

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:

IDAPA 08.04.01 - Rules of the Idaho Digital Learning Academy - Proposed Rule (Docket No.
08-0401-2401).

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 11/29/2024. 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 12/27/2024.

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: November 12, 2024

SUBJECT: State Board of and State Department of Education

IDAPA 08.04.01 - Rules of the Idaho Digital Learning Academy - Proposed Rule (Docket No. 08-0401-2401)

Summary and Stated Reasons for the Rule

The State Board of Education submits notice of temporary and proposed rule at IDAPA 08.04.01 - Rules of the Idaho Digital Learning Academy. The State Board of Education states that the 2024 Legislature reviewed proposed amendments to IDAPA 08.04.01, however, concurrent resolutions HCR32 and SCR122 were not in alignment and none of the proposed rules for this section were adopted. The State Board of Education is proposing a more limited set of revisions from what was brought last year, and this proposed rule docket only includes one revision to the rules of the Idaho Digital Learning Academy (IDLA); specifically, a change that will allow IDLA, in collaboration with the local education agency (LEA), to determine comprehensive assessment requirements for their students enrolled in IDLA courses. The proposed rule will allow either a comprehensive final exam or a comprehensive final project to fulfill the comprehensive assessment requirement. Currently, the rule only provides for a comprehensive final exam.

Negotiated Rulemaking / Fiscal Impact

The State Board of Education states that negotiated rulemaking was conducted and that there will not be any impact on the state General Fund greater than ten thousand dollars (\$10,000).

Statutory Authority

The proposed rules in Docket 08-0401-2401 appears to be within the State Board of Education's authority pursuant to Article IX, Section 2 of the Idaho constitution and Chapter 55, Title 33, Idaho Code.

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

*** PLEASE NOTE ***

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

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

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
08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY
DOCKET NO. 08-0401-2401
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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-5504, 33-5505, 33-5507, and Chapter 55, 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 October 16, 2024.

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 2024 Legislature reviewed 08.04.01 rule amendments. Concurrent resolutions HCR32 and SCR122 were not in alignment on a single point of revision and therefore none of the proposed amendments passed. Specifically, the House Education Committee rejected the proposed removal of language in subsection 102.03 requiring faculty to contact students within the first 24 hours of class. The Senate Education Committee did not reject this proposed amendment. All other proposed revisions were not contested by either germane committee. IDLA has requested to bring forward in 2025 the same proposed revisions, excluding the section that did not achieve consensus in 2024.

The proposed change will allow IDLA in collaboration with the local education agency (LEA) to determine comprehensive assessment requirements for their students enrolled in Idaho Digital Learning Academy (IDLA) courses. This proposed change reflects similar language in 08.04.01, Section 01 under Accountability recognizing the partnership between IDLA and the local school enrolling the student. The current language specifies a more traditional assessment. The proposed language will provide for a broader definition and allow for portfolios or other demonstrations of learning to serve as the final assessment when deemed appropriate by IDLA and the LEA. This minor adjustment to 08.04.01 recognizes the authority of LEAs. The adjustment to 08.04.01 does not increase regulation.

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 resulting from this rulemaking: NA

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 5, 2024 Idaho Administrative Bulletin, [Volume 24-6, page 22](#).

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 proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 October 23, 2024.

DATED this 23rd day of August, 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 PROPOSED TEXT OF DOCKET NO. 08-0401-2401
(Only Those Sections With Amendments Are Shown.)

08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY

102. ACCOUNTABILITY.

01. Exams. Each IDLA course will require the student to ~~take complete, at the discretion of the LEA,~~ either a comprehensive final exam at an approved site under proctored conditions or a comprehensive final project. (3-15-22)()

02. Student Work and Ethical Conduct. (3-15-22)

a. IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out in the IDLA student handbook which is made available online at all times and is communicated to each student and parent prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. (3-15-22)

b. Acceptable use and behavior in a distance-learning environment is determined by local school district's policies IDLA students and parents will be informed by the IDLA AUP specifically governing behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. (3-15-22)

c. In a case of violation of the acceptable use policy or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. (3-15-22)

d. The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a special board meeting to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the board meeting. (3-15-22)

03. Teacher Interaction. IDLA faculty are required to contact students within the first twenty-four (24) hours of class. Contact includes phone, e-mail, web conferencing, or other technological means. IDLA is required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district for transcription to the student's academic record. (3-15-22)