



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Senators MORTIMER, Thayn, Buckner-Webb and,
Representatives VANORDEN, McDonald, Kloc

FROM: Kristin Ford - Legislative Research Analyst

DATE: December 08, 2016

SUBJECT: Temporary Rule

IDAPA 08.02.01 - Rules Governing Administration - Adoption of Temporary Rule - Docket No.
08-0201-1605

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Kristin Ford at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.01 – RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1605

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 19, 2016.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 33-101, 33-105, 33-107, 33-116, 33-1004B and 33-1004D, Idaho Code, and Article IX, Section 2, Idaho Constitution.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This rule clarifies that each of the performance criteria/component needed for calculating movement on the Career Ladder must be reported annually to the State Department of Education so the State Department of Education may calculate movement on the Career Ladder for determining a school district or public charter schools salary based apportionment. The components necessary for computing movement are specified in Section 33-1001, Idaho Code. These requirements include obtaining a professional endorsement for movement from the residency rung to the professional rung on the Career Ladder. The professional endorsement requirements are specified in Section 33-1201A, Idaho Code. There is one additional component in the professional endorsement requirements that is not included in the Career Ladder requirements that are specified in Section 33-1001, Idaho Code, which is having an Individualized Professional Learning Plan. This component is also required for individuals wishing to apply for the Master Teacher Premium, starting July 1, 2019. Currently only one of the components is being collected, that is the overall rating on the state framework for teaching evaluation. This rule will add four additional data elements to the instructional/pupil service staff records that are currently required to be submitted to the State Department of Education. The required components/data elements are: Overall rating on the evaluation (already reported); number of components of the evaluation rated as unsatisfactory; did a majority of the teachers students meet their student achievement targets or student success indicator targets (yes/no); what tool, or tools, were used for measuring student achievement or student success (multiple choice); and does the individual have an individualized professional learning plan.

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:

The Career Ladder sets out specific performance criteria that are required to be met for movement on the Career Ladder from one cell to the next, as well as, movement from the residency rung to the professional rung. Section 33-1001, Idaho Code outlines each of the components/data elements necessary for calculating whether or not an individual has met the performance criteria and is eligible to move. Section 33-1004B, Idaho Code, requires each school district to submit annually the data necessary to determine whether an individual has met the performance criteria for movement on the Career Ladder and then requires the State Department of Education to calculate annually whether the individual has met the criteria based on the data submitted.

Calculating the movement on the Career Ladder for FY2019 and beyond is contingent on data collected starting in the 2015-2016 school year. It is necessary to promulgate a temporary rule to clarify exactly what data elements are collected to calculate movement on the Career Ladder so that data may be collected not only for the 2016-2017 school year, but also, retroactively for the 2015-2016 school year. If the data is not collected, the State Department of Education will not be able to do the calculations necessary to determine if the individuals have met all of the performance criteria and are thereby eligible to move on the Career Ladder. If the calculation cannot be completed it could result in a lesser amount being distributed to an individual school district or public charter school for their salary based apportionment.

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

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

DATED this 2nd day of November, 2016.

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0037
Tel: (208) 332-1582 / Fax: (208) 334-2632

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0201-1605
(Only Those Sections With Amendments Are Shown.)**

251. CAREER LADDER DATA COLLECTION.

School districts and charter schools must submit annually each component (data element) required to determine if an instructional staff or pupil service staff member has met the performance criteria required for movement on the applicable compensation rung of the career ladder starting with instructional staff employed in FY2016 and pupil service staff employed in FY2017. (Section 33-1004B, Idaho Code). (10-19-16)T

01. Required Components. The required components for each instructional staff or pupil service staff member include: (10-19-16)T

a. Summative rating on the state framework for teaching evaluation established in IDAPA 08.02.02.120; and (10-19-16)T

b. Number of components on the state framework for teaching evaluation rated as unsatisfactory; and (10-19-16)T

c. Did the majority of the employees students meet their measurable student achievement or growth targets or student success indicator targets; and (10-19-16)T

d. Which measurable student achievement or growth or student success indicators were used; and (10-19-16)T

e. Did the employee have an individualized professional learning plan (yes/no). (10-19-16)T

~~251~~ -- 299. (RESERVED)