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Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

FROM: Principal Legislative Research Analyst - Brooke Brouman

DATE: October 03, 2014

SUBJECT: State Board of Education - State Department of Education

IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1402)

IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1403)

IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1404)

A public hearing concerning the following rulemaking will be held on Thursday, October 16, 2014 at 3:00 p.m. at the Idaho State Department of Education, Barbara Morgan Conference Room.

(1) IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1402):
The Department's proposed rule updates two documents incorporated by reference to reflect revisions made to the Idaho Standards for the Initial Certification of Professional School Personnel and the Operating Procedures for Idaho Public Driver Education Programs, which were approved by the Professional Standards Commission on August 14, 2014.

The proposed rule appears to be within the authority granted to the Department in Section 33-105, Idaho Code.

(2) IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1403):
The Department's proposed rule makes the following changes:

- (a) Changes the name of the "Hearing Impairment Endorsement" to the "Deaf/Hard of Hearing Endorsement" and increases the required minimum number of completed semester credit hours in the area of deaf/hard of hearing from 30 to 33, with an emphasis on instruction for students who use sign language or an emphasis on instruction for students who use listening and spoken language;
- (b) Requires candidates for a Visual Impairment Endorsement to have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested;
- (c) Deletes all of Section 030. relating to Supervisor/Coordinator of Special Education Endorsement;
- (d) Removes the word "emergency" in relation to an alternative authorization allowing school districts to request endorsement/certification when a position requiring the Pupil Personnel Services certificate

cannot be filled with someone who has the correct endorsement/certification and excepts from this rule the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement, which are each addressed elsewhere in rule; and

(e) Specifies that taking or possessing images of students or colleagues of a harassing, confidential or sexual nature is unethical conduct.

The Department states that the rule changes better align the standards and endorsements with national standards and best practices. The endorsements were reviewed by committees of content experts in the Fall of 2013 and the Spring of 2014, and submitted to the State Board of Education for approval.

The proposed rule appears to be within the authority granted to the Department in Section 33-105, Idaho Code.

(3) IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1404):

The Department's proposed rule makes the following changes:

(a) In regards to certificated instructional employee professional practice evaluations, provides that in situations where certificated personnel are unavailable for two documented classroom observations due to situations such as long-term illness or late year hire, one documented classroom observation is acceptable; and

(b) Specifies that those responsible for measuring teacher performance include contracted district leadership such as principals, assistant principals, special education directors and superintendents.

The Department states that negotiated rulemaking was not conducted because the rule change clarifies the original intent of the rule in regards to classroom observation.

The proposed rule appears to be within the authority granted to the Department in Section 33-105, Idaho Code.

cc: State Board of Education - State Department of Education
Luci Willits