

IDAPA 08 – OFFICIAL AGENCY NAME

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1602

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 11, 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 33-320, 33-1212A, and 33-1616 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) or more persons, a political subdivision, or an agency, not later than October 19, 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:

During the 2016 legislative session amendments were made to the Continuous Improvement Plan requirements, Literacy Intervention Plan requirements, and College and Career Advising Plan requirements. These amendments set minimum reporting requirements for the Continuous Improvement Plans and tying Literacy Improvement Plans and College and Career Advising Plan reporting to the Continuous Improvement Plans. The proposed amendments set out the statewide readiness and improvement metrics, literacy intervention plan requirements and reporting metrics, and college and career advising plan requirements and minimum metrics.

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 proposed changes are necessary to come into compliance to amendments to Section 33-320, Idaho Code, Section 33-1212A, Idaho Code, and Section 33-1616, Idaho Code.

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

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: N/A

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 July 6, 2016 Idaho Administrative Bulletin, V16-7, pg. 50.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov. 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 26, 2016.

DATED this 26th day of August, 2016.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education

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**IDAPA 08
TITLE 02
CHAPTER 01**

08.02.01 – RULES GOVERNING ADMINISTRATION

801. CONTINUOUS IMPROVEMENT PLANNING AND TRAINING.

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that includes a continuous improvement process focused on improving student performance of the LEA. (3-25-16)

01. Definitions. (4-11-15)

a. Administrator. As used in this section administrator means the superintendent of the school district or administrator of a charter school. (4-11-15)

b. Board. Board means the Idaho State Board of Education. (4-11-15)

c. Executive Director. Executive Director means the Executive Director of the Idaho State Board of Education. (4-11-15)

d. Local Education Agency Board. As used in this section local education agency or LEA Board means the board of trustees of a school district or board of directors of a charter school. (4-11-15)

e. Local Education Agency. As used in this section local education agency (LEA) means public school district or charter school. (4-11-15)

f. Continuous Improvement Plan. As used in this section, a continuous improvement plan focuses on annual measurable outcomes and the analysis of data to assess and prioritize needs and measure outcomes. (3-25-16)

02. Reimbursement Eligibility. LEA's may request reimbursement for training conducted pursuant to Section 33-320, Idaho Code. To be eligible for reimbursement the training and trainer must meet the following criteria: (4-11-15)

a. Training. The training must cover one (1) or more the follow subjects: (4-11-15)

i. Continuous improvement planning training. Continuous improvement planning training must include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes; (3-25-16)

ii. School finance; (4-11-15)

iii. Administrator evaluations, including, but not limited to, specifics on the Idaho state evaluation requirements and framework; (4-11-15)

iv. Ethics; or (4-11-15)

- v. Governance. (4-11-15)
- b. Documentation of Training. Training records shall be kept by the LEA showing: (4-11-15)
 - i. The length of the training in hours; (4-11-15)
 - ii. The subject(s) covered by the training; (4-11-15)
 - iii. The participants included in the training or validation of attendance of specific participants as applicable; and (4-11-15)
 - iv. The curriculum, agenda, or other documentation detailing the content of the training. (4-11-15)
- c. Training Format. A majority of the LEA board and the administrator must collaborate on the continuous improvement plan and engage students, parents, educators and the community, as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Sufficient time must be provided during the sessions to give the participants an opportunity to discuss issues specific to the LEA. (3-25-16)
- d. Trainer Qualifications. The trainer must meet the following qualifications: (4-11-15)
 - i. May not be a current employee of the LEA; (4-11-15)
 - ii. Must have two (2) years of documented training experience in the area of training being provided for the LEA; and (4-11-15)
 - iii. Must provide at least three (3) recommendations from individuals who participated in past training sessions conducted by the trainer. These recommendations must be included with the application to determine the trainer's qualifications. (4-11-15)
- e. Qualified Trainers. Trainer qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. (4-11-15)
 - i. An individual or company may submit an application for consideration to be placed on the list of qualified trainers or the LEA may submit the application on behalf of the individual or company. (4-11-15)
 - ii. Applications must be submitted to the Executive Director in a format established by the Executive Director. (4-11-15)
 - iii. Trainer qualifications must be determined prior to the LEA's request for reimbursement of training costs. (4-11-15)

~~03. Reimbursement. Up to two thousand dollars (\$2,000) per state fiscal year will be reimbursed to the LEA for training costs. Reimbursement will be based on actual expenditures related to the training delivered.~~
(4-11-15) T(8-11-16)

0403. Audit. If requested, LEA's must provide training documentation or other information to verify eligibility prior to reimbursement. (4-11-15) T(8-11-16)

04. Statewide Continuous Improvement Measures. Multiple measures must be used to fully determine student readiness and improvement. At a minimum each continuous improvement plan shall include the statewide student readiness and improvement metrics. The benchmark for each metric shall be set by the LEA. T(8-11-16)

a. The career and college readiness metric shall be the number and percentage of students meeting the college ready benchmark in mathematics and English Language Arts on a state recognized college entrance exam. Improvement shall be measured by year over year growth in the percentage of students meeting the college readiness benchmark. T(8-11-16)

b. The high school readiness metric shall be the number and percentage of students meeting proficient or advanced on the grade 8 Idaho standards achievement test in mathematics and English language usage. Improvement shall be measured by year over year growth in the percentage of students scoring proficient or advanced. T(8-11-16)

c. The grade 7 readiness metric shall be the number and percentage of students meeting proficient or advanced on the grade 6 Idaho standards achievement test in mathematics and English language usage. Improvement shall be measured by year over year growth in the percentage of students scoring proficient or advanced. T(8-11-16)

d. The grade 4 reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade 3 statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. T(8-11-16)

e. The grade 3 reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade 2 statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. T(8-11-16)

f. The grade 2 reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade 1 statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. T(8-11-16)

g. The grade 1 reading readiness metric shall be the number and percentage of students reading at grade level on the spring kindergarten statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. T(8-11-16)

05. Annual Literacy Intervention Plan. Annually each LEA will report on the effectiveness of the LEA's literacy intervention plan. Plans and reports are due by October 1 of each year. Plans shall include at a minimum: T(8-11-16)

a. Summary of literacy interventions used at each grade level. T(8-11-16)

b. Previous year literacy intervention expenditures. T(8-11-16)

c. Projected literacy plan budget for the current school year. T(8-11-16)

d. Metrics chosen by the LEA to determine effectiveness of the literacy plan and annual performance benchmarks. T(8-11-16)

e. Performance on metrics chosen to show program effectiveness for at a minimum the previous academic year. T(8-11-16)

06. College and Career Advising and Mentoring Plans. Annually each LEA shall submit their college and career advising and mentoring plan to the State Board of Education by October 1.

a. Plans shall include: T(8-11-16)

i. Description of the college and career advising or mentoring model used by the LEA. T(8-11-16)

ii. Summary of college and career advising and mentoring used at each grade level, grade 8 through 12, as applicable to the grade ranges enrolled at the LEA. T(8-11-16)

iii. Previous year college and career advising and mentoring plan expenditures. College and career advising and mentoring plans submitted for the 2016-2017 school year must show how the additional funds received will be used to expand current college and career advising and mentoring in the schools. Additional funds shall not be used to supplant current efforts. T(8-11-16)

iv. Projected college and career advising and mentoring plan budget for current school year. T(8-11-16)

v. Required metrics and metrics chosen by the LEA to determine effectiveness of the college and career advising and mentoring plan, baseline data and annual benchmarks. T(8-11-16)

b. Performance on all effectiveness metrics shall be reported annually in the LEA's Continuous Improvement Plan annual report. T(8-11-16)

c. At a minimum effectiveness metrics must include: T(8-11-16)

i. Number of learning plans developed during grade 8. T(8-11-16)

ii. Number of learning plans reviewed annually by grade level, in grade 9 through grade 12. T(8-11-16)

iii. Number of students served annually by grade level. T(8-11-16)

iv. Number and percent of students who go on to some form of postsecondary education one and two years after graduation. T(8-11-16)

v. Number of students graduating high school with a career technical certificate or associates degree. T(8-11-16)