

Dear Senators MORTIMER, Thayn, Buckner-Webb, and
Representatives DEMORDAUNT, VanOrden, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Career-Technical Education:

IDAPA 55.01.03 - Rules of Career-Technical Schools - Proposed Rule (Docket No. 55-0103-1601).

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 10/31/2016. 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 11/30/2016.

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: Legislative Research Analyst - Kristin Ford

DATE: October 12, 2016

SUBJECT: Division of Career-Technical Education

IDAPA 55.01.03 - Rules of Career-Technical Schools - Proposed Rule (Docket No. 55-0103-1601)

The Division of Career-Technical Education submits notice of proposed rulemaking at IDAPA 55.01.03. The rule proposes to amend the Rules of Career-Technical Schools to add and amend definitions, change terms, revise the criteria for a career-technical school program, revise the deadline for the application process to receive funding for career-technical schools, clarify the method of calculating career-technical school average daily attendance, and revise the responsibilities of a career-technical school administrator. According to the agency, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules was published in the June 1, 2016 edition of the Idaho Administrative Bulletin.

For the most part, the proposed rule is within the agency's statutory authority under Section 33-1002G, and chapter 22 of Title 33, Idaho Code. There are two exceptions, however:

1. The proposed change to Rule 101(02) changes the term "Dual Credit" to "Advanced Opportunities." "Dual credit" is the criteria specified in Section 33-1002G, Idaho Code. "Advanced opportunities" is a broader term and therefore this change is in conflict with the narrower requirement in Idaho Code.
2. The proposed change to the application deadline in Rule 103, from "the first Friday in July" to "April 15" is also in conflict with Section 33-1002G, Idaho Code. The statute sets "the first Friday in July" as the application deadline. Changing the deadline to April 15 and providing for financial penalties for applications received after April 15th is not authorized by Section 33-1002G, Idaho Code.

The agency has been advised of our concerns and is looking further into the matter.

cc: Division of Career-Technical Education
Tracie Bent

IDAPA 55 - DIVISION OF CAREER-TECHNICAL EDUCATION

55.01.03 - RULES OF CAREER-TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1601

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 Sections 33-1002G, and 33-2202 through 33-2212, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons or more, a political subdivision, or an agency, not later than October 19, 2016.

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:

The proposed changes will update definitions, make technical corrections and provide clarification on the application processes and calculation of average daily attendance for Career Technical Schools for the purposes of calculating added cost funding.

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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, page 61](#).

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: N/A

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

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 October 26th, 2016.

DATED this 26th day of August, 2016.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
phone: (208)332-1582
fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0103-1601
(Only Those Sections With Amendments Are Shown.)

005. DEFINITIONS.

01. Administrator. An on-site school administrator, holding the appropriate career-technical education administrator endorsement. ()

02. Dual Credit. Pursuant to Section 33-5109, Idaho Code, dual credit may be granted for Advanced Placement, College Level Examination Program, or Tech Prep class offerings that are approved through an accredited institution of higher education. This does not have to be a one (1) credit for one (1) credit articulation. Competencies from multiple classes can count toward postsecondary credit/credits. **Advanced Opportunities.** Additional educational opportunities offered to students enrolled in career technical school programs, pursuant to state board of education governing policies and procedures. (3-30-01)()

03. Attendance Zones. For purposes of Section 33-1002G, Idaho Code, each high school is classified as an attendance zone. The attendance zone requirement can be met by having students enrolled in approved career-technical school courses from at least two (2) high school zones within a district or at least two (2) high school zones in different districts participate in the career-technical school. A minimum of fifteen percent (15%) of the total student body enrolled in an approved career-technical school intermediate or capstone course must reside in attendance zones apart from the attendance zone of the majority of students. Cooperative Service Agencies must meet the fifteen percent (15%) attendance criteria on a program-by-program basis. (3-30-01)()

04. Career-Technical Schools. Schools designed to provide high-end, state-of-the-art technical programs that foster quality technical education at the secondary level. 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. (3-30-01)

05. 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)

(BREAK IN CONTINUITY OF SECTIONS)

101. CAREER-TECHNICAL SCHOOL GENERAL APPROVAL CRITERIA.

For approval, applying districts/~~consortiums~~ Cooperative Service Agencies must meet at least four (4) of the five (5) criteria listed in Section 33-1002G, Idaho Code. Approval criteria: (3-30-01)()

01. High School Attendance Zones. Two (2) or more high school attendance zones. (3-30-01)

02. ~~Dual Credit~~ Advanced Opportunities. (3-30-01)()

03. Field Experience. (3-30-01)

04. Funded as a Separate School. (3-30-01)

05. Separate Site or Cooperative Service Agency. Located at a separate site or approved by the State Board of Education as a cooperative service agency. (3-30-01)

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. Be based on industry standards that are measurable using a competency-based evaluation system. (3-30-01)

b. Demonstrate a responsiveness to students' needs and to labor market needs. (3-30-01)

c. Contain a sequence of instruction that follows a set of industry competencies. (3-30-01)

d. Reinforce basic and advanced academic skills. (3-30-01)

e. ~~Have at least one (1) dual credit technical course or be approved for postsecondary credit as part of a Tech Prep agreement.~~ Meet the all of required standards defined through Technical Competency Credits, as outlined in State Board of Education Governing Policies and Procedures Section III.Y. and as aligned among participating postsecondary institutions. (3-30-01)()

f. Promote access and equity for all students and school personnel. (3-30-01)

g. Incorporate active input from an appropriately qualified business/industry technical advisory committee. (3-30-01)

h. Ensure that all programs implement instructional delivery methods that use current teaching and industry technologies. (3-30-01)

i. Employ instructors who hold career-technical certification to teach the occupation and who also hold a related industry-based credential or equivalent as approved by the Division of Career-Technical Education. (3-30-01)()

j. Promote the development of leadership, interpersonal and other cross-functional workplace skills through career-technical student organizations ~~or other appropriate means.~~ (3-30-01)()

k. Ensure that the instructional setting is appropriate and effective regarding: (3-30-01)

i. Student-teacher ratios. (3-30-01)

ii. Number of lab work stations. (3-30-01)

iii. Number of quality work-experience sites. (3-30-01)

iv. Safety. (3-30-01)

v. Work-experience agreements. (3-30-01)

vi. Facility maintenance. (3-30-01)

103. APPLICATION PROCESS.

Applications for career-technical school funding must be received by the Division of Career-Technical Education on or before ~~the first Friday in July~~ April 15 for the following fiscal year. In the case of application renewals, failure to meet the application deadline will result in a twenty-five percent (25%) reduction in CTS funding. In the event of a new school application, failure to meet the application deadline will result in a denial of the application.

(3-30-01)()

(BREAK IN CONTINUITY OF SECTIONS)

105. CAREER-TECHNICAL SCHOOL AVERAGE DAILY ATTENDANCE.

The Division of Career-Technical Education shall use the enrollment reports sent to the State Department of Education to calculate career-technical school average daily attendance (ADA) in accordance with applicable laws and rules (Section 33-1002, Idaho Code). Students in attendance at a qualifying career-technical school shall be reported as aggregate hours and/or aggregate attendance. The aggregate hours and aggregate attendance will be combined to calculate the ADA for the career-technical school. (3-30-01)

01. Aggregate Hours. The daily hours of all students enrolled in career-technical school approved intermediate and capstone courses who attend less than two and one-half (2.5) hours per day shall be added together and reported as weekly aggregate hours. (3-30-01)()

02. Aggregate Attendance. Students enrolled in career technical school approved intermediate and capstone courses who attending more than two and one-half (2.5) hours per day are to be reported as aggregate attendance. (3-30-01)()

(BREAK IN CONTINUITY OF SECTIONS)

108. ACCOUNTABILITY.

01. Assessment Process. The Division of Career-Technical Education shall develop an assessment process that includes measures and standards for career-technical school programs. (3-30-01)

02. Administrator Responsibility. The administrator of each career-technical school shall be responsible to provide a complete report for each program on the measures and standards at the end of each fiscal year onsite administration of the career technical school and submit all required career-technical school documentation, as outlined by the Division of Career-Technical Education. (3-30-01)()

03. Accreditation. Each career-technical school shall be accredited following Department of Education guidelines. This accreditation shall be appropriate for the individual type of career-technical school that is developed. (3-30-01)

04. School Improvement Plan. The administration, faculty and staff at each career-technical school shall be responsible to develop and implement a local school improvement plan based on the assessment process. (3-30-01)