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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 - Elizabeth Bowen

DATE: August 08, 2018

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

IDAPA 08.02.03 - Rules Governing Thoroughness - Proposed Rule (Docket No. 08-0203-1801)

Summary and Stated Reasons for the Rule

This proposed rule incorporates by reference the most recent version of the Idaho Special Education Manual, which was adopted by the State Board of Education on June 20, 2018. Changes to the manual were made to conform to state and federal law.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated fiscal impact on the state general fund.

Statutory Authority

I.C. 33-105, 33-1612, and 33-2002.

cc: State Board of and State Department of Education - State Department of Education
Helen Price

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

STATE BOARD AND STATE DEPARTMENT OF EDUCATION
IDAPA 08.02.03 - Rules Governing Thoroughness
Proposed Rulemaking - Docket No. 08-0203-1801

The updated Manual eliminates the Acknowledgements as well as documents, charts, forms or guidance documents from the Manual. It aligns the definition of a Free and Appropriate Public Education (FAPE) to recent United States Supreme Court Decisions and language describing the development of a student's IEP. The Manual also replaces the outdated term "Emotional Disturbance" with "Emotional Behavioral Disorder." Other changes to the Manual include minor language corrections or deletions necessary to maintain document consistency and to align with IDAPA, Idaho Code, the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), and recent court decisions.

Acronyms and Abbreviations: Updated the Acronyms and Abbreviations to reflect only the terms used in the Manual.

Glossary: Updated the Glossary to define terms presently used in the Manual including new terms required under ESSA.

Chapter 4: Amended the "Visual Impairment Including Blindness" eligibility criteria based on non-exclusionary guidance from the Office of Special Education Programs; updated the eligibility category of "Emotional Disturbance" to "Emotional Behavioral Disorder"; made minor language changes in Chapter 4 for "Developmental Delay."

Chapter 5: Clarified that "objectives and benchmarks" are required for students taking alternate assessments; defined significant cognitive impairments and revised alternate assessment participation criteria for clarity as required by ESSA.

Chapter 7: Clarified provisions for transition planning, postsecondary goal setting, and the discontinuation of services; eliminated references to a regular high school diploma to reflect Idaho's one high school graduation diploma.

Chapter 9: Revised private school consultations and processes for resolving disputes.

Chapter 10: Clarified the Idaho Special Education Results Driven Accountability Monitoring System (RDA).

Chapter 12: Revised disciplinary procedures to comply with IDEA.

Chapter 13: Updated dispute resolution procedures and processes with present standards of practice and IDEA.