

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

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. 08-0203-1708).

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 06/29/2017. 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 07/28/2017.

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: Senior Legislative Research Analyst - Elizabeth Bowen

DATE: June 12, 2017

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. 08-0203-1708)

The State Board of Education and State Department of Education submit notice of temporary and proposed rulemaking at IDAPA 08.02.03. The purpose of the rule is to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. This is necessary in order to recognize Idaho students' scores on the assessment and to include the scores in reports required under the federal Every Student Succeeds Act (ESSA).

Negotiated rulemaking was not conducted due to the nature of the rule change. The Governor finds that a temporary rule is justified in order to score the assessments taken by Idaho students this year and to include their scores in required reports. There is no anticipated fiscal impact on the state general fund. This rulemaking is authorized pursuant to sections 33-105, 33-1612, and 33-1617, Idaho Code.

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

IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1708

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 20, 2017.

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, 33-1612, and 33-1617, 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 21, 2017.

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:

This rule is needed to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The assessment was administered in the Spring of 2017. This rule is necessary to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.

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

To score the assessments English Learner students took this year and to provide score reports, the State Department of Education must adopt the cut scores. The temporary rule will allow for the proper and accurate identification of a student's proficiency and achievement levels.

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:
There is no fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is necessary to comply with the Every Student Succeeds Act (ESSA). The English Language Proficiency Assessment (ELPA) Achievement Standards were set by a consortium standards review committee on which Idaho educators served.

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 English Language Proficiency Assessment (ELPA) Achievement Standards must be incorporated by reference to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Karlynn Laraway at (208) 332-6976.

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 28, 2017.

DATED this 20th Day of April, 2017.

Sherri Ybarra
Superintendent of Public Instruction
Office: (208) 332-6800 / Fax: (208) 334-2228

650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1708
(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.** 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 21, 2008. (3-29-10)
- 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 April 22, 2010. (4-7-11)
- 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 December 15, 2016. (12-15-16)T

- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** Career Technical Education Categories: (3-29-17)
- i.** Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
- ii.** Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
- iii.** Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
- iv.** Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
- v.** Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
- vi.** 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 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 Proficiency Assessment (ELPA) Achievement Standards.** The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on April 20, 2017. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-20-17)T
- 045.** **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 www.boardofed.idaho.gov. (3-29-17)
- 056.** **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)
- 067.** **The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on September 3, 2015. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (10-20-16)T
- 078.** **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)
- 089.** **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)
- 109.** **The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-17)