

**Idaho Department of Education
Public Schools Agenda**

STATE BOARD OF EDUCATION

March 6, 2003

**Boise State University SUB
Lookout Room**

- A. Request for School Bus Construction Waiver, Rod McKnight**
- B. High Schools That Work, Dr. Eugene Bottoms**
- C. National Assessment of Educational Progress, Bert Stoneberg**
- D. Federal No Child Left Behind Act (NCLB), Tom Farley**
- E. Superintendent's Report, Marilyn Howard**

A. SUBJECT:

Approval for APA Negotiated Rulemaking: New School Bus Construction Standard Waiver – Service Brake Pressure Application Gauge

BACKGROUND:

Subsequent to July 1, 2002, State Board of Education Administrative Rule IDAPA 08.02.02.150 states, "All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as approved on November 15, 2001, as authorized in Section 33-1511, Idaho Code."

Idaho's current school bus construction standard (SISBO, page 7) requiring a service brake pressure application gauge has created a near-proprietary situation which needs correcting. The standard creates an inequity in bus bids received by school districts and puts some manufacturers at a price disadvantage, possibly inhibiting competitive bidding.

IDAPA 08.02.01.001 provides that the State Board of Education may grant a waiver of any rule not required by state or federal law upon written request.

The State Department of Education Pupil Transportation Section also anticipates a need for changes in current administrative rule by reference related to pupil transportation secondary to anticipated legislation and State Board of Education requests.

DISCUSSION:

The service brake pressure application gauge was included subsequent to input from district driver trainers and an unvalidated assurance that all school bus manufacturers could offer the training device as a new school bus option. However, some school bus chassis manufacturers do not offer the device as an option.

Subsequent to State Board of Education meetings in August and October 2002, several legislative inquiries and proposed legislative changes have surfaced during this legislative session. Consequently, the State Department of Education Pupil Transportation Section anticipates a need for changes in current administrative rule by reference related to pupil transportation.

RECOMMENDATION:

The State Department of Education requests a temporary waiver of a referenced rule requiring a service brake pressure application gauge on new school buses (SISBO, page 7) pending a final rule secondary to the APA process.

The State Department of Education seeks approval to prepare a Notice of Negotiated Rulemaking for publication in the May Administrative Bulletin.

Following the Negotiated Rulemaking process, the State Department of Education will return to the State Board of Education seeking approval to proceed with a Notice of Proposed Rulemaking.

BOARD ACTION:

It was carried to approve/disapprove/table a waiver of an administrative rule by reference requiring a service brake pressure application gauge on new school buses (SISBO, page 7). Moved by _____, seconded by _____, and carried.

It was carried to approve/disapprove a Notice of Negotiated Rulemaking for publication in the May Administrative Bulletin. Moved by _____, seconded by _____, and carried.

ATTACHMENTS:

1. Standards for Idaho School Buses and Operations (SISBO, page 7)
2. Notice of Intent to Promulgate Rules (Negotiated Rulemaking)

brake may be set by placing the automatic transmission shift control mechanism in the “park” position.

The power-operated parking brake system may be interlocked to the engine key switch. Once the parking brake has been set and the ignition switch turned to the “off” position, the parking brake cannot be released until the key switch is turned back to the “on” position.

BRAKES (HYDRAULIC)

Buses using a hydraulic or vacuum-assist brake shall be equipped with audible and visible warning signals that provide a continuous warning to the driver of loss of fluid flow from the primary source and of a failure of the back-up pump system. Type A1 and B1 bus may be OEM standard.

For hydraulic brake systems, a service brake pressure application gauge, if OEM available, shall be provided in the instrument panel.

BRAKES (AIR)

The air pressure supply system shall include a desiccant-type air dryer installed according to the manufacturers’ recommendations. The air pressure storage tank system may incorporate an automatic drain valve.

The Chassis manufacturer should provide an accessory outlet for air-operated systems installed by the body manufacturer. This outlet shall include a pressure protection valve.

For air brake systems, an air pressure gauge shall be provided in the instrument panel capable of complying with CDL pre-trip inspection requirements.

For air brake systems, a service brake pressure application gauge shall be provided in the instrument panel.

All air brake-equipped buses may be equipped with a service brake interlock. The parking brake cannot be released until the brake pedal is depressed.

Air brake systems may include a system for anti-compounding of the service brakes and parking brakes.

Air brakes shall have both a visible and audible warning device whenever the air pressure falls below the level where warnings are required under FMVSS No. 121.

BUMPER (FRONT)

All school buses shall be equipped with a front bumper. The front bumper shall be furnished by the chassis manufacturer as part of the chassis on all school bus types unless there is a specific arrangement between the chassis manufacturer and body manufacturer.

IDAPA 08-IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-003

NOTICE OF INTENT TO PROMULGATE RULES - (NEGOTIATED RULEMAKING)

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Sections 33-1501 through 33-1512 and 33-1006, Idaho Code.

HEARING SCHEDULE: Hearings on the negotiated rulemaking will be held as follows:

May 28, 2003, 12:00 p.m. to 5:00 p.m. - Idaho State Department of Education, LBJ Building - 2nd floor Conference Room - 650 State St., Boise, ID 83720-0027. The meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 332-6811.

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following:

Interested persons may submit written comments through May 28, 2003. Requests to give oral presentation during the May 28, 2003 public hearing must be submitted prior to May 28, 2003.

Copies of the preliminary draft of the text of the proposed rule will be provided to superintendents and other interested parties during regional superintendents meetings.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Current administrative rules related to Idaho's pupil transportation support program became effective secondary to State Board of Education and legislative review on July 1, 2002. Minor changes in Standards for Idaho School Buses and Operations related to new school bus construction standards are anticipated. Changes in Standards for Idaho School Buses and Operations related to operations and bus purchasing are anticipated in response to legislative inquiries, legislation and State Board of Education requests.

The goal of the State Department of Education is to clarify standards language where appropriate and continue in its support of rules and procedures designed to promote safety, equity, accountability and efficiency.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Rodney D. McKnight, State Department of Education, Finance and Transportation, P.O. Box 83720, Boise, Idaho, (208) 332-6851 or fax to (208) 334-3484.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before March 12, 2001.

DATED this 7th day of March, 2003.

Dr. Marilyn Howard, Superintendent of Public Instruction
State Department of Education
650 West State Street - P.O. Box 83720
Boise, Idaho 83720-0027
(208) 332-6811 - (208) 332-6836 fax

B. SUBJECT:

High Schools That Work

C. SUBJECT:

National Assessment of Educational Progress: A presentation

BACKGROUND:

The National Assessment of Educational Progress (NAEP), also becoming known as “the Nation’s Report Card,” is the only nationally representative and continuing assessment of what America’s students know and can do in various subject areas. Its two major goals are to measure student achievement and to report change in performance over time. NAEP provides results for the nation as a whole and for the states separately. Performance is reported by groups of students, e.g., by gender, by different racial and ethnic groups, and by participation in special programs. NAEP is not an individual student test, and it does not provide results for individual students or for their schools.

The presentation by Mr. Bert Stoneberg will highlight NAEP’s structure, programs and schedule. It will describe the laws governing participation in NAEP and new NAEP policies required to implement NCLB. The presentation will outline NAEP design features including frameworks, item development, sampling, and test administration. Idaho’s participation in NAEP will be noted. NAEP analysis and reporting will be reviewed, including illustrative examples of Idaho’s results on the NAEP 2000 8th grade mathematics assessment.

To access more information, please visit “Idaho NAEP” on the Department of Education web site at: <http://www.sde.state.id.us/naep/>. From there you may also link to information about the National Assessment Governing Board, providing information about each member of the Board including the Honorable Dirk Kempthorne, Governor of Idaho.

D. SUBJECT:

Upcoming State Board of Education policies for meeting the No Child Left Behind Act of 2001 (NCLB)

INFORMATION:

During the next three months, the State Board of Education will be asked to make several policy decisions necessary for Idaho to be in compliance with the federal No Child Left Behind Act of 2001 (NCLB) and to allow school districts and the department to move forward with implementation.

During the past four years, the State Board of Education has made significant policy decisions, which have laid the foundation for implementing the tenets of NCLB. Those policies include:

- Establishing standards for students in core subject areas from K-12
- Establishing a comprehensive assessment program
- Establishing standards for teachers
- Establishing a definition for “two years of college”

The State Department of Education has been and will continue to work with the Office of the State Board of Education to bring forward policy language that may be needed or to make recommendations on blending NCLB requirements into existing Board initiatives and policies under development.

Areas that the State Department of Education will be working on with Board staff include:

STATEWIDE ACCOUNTABILITY SYSTEM:

Policy issue: The State Board of Education will adopt a single statewide accountability policy to be applied to all public schools and school districts. This policy will include all students and hold all public schools and school districts accountable for the achievement of individual subgroups. The state’s accountability system must be statistically valid and reliable and be based on reading/language arts and mathematics achievement objectives.

Status: The SBOE’s Assessment and Accountability Commission is developing recommendations for an accountability system. Once approved

by the SBOE, the accountability plan must be submitted to the Idaho Legislature for its review and approval; submission of a final plan is anticipated in 2004.

Following SBOE direction, the State Department of Education is revising its school accreditation process to focus on improvement of student performance.

Policy issue: The State Board of Education will adopt state standards for students with limited proficiency in English (LEP). This policy will include approving a single statewide assessment that will provide evidence that LEP students are making continuous and substantial progress towards meeting state standards.

Status: The Coordinator of the LEP program in the State Department of Education is working with a professional team and is in contact with other states to develop LEP standards and assessments.

ADEQUATE YEARLY PROGRESS:

Policy issue: The State Board of Education will approve a statewide definition of “adequate yearly progress” based primarily on Idaho’s academic assessments and on expectations for growth in student achievement that is continuous and substantial, so that all students are proficient in reading/language arts and mathematics no later than 2013-2014.

Status: A core group from OSBE/SDE (Tom Farley, Randy Thompson, and David Breithaupt) is running data to test the reliability and validity of a draft AYP formula. A proposal is expected to be brought to the State Board of Education prior to May 1.

Policy issue: Once its AYP policy is adopted and implemented, the State Board of Education will make annual decisions about the achievement of all public schools and school districts. Idaho will ensure that at least 95 percent of the students enrolled in each identified subgroup are assessed annually.

Status: The State Department of Education and school districts will use the AYP formula to monitor performance of school districts and schools in meeting AYP requirements.

The federal NCLB requires that any school failing to make AYP for two consecutive years will be a school “in school improvement,” and its students will have the opportunity to transfer to a better-performing public school (including a public charter school) within the district. The district will be required to provide transportation using Title I funds if necessary.

Schools “in school improvement” must develop improvement plans. The State Department of Education offers institutes to provide technical assistance for plan development.

The federal NCLB requires that any school failing to make AYP for three consecutive years must offer its low-income families supplemental educational services, including tutoring, after-school services, and summer school. The State Department of Education is reviewing supplemental service proposals and is posting approved programs on its website.

The State Department of Education has asked school districts for evidence that parents whose children attend schools “in school improvement” have been notified of their choice options under the NCLB.

HIGHLY QUALIFIED TEACHERS:

Policy issue: The State Board of Education will ensure that all teachers of academic “core subjects” (defined by the NCLB as English, reading or language arts, mathematics, science, foreign languages, government and civics, economics, arts, history, and geography) are highly qualified in the subject areas they teach.

Status: The State Board of Education’s MOST project developed, and the SBOE approved, standards and certification requirements for newly-licensed teachers. Currently MOST is reviewing proposed changes in the licensure of in-service teachers, including tiered licensing, a middle level teaching endorsement, and new alternative routes to teacher licensure. A final proposal is expected to be presented to the Idaho Legislature in 2004.

A stakeholders group (Idaho School Boards Association, Idaho Association of School Administrators, Idaho Education Association, State Board of Education, colleges of education, and the State Department of Education) has been developing a process for implementing the “highly qualified

teacher” definition in NCLB. Part of this group’s work has been to compare and blend recommendations from MOST with requirements of the NCLB.

Once a final “highly qualified teacher” policy and definition have been adopted, school districts must monitor teachers’ qualifications.

HIGHLY QUALIFIED PARAPROFESSIONALS:

Policy issue: No policy issue at this time.

Status: The Bureau of Special Education of the State Department of Education has distributed a manual for school districts to use in ensuring that special education and Title I-A paraprofessionals meet NCLB requirements.

Ultimately school districts and the State Department of Education must report each year on the number of paraprofessionals not meeting NCLB “highly qualified” requirements; this information will be collected from school districts.

PERSISTENTLY DANGEROUS SCHOOLS:

Policy issue: The State Board of Education will approve a statewide definition of a “Persistently Dangerous School.”

Status: A proposed definition of a persistently dangerous school and sample school district policies are under consideration by Idaho’s Safe Schools Advisory Committee. Drafts of the definition and policies are being circulated to school district superintendents and school principals for comment.

E. SUBJECT:

Superintendent's Report