

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 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. 08-0203-1606).

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 06/23/2016. 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 07/22/2016.

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: June 06, 2016

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. 08-0203-1606)

The State Board of and State Department of Education submits notice of temporary and proposed rule-making at IDAPA 08.02.03 - Rules Governing Thoroughness.

The purpose of this temporary and proposed rule is to update the terminology for and contents of the Achievement Standards for the Idaho Standards Achievement Tests (ISAT) . These "Standards" have been renamed "Level Descriptors" to clarify the description and avoid confusion. The State Board of Education approved a revision to the Idaho Academic Achievement Standards on April 14, 2016. The Governor has found that a temporary rule is justified because students began testing in March 2016 and the new achievement level cut scores need to be known in order to score the assessments. As with the previous edition, the standards are incorporated by reference because the document is lengthy and republication of the text would be unduly cumbersome and expensive. The agency has provided the incorporation by reference synopsis of changes required under section 67-5229, Idaho Code.

Further, the agency notes that negotiated rulemaking was not conducted because the rule is necessary to comply with the federal Elementary and Secondary Education Act.

The proposed rule change by the Board of and State Department of Education appears to be within their statutory authority pursuant to sections 33-105 and 33-1612, Idaho Code.

cc: State Board of and State Department of Education - State Department of Education
Jo Ann Bujarski

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1606

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 14, 2016.

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 33-105 and 33-1612, 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 June 15, 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 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 State Board of Education approved a revision to the Idaho Academic Achievement Standards on April 14, 2016. These standards include the proficiency level descriptors and the ISAT achievement levels at each performance level for each grade. To clarify the description and avoid confusion, the term "standards" has been changed to "level descriptors." These new achievement level cut scores for the Idaho Standards Achievement Test (ISAT) are reflected in the document that is incorporated by reference. The revision date of the standards being incorporated by reference for the ISAT reflects the date the revisions were approved by the Board.

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:

A temporary rule is necessary for the 2015-2016 school year to represent the achievement descriptive/cut scores for the ISAT and to be in compliance with the Elementary and Secondary Education Act. The students began testing in March 2016 and these cut scores need to be known in order to score the assessments.

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 was not conducted because this rule is necessary to comply with the Elementary and Secondary Education Act.

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:

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the incorporated by reference document can be found on our website at 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 Dr. Cheryl Finley, Director of Assessment, at (208) 332-6976 or cfinley@sde.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 June 22, 2016. More information can also be found on our website at sde.idaho.gov/topics/admin-rules/.

DATED this 27th Day of April, 2016.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street, 2nd Floor
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. 08-0203-1606
(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 www.boardofed.idaho.gov. (3-29-10)

- a.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b.** Health, as revised and adopted on April 17, 2009. (3-29-10)
- c.** Humanities Categories: (3-29-10)
 - i.** Art, as revised and adopted on April 17, 2009; (3-29-10)
 - ii.** Dance, as revised and adopted on April 17, 2009; (3-29-10)
 - iii.** Drama, as revised and adopted on April 17, 2009; (3-29-10)
 - iv.** Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
 - v.** Music, as revised and adopted on April 17, 2009; (3-29-10)
 - vi.** World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d.** English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f.** Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g.** Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h.** Science, as revised and adopted on April 17, 2009. (3-29-10)
- i.** Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

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 Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

05. The Idaho Standards Achievement Tests (ISAT) Achievement ~~Standards~~ Level Descriptors. Achievement ~~Standards~~ Level Descriptors as adopted by the State Board of Education on ~~May 30, 2007~~ April 14, 2016. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (~~4-2-08~~)(4-14-16)T

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at www.boardofed.idaho.gov. (5-8-09)

07. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-12)

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 www.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 www.boardofed.idaho.gov. (4-2-08)

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the changes made to the current version or edition of the documents or materials incorporated by reference in the rule and the newly revised or amended documents or materials that are being proposed for adoption 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 OF EDUCATION AND DEPARTMENT OF EDUCATION
IDAPA 08.02.03 - Rules Governing Thoroughness
Proposed Rulemaking - Docket No. 08-0203-1606**

This is a synopsis of the changes to the Idaho Standards Achievement Tests (ISAT) Achievement Standards that are incorporated by reference in IDAPA 08.02.03, "Rules Governing Thoroughness," Subsection 004.05.

Lowest and highest possible scores for the achievement level cut scores were modified at the winter meeting of the Multi-Agency Assessment Consortium. The standard was revised to include this change and is now being incorporated by reference into the rule through this rulemaking. Also added are defined descriptors for mathematics grades 9 and 10. Removed from the document was background information concerning the establishment of cut scores. In addition, the term "standards" has been changed to "level descriptors" to clarify the description and avoid confusion. Finally, the ISAT Achievement Level Descriptors document has been reformatted for easier use.