

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1801**

### **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 Sections 33-105, 33-1612 and 33-2202, 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 February 28, 2018.

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.

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. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted 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:

Regular review and revision of the Special Education Manual (Manual), a document incorporated by reference into IDAPA 08.02.03, is necessary to ensure compliance with IDAPA, Idaho Code, the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), and recent court decisions.

Anticipated discussion and possible amendments to the Manual include: Revision of definition of visual impairment, emotional disturbance, and graduation; participation criteria for taking the ISAT-Alt; addition of definition of significant cognitive disability/impairment; review and possible revision for consistency with ESSA and IDEA; review of dispute resolution section; renewal of sufficiency review process; clarification of “specially designed” instruction; and other technical corrections, revisions and clarifications identified during the negotiation process that will help practitioners to more effectively utilize the manual and to ensure compliance with IDAPA, Idaho Code, IDEA, ESSA, and recent court decisions.

**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 (if available), contact Dr. Charlie Silva, Director Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education web site at the following web address: <http://sde.idaho.gov/topics/admin-rules>.

DATED this 5th Day of January, 2018.

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