

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0904

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 18, 2009.

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 33-105, Idaho Code; Section 33-107, Idaho Code; Section 33-1612, Idaho Code; Section 33-2002, Idaho Code; and 34 CFR Part 200 Elementary and Secondary Education Act.

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

The Individuals with Disabilities Act (IDEA 2004) and the Elementary and Secondary Education Act as reauthorized (ESEA 2001) require all students, including students with significant cognitive disabilities, to be able to access the general education curriculum and participate in the state accountability system. In 2003, NCLB further defined how students with significant cognitive disabilities could be included in the state accountability system by including the option for states to develop alternate assessments based on extended grade level content standards (Idaho Extended Content Standards) as well as alternate achievement, or performance standards. The Idaho Alternate Assessment - Science (IAA-Science) has been developed for use as an alternate to the ISAT-Science for students with significant cognitive disabilities who, due to the nature of their disability, cannot participate in the regular assessment, even with appropriate accommodations. The IAA-Science is given in grades 5, 7 and 10. In 2007, the US Department of Education issued new regulatory guidance that impacted the design process for alternate assessments. In the 2008-2009 school year, the Idaho Alternate Assessment-Science (IAA-Science) underwent significant changes in response to the findings in the 2007 federal peer review process.

Because of the significant changes to the IAA-Science this year, the alternate academic achievement standards for Science had to be revised. The academic achievement standards include the proficiency level descriptors and the cut score ranges that define the IAA-Science proficiency levels which are required by federal law (i.e., Advanced, Proficient, Basic and Below Basic).

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

If the achievement standards are not approved and consequently the IAA-Science scoring cannot be completed, Idaho stands to lose 25%, or \$113,944, of its administrative Title I funding in the form of a compliance fine from the US Department of Education.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Marybeth Flachbart at (208) 332-6954.

DATED this 1st Day of July, 2009.

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THE FOLLOWING IS THE TEMPORARY TEXT FOR DOCKET NO. 08-0203-0904

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education on August 21, 2008. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (11-3-08)T

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

07. The Idaho Alternative Assessment ~~Extended~~ Achievement Standards. Alternative Assessment ~~Extended~~ Achievement Standards as adopted by the State Board of Education on ~~February 28~~ June 18, 2008. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (~~5-8-09~~)(6-18-09)T

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)