were prepared to take and pass Algebra I at the high school level. It is recommended that this section of rule be removed because the State of Idaho has not adopted common pre-algebra standards. This means there is not a common understanding of pre-algebra expectations/outcomes statewide. Secondly, this section of code is being utilized as a gatekeeper for the high school level. A school district can require an eighth grade student to repeat all courses, while only struggling in one area, before being allowed to move on to complete courses which meet Idaho's graduation requirements. In addition, this section of the rule is in violation of the Individuals with Disabilities Education Act because a student's Individualized Education Program may not allow for a student to complete pre-algebra prior to the ninth grade. While it is important for students to have a firm foundation in pre-algebra in order to be successful in subsequent math courses, a student's education should be viewed holistically within the context of the middle grade credit system which already includes mathematics.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Scott Cook, Director of Academic Services, Support, and Professional Development, at (208) 332-6927 or sccook@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education's website at the following web address: sde.idaho.gov/topics/admin-rules/.

DATED this 2nd Day of May, 2016.

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