

**STATE BOARD OF EDUCATION
NOVEMBER 1, 2006**

TAB	DESCRIPTION	ACTION
1	APPROVAL OF PENDING RULE – DOCKET NO. 08-0203-0605, RULES GOVERNING THOROUGHNESS, HIGH SCHOOL REDESIGN	Motion to Approve
2	APPROVAL OF PENDING RULE – DOCKET NO. 08-0203-0606, RULES GOVERNING THOROUGHNESS, ENGLISH LANGUAGE DEVELOPMENT STANDARDS, LIMITED ENGLISH PROFICIENCY PROGRAM ACCOUNTABILITY PLAN, ISAT, AND IELA CUT SCORES	Motion to Approve
3	APPROVAL OF PENDING RULE – DOCKET NO. 08-0401-0601, IDAHO DIGITAL LEARNING ACADEMY	Motion to Approve
4	APPROVAL OF PENDING RULE – DOCKET NO. 47-0102-0601, EXTENDED EMPLOYMENT SERVICES	Motion to Approve

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SUBJECT

Approval of Pending Rule IDAPA 08.02.03, Rules Governing Thoroughness – High School Graduation Requirements

REFERENCE

August 10, 2006

The Board approved IDAPA 08.02.03 as a proposed rule.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105 (1), 33-1612, Idaho Code. Rules – Executive Department.

BACKGROUND

In January 2005, the Board organized the Accelerated Learning and Preparation for Postsecondary Education Task Force for the purpose of developing recommendations regarding high school requirements that would provide all students in Idaho with the preparation needed to be able to succeed in work and/or in post-secondary education programs upon graduating from an Idaho high school. The Board established a task force with representatives from a variety of stakeholder groups to examine rules and policies associated with Idaho's K-20 for the purpose of increasing the number of students who are prepared for success upon graduation. The task force proposed new graduation requirements that were adopted during the 2006 Legislative session. The Idaho Legislature chose not to fund implementation activities identified as essential in allowing school districts to meet the proposed requirements. As a result, the SBOE adopted a temporary rule at the June 2006 Board meeting that removed the additional requirements. The Board approved a new proposed rule at its August meeting.

DISCUSSION

The Board received valuable feedback regarding the proposed rule. After the proposed rules were approved at the August 2006 Board meeting, six regional public hearings were held to obtain further comment. Written comments were also accepted in the Board office through October 25, 2006. Board members received comments for review and Board staff made changes to the rule based upon public comment.

COMMENT SYNOPOSIS:

Citizens who submitted comments included parents, k-12 educators, higher education representatives, business owners, and school board members. Most of the comments were generally positive about improving math and science requirements in high school and increasing the overall rigor of the high school experience. Businesses support improving the preparation of their employees and higher education supports aligning college and university requirements with high school graduation requirements. Concerns centered on ensuring funding and recruiting adequate numbers of quality math and science teachers available to meet the requirements. Comments also encouraged school districts to

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arrange schedules in the best possible manner to achieve increased requirements and to ensure students are prepared at every level to decrease the amount of remediation in high school.

Based on public comment, the following amendments are being recommended:

Subsection 107.03: Eight (8) credits required that includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. One (1) credit of instruction in communications including oral communication and technological applications that will include a course in speech, a course in debate, or a sequence of instructional activities that meet the state high school communications standards requirements.

Subsection 107.04.b.iv. Two (2) semesters of the required six (6) credits of mathematics must be taken in ~~the 12th year~~ the last two semesters of high school.

IMPACT

If the Board approves docket no. 08-0203-0605, staff will forward the rule for publication and presentation to the legislature.

If the Board rejects docket no. 08-0203-0605, the rule will not become effective.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of docket no. 08-0203-0605, rules governing high school graduation requirements, as presented.

MOTION

A motion to approve docket no. 08-0203-0605, rules governing high school graduation requirements, as presented.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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105. GRADUATION FROM HIGH SCHOOL.

A student must meet all of the following requirements before the student will be eligible to graduate from an Idaho high school: (4-11-06)

01. Credit Requirements. ()

a. (Effective for all students that graduate prior to January 1, 2013.) Each student shall demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. ~~(6-15-06)~~ ()

b. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Each student shall complete the requirements found in Section 107 and other subjects to include forty-six (46) semester credits, one (1) semester equaling one-half (1/2) year. ()

02. Achievement Standards. Each student shall meet locally established subject area achievement standards (using state standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (4-11-06)

03. Proficiency (Effective January 1, 2006). Each student shall achieve a proficient or advanced score on the High School Idaho Standards Achievement Test (ISAT) in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and, at the discretion of the school district or LEA, may be given an opportunity to demonstrate proficiency of the achievement standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. (4-11-06)

a. Before appealing to the school district or LEA for an alternate measure, the student must be:
(4-11-06)

i. Enrolled in a special education program and have an Individual Education Plan (IEP), or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less, or
(3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

b. The measure must be aligned at a minimum to tenth grade state content standards; (3-20-04)

c. The measure must be aligned to the state content standards for the subject matter in question;
(3-20-04)

d. The measure must be valid and reliable; and (3-20-04)

e. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. (3-20-04)

04. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

05. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

106. ~~(RESERVED)~~ ADVANCED OPPORTUNITIES (EFFECTIVE JULY 1, 2008).

All high schools in Idaho shall be required to provide Advanced Opportunities, as defined in Subsection 007.01, or provide opportunities for students to take courses at the postsecondary campus. ()

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107. HIGH SCHOOL GRADUATION REQUIREMENTS.

01. Requirements. (Effective for all students that graduate prior to January 31, 2013.) The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits and a proficient or advanced score on the ISAT (effective January 1, 2006). The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and professional-technical areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. ~~(6-15-06)F~~()

02. Requirements. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) The State minimum graduation requirement for all Idaho public high schools requires that a student take a minimum of forty-six (46) semester credits and achieve a proficient or advanced score on the ISAT. ()

a. Twenty-nine (29) semester credits are required as listed in Subsections 107.03 through 107.08; and ()

b. A minimum of seventeen (17) elective credits. ()

c. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. ()

d. Local school districts or LEAs may establish graduation requirements beyond the state minimum. The local school district or LEA has the responsibility to provide educational opportunities that meet the needs of students in both academic and professional technical areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. ()

023. Secondary Language Arts and Communication. ~~(Nine Eight (98) credits required with instruction in communications including oral communication and technological applications).~~ that includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. One (1) credit of instruction in communications including oral communication and technological applications that includes a course in speech, or a course in debate will fulfill one (1) credit of the nine (9) credit requirement, or a sequence of instructional activities that meet the state high school communications standards requirements. ~~(7-1-00)~~()

034. Mathematics and Science. ()

a. Mathematics. (Effective for all students that graduate prior to January 31, 2013.) Eight (8) credits required, a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory based. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. ~~(6-15-06)F~~()

b. Mathematics. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Six (6) credits required. Secondary mathematics shall include instruction in the following areas: ()

i. Two (2) semesters of Algebra I or courses that meet Algebra I standards as approved by the State Department of Education; ()

ii. Two (2) semesters of Geometry or courses that meet Geometry standards as approved by the State Department of Education; and ()

iii. Two (2) semesters of mathematics of the student's choice. ()

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iv. Two (2) semesters of the required six (6) credits of mathematics must be taken in grade twelve ~~(12) the last two (2) semesters of high school.~~ ()

c. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement. However the student must complete six (6) credits of high school math in addition to the courses completed in middle school. ()

05. Science. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Six (6) credits required. ()

a. Secondary sciences shall include instruction in the following areas: ()

i. Biology; ()

ii. Physical science or chemistry; and ()

iii. Earth, space, environment, or approved applied science. ()

b. Four (4) credits of courses outlined in Subsection 107.05.a. must be laboratory based. ()

c. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement. However, the student must complete six (6) credits of high school science in addition to the courses completed in middle school. ()

046. Social Studies. (Five (5) credits required), including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs, and world history may be offered as electives, not to be counted as a social studies requirement. (4-11-06)

057. Humanities. (Two (2) credits required). A course in interdisciplinary humanities, visual and performing arts, or world language. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course syllabus is approved by the State Department of Education as being aligned with the Humanities Standards. (4-11-06)

068. Health/Wellness. (One (1) credit required). A course focusing on positive health habits. (7-1-00)

09. College Entrance Examination. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. ()

10. Senior Project. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) A student shall complete a senior project that shall include a research paper and oral presentation by the end of grade twelve (12). ()

~~0711.~~ **Assessment.** A student must achieve a proficient or advanced score on the ISAT. A student is not required to achieve a proficient or advanced score on the ISAT if: (4-11-06)

a. A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam shall be approved by the State Board of Education, and must measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; (4-11-06)

b. A student appeals for another measure approved by a school district or LEA as outlined in Subsection 105.03; or (4-11-06)

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c. A student has an IEP that outlines alternate requirements for graduation. (4-11-06)
d. The requirement will be phased in providing the following exemptions for the calendar year of 2006 and 2007. (4-11-06)

i. Calendar year of 2006. A student is not required to achieve a proficient or advanced score on the ISAT if: (4-11-06)

(1) A student took the ISAT and was within six (6) Rasch Units (RIT points) of proficiency; (4-11-06)

(2) A student has a score of seventeen (17) on the ACT or two hundred (200) on the SAT in English and a score of nineteen (19) on the ACT or four hundred sixty (460) on the SAT in Math; (4-11-06)

(3) A student has an IEP that outlines alternate requirements for graduation; (4-11-06)

(4) A student is considered an LEP student through a score determined on the state language proficiency test and has been in an LEP program for three (3) academic years or less; (4-11-06)

(5) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (4-11-06)

(6) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (4-11-06)

ii. Calendar year of 2007 ~~and subsequent classes~~. A student is not required to achieve a proficient or advanced score on the ISAT if: ~~(4-11-06)~~ ()

(1) A student took the ISAT and was within three (3) RIT points of proficiency; (4-11-06)

(2) A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (4-11-06)

(3) A student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (4-11-06)

(4) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (4-11-06)

(5) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (4-11-06)

iii. Calendar year of 2008 and subsequent classes. A student is not required to achieve a proficient or advanced score on the ISAT if: ()

(1) A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; ()

(2) A student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; ()

(3) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or ()

(4) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. ()

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REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY

**TITLE 33
EDUCATION
CHAPTER 1
STATE BOARD OF EDUCATION**

33-105. RULES -- EXECUTIVE DEPARTMENT. (1) The state board shall have power to make rules for its own government and the government of its executive departments and offices; and, upon recommendations of its executive officers, to appoint to said departments and offices such specialists, clerks and other employees as the execution of duties may require, to fix their salaries and assign their duties.

**TITLE 33
EDUCATION
CHAPTER 16
COURSES OF INSTRUCTION**

33-1612. THOROUGH SYSTEM OF PUBLIC SCHOOLS. The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;
5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and
8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of chapter 52, title 67, Idaho Code, and section 33-105(3), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

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SUBJECT

Approval of the Pending Rules Governing Thoroughness – Incorporation by Reference

1. Adoption of cut scores for the Idaho English Language Assessment (IELA)
2. Adoption of Accountability Plan for State Limited English Proficiency (LEP) Program
3. Adoption of revised English Language Development (ELD) Standards and English Language Development Level Descriptors

REFERENCE

August 10, 2006

The Board approved IDAPA 08.02.03 as a temporary and proposed rule

APPLICABLE STATUTE, RULE, OR POLICY

- Section 33-105. Rules – Executive Department, Idaho Code.
- Section 33-1612. Thorough System of Public Schools, Idaho Code
- Section 33-108. Prepare and Publish Reports. Idaho Code.
- Section 33-1617. English Language Learners-Program Requirements. Idaho Code.
- Section 67-5229. Incorporation by Reference. Idaho Code.

BACKGROUND 1

The Board adopted cut scores for the Idaho English Language Assessment and approved proposed amendments to Rules Governing Thoroughness, Incorporation by Reference Section 004 on August 10, 2006. Further amendments to the rule have not been made. A motion is now before the Board to approve the pending rule.

A panel of Idaho educators recommended the initial cut scores to be used for the IELA. TASA, the assessment vendor, adjusted the recommended cuts where there were minor variations across a grade cluster using the same test form and to create a more consistent pattern of results across the grades.

BACKGROUND 2

The Board adopted the Accountability Plan for State Limited English Proficiency and approved proposed amendments to Rules Governing Thoroughness, Incorporation by Reference Section 004, at their August 10, 2006 meeting. Further amendments to the rule have not been made. A motion is now before the Board to approve the pending rule.

Idaho's LEP Accountability plan includes the growth and proficiency targets (AMAOs) developed, the definitions required, and the implementation plan for district sanctions for failure to meet the achievement objectives, which are all required by Title III of NCLB.

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The proposed Limited English Proficiency Program Accountability Plan is designed for incorporation by reference into IDAPA Rule 08.02.03.

BACKGROUND 3

The Board adopted the revised English Language Development Standards and English Language Development Level Descriptors and approved proposed amendments to Rules Governing Thoroughness, Incorporation by Reference Section 004 on August 10, 2006. Further amendments to the rule have not been made. A motion is now before the Board to approve the pending rule.

The State LEP Program has worked with WestEd, a well respected educational research organization, to revise the Standards to align with the current Idaho English Language Arts standards.

DISCUSSION 1

Due to the recognized success by the U.S. Department of Education with this procedure, the State Board of Education's LEP Program chose to use "item mapping" as the procedure to determine the cut scores for the IELA. This process was detailed in the Request for Proposals for the testing contract.

The item-mapping procedure is based on the collective judgment of panels of experts. In the case of IELA, the panelists/judges have recommended four performance standards: scores that minimally indicate *Advanced Beginning*, *Intermediate*, *Early Fluent*, and *Fluent* English-language proficiency. In addition, the panels have recommended these standards at each of the grade spans at which IELA is administered – K, 1-2, 3-5, 6-8, and 9-12. The specific judgment process in arriving at these various recommendations is identical through all grade spans.

DISCUSSION 2

The proposed Accountability plan was modeled after the recently approved Title 1-AYP Accountability Procedures document. The LEP Accountability plan details the Title III federal requirements set forth for districts running Title III- LEP programs. Part I of the plan details NCLB requirements. Part II details the state developed annual objectives/targets and definitions. Part III details the sanctions and procedures for LEAs.

The three components included in the Title III AMAOs are:

- **AMAO #1:** Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency, as determined by the Idaho English Language Assessment (IELA): **English Language "Progress"**.

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- **AMAO #2:** Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year, as determined by the IELA: **English Language “Proficiency”**.
- **AMAO #3:** LEA determination for making AYP (adequate yearly progress) on the spring ISAT for LEP students (section 1111(b)(2)(B)): **“AYP”**.

The State LEP program has developed, with input from Idaho educators, the IELA testing vendor, and English language development research, the definitions for the above requirements and will calculate AMAOs as indicated in the AMAO document. If a district does not meet any one measure, then the AMAOs are not met.

DISCUSSION 3

The LEP Program worked with a committee of 12 Idaho educators and WestEd to revise the standards. It was determined that they would be referred to as English Language Development (ELD) standards, rather than proficiency standards, because development better reflects the intent of the standards.

The three criterion used to develop the revised standards were:

- I) Criterion 1: Organization, Format, Specificity
- II) Criterion 2: Linkage
- III) Criterion 3: Theory-based

IMPACT

If the Board approves the pending rules as presented, staff will forward the rules for publication and presentation to the legislature.

If the Board rejects the pending rule as presented, it will not take effect.

ATTACHMENTS

Attachment 1 – Temporary and Proposed Rules Governing
Thoroughness – Incorporation by Reference Page 5

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of docket no. 08-0203-0606 as presented.

BOARD ACTION

A motion to approve docket no. 08-0203-0606, as presented.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (2-23-06)T

01. The Idaho Achievement Standards. The Idaho Achievement Standards as adopted by the State Board of Education on October 17, 2005. Copies of the document can be found on the State Board of Education website at www.idahoboardofed.org <http://www.boardofed.idaho.gov/index.asp>. (2-23-06)T(8-11-06)T

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 11, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (8-11-06)T

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 11, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (8-11-06)T

04. The Idaho English Language Assessment (IELA) Cut Scores. The Idaho English Language Assessment (IELA) Cut Scores as adopted by the State Board of Education on August 11, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (8-11-06)T

05. The Idaho Standards Achievement Tests (ISAT) Cut Scores. Cut Scores as adopted by the State Board of Education on August 11, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (8-11-06)T

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REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY

TITLE 33
EDUCATION
CHAPTER 1
STATE BOARD OF EDUCATION

33-105. RULES -- EXECUTIVE DEPARTMENT. (1) The state board shall have power to make rules for its own government and the government of its executive departments and offices; and, upon recommendations of its executive officers, to appoint to said departments and offices such specialists, clerks and other employees as the execution of duties may require, to fix their salaries and assign their duties.

(2) Statements of the state board of education and board of regents of the university of Idaho which relate to the curriculum of public educational institutions, to students attending or applicants to such institutions, or to the use and maintenance of land, equipment and buildings controlled by the respective institutions, are not rules and are not statements of general applicability for the purposes of chapter 52, title 67, Idaho Code.

(3) Notwithstanding any other provision of chapter 52, title 67, Idaho Code, the state board of education and board of regents of the university of Idaho shall be deemed to be in full compliance with the notice requirements of section 67-5221, Idaho Code, if:

(a) Notice is given by including the intended action in the official written agenda for a regularly scheduled meeting of the board, and the agenda is available for public inspection at the central office of the board not less than five (5) days prior to the meeting; and

(b) Notice of the intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, is transmitted to the director of the legislative services office at the same time that notice is given under paragraph (a) of this subsection. The director of the legislative services office shall refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writing to the board prior to the time for receiving comment as provided in paragraph (d) of this subsection; and

(c) The intended action is discussed but not acted upon during the regularly scheduled meeting for which the agenda was prepared, but instead is held for final action at the next regularly scheduled or later meeting of the board; and

(d) At least fifteen (15) days prior to the scheduled date for final action, the board shall mail to all persons who have made timely request in writing to the board and shall publish in an issue of the Idaho administrative bulletin a brief description of the intended action, or a concise summary of any statement of economic impact required pursuant to section 67-5223(2), Idaho Code, and shall note the time when, the place where, and the manner in which interested persons may present their views thereon; and

(e) Upon adoption of a rule, the board, if requested in writing to do so by an interested person either prior to adoption or within twenty-eight (28) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

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REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY

**TITLE 33
EDUCATION
CHAPTER 16
COURSES OF INSTRUCTION**

33-1612. THOROUGH SYSTEM OF PUBLIC SCHOOLS. The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;
5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and
8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of chapter 52, title 67, Idaho Code, and section 33-105(3), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

**TITLE 33
EDUCATION
CHAPTER 1
STATE BOARD OF EDUCATION**

33-108. PREPARE AND PUBLISH REPORTS. The state board shall prepare, or cause to be prepared, and publish such reports, statistical tables and studies as may be a contribution to the general educational welfare of the state.

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REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY

**TITLE 33
EDUCATION
CHAPTER 16
COURSES OF INSTRUCTION**

33-1617. ENGLISH LANGUAGE LEARNERS -- PROGRAM REQUIREMENTS. It is legislative intent that the state board of education and state department of education develop statewide, research-based goals for students in Idaho who are English language learners. Goals shall specifically address compliance with applicable state and federal law and court decisions.

The board of trustees of each school district shall formulate a plan in sufficient detail that measurable objectives can be identified and addressed which will accomplish English language acquisition and improved academic performance. Moneys distributed to school districts based upon the population of limited-English proficiency students and distributed to school districts to support programs for students with non-English or limited-English proficiency shall be utilized in support of the district plan.

The district plan and allocation of funds shall be part of a report made annually to the state board of education and state department of education. The state board of education shall provide a summary of these reports to the legislature. Recommendations for program enhancements needed to reach the statewide goals are to be brought to the legislature after review and approval by the state board of education.

**TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 52
IDAHO ADMINISTRATIVE PROCEDURE ACT**

67-5229. INCORPORATION BY REFERENCE. (1) If the incorporation of its text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient an agency may incorporate by reference in its rules and without republication of the incorporated material in full, all or any part of:

- (a) A code, standard or rule adopted by an agency of the United States;
- (b) A code, standard or rule adopted by any nationally recognized organization or association;
- (c) A code or standard adopted by Idaho statute or authorized by Idaho statute for adoption by rule; or
- (d) A final rule of a state agency; provided however, that a state agency shall not adopt a temporary rule incorporating by reference a rule of that agency that is being or has been repealed unless the rule providing for the incorporation has been reviewed and approved by the legislature.

(2) The agency shall, as part of the rulemaking:

- (a) Note where copies of the incorporated material may be obtained or electronically accessed; and
- (b) If otherwise unavailable, provide one (1) copy of the incorporated material to the Idaho supreme court law library.

(3) The incorporated material shall be identified with specificity and shall include the date when the code, standard or rule was published, approved or became effective. If the agency subsequently wishes to adopt amendments to previously incorporated material, it shall comply with the rulemaking procedures of this chapter.

(4) Unless prohibited by other provisions of law, the incorporated material is subject to legislative review in accordance with the provisions of section 67-5291, Idaho Code, and shall have the same force and effect as a rule.

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**STATE BOARD OF EDUCATION
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SUBJECT

Approval of docket no. 08-0401-0601, Rules of the Idaho Digital Learning Academy

REFERENCE

April 20, 2006

The Board approved IDAPA 08.04.012 as a proposed rule

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-5504, Idaho Code, Duties of the Academy Board of Directors

BACKGROUND

The 2002 Idaho Legislature created the Idaho Digital Learning Academy (IDLA) as an online, school-choice learning environment (Title 33 Chapter 55, Idaho Code). IDLA is a state virtual school providing Idaho students with greater access to a diverse assortment of courses and receives an annual appropriation from the Idaho legislature. This virtual school serving grades 7 thru 12 was created to address the educational needs of all Idaho students: traditional, home schooled, at-risk, and gifted learners. IDLA is also included in the state's High School Redesign Proposal to increase accelerated learning opportunities. Rigorous online curriculum delivered by highly qualified faculty assists the state in preparing Idaho students to meet NCLB requirements, Idaho standards, and the increased demand from colleges and industry.

DISCUSSION

As part of Title 33, Chapter 55, the State Board of Education is directed to promulgate rules for IDLA. The purpose of this session is to review the proposed rule in order to be in compliance with Idaho Code Title 33 Chapter 55. The following topics in the legislation are outlined for oversight by the Idaho State Board of Education: 1. Accreditation Section 33-5504(5), Idaho Code; 2. Accountability Section 33-5507(3 & 4), Idaho Code; 3. Fees out-of-state and adult learners Section 33-5505(3), Idaho Code. The additional purpose of this session is to update the Idaho State Board of Education on the progress of IDLA, students served, its role in the state's remediation efforts, future projections, and its role in high school redesign.

IDLA received no comments on the rule. However, IDLA is proposing one amendment to the rules to update the new address of IDLA.

IMPACT

If the Board approves docket no. 08-0401-0601, staff will forward the rule for publication and presentation to the legislature.

If the Board rejects docket no. 08-0401-0601, the rule will not become effective.

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STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of docket no. 08-0401-0601, Rules Governing the Idaho Digital Learning Academy, as presented

ATTACHMENTS

Attachment 1 - Rules Governing the Idaho Digital Learning Academy Page 3

BOARD ACTION

A motion to approve docket no. 08-0401-0601, Rules Governing the Idaho Digital Learning Academy, as presented.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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RULES GOVERNING THE IDAHO DIGITAL LEARNING ACADEMY

000. LEGAL AUTHORITY.

In accordance with Sections 33-5504, 33-5505, and 33-5507, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 55, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.04.01, "Rules of the Idaho Digital Learning Academy". ()

02. Scope. These rules provide the requirements for the governance and administration of the Idaho Digital Learning Academy's Board of Directors. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these Rules. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by the Idaho Administrative Procedure Act, Title 67, Chapter 52 and the Rules of the Attorney General IDAPA.04.01.11. ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by Reference to these rules. ()

005. OFFICE – OFFICE HOURS –MAILING ADDRESS AND STREET ADDRESS.

The Idaho Digital Learning Academy is located in Boise, Idaho. ()

01. Office Hours. The Idaho Digital Learning Academy's offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. ()

02. Street Address. The offices of the Idaho Digital Learning Academy are located at ~~777 South Latah Street, Boise, Idaho 83705.~~ 1906 S. Vista Ave., Boise, Idaho, 83705. ()

03. Mailing Address. The mailing address of the Idaho Digital Learning Academy is ~~777 South Latah Street, Boise, Idaho 83705.~~ 1906 S. Vista Ave., Boise, Idaho, 83705. ()

04. Telephone Number. The telephone number of the Idaho Digital Learning Academy is 208-342-0207. ()

05. Facsimile. The facsimile number of the Idaho Digital Learning Academy is 208-342-1031. ()

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06. Electronic Address. The electronic address of the Idaho Digital Learning Academy is <http://idla.k12.id.us> and email address is idla@idla.k12.id.us . ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The Idaho Digital Learning Academy's records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007 – 009. (RESERVED).

010. DEFINITIONS.

01. Idaho Digital Learning Academy (IDLA). Idaho digital learning academy is defined in Section 33-5505(3) and means an online educational program organized as a fully accredited secondary school with statewide capabilities for delivering accredited courses to Idaho resident students in grades seven (7) through twelve (12) at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the superintendent, and such funds shall be included in the budget and audit of the academy's fiscal records. ()

02. Acceptable Use Policy (AUP). An Acceptable Use Policy is a policy that governs behavior in a computer or online environment. An Acceptable Use Policy outlines appropriate and inappropriate behavior, including specific examples of inappropriate behavior as well as the consequences of violating the policy. Acceptable use guidelines include, but are not limited to, guidelines pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (either their own or someone else's), disrupting the use of a school network, or importation of sexually explicit, drug-related, and other offensive materials into the course environment. ()

03. Designee. In the absence of the IDLA Director, a representative from the IDLA Board of Directors or an administrative staff member may be appointed by the IDLA Board of Directors to serve as designee. ()

011 – 100. (RESERVED).

101. ACCREDITATION.

IDLA must submit proof of accreditation that meets accreditation standards of the state of Idaho and the northwest accreditation association to the State Board of Education annually. ()

102. ACCOUNTABILITY.

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01. Exams. Each IDLA semester course will require the student to take a comprehensive final exam at an approved site under proctored conditions. ()

02. Student Work and Ethical Conduct.

a. IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out in each class syllabus that each student receives prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. ()

b. Acceptable use and behavior in a distance-learning environment is determined by local school district's policies and is covered by the district's AUP signed by the student and the student's parent. The student and parent will agree to abide by an IDLA AUP specifically governing behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. ()

c. In a case of violation of the acceptable use policy or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. ()

d. The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a telephone conference to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the telephone conference. ()

03. Teacher Interaction. IDLA faculty are required to contact students within the first month of class. Contact includes phone, regular mail, email, or other technological means. IDLA faculty are required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district. ()

103. FEES.

The IDLA fee schedule will be provided to the Idaho State Board of Education in the IDLA Annual Report to the State Board of Education. ()

104. – 999. (RESERVED).

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REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY

**TITLE 33
EDUCATION
CHAPTER 55
IDAHO DIGITAL LEARNING ACADEMY**

33-5504. DUTIES OF THE ACADEMY BOARD OF DIRECTORS. The board shall be responsible for ensuring that academy procedures and courses are in compliance with the rules of the state board of education and applicable statutes of the state of Idaho. In addition, the board shall:

(1) Recommend policies to be established by rule of the state board for effecting the purposes of this chapter.

(2) Employ staff as follows:

(a) A director who shall be responsible for staff development, staff evaluation, program development and oversight, and quality assurance;

(b) A curriculum and instruction coordinator who shall be responsible for training faculty in online course design, development and delivery, and shall assist the director in quality assurance;

(c) Clerical staff as necessary to manage student information, maintain student records, manage academy correspondence, and oversee basic financial accounting as directed;

(d) Appropriate technology staff who shall support faculty in understanding and applying the technical aspects of online course development and delivery;

(e) Faculty and teaching staff who are fully certificated Idaho teachers, to design and deliver planned curriculum content. Such staff shall be provided appropriate and sufficient training as necessary. The number of such staff shall largely be dictated by the number of courses under development, the number of courses offered, and the number of students participating in academy programs.

(3) Obtain housing where actual operations of the academy are conducted by academy staff.

(4) Contract with a service provider for delivery of academy courses online which shall be accessible twenty-four (24) hours a day, seven (7) days a week.

(5) Ensure that the academy is accredited by the state of Idaho and the northwest accreditation association.

(6) Develop policy for earning credit in courses based on mastery of the subject, demonstrated competency, and meeting the standards set for each course.

(7) Provide for articulating the content of certain high school courses with college and university courses in order to award both high school and undergraduate college credit.

(8) Develop policies and practices which provide strict application of time limits for completion of courses.

(9) Develop policies and practices on accountability, both by the student and the teacher, and in accordance with the provisions of section 33-5507, Idaho Code.

(10) Manage the moneys disbursed to the academy board from the superintendent.

(11) Set fees charged to school districts for student participation; fees charged for summer school; and fees charged to students and adults for professional development offerings.

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**STATE BOARD OF EDUCATION/AGENDA
IDAHO DIVISION OF VOCATIONAL REHABILITATION**

SUBJECT

Approval of Pending Rule, IDAPA 47.01.02 Rules and Minimum Standards Governing Extended Employment Services.

REFERENCE

August 10, 2006 The Board approved IDAPA 47.01.02 as temporary and proposed rules.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-2211 and 33-2303, Idaho Code.

BACKGROUND

The Idaho Division of Vocational Rehabilitation is an agency of the Idaho State Board of Education. In July of 2004 Governor Kempthorne transferred the administration of the long term vocational support services in Idaho from the Department of Health and Welfare to Idaho Division of Vocational Rehabilitation. Legal authority to promulgate rules for the Extended Employment Services were established under House Bill 547 and signed by the Governor on 03/13/06.

DISCUSSION

Attached is the pending and amended temporary rule governing Extended Employment Services. IDAPA 47.01.02 establishes provider qualifications, defines eligible clients, and describes the services to be provided.

Summary from Public Hearing on IDAPA 47.01.02 held 10-11-2006 in Boise, written comments received by the Office of the State Board of Education, and discussion from four (4) regional meetings held around the state – Pocatello, Twin Falls, Sandpoint, and Idaho Falls.

The Idaho Association of Community Rehabilitation Programs (IACRP) and The Vocational Providers of Idaho (VPI) indicated general support for the rules and the way the rules were developed.

Based on a review of the comments received and the discussions from the informal meetings, we recommend the following changes:

Section 100.04: delete “that has been denied because there has not been demonstrated need for a new of additional provider in an Extended Employment Services region, or because there is insufficient funding to support a new or additional provider in an Extended Employment Services region,”

Section 300.02 b: Are not less than twenty-one (21) years of age, or if so, are not

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less than eighteen (18) years of age and have at least two (2) years experience with people with disabilities:

Change to: Staff hired after August 10, 2006 must be not less than eighteen (18) years of age and if less than twenty-one (21) must have at least 6 months experience with people with disabilities.

Section 300.02 d: Assure that within six (6) months of hire all direct service employees and contractors who provide work services skill training or job coaching have had at least forty (40) hours of training directly related to vocational support for people with disabilities.

Change to: Document completion of not less than forty (40) hours of training directly related to vocational support for people with disabilities. Training must be documented no later than six (6) months from the date of hire and include all of the following topics:

Section 400.02 – Out of compliance – The provider is determined by IDVR to be out of compliance with these rules or the Extended Employment Services Provider Agreement.

Delete “or the applicable standards of the accrediting agency (either CARF or RSAS).

The Idaho Council on Developmental Disabilities and the State Independent Living Council provided written comment and oral testimony advocating for:

- individual client budgets
- unrestricted access to all providers meeting accreditation standards
- phasing out of using Extended Employment Services funding to support clients receiving work services

These are strategies to enhance the values of informed client choice and self determination. The Extended Employment Services Program also endorses these values and believe that the rules, as written, are consistent with these values. At this time, we do not recommend making those requested changes to the rules.

The Extended Employment Services Program has been administered by IDVR for two (2) years and is being evaluated and revised as needs are identified and resources are acquired. The process for revision is included in the Provider Agreement which incorporates collaboration among stakeholders including clients, advocates, and service providers. We will continue to work with these stakeholders to maximize opportunities for employment for people with disabilities.

IMPACT

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If the Board approves docket no. 47-0102-0601, staff will forward the rule for publication and presentation to the legislature.

If the Board rejects docket no. 47-0102-0601, the rule will not become effective.

ATTACHMENTS

Attachment 1 – IDAPA 47.01.02

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of docket no. 47-0102-0601, Rules Governing Extended Employment Services, as presented.

BOARD ACTION

A motion to approve docket no. 47-0102-0601, Rules Governing Extended Employment Services, as presented.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

**IDAPA 47
TITLE 01
CHAPTER 02**

**47.01.02 - RULES AND MINIMUM STANDARDS GOVERNING
EXTENDED EMPLOYMENT SERVICES**

000. LEGAL AUTHORITY.

The following rules and minimum standards for extended employment services are made under sections 33-2211 and 33-2303, Idaho Code. (8-10-06)T

001. TITLE AND SCOPE.

01. Title. These rules govern the Extended Employment Services Program of the Idaho Division of Vocation Rehabilitation (IDVR) and are to be cited as IDAPA 47.01.02, Idaho Division of Vocational Rehabilitation, "Rules and Minimum Standards Governing Extended Employment Services." (8-10-06)T

02. Scope. In accordance with section 33-2203, Idaho Code, the Extended Employment Services Program of IDVR provides to eligible Clients services that are intended to increase opportunities for such Clients to work in their communities. IDVR will contract with providers that have been certified by IDVR to provide such services, as provided herein. (8-10-06)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (8-10-06)T

003. ADMINISTRATIVE APPEALS.

Hearings and appeals shall be governed according to the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". (8-10-06)T

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference. (8-10-06)T

005. OFFICE INFORMATION.

01. Office Hours. The IDVR administrative office is open from 8:00 am until 5:00 pm Monday through Friday. (8-10-06)T

02. Mailing Address. PO Box 83720, Boise, ID 83720-0096(8-10-06)T

03. Street Address. Len B. Jordan Building, 650 W State Street, Room 150, Boise, Idaho. (8-10-06)T

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04. Telephone. (208) 334-3390, Fax: (208) 334-5305 TDD: (208) 327-7040.
(8-10-06)T

05. Internet Website. <http://www.vr.idaho.gov> (8-10-06)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (8-10-06)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following terms and abbreviations are used as herein defined. (8-10-06)T

01. CARF. The Rehabilitation Accreditation Commission, an international accrediting body of employment services providers. The internet website for CARF can be found at <http://www.carf.org>. (8-10-06)T

02. Client. An individual residing in the state of Idaho who has applied for, and who is eligible to receive, Extended Employment Services from IDVR. A Client must be at least eighteen (18) years of age, unless such person is participating as part of a school work transition program, in which case such person must be at least sixteen (16) years of age. (8-10-06)T

03. Certified Extended Employment Services Provider. A community rehabilitation program services provider, sometimes referred to in these rules as a provider, that has been certified by IDVR to provide Extended Employment Services. (8-10-06)T

04. Extended Employment Services. Long term maintenance services that assist Clients in maintaining employment, or in gaining employment skills in preparation for community employment, or which provide assistance to adult Clients with disabilities within an industrial/business community setting, or a community rehabilitation program, intended to maintain paid employment. Such services include individual supported employment, group supported employment, and work services. ~~(8-10-06)T~~ (11-01-06)T

05. Individual Program Plan. The plan of Extended Employment Services to be provided to individual Clients. (8-10-06)T

06. IDVR. The Idaho Division of Vocational Rehabilitation, a state agency under the Idaho State Board of Education, with administrative oversight of the Extended Employment Services Program. (8-10-06)T

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07. RSAS. Rehabilitation Services Accreditation Systems, a national accrediting body of vocational services providers. The internet website for RSAS can be found at <http://www.rsasnet.org>. (8-10-06)T

011. -- 099. (RESERVED).

100. CERTIFICATION OF PROVIDERS.

01. Certification Required. A provider must apply for and receive certification from IDVR, as provided herein, to provide Extended Employment Services to Clients. Such certification shall be for only the Extended Employment Services Program region in which such provider intends to provide services, and for which approval is granted by IDVR. (8-10-06)T

02. Application Process. A provider may apply for certification from IDVR for Extended Employment Services by submitting to the State Administrator for IDVR a formal written request specifying the region in which the provider intends to provide Extended Employment Services. The application must document that there is an unmet need in the particular geographic area the provider intends to serve, and must demonstrate that all of the criteria in subsection 100.04 of these rules has been met. The provider must include verification of current accreditation by CARF or RSAS. (8-10-06)T

03. Timeline. For purposes of these rules, the Extended Employment Services Program fiscal year is June 1 of a given year through May 31 of the next succeeding year. An application for certification for a fiscal year must be submitted on or before the first business day of April preceding the fiscal year for which certification is sought. A written decision on certification status in regard to such application will be issued by IDVR on or before the first business day of May preceding such fiscal year. If approved by IDVR, certification status for a provider becomes effective on June 1, the first day of such fiscal year. An application that is denied ~~because there has not been demonstrated need for a new or additional provider in an Extended Employment Services region, or because there is insufficient funding to support a new or additional provider in an Extended Employment Services region,~~ may be reconsidered during the course of a fiscal year if there have been significant developments in a region that require IDVR to add a new or additional provider after June 1. In such event, IDVR will give preference to denied applications based on date of application.

~~(8-10-06)~~(11-01-06)T

04. Criteria. IDVR will determine to grant or deny certification based on the following criteria: (8-10-06)T

a. The provider must be accredited by CARF or RSAS; (8-10-06)T

b. The provider must meet and maintain all the requirements for provider qualifications, specified in Section 300 of these rules; (8-10-06)T

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c. The IDVR state administrator must determine that there is a need for a new or additional provider in the Extended Employment Services Region to be served, or that a new or additional provider is necessary in an Extended Employment Services region in order to provide meaningful options for Client informed choice. In determining whether to grant or deny certification, the IDVR state administrator may consider satisfaction of Clients with services provided by current Certified Extended Employment Services Providers in the region; and

(8-10-06)T

d. There must be sufficient funding available in IDVR's Extended Employment Services program budget for a new or additional provider in the Extended Employment Services region.

(8-10-06)T

05. Grandfather Provision for Current Providers. Upon the effective date of adoption of these rules, providers that have been paid by IDVR for Extended Employment Services that were provided to Clients during the month of May, 2006, and which comply in all respects with Section 300 of these rules, shall be grandfathered and deemed to be certified to provide Extended Employment Services in the region(s) in which they have provided services during such month.

(8-10-06)T

06. Duration. Once certified, an Extended Employment Service Provider (including a provider that is grandfathered under subsection 100.04.05 of these rules) retains certified status unless or until the certification is terminated or revoked by IDVR.

(8-10-06)T

101. -- 199. (RESERVED).

200. EXTENDED EMPLOYMENT SERVICES PROVIDER AGREEMENT.

01. Standard Form. Prior to providing Extended Employment Services, a Certified Extended Employment Services Provider shall enter into an annual Extended Employment Services Provider Agreement with IDVR which will specify the terms and conditions of the appointment. Such agreement shall be on a standard form approved by IDVR, after consultation with Certified Extended Employment Services Providers. Such agreement shall detail the provider requirements, services, scope of work, other special provisions, and fees.

(8-10-06)T

02. Annual Agreement. This agreement must be signed prior to the beginning of the Extended Employment Services fiscal year by an authorized representative of the Certified Extended Employment Services Provider and the IDVR state administrator or a designee.

(8-10-06)T

03. Subject to Revision. This agreement shall be entered into annually, and is subject to revision, as may be required by IDVR.

(8-10-06)T

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201. -- 299. (RESERVED).

300. PROVIDER QUALIFICATIONS.

A Certified Extended Employment Services Provider shall meet all of the following requirements: (8-10-06)T

01. Accreditation. Receive and maintain accreditation by CARF or RSAS. (8-10-06)T

02. Staff. Assure that all employees and subcontractors hired after August 10, 2006 who are providing Extended Employment Services: (8-10-06)T(11-1-06)T

a. Satisfactorily complete a criminal history background check, to be obtained by the provider; (8-10-06)T

b. Are not less than ~~twenty-one (21)~~ eighteen (18) years of age, ~~or if so, are not and, if less than eighteen (18)~~ twenty-one (21) years of age, have ~~at least two (2) years~~ not less than six (6) months work experience with people with disabilities (8-10-06)T(11-1-06)T

c. Demonstrate the ability to deliver services as specified in the Individual Program Plan for each Client; and (8-10-06)T

d. ~~Assure that within six (6) months of hire, all direct service employees and subcontractors who provide workservices skill training or job coaching have had a least~~ Document completion of not less than forty (40) hours of training directly related to vocational support for people with disabilities. Training must be documented no later than six (6) months from the date of hire and include all of the following topics: (8-10-06)T(11-1-06)T

i. Behavior technology, especially positive behavioral support; (8-10-06)T

ii. Instructional techniques; (8-10-06)T

iii. Strategies for dealing with aberrant or maladaptive behavior; (8-10-06)T

iv. Integration/normalization; (8-10-06)T

v. Functional impact of disabilities, particularly developmental disabilities and mental illness; and (8-10-06)T

vi. Strategies for remediation and accommodation. (8-10-06)T

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301. -- 399. (RESERVED).

400. TERMINATION OR REVOCATION OF PROVIDER STATUS.

IDVR may terminate or revoke the certified status of, and discontinue authorizing or purchasing services from, Certified Extended Employment Services Providers for actions including, but not limited to the following: (8-10-06)T

01. Loss of Accreditation. Failure to maintain accreditation from either CARF or RSAS; (8-10-06)T

02. Out of compliance. The provider is determined by IDVR to be out of compliance with these rules, ~~or the applicable standards of the accrediting agency, (either CARF or RSAS); or~~ the Extended Employment Services Provider Agreement. (8-10-06)T(11-1-06)T

03. Business Practices. The provider is determined to be engaged in business practices that are inconsistent with sound fiscal practice; or(8-10-06)T

04. Client Rights. The provider is determined to be in violation of Client rights. (8-10-06)T

401. -- 499. (RESERVED).

500. EXTENDED EMPLOYMENT SERVICES CLIENTS - REFERRAL AND ELIGIBILITY.

01. Referral. Each applicant to be a Client for Extended Employment Services under these rules will be referred by a Vocational Rehabilitation Counselor, employed by IDVR, who will provide the applicant with information on the services available from Certified Extended Employment Services Providers.

(8-10-06)T

02. Eligibility. Extended Employment Services Specialists at IDVR will assess the eligibility of each applicant for Extended Eligibility Services. Eligible applicants must have a disability that falls into one of four categories described below, and such disability must constitute a barrier to such person maintaining paid employment without long term vocational support: (8-10-06)T

a. Developmental Disabilities. Pursuant to section 66-402, Idaho Code, a chronic disability of a person which appears before the age of twenty-two (22) years; and (8-10-06)T

i. Is attributable to impairment, such as mental retardation, cerebral palsy, epilepsy, autism, or other condition found to be closely related to or similar to one of those impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; (8-10-06)T

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ii. Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and (8-10-06)T

iii. Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of life-long or extended duration and individually planned and coordinated. (8-10-06)T

b. Mental Illness. A person has been assessed by a qualified professional and been diagnosed under DSM-IV or later editions with schizophrenia, schizoaffective disorder, major affective disorder, delusional disorder or a borderline personality disorder and this psychiatric disorder must be of sufficient severity to cause a disturbance in role performance or coping skills in at least two of these areas on either a continuous or an intermittent (at least once per year) basis: vocational/academic, financial, social/interpersonal, family, basic living skills, housing, community, or health. (8-10-06)T

c. Specific Learning Disability. A disorder in one or more of the psychological processes involved in understanding, perceiving, or using language or concepts (spoken or written). A disorder which may manifest itself in problems related to speaking, reading, spelling, or mathematical calculations (or to a lesser extent, listening, thinking, or writing), and seriously limit two or more functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills).(8-10-06)T

d. Traumatic Brain Injury. A traumatically acquired insult to the brain that may cause physical, intellectual, emotional, social, and vocational changes. A closed head injury may be caused by a rapid acceleration/ deceleration, as in a motor vehicle accident. An open head injury is visible insult and may be the result of an accident, gun shot wound, or other physical injuries. Immediate effects are loss of consciousness, loss of memory, or change in vision, strength, coordination, or sensory function. Anatomical abnormalities may be present, such as cerebral hemorrhage or skull fracture. Long term effects may include physical, cognitive, and psycho-social-behavioral-emotional impairments. (8-10-06)T

501. -- 599. (RESERVED).

600. COVERED SERVICES.

The Extended Employment Services that may be provided to Clients by Certified Extended Employment Services Providers are described below. These services typically follow the completion of other vocational rehabilitation services, such as vocational evaluation, job site development, and initial training at the job site.

(8-10-06)T

01. Individual Community Supported Employment. Self employment or paid employment which is: (8-10-06)T

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a. For a Client paid not less than minimum wage and who, because of his or her disability(ies), needs ongoing support to maintain that employment;
(8-10-06)T

b. Conducted in a community or industry setting where persons without known paid work supports are employed; and (8-10-06)T

c. Supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision, training, and transportation.
(8-10-06)T

02. Group Supported Employment. Self employment or paid employment which is: (8-10-06)T

a. For a group of no more than eight (8) Clients who are paid not less than minimum wage and who, because of their disability(ies), need ongoing support to maintain that employment; (8-10-06)T

b. Conducted in a variety of community and industry settings where the Clients have opportunities to interact with co-workers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting;
(8-10-06)T

c. Supported by training and supervision needed to maintain that employment; and (8-10-06)T

d. Not conducted in the work services area of an Extended Employment Services Provider. (8-10-06)T

03. Work Services. The work services program utilizes individual and group work to assist individuals in understanding the value and demands of work, enhancing positive work attitudes, and developing functional capacities that will enhance the ability to achieve and maintain an employment outcome. Limited non-paid work related activities and transportation may be billed only when authorized on an Individual Program Plan. Work services are typically conducted on Certified Extended Employment Services Provider premises. (8-10-06)T

601. -- 699. (RESERVED).

700. EXCLUDED SERVICES.

Any other services provided by IDVR that are not described in subsection 600 of these rules shall not constitute Extended Employment Services. Such excluded services include, but are not limited to, the following: (8-10-06)T

01. Vocational Evaluation; (8-10-06)T

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|------------|------------------------------------------|------------|
| 02. | Work Adjustment; | (8-10-06)T |
| 03. | Job Site Development; or | (8-10-06)T |
| 04. | Initial Training at the Job Site. | (8-10-06)T |

701. -- 799. (RESERVED).

800. SERVICE PROVISION.

01. Services on Individual Program Plan. Extended Employment Services for each individual Client must be based on the Individual Program Plan developed for such Client. (8-10-06)T

02. Development of Individual Program Plan. Those involved in developing the Individual Program Plan must include, but are not limited to, the following:
(8-10-06)T

a. The Client. Efforts must be made to maximize the Client's involvement in the planning process by providing him or her with information and education regarding rights, and available options; and (8-10-06)T

b. The Client's legal guardian, if one has been appointed by the court; and
(8-10-06)T

c. Certified Extended Employment Services Provider program staff, responsible for the implementation of the Individual Program Plan.(8-10-06)T

03. Submission of the Individual Program Plan. The Certified Extended Employment Services Provider must submit the Individual Program Plan to an Extended Employment Services Program Specialist using the standard format provided or approved by IDVR. The Extended Employment Services Program Specialist will either accept the Individual Program Plan as submitted, or may require revisions to the Individual Program Plan before acceptance. (8-10-06)T

04. Timeline for Submission. The Individual Program Plan must be submitted to an Extended Employment Services Program Specialist within thirty (30) days from the beginning of the provision of Extended Employment Services. No payment will be made for Extended Employment Services without receipt of the Individual Program Plan covering those Extended Employment Services.
(8-10-06)T

05. Revision. The certified Extended Employment Services Provider must submit an updated Individual Program Plan for each Client to an Extended Employment Services Program Specialist at least annually. (8-10-06)T

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06. Progress Reports. The Certified Extended Employment Services Provider must submit a progress report on each Client to an Extended Employment Services Program Specialist at six (6) month intervals. A standardized format provided or approved by IDVR must be used. (8-10-06)T

801. RECORDS.

01. Client Files. Certified Extended Employment Services Providers shall maintain individual Client files, which must include the following:(8-10-06)T

- a. Referral information; (8-10-06)T
- b. Eligibility; (8-10-06)T
- c. Authorization for services; (8-10-06)T
- d. Contact information; (8-10-06)T
- e. Legal guardianship information; (8-10-06)T
- f. Individual Program Plan; (8-10-06)T
- g. Progress Reports; (8-10-06)T
- h. Documentation of service; (8-10-06)T
- i. Satisfaction measures; (8-10-06)T
- j. Releases of information; and (8-10-06)T
- k. Documentation that updates to Client information were provided to IDVR. (8-10-06)T

02. Storage. Files must be maintained for five (5) years from the date of discharge of the Client to whom the file pertains. (8-10-06)T

802. -- 899. (RESERVED).

900. PAYMENT FOR SERVICES.

01.Fee for Service. The IDVR State Administrator shall set the fees for covered services, after discussion with Certified Extended Employment Services Providers. Such fees shall be set forth in the annual Extended Employment Services Provider Agreement. Such fees shall be reviewed annually, and may be adjusted by IDVR to take effect at the beginning of the fiscal year. (8-10-06)T

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02. Pre-Authorization. All Extended Employment Services must be pre-authorized by an Extended Employment Services Program specialist, and shall be set forth in the Individual Program Plan for each Client. (8-10-06)T

03. Billing Procedures. (8-10-06)T

a. Certified Extended Employment Services Providers must submit a monthly billing statement for each Client served, in a format approved by an Extended Employment Services Program Specialist and within timelines set forth in the annual Employment Services Provider Agreement. (8-10-06)T

b. Bills may only be submitted for Extended Employment Services that have been identified and accepted by IDVR, as set out in an Individual Program Plan. (8-10-06)T

c. All bills submitted by Certified Extended Employment Services Providers are subject to prepayment and post payment review. Documentation sufficient to support each payment item shall be available for review, and must be maintained for five (5) years from the date of service. The Certified Extended Employment Services Providers must submit copies of the documentation regarding the provision of such services upon written request from an Extended Employment Services Specialist . (8-10-06)T

04. Audits. IDVR may perform audits of billing records and other documentation submitted by Certified Extended Employment Services Providers in order to verify the accuracy of such records. (8-10-06)T

05. Denial/Revocation of Payment. IDVR may deny payment, or seek reimbursement or set-off for payments previously made, if the provider is not in compliance with these rules, the signed Employment Services Provider Agreement, or if the provider does not provide the services as set forth in a Client's Individual Program Plan. (8-10-06)T

901. -- 999. (RESERVED).