

Dear Senators GOEDDE, Mortimer, Buckner-Webb, and
Representatives DEMORDAUNT, Nielsen, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
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).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/21/2014. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/19/2014.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

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

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1401

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 16, 2014 - 3:00 p.m. (MDT)

**Idaho State Department of Education
650 West State Street, 2nd Floor
Barbara Morgan Conference Room
Boise, Idaho**

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

IDAPA 08.02.03.105.i. - at the request of the Legislature, an addition to the substitution clause for one credit of physical education for graduation is clarified.

IDAPA 08.02.03.105.03.b.iii. - currently states that a student may elect an exemption in grade eleven (11) from the college entrance exam requirement if enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam. This will be corrected from spring to fall.

IDAPA 08.02.03.105.05 - currently contains the word "required" which is being removed because it is too vague and is meant for any class the student is taking.

IDAPA 08.02.03.105.06 - as Idaho continues to transition to higher standards, Idaho's graduation requirement must be considered and changed to meet the requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No Fiscal Impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: These changes are to bring these rules into compliance with requests from the Legislature and the College Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2) (a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Luci Willits, State Department of Education: (208) 332-6814, lwillits@sde.idaho.gov

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

Tom Luna, Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
(208) 332-6812 / Fax (208) 334-2228

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1401
(Only those Sections being amended are shown.)**

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

a. Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

b. Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

d. Mathematics. Six (6) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as

approved by the State Department of Education; (3-29-10)

(2) Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-12-14)

iii. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. High School math credits completed in middle school shall count for the purposes of this section. (3-12-14)

e. Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

i. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (3-12-14) ()

02. Content Standards. Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

03. College Entrance Examination. (Effective for all public school students who enter grade nine (9) in Fall 2012 or later.) (3-12-14)

a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: SAT, ACT, or Compass. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-12-14)

- i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)
- ii. Was homeschooled during grade eleven (11); or (3-12-14)
- iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

b. A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)

- i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)
- ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)
- iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the ~~spring~~ fall statewide administration of the college entrance exam. ~~(3-12-14)~~ ()

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement. (3-12-14)

04. Senior Project. A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-12-14)

05. Middle School. A student will have met the high school content and credit area requirement for any ~~required~~ high school course if: ~~(3-12-14)~~ ()

- a.** The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)
- b.** The course meets the same content standards that are required in high school; and (3-12-14)
- c.** The course is taught by a properly certificated teacher who meets the federal definition of highly qualified for the course being taught. (3-12-14)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. (3-12-14)

06. Proficiency. Each student must achieve a proficient or advanced score on the grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans

used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (3-12-14)

- a.** Before entering an alternate measure, the student must be: (4-2-08)
 - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
 - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
 - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b.** The alternate plan must: (4-7-11)
 - i. Contain multiple measures of student achievement; (4-7-11)
 - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
 - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
 - iv. Be valid and reliable; and (4-7-11)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c.** A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
 - i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
 - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
 - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
 - iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)
- d.** Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year. (3-12-14)
- e.** Students who graduate in 2017 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ()
- f.** Students who graduate in 2018 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a grade nine (9) proficiency level. ()
- g.** Students who graduate in 2019 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a grade ten (10) proficiency level. ()
- h.** Students who graduate in 2020 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a college and career level proficiency of grade eleven (11). ()

i. Beginning with the class of 2018, any student who passes the ISAT in mathematics and English language usage at a grade eleven (11) proficiency level while in grade nine (9) or grade ten (10) shall not be required to take the ISAT again. ()

i. Students who graduate beginning in 2017 are required to complete an End of Course Assessment (EOC) provided by the state in either biology or chemistry after completion of the course. ()

k. Beginning with the class of 2019, students are required to pass an End of Course Assessment in biology or chemistry. ()

07. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

08. Foreign Exchange Students. A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1402

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 14, 2014.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 16, 2014 - 3:00 p.m. (MDT)

**Idaho State Department of Education
650 West State Street, 2nd Floor
Barbara Morgan Conference Room
Boise, Idaho 83702**

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The change to Accountability is to clarify that a limited English proficient (LEP) student is one who does not score "proficient" on the approved test and meets one of the other listed criteria.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule needs to be in place for the 2014-2015 school year.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No Fiscal Impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: NA

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2) (a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Luci Willits, State Department of Education: (208) 332-6814, lwillits@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

Tom Luna, Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
(208) 332-6812 / Fax (208) 334-2228

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1402
(Only those Sections being amended are shown.)**

112. ACCOUNTABILITY.

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (3-20-04)

01. ISAT Student Achievement Levels. There are four (4) levels of student achievement for the ISAT: Below Basic, Basic, Proficient, and Advanced. Definitions for these levels of student achievement are adopted by reference in Subsection 004.05. (4-2-08)

02. IELA Language Proficiency Levels. There are five (5) levels of language proficiency for students testing on the Idaho English Language Assessment: beginning, advanced beginning, intermediate, early fluent, and fluent. Definitions for these levels of language proficiency are adopted by reference in Subsections 004.02 and 004.04. (4-2-08)

03. Adequate Yearly Progress (AYP). (3-20-04)

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

b. The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. (4-7-11)

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

04. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

a. Full Academic Year (continuous enrollment). (3-20-04)

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved AYP in proficiency. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. (4-7-11)

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. (4-2-08)

iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved AYP. (4-2-08)

b. Participation Rate. (3-20-04)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (4-6-05)

(2) Students who are absent for the entire state-approved testing window because of medical reasons or are homebound are exempt from taking the ISAT if such circumstances prohibit them from participating. Students who drop out, withdraw, or are expelled prior to the beginning of the final makeup portion of the test window are considered exited from the school. (4-7-11)

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (4-6-05)

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-20-04)

v. A "new school" for purposes of accountability is a wholly new entity receiving AYP determinations for the first time, or a school with a significant student population change as a result of schools being combined or geographic boundaries changing, or a result of successful school restructuring sanctioned by the Office of the State Board of Education. (4-7-11)

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who **do not** score *in the low range* **proficient** on the state-approved language proficiency test and meet one of the following criteria: ~~(4-6-05)~~(8-14-14)T

- (1) Individuals whose native language is a language other than English; or (4-6-05)
 - (2) Individuals who come from environments where a language other than English is dominant; or (4-6-05)
 - (3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (4-6-05)
- e.** Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.04.d. in the event the “safe harbor” is invoked by the school/district. (4-7-11)
- f.** Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.04.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)
- 05. Annual Measurable Achievement Objectives (AMAOs).** Local school districts are responsible for ensuring district progress of Limited English Proficient (LEP) students in their acquisition of English. Progress and proficiency are measured by the IELA and determined based on three (3) AMAOs: (4-2-08)
- a.** Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency; (4-2-08)
 - b.** Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year; and (4-2-08)
 - c.** Each school district must make Adequate Yearly Progress for LEP students on the spring ISAT. (4-2-08)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1403

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 14, 2014.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 16, 2014 - 3:00 p.m. (MDT)

**Idaho State Department of Education
650 West State Street, 2nd Floor
Barbara Morgan Conference Room
Boise, Idaho 83702**

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Assessment in the Public Schools, regarding the use of accommodations/adaptions for LEP students must accurately reflect the Designated Supports and Accommodations as referenced in the Smarter Balanced Assessment Consortium (SBAC) guidelines and science End of Course Assessments have been added to the list of required assessments.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This 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.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No Fiscal Impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: NA

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2) (a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Luci Willits, State Department of Education: (208) 332-6814, lwillits@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

Tom Luna, Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
(208) 332-6812 / Fax (208) 334-2228

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1403
(Only those Sections being amended are shown.)**

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. The State Board of Education will provide oversight for all components of the comprehensive assessment program. (4-2-08)

- 02. Purposes.** The purpose of assessment in the public schools is to: (3-15-02)
- a.** Measure and improve student achievement; (3-15-02)
 - b.** Assist classroom teachers in designing lessons; (3-15-02)
 - c.** Identify areas needing intervention and remediation, and acceleration; (3-15-02)
 - d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
 - e.** Inform parents and guardians of their child's progress; (3-15-02)
 - f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
 - g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
 - h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam. (3-29-12)

04. Testing Population. All students in Idaho public schools, grades kindergarten through twelve (K-

12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

a. All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)

b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.04.d.iv., ~~who receive a score below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations~~ may receive designated supports or accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student's Educational Learning Plan (ELP) team. The team shall outline the designated supports or accommodations, or both, in an ELP prior to the assessment administration. Designated supports or accommodations, or both, shall be familiar to the student and used throughout the school year during instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the ~~reading/~~ English language ~~usage~~ ISAT, but will still be required to take the ~~ISAT in~~ (Mathematics and Science). ~~ISAT with accommodations or adaptations as determined by the language proficiency score and ELP.~~ Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.04. However, such LEP students are not required to be counted for ~~AYP~~ accountability purposes ~~in determining proficiency~~, as described in Subsection 112.03. ~~(5-8-09)~~ (8-14-14)T

05. Scoring and Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (4-7-11)

a. Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (4-7-11)

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (4-7-11)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (4-2-08)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

c. Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

- e.** Grade 4 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- f.** Grade 5 - Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- g.** Grade 6 - Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- h.** Grade 7 - Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- i.** Grade 8 - National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- j.** Grade 9 - Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-12)
- k.** Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- l.** Grade 11 - High School Idaho Standards Achievement Tests (as applicable), Idaho English Language Assessment, college entrance exam. (~~3-29-12~~)(8-14-14)T
- m.** Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)
- n.** Students who complete biology or chemistry are required to take an End of Course Assessment provided by the state and administered by the district. (8-14-14)T
- #o.** Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in their tenth grade year or later are not required to continue taking that portion or portions. (5-8-09)
- 07. Comprehensive Assessment Program Schedule.** (5-3-03)
- a.** The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)
- b.** The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)
- c.** The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. (5-3-03)
- d.** The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)
- e.** The Idaho English Language Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)
- 08. Costs Paid by the State.** Costs for the following testing activities will be paid by the state: (4-1-97)
- a.** All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

- b.** Statewide distribution of all assessment materials; and (3-29-12)
- c.** Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program. (3-29-12)
- 09. Costs of Additional Services.** Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)
- 10. Services.** The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)
- 11. Test Security, Validity and Reliability.** Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (4-2-08)
- a.** All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window. (3-20-04)
- b.** The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010. (3-20-04)
- c.** Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)
- 12. Demographic Information.** Accurate demographic information must be submitted as required for each test to assist in interpreting test results. It may include but is not limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (4-2-08)
- 13. Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)
- a.** The Idaho Standards Achievement Tests (grades 3-9 and High School). (3-29-12)
- b.** A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (4-6-05)
- i.** Language Arts/Communications. (3-15-02)
- ii.** Math. (3-15-02)
- iii.** Science. (3-15-02)
- iv.** Social Studies. (3-15-02)
- v.** Health. (3-15-02)
- vi.** Humanities. (3-15-02)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1404

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 14, 2014.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 16, 2014 - 3:00 p.m. (MDT)

**Idaho State Department of Education
650 West State Street, 2nd Floor
Barbara Morgan Conference Room
Boise, Idaho 83702**

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Inadvertently, the wording to require Physical Education and Professional Technical Education as required instructional offerings of a high school were removed and are being added back into the rule. In addition, clarifying language was added to ensure learning plans are reviewed throughout a student's high school career.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule needs to be in place for the 2014-2015 school year.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking NA:

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: Simple clarification of the intent of the original rule and clarifying language added to ensure review of learning plans.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2) (a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Luci Willits, State Department of Education: (208) 332-6814, lwillits@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

Tom Luna, Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
(208) 332-6812 / Fax (208) 334-2228

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1404
(Only those Sections being amended are shown.)**

104. OTHER REQUIRED INSTRUCTION.

Other required instruction for all students and other required offerings of the school are: (4-1-97)

01. Elementary Schools. (4-11-06)

a. The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)
Health (wellness)
Physical Education (fitness) (4-11-06)

b. Additional instructional options as determined by the local school district. For example:
Languages other than English
Career Awareness (4-1-97)

02. Middle Schools/Junior High Schools. (4-11-06)

a. No later than the end of Grade eight (8) each students shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the school district's or LEA's graduation standards. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)

b. A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (3-12-14)

c. Other required instruction for all middle school students:
Health (wellness)
Physical Education (fitness) (4-11-06)

d. Other required offerings of the school:
Family and Consumer Science
Fine & Performing Arts

Professional Technical Education
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

03. High Schools. (8-14-14)T

a. High schools must offer a wide variety of courses to satisfy state and local graduation requirements. High schools are required to provide instructional offerings in Physical Education (fitness) and Professional Technical Education. (8-14-14)T

b. High schools will annually review and update with the student the parent-approved student learning plans outlined in Subsection 104.02.a. (8-14-14)T

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1406

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 14, 2014.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 16, 2014 - 3:00 p.m.

**Idaho State Department of Education
650 West State Street, 2nd Floor
Barbara Morgan Conference Room
Boise, Idaho**

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule allows for the five new data elements to be collected which will provide the necessary information for finance to accurately calculate payments necessary for staffing and for the Advanced Opportunities option.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To implement Senate Bill 1372, which was passed into law during the 2014 Legislative Session with an emergency clause, retroactively becoming Section 33-133.3.g.i, Idaho Code, that requires legislation for any data element added to the Idaho State Department of Education's data collection from the districts.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: The rule is needed due to SB1372 requiring legislation for any data element added to the Idaho State Department of Education's data collection from the districts.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Joyce Popp, State Department of Education: (208) 332-6970, jpoppp@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 14th Day of August, 2014.

Tom Luna, Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
(208) 332-6812 / Fax (208) 334-2228

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1406
(Only those Sections being amended are shown.)**

115. DATA COLLECTION.

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment data collection will shall contain information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status all data as listed on the State Department of Education's website under "required data elements." The collection will be done in mid-October, early February, and May (end of the testing window) shall be submitted monthly for any period of time in which students are receiving educational instruction or services provided by a state public school or charter school. Each participating school is required to verify and assure the accuracy and completeness of the data submitted in the files. ~~(5-8-09)~~(8-14-14)T

01. New Data Elements in State Student Data System. To meet the requirements of Section 33-133.3, Idaho Code, the following data elements will be added to the monthly ISEE data upload beginning in the 2014-2015 school year. (8-14-14)T

a. Private or Home Schooled Flag in the Student Demographics File. To indicate if the student is Private or Home Schooled as well as proper grade level for testing for use in correct allocation of funds. (8-14-14)T

b. Provider School Name Field in the Student Course Enrollment File. To indicate the name of the institution providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation of payment for Advanced Opportunity Program payments. (8-14-14)T

c. Instructor Name Field in the Student Course Enrollment File. To indicate the name of the actual instructor within an institution that is providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation for Advanced Opportunity Program payments. (8-14-14)T

d. Examination to be Taken Flag in the Student Course Enrollment File. To indicate if a course has a specific examination that requires payment to sit for the examination. To identify and accurately calculate the examination reimbursement payments for the Advanced Opportunities Program. (8-14-14)T

e. Examination Type Field in the Student Course Enrollment File. To collect the type of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (8-14-14)T