

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1604

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), 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 Sections 33-105, 33-1612, and 33-2002, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

Monday, April 18, 2016 - 6 pm to 8 pm	Tuesday, April 19, 2016 - 6 pm to 8 pm
Best Western Plus Coeur d'Alene Inn Sherman Meeting Room 506 West Appleway Avenue Coeur d'Alene, Idaho	Red Lion Hotel Lewiston Port 4 Meeting Room 621 21st Street Lewiston, Idaho
Thursday, April 21, 2016 - 6 pm to 8 pm	Friday, April 22, 2016 - 6 pm to 8 pm
Hampton Inn Idaho Falls Airport Eagle Rock Meeting Room 645 Lindsay Boulevard Idaho Falls, Idaho	Hampton Inn Pocatello Meeting Room 151 Vista Drive Pocatello, Idaho
Monday, April 25, 2016 - 6 pm to 8 pm	Tuesday, April 26, 2016 - 6 pm to 8 pm
Red Lion Downtowner Selway/Sawtooth Meeting Room 1800 West Fairview Avenue Boise, Idaho	Hilton Garden Inn Twin Falls Snake River Meeting Room 1741 Harrison Street North Twin Falls, Idaho

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: attend the negotiated rulemaking meetings and participate in the negotiation process; provide oral or written recommendations, or both, at the negotiated rulemaking meetings; and/or, submit written recommendations and comments to the following, on or before April 29, 2016.

Mail to:
State Department of Education
Attn: Dr. Charlie Silva
PO Box 83720
Boise, ID 83720-0027

Hand Deliver to:
Len B. Jordan Building
650 West State Street
Second Floor
Boise, ID 83720

Online Submission Form:
sde.idaho.gov/topics/admin-rules

Fax:
(208) 334-2228

Upon 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 principle issues involved:

This proposed rule would incorporate into rule the Idaho Special Education Manual in IDAPA 08.02.03.004 because it was determined that while the manual is mentioned in Idaho Administrative Rule, it had not been formally Incorporated by Reference. This would ensure that Idaho meets the Individuals with Disabilities Education Act requirement of 20 US Code Section 1412 and is consistent with state and federal law, rules, regulations and legal requirements.

Several revisions within IDAPA 08.02.03.109 regarding Special Education are also needed to adhere with federal law and regulation as well as to clarify language and update the rule to reflect current practice. Changes proposed would change all but the first mention of the Individuals with Disabilities Act to the acronym for consistency in the section; to clarify the scope of the 10-day rule for objection to a change in an individualized education program or placement; and to align mediation procedures with federal regulations.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or at csilva@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Education website at the following web address: sde.idaho.gov/topics/admin-rules. All written comments and recommendations must be submitted as directed above and received on or before April 29, 2016.

DATED this 3rd Day of March, 2016.

Sherri Ybarra
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Fax: (208) 334-2228