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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: Deputy Division Manager - Eric Milstead

DATE: November 22, 2013

SUBJECT: State Board of and Department of Education

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho standards (Docket No. 08-0202-1306)

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho Comprehensive Literacy Course (Docket No. 08-0202-1307)

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Driver Ed endorsement struck (Docket No. 08-0202-1308)

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - Graduation requirement changes (Docket No. 08-0203-1306)

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - Cursive Writing (Docket No. 08-0203-1307)

1. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho standards (Docket No. 08-0202-1306)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.02 --Rules Governing Uniformity --Idaho Standards. The revisions found in the proposed rule are simple: the dates associated with the incorporation by reference for initial certification and for operating procedures for driver education programs are updated to August 2013.

The agency notes that negotiated rulemaking was not conducted because the revisions in this docket were very simple in nature.

The proposed rule appears to be authorized pursuant to section 33-105, Idaho Code.

2. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Idaho Comprehensive Literacy Course (Docket No. 08-0202-1307)

The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.02 -- Rules Governing Uniformity. The temporary and proposed rule includes two substantive revisions: first, the rule revises provisions regarding renewal requirements for the mathematics in-service program to allow for other alternative courses approved by the State Department of Education. (Section 016.01.) The temporary and

proposed rule also includes new language that provides that individuals who qualify for a certificate relating to the Idaho Comprehensive Literacy Course via state reciprocity will be granted a three-year interim certificate to provide for time to meet the comprehensive literacy course requirements.

The Board notes that negotiated rulemaking was not conducted because the rule is temporary and simple in nature.

The Board's temporary and proposed rule appears to be authorized pursuant to section 33-105, Idaho Code.

3. IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity - Driver Ed endorsement struck (Docket No. 08-0202-1308)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.02 -- Rules Governing Uniformity. The proposed rule updates language relating to a number of endorsements to reflect "best practices." Included among the various endorsement revisions are the following changes:

- Adds a requirement that all endorsements require supervised teaching experience in relevant content or an approved alternative clinical experience (Section 021.01.);
- Eliminates the section providing for a driver education endorsement. (Section 022.11. The Board notes that this language was eliminated because the endorsement is no longer offered by colleges or universities);
- Revises requirements for the English 6-12 endorsement; (Section 023.03.);
- Revises requirements for the Gifted and Talented K-12 endorsement (Section 023.08.);
- Eliminates provisions relating to the Library Media Specialist K-12 endorsement, but adds provisions for a Teacher Librarian K-12 endorsement (See, Sections 023.13. and 024.14.);
- Revises provisions for the Literacy K-12 endorsement (Section 023.14.).

Other changes found in the proposed rule include revisions to provisions governing the administrator certificate (Includes, among other changes, new language requiring proof of proficiency in evaluating teacher performance) (Section 026.). Finally, the proposed rule includes a change in the name of the entity approving teacher education programs. (Section 100.01.).

The agency states that negotiated rulemaking was not conducted because the revisions simply align the rules with national standards and more accurately comply with the law.

The agency's proposed rule appears to be authorized pursuant to section 33-105, Idaho Code.

4. IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Uniformity - Graduation Requirement Changes (Docket No. 08-0202-1306)

The State Board of Education submits notice of proposed rulemaking at IDAPA .08.02.03 -- Rules Governing Thoroughness--Graduation Requirement Changes. The proposed rule includes new provisions for certain required instruction regarding physical education (all grades) and regarding high school graduation requirements. The proposed rule provides for a minimum of 60 minutes of physical education weekly at the elementary school level and provides for an average weekly time for PE at the middle school/junior high school level. (See, Sections 104.01.a. and 104.02.c.).

High school graduation requirements are revised as they relate to state minimum requirements and core requirements (Section 105.01). Also, requirements are revised that govern mathematics, science, health/wellness and PE, and revises provisions governing the senior project, early completion of high school course work, and Grade 9 and 10 ISAT scores. (See, generally section 105).

The agency's proposed rule appears to be authorized pursuant to section 33-105, Idaho Code.

5. IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness - Cursive Writing (Docket No. 08-0203-1307)

The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.03 Rules Governing Thoroughness--Cursive Writing. The proposed rule includes only one change: it provides that the instruction of language arts and communication will include, in elementary school, cursive writing.

The agency notes that negotiated rulemaking was not conducted because the proposed rule implements provisions of HCR003, passed during the 2013 legislative session.

The agency's proposed rule appears to be authorized pursuant to section 33-105, Idaho Code.

cc: State Department of Education

Superintendent Tom Luna, Christina Linder, Luci Willits & Scott Cook