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Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators MORTIMER, Thayn, Buckner-Webb and,
Representatives CLOW, Kerby, McCrostie

FROM: Elizabeth Bowen - Principal Legislative Drafting Attorney

DATE: December 04, 2019

SUBJECT: Temporary Rule

IDAPA 55.01.03 - Rules of Career Technical Schools - Adoption of Temporary Rule - Docket No. 55-0103-1902

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Elizabeth Bowen at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
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Information Technology

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1902

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 17, 2019

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 33-1002G, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Section 33-1002G, Idaho Code was amended in 2018 to allow the corresponding administrative rule (55.01.03) to be amended to allow for the added cost funding for Career Technical Schools to moved to an enrollment based formula. The Division of Career Technical Schools has worked for two years to get consensus on a new methodology for distributing added cost funds to Career Technical Schools. The have promulgated a proposed rule that is currently out for public comment and will be brought back as a pending rule. In order to use the same methodology developed in the proposed rule during the current fiscal year they are requesting approval of a temporary rule.

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

This rule would confer a benefit to Idaho Career Technical Schools by allowing the FY20 funding allocated for these schools to be distributed based on student enrollment. This will allow for the funding to more closely follow the student generating the cost than the current methodology based on average daily attendance.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

Dated this 23rd day of October, 2019.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 55-0103-1902
(Only Those Sections With Amendments Are Shown.)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-28-18)

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-28-18)

03. Career Technical Schools. Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (10-17-19)T

04. Concentrator Student. A junior or senior enrolled in the capstone course. (10-17-19)T

05. Credit Hours. The total number of enrolled credit hours reported to the State Department of Education for qualifying intermediate, capstone, and work-based learning courses. (10-17-19)T

06. EDUID. Education Unique Identifier. (10-17-19)T

07. Enrollment Units. The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. (10-17-19)T

08. Field Experience. Paid or unpaid work experience such as business/industry internship, clinical experience, supervised occupational experience, job placement, school-based enterprise, or similar work experience setting. The field experience must be of sufficient duration and depth to add to the technical competencies of the student. (3-30-01)

09. Intermediate Course. A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course, and is offered in grades 910 through 12. (10-17-19)T

10. Participation Total. The total number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. (10-17-19)T

11. Technical Skill Assessment. An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. (10-17-19)T

12. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. (10-17-19)T

006. -- 099. (RESERVED)

100. STATEMENT OF PURPOSE.

The purpose of this rule is to clearly define general implementation criteria, the criteria for approval for funding, the **enrollment-based funding calculations**, the process to follow for fund distribution, and program accountability for Idaho Career Technical Schools. (10-17-19)T

101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. The lab should be appropriately designed for the type of program and the number of students enrolled. The program should have state-of-the-art equipment, current technology and strong links to business and industry. (3-30-01)

02. Career Technical School Program. Each program of a career technical school shall: (3-30-01)

- a.** Deliver a sequence of career technical education courses that culminate in a capstone course. (3-28-18)
- b.** Meet all of the required technical competency credit standards established by the state board of education. (3-28-18)
- c.** Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-28-18)
- d.** **Integrate industry-specific state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students.** (10-17-19)T
- e.** Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education. (3-28-18)
- f.** Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (3-28-18)
- g.** Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (3-28-18)
- h.** Promote the development of leadership. (3-28-18)

103. APPLICATION PROCESS.

New and renewal applications for career technical school funding must be received by the Division of Career Technical Education on or before the **fifteenth of April** for the following fiscal year. (10-17-19)T

104. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUNDING AND ELIGIBILITY.

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is based on the **number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skill assessment for the program the student was enrolled in, and the total credit hours reported by each school for intermediate, capstone, and work-based learning courses.** If any approved program within a career technical school does not enroll students from more than one (1) high school during the **previous academic year, the program will not be included in the current year funding**

calculation. If the overall **school** enrollment exceeds more than eighty-five percent (85%) of students from any single high school during the **previous** school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding. (10-17-19)T

105. CAREER TECHNICAL SCHOOL UNIT FUNDING CALCULATION.

The **distribution of individual career technical school funding shall be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative credit hours. Qualifying pathway enrollment shall be reported to the Department of Education. The Division of Career Technical Education shall gather aggregate participation total data from the independent technical skill assessment providers annually.** (10-17-19)T

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL UNIT FUNDING DISTRIBUTION.

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. **The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories.** (10-17-19)T

01. Payment Distribution. Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (3-30-01)

- a.** For the 2019-2020 school year distribution: (10-17-19)T
 - i.** No school shall receive less than ninety (90) percent of the unit funds than were received during the 2018-2019 school year; and (10-17-19)T
 - ii.** After the initial amounts are distributed to assure each school receives no less than ninety (90) percent of the previous year's distribution, the remaining funds will be distributed through the formula. (10-17-19)T
- b.** Seventy percent (70%) of the total **appropriated** funds for which career technical schools are eligible shall be distributed **no later than September 30** each year. Funding will not be distributed until **the previous year enrollment units and the Division of Career Technical Education has verified aggregate participation total data.** (10-17-19)T
- c.** The remaining funds shall be distributed no later than June 30. (10-17-19)T