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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the State Board of and State Department of Education - State Department of Education:
IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1903).

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 09/19/2019. 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 10/17/2019.

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 334-4854, or send a written request to the address on the memorandum attached below.
MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

FROM: Principal Legislative Drafting Attorney - Elizabeth Bowen

DATE: August 30, 2019

SUBJECT: State Board of and State Department of Education - State Department of Education

IDAPA 08.02.03 - Rules Governing Thoroughness - Temporary and Proposed Rule (Docket No. 08-0203-1903)

Summary and Stated Reasons for the Rule

This temporary and proposed rule incorporates by reference the Idaho Content Standards - Core Content Connectors, Science ("Connectors") for students with significant cognitive disabilities. The change is being made to align the Connectors with the recently updated Idaho Content Standards for Science.

Additionally, the rule creates a single, comprehensive science assessment covering high school science standards, which shall be administered to students in eleventh grade. This assessment replaces a prior assessment that did not cover all high school science standards.

Finally, the rule changes the timing of another assessment. Currently, the assessment is taken by students in seventh grade; it will now be taken by students in eighth grade.

The changes are being made to improve compliance with the federal Elementary and Secondary Education Act. The Governor finds that the temporary rule is justified because the changes are being made to comply with federal law.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted due to the nature of the rule change, which is to comply with federal law. There is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

The rule appears to be within the Department's statutory authority.

cc: State Board of and State Department of Education - State Department of Education
Helen Price

*** PLEASE NOTE ***
Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: 1) Approve the docket in its entirety; 2) Reject the docket in its entirety; or 3) Reject the docket in part.
EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2019.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code, and ESEA Section 1111(b)(1) and (2) and 34 CFR Sections 200.1-200.8.

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

<table>
<thead>
<tr>
<th>PUBLIC HEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, August 20th, 2019</td>
</tr>
<tr>
<td>6:00 p.m. to 8:00 p.m. (MDT)</td>
</tr>
</tbody>
</table>

State Department of Education
Barbara Morgan Conference Room
650 W. State Street, 2nd Floor
Boise, Idaho 83720

The hearing site 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 Elementary and Secondary Education Act (ESEA) requires that content standards for students with significant cognitive disabilities be aligned with general education standards. The Idaho Content Standards - Core Content Connectors, Science (Connectors) replaces the Idaho Extended Content Standards found at 08.02.03.004.05. The Connectors are aligned to the recently updated Idaho Content Standards for Science.

The ESEA requires states to have challenging academic content and achievement standards and to administer assessments aligned to these standards to all students. Further, ESEA requires that an assessment in science be administered at least once to all students in grade bands 3-5, 6-9, and 10-12. At present, the assessment is not aligned with science content standards, and in the 10-12 grade band, the assessment is an end of course assessment in either biology or chemistry. The end of course assessment in biology or chemistry is changed to a single, comprehensive science assessment, covering all high school science standards, administered in grade 11, and the grade band 6-9 assessment is moved from Grade 7 to Grade 8.

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: Compliance with ESEA.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because compliance with the ESEA is not negotiable. Though no Notice of Intent to Promulgate Rules was published, after engagement with stakeholders during the development of the updated science content standards, and
in ongoing engagement since the adoption, stakeholders including educators, administrators, and parents agree the science standards are structured in a spiraled sequence that build on the skills in grade bands 3-5, 6-8, and high school. Engagement conversations between the Department of Education (Department) and these stakeholders have focused on administering assessments at the end of each of the grade bands (elementary school, middle school, and high-school), as this timeframe allows for teaching and learning progression of the standards in elementary, middle, and high school, while recognizing course sequences of the science domains (earth science, physical science, and life science) that vary across the state’s local education agencies. Secondary teachers contributed perspectives on not limiting the high school science assessment to a single science domain (e.g., life science or earth science), as it restricts the value of a well-rounded science education and preparation of Idaho’s students in necessary science skills and knowledge.

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:

The Idaho Extended Content Standards is currently incorporated by reference and will be replaced by the Idaho Extended Content Standards - Core Content Connectors, Science. Because of the number of pages in the document, republication of the text would be unduly cumbersome and expensive. A complete copy of the Idaho Extended Content Standards - Core Content Connectors, Science can be found at http://sde.idaho.gov/topics/admin-rules/.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Karlynn Laraway, Director of Assessment and Accountability, at klaraway@sde.idaho.gov or (208) 332-6976.

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 August 28, 2019.

Dated this 19th Day of June, 2019.

Sherri Ybarra
Superintendent of Public Instruction
650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
Office: (208) 332-6800
Fax: (208) 334-2228

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT OF DOCKET NO. 08-0203-1903
(Only Those Sections With Amendments Are Shown.)

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. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at https://boardofed.idaho.gov.     (3-29-10)

a. Arts and Humanities Categories:     (3-24-17)

i. Dance, as revised and adopted on August 11, 2016;     (3-24-17)
ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
iii. Media Arts, as adopted on August 11, 2016. (3-24-17)
iv. Music, as revised and adopted on August 11, 2016; (3-24-17)
v. Theater, as revised and adopted on August 11, 2016; (3-24-17)
vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
b. Computer Science, adopted on November 28, 2016. (3-24-17)
c. Driver Education, as revised and adopted on August 10, 2017. (3-28-18)
d. English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
e. Health, as revised and adopted on August 11, 2016. (3-24-17)
f. Information and Communication Technology, as revised and adopted on August 10, 2017. (3-28-18)
g. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
h. Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
i. Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
j. Science, as revised and adopted on August 10, 2017. (3-28-17)
k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
m. Career Technical Education Categories:
   i. Agricultural and Natural Resources, as revised and adopted on August 16, 2018. (4-11-19)
   ii. Business and Marketing Education, as revised and adopted on August 31, 2017. (3-28-18)
   iii. Engineering and Technology Education, as revised and adopted on August 16, 2018. (4-11-19)
   iv. Health Sciences, as adopted on August 16, 2018. (4-11-19)
   v. Family and Consumer Sciences, as revised and adopted on August 16, 2018. (4-11-19)
   vi. Skilled and Technical Sciences, as revised and adopted on August 16, 2018. (4-11-19)
   vii. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

02. The English Language Development (ELD) Standards. The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)
03. **The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards.** The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at https://boardofed.idaho.gov. (3-28-18)

04. **The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at https://boardofed.idaho.gov. (3-29-17)

05. **The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on August 10, 2017. Copies of the document can be found on the State Board of Education website at https://boardofed.idaho.gov. (3-28-18)

06. **The Idaho Content Standards Core Content Connectors.** The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education on August 10, 2017. Copies of the document can be found at the State Board of Education website at https://boardofed.idaho.gov. (3-28-18)

   a. English Language Arts, as adopted by the State Board of Education on August 10, 2017. (3-28-18)

   b. Mathematics, as adopted by the State Board of Education on August 10, 2017. (3-28-18)

   c. Science, as adopted by the State Board of Education on June 19, 2019. (7-1-19)

07. **The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at https://boardofed.idaho.gov. (3-28-18)

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 https://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 https://boardofed.idaho.gov. (4-2-08)


**BREAK IN CONTINUITY OF SECTIONS**

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:

   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 112.05.g.iv., 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 during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take Idaho’s English language assessment in lieu of the English language ISAT, but will still be required to take the ISAT (Mathematics and Science). Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.05.e. However, such LEP students are not required to be counted for accountability purposes as described in Subsection 112.05.i.  
   (3-29-17)

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.n. 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. 

   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, Idaho Alternate Assessment, Idaho English Language Assessment. (4-11-15)
   d. Grade 3 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment, Idaho English Language Assessment. (3-29-17)
   e. Grade 4 - National Assessment of Educational Progress, Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)
   f. Grade 5 - Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. (3-29-17)
   g. Grade 6 - Idaho Standards Achievement Tests, Idaho Alternate Assessment, in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)
   h. Grade 7 - Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)
   i. Grade 8 - National Assessment of Educational Progress; Grade 8 Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)
   j. Grade 9 - High School Idaho Standards Achievement Tests (optional at the discretion of the school district or charter school), Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)
   k. Grade 10 - High School Idaho Standards Achievement Tests in English language usage and mathematics; Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
   l. Grade 11 - High School Idaho Standards Achievement Test in science, Idaho Alternate Assessment, Idaho English Language Assessment, college entrance exam. (3-29-17)
   m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)

   n. Students are required to take a high school End of Course Assessment in science provided by the state and administered by the districts as applicable to the course completed by the students. (3-29-17)

07. **Comprehensive Assessment Program Schedule.** 

   a. The Idaho Reading Indicator will be administered in accordance with Section 33-1615, Idaho Code. (3-29-17)
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 in the Spring in a time period specified by the State Board of Education. (4-11-15)

d. The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)

e. Idaho’s English Language Assessment will be administered in a time period specified by the State Board of Education. (3-29-17)

08. Costs Paid by the State. Costs for the following testing activities will be paid by the state:

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)


a. 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)

b. 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:

a. The Idaho Standards Achievement Tests (grades 3-8 and High School). (3-15-02)

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)
INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

STATE BOARD AND STATE DEPARTMENT OF EDUCATION
IDAPA 08.02.03 - Rules Governing Thoroughness
Proposed Rulemaking - Docket No. 08-0203-1903

The last remaining section of the Idaho Extended Content Standards, the Science section, has been removed and replaced by a new incorporated document, the Idaho Extended Content Standards Core Content Connectors (Connectors) in Science.

The Idaho Extended Content Standards, standards aligned to the alternate assessment, were adopted in 2008 and are no longer aligned with Idaho Content Standards in Science, which were updated in 2018.

The purpose of the Connectors is to identify the most salient core academic content in Science found in the Idaho Content Standards. The Connectors identify priorities for the instruction of students identified as having significant cognitive disabilities and align with the alternate assessment. They illustrate the necessary knowledge and skills students with significant cognitive disabilities need to reach the learning targets or critical big ideas within the state standard. The Connectors help promote how students can engage in the Idaho Content Standards while following the learning progression. They contribute to a fully aligned system of content, instruction, and assessment.

The Connectors have the following characteristics:

- Sequenced to help guide meaningful instruction for students with significant cognitive disabilities and lead to enduring skills in successive grades;
- Written as outcome based, which provides a description of what students should know and do;
- Written with high level of expectations for students with significant cognitive disabilities; and
- Align to grade-level standards to provide access to the general education curriculum.