

Dear Senators GOEDDE, Fulcher & Burkett, and  
Representatives NONINI, Shirley & Boe:

The Office of the Legislative Services, Research and Legislation, has received the enclosed rules of the State Dept. Of Education: 08.02.03 - Rules Governing Thoroughness (Idaho Extended Content Standards) Docket #08-0203-0802.

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 5-29-08. 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 6-26-08.

\_\_\_\_\_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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## MEMORANDUM

**TO:** Senate Education Subcommittee on Administrative Rules and  
House Education Subcommittee on Administrative Rules

**FROM:** Research & Legislation Staff, Maureen L. Ingram

**SUBJECT:** Rules of the State Department of Education

**DATE:** May 9, 2008

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### **IDAPA 08.02.03 - Rules Governing Thoroughness: Incorporation by Reference**

Under Docket Number 08-0203-0802, this action has been submitted as a temporary rule effective February 28, 2008, for Section 004.07 relating to cut scores, and May 1, 2008, for Subsections 01 and 06 of Section 004. relating to content standards. It is also being promulgated as a proposed rule. Authority for promulgation of the rule is authorized pursuant to Section 2, Article IX of the *Idaho Constitution*, and Sections 33-105, 33-107, 33-1612 and 67-5229, *Idaho Code*.

The changes to Section 004. on incorporation by reference are found in:

1. Subsection 01. - to update the rule to the most previously adopted version of the Idaho Content Standards;
2. Subsection 06. - to update the rule to the most previously adopted version of the Idaho Alternative Assessment Extended Content Standards and to revise the name of the standards to the Idaho Extended Content Standards; and
3. Subsection 07. - to update the rule to the most previously adopted version of the Idaho Alternative Assessment Extended Achievement Standards.

cc: State Department of Education: Superintendent Luna, Cindy Johnstone & Jean Taylor  
State Board of Education: Allison McClintick

## **IDAPA 08 - DEPARTMENT OF EDUCATION**

### **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0802**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is February 28, 2008 for cut scores and May 1, 2008 for content standards.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-2002, 33-105, and 33-107 Idaho Code, and 34 CFR Part 200 Title I - Improving the Academic Achievement of the Disadvantaged.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 18, 2008.

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 following are incorporated by reference into this rule: Cut-Score Ranges for the IAA Science Proficiency Levels and Proficiency Level descriptors for the 2008 Idaho Alternate Assessment.

The Idaho Alternative Assessment Extended Content Standards for Language Arts, Mathematics and Science are revised in alignment with the Idaho Content Standards as updated in 2006, and the name of standards is changed to the Idaho Extended Content Standards to better reflect the parallel alignment to the Idaho Content Standards.

The Idaho Content Standards will be updated to include course-specific math content standards for high school because current 9th and 10th grade standards do not reflect the additional courses required for the graduating class of 2013. These content standards are for Algebra I, Geometry, Algebra II, Math Analysis, Math Analysis of Personal Finance, Technical Math, Pre-calculus – Algebra, Pre-Calculus – Trigonometry AP Calculus and AP Statistics.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b) & (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This temporary rule is necessary because of compliance with deadlines in amendments to governing law or federal programs, and it confers a benefit on administrators, educators, parents and students.

**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

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the need for temporary rulemaking and the simple nature of the proposed rule change for the cut scores. A group of teachers worked together with the State Department of Education to refine and address the public comment received on the course-specific standards from what was proposed and vacated rulemaking from last year.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Cindy Johnstone, (208) 332-6975, for math content standards, Jean Taylor, (208) 332-6918, for extended content standard, or Allison McClintick from the State Board of Education, (208) 332-1579, for alternate assessment cut scores.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 25, 2008.

DATED this 1st Day of May, 2008.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State St., 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; f (208) 334-2228

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0802**

**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 ~~November 1~~ April 17, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (~~4-2-08~~(5-1-08)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 ~~Alternative Assessment~~ Extended Content Standards.** The Idaho ~~Alternative Assessment~~ Extended Content Standards as adopted by the State Board of Education on ~~April 20~~ April 17, 2006. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. (~~4-2-08~~(5-1-08)T)

**07. The Idaho Alternative Assessment Extended Achievement Standards.** Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on ~~April 20~~ February 28, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (~~4-2-08~~(2-28-08)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)