

Dear Senators LENT, Toews, Ward-Engelking, and
Representatives YAMAMOTO, McCann, Berch:

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 08.02.01 - Rules Governing Administration - Temporary and Proposed Rule (Docket No. 08-0201-2401).

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 08/14/2024. 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 09/11/2024.

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.



Terri Kondeff
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: Senior Legislative Drafting Attorney - Peter Cook

DATE: July 29, 2024

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

IDAPA 08.02.01 - Rules Governing Administration - Temporary and Proposed Rule (Docket No. 08-0201-2401)

Summary and Stated Reasons for the Rule

The temporary and proposed rule adds two new data elements to the State Board of Education's data collection rule in IDAPA 08.02.01.251, to include the following data elements: "Responsible District/School" and "Physically on Campus." The State Board of Education states that these two data elements are needed because the passage of House Bill 422 (2024) and House Bill 521 (2024), which changed facilities funding provisions to condition certain funding upon whether a student is physically present on school grounds during a school day. The State Board of Education states that this change is necessary "to allow for the collection of the data points will give the board the ability to properly assist the [Idaho Department of Education] with calculating various funding streams." It appears that in order for this funding to be distributed in compliance with the new provisions, it is necessary to collect information concerning whether a student is present on school grounds and which school district is responsible for each school grounds at student is present at during a school day.

Negotiated Rulemaking / Fiscal Impact

The State Board of Education states that negotiated rulemaking was not conducted because a temporary rule is required to update the data collection for the purpose of enabling compliant reporting as required by House Bill 422 (2024) and House Bill 521 (2024), both of which are effective as of July 1, 2024. The State Board of Education states that the temporary and proposed rules will not have an impact on the state General Fund greater than \$10,000 during the fiscal year.

Statutory Authority

It appears that the State Board of Education has the authority to promulgate the temporary and proposed rules based on Sections 33-101, 33-105, 33-107, 33-116, 33-117, 33-1403, Idaho Code; and Sections 67-5221(1) and 67-5226, Idaho Code.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

cc: State Board of and State Department of Education - State Department of Education
Nicholas Wagner

***** 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.

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.01 – RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-2401

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

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 33-101, 33-105, 33-107, 33-116, 33-117, 33-308, 33-320, 33-310B, 33-512, 33-513, 33-905, 33-1279, 33-1403, 33-1405, 33-2004 and Chapter 10, Title 33, Idaho Code.

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 July 17, 2024.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made at least one (1) day prior to the meeting 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:

To ensure conformity with recent changes to legislation made by H422 (2024) and H521 (2024), “Responsible District/School” and “Physically on Campus” two additional data points will need to be collected through the Idaho System of Educational Excellence (ISEE) data collection system. These data points must be identified in subsection 251.01. Updates in the rule to allow for the collection of the data points will give the board the ability to properly assist the IDE with calculating various funding streams.

Specifically, recent legislation requires that the board update data elements to Subsection 08.02.01.251.01. Additional data points will include identification of the “Responsible District” for each student and an indicator of whether the student is “Physically on Campus.” The former will allow the board to identify which district is primarily responsible for a student when they are dual-enrolled or reported in multiple locations, and the latter allows the board to collect validation data on whether a student is attending physically on campus to support the requirements of participation in certain facility funding streams.

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

As the legislative changes go into effect on July 1, 2024, data collection requirements must also be updated at that time. This will ensure that schools are prepared to submit the necessary data and that the ISEE system is prepared to receive the data necessary to ensure compliance with the recent legislative changes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking will not be conducted because a temporary rule is required to update the data collection for the purpose of enabling compliant reporting as required by H422 (2024) and H521 (2024).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

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 July 24, 2024.

DATED this 17th day of May, 2024.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586, fax: (208)334-2632

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0201-2401**

08.02.01 – RULES GOVERNING ADMINISTRATION

251. DATA COLLECTION.

LEA's will report the required information for state and federal reporting and decision-making. The reporting will be done in accordance with the requirements established in Chapter 10, Title 33, Idaho Code, or as needed for state and federal purposes. Each LEA is required to verify and assure the accuracy of the data submitted on a timeframe established by the state board of education or its designee. (3-15-22)

01. State Data System. In accordance with the provisions of Section 33-133, Idaho Code, the following data elements will be added to the state data system: (3-15-22)

- a. Grade Point Average (GPA); ~~and~~ ~~(3-15-22)~~(7-1-24)T
- b. Chronic Absenteeism; (3-15-22)
- c. Student address; (3-15-22)
- d. Responsible District/School; and** **(7-1-24)T**
- e. Physically on Campus.** **(7-1-24)T**