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Director

# Legislative Services Office

## 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 01, 2014

**SUBJECT:** State Board of Education - State Department of Education

IDAPA 08.02.03 - Rules Governing Thoroughness - Proposed Rule (Docket No. 08-0203-1401)

IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1402)

IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1403)

IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1404)

IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1406)

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 08.02.03 - Rules Governing Thoroughness - Proposed Rule (Docket No. 08-0203-1401):**  
The Department's proposed rule makes the following changes:

- (a) In regards to high school graduation credit requirements, requires qualified students who choose to substitute one credit of physical education to show mastery of the content standards for Physical Education in a format provided by the school district;
- (b) Allows students to elect an exemption in grade eleven from the college entrance exam requirement if the student is enrolled for the first time in grade twelve at an Idaho high school after the fall statewide administration of the college entrance exam. (the rule currently states the "spring" statewide administration); and
- (c) Annually increases the ISAT math and English proficiency levels required for high school graduation beginning with students graduating in 2017 through the 2020 graduating class, requires that students who graduate beginning in 2017 are required to complete an End of Course Assessment in either biology or chemistry and, beginning with the class of 2019, requires students to pass an End of Course Assessment in biology or chemistry.

The Department states that negotiated rulemaking was not conducted because the proposed changes bring the rules into compliance with requests from the Legislature and the College Board. There is no fiscal impact as a result of this rulemaking.

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

**(2) IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1402):** The Department's temporary and proposed rule clarifies that a Limited English Proficient individual is one who does not score proficient on the state-approved language proficiency test and meets one other criterion. The rule became effective on August 14, 2014.

The Department states that the temporary adoption of the rule is appropriate because it needs to be in place for the 2014-2015 school year. Negotiated rulemaking was not conducted. There is no fiscal impact to the general fund as a result of this rulemaking.

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

**(3) IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1403):** The Department's temporary and proposed rule provides that Limited English Proficient (LEP) students may receive designated supports and accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student's Educational Learning Plan team. The Department states that this rule change accurately reflects the Designated Supports and Accommodations as referenced in the Smarter Balanced Assessment Consortium. The proposed rule also requires students in Grade 11 to take a High School Idaho Standards Achievement Test as applicable and requires students who complete biology or chemistry to take an End of Course Assessment. The rule became effective on August 14, 2014.

The Department states that the temporary adoption of the rule is appropriate because the rule needs to be in place for the 2014-2015 school year and to align with changes in Idaho's approved ESEA waiver and Title III Federal Regulations.

Negotiated rulemaking was not conducted. There is no fiscal impact to the general fund as a result of this rulemaking.

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

**(4) IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1404):** The Department's temporary and proposed rule requires high schools to offer a wide variety of courses to satisfy state and local graduation requirements and provide instructional offerings in physical education and professional technical education. The Department states that this language was inadvertently removed and by this rule is being added back. The rulemaking also requires high school to annually review and update parent-approved student learning plans. The rule became effective on August 14, 2014.

The Department states that the temporary adoption of the rule is appropriate because it needs to be in place for the 2014-2015 school year.

Negotiated rulemaking was not conducted. There is no fiscal impact to the general fund as a result of this rulemaking.

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

**(5) IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1406):** The Department's temporary and proposed rule is prompted by Senate Bill 1372 that was passed by the 2014 Legislature. Senate Bill 1372 enacted Section 33-133, Idaho Code, which establishes requirements relating to the collection and safeguarding of student data. The Department's rule sets forth five new data elements that will be added to the monthly ISEE data upload beginning in the 2014-2015 school year. The Department states that new data elements collected will provide the necessary information for finance to accurately calculate payments necessary for staffing and for the Advanced Opportunities option. The rule became effective on August 14, 2014.

The Department states that temporary adoption of the rule is appropriate to implement Senate Bill 1372.

Negotiated rulemaking was not conducted. There is no fiscal impact to the general fund as a result of this rulemaking.

The proposed rule appears to be within the authority of the State Board of Education granted in Section 33-133(4), Idaho Code.

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