

**STATE BOARD OF EDUCATION MEETING  
December 9-10, 2009  
Canyon Ridge High School  
Auditorium  
300 N College Road W.  
Twin Falls, Idaho**



**Wednesday, December 9, 2009, 4:30 pm, Hampton Inn, Canyon Rm., 1658 Fillmore St, Twin Falls, Idaho**

**EXECUTIVE SESSION (Closed to the Public)**

University of Idaho

TAB 1. A motion to hold an executive session pursuant to Idaho Code Sections 67-2345(1)(c) and (d) for the purpose of deliberations to acquire an interest in real property which is not owned by a public agency and considering documents that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code;

**Thursday December 10, 2009, 8:30 a.m., Canyon Ridge High School, Auditorium, 300 N College Road W., Twin Falls, Idaho**

**BOARDWORK**

1. Agenda Review / Approval
2. Minutes Review / Approval
3. Rolling Calendar

**OPEN FORUM**

**CONSENT AGENDA**

**BAHR – SECTION I – HR**

1. Boise State University – Deletions of Positions
2. Idaho State University – Changes to & Deletions of Positions
3. University of Idaho – Reactivation and Deletions of Positions
4. Lewis-Clark State College – Deletions of Positions
5. Eastern Idaho Technical College – Reallocations of Positions

**IRSA**

6. South Central Local Operations Committee – Summary Report

## **PPGAC**

7. Alcohol Permits Issued by University Presidents

## **PLANNING, POLICY & GOVERNMENTAL AFFAIRS**

1. College of Southern Idaho Report
2. Presidents' Council Report
3. ACT 50<sup>th</sup> Anniversary Recognition
4. State Board of Education By-laws
5. Statewide Longitudinal Data System Grant
6. State Board of Education Strategic Planning

## **INSTRUCTION, RESEARCH & STUDENT AFFAIRS**

### Higher Education

1. Boise State University – New Graduate Program – Full Proposal – Master in Chemistry
2. University of Idaho – Report on Possible Research & Extension Center Budgetary Actions
3. University of Idaho – Consolidation & Restructure of the Parma Research & Extension Center
4. University of Idaho Restructure of the Sandpoint Research & Extension Center
5. University of Idaho – Consolidation & Restructure of the Teton Research & Extension Center
6. Second Reading, Amendment to Board Policy III.Y. Advanced Opportunities, Idaho Standards
7. Establish an Assessment Oversight Committee of the Board

## **AUDIT**

1. Presentation of FY 2009 Audited Financial Statements by Moss Adams

## **BUSINESS AFFAIRS & HUMAN RESOURCES**

### **Section I – Human Resources**

1. Proposed Amendments to Board Policy – Sections II.B.2., II.F.2., II.G.2., II.N., 1<sup>st</sup> Reading

## **Section II – Finance**

1. Proposed Amendment to Board Policy – Section I.N.1. – 1<sup>st</sup> Reading
2. FY 2010 Sources & Uses Report
3. Proposed Amendment to Board Policy – Section V.W. – 1<sup>st</sup> Reading
4. University of Idaho – Wallace Residence Center Fire Detection, Alarm and Suppressions System Improvements
5. Boise State University – Multi-Media and Marketing Rights Agreement – Learfield Sports Marketing
6. Student Tuition and Fees

## **DEPARTMENT OF EDUCATION**

1. Superintendents Update
2. Idaho Math Initiative Presentation
3. Accountability Workbook
4. Idaho Special Education Manual

Items not completed on Thursday, December 10, 2009 may be carried over to Friday, December 11, 2009.

If auxiliary aids or services are needed for individuals with disabilities, or if you wish to speak during the Open Forum, please contact the Board office at 334-2270 no later than two days before the meeting. While the Board attempts to address items in the listed order, some items may be addressed by the Board prior to or after the order listed.

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1. Agenda Approval

Changes or additions to the agenda

**A motion to approve the agenda as posted.**

2. Minutes Approval

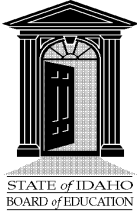
**BOARD ACTION**

**A motion to approve the minutes from the October 14-15, 2009 Regular Board meeting and the November 9<sup>th</sup>, 2009 Special Board meeting as submitted.**

3. Rolling Calendar

**BOARD ACTION**

**A motion to approve December 15-16, 2010 as the date and the College of Western Idaho as the location for the December 2010 regularly scheduled Board meeting.**



STATE BOARD OF EDUCATION  
 TRUSTEES OF BOISE STATE UNIVERSITY  
 TRUSTEES OF IDAHO STATE UNIVERSITY  
 TRUSTEES OF LEWIS-CLARK STATE COLLEGE  
 BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO  
 STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION  
 TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND

**DRAFT MINUTES  
 STATE BOARD OF EDUCATION  
 October 14-15, 2009  
 Lewis-Clark State College  
 Williams Conference Center  
 Lewiston, Idaho**

A regular meeting of the State Board of Education was held October 14-15, 2009 in Lewiston, Idaho.

**Present:**

Paul Agidius, President	Richard
Westerberg, Vice President	
Don Soltman	Milford
Terrell	
Emma Atchley	

Kenneth Edmunds -- Excused absence from the regular meeting just prior to the Presidents' Council Report.

Tom Luna, State Superintendent of Public Instruction (Absent for Executive Session)

**Absent:**

Rod Lewis

**Wednesday, August 19, 2009**

**EXECUTIVE SESSION**

The Board met for Executive Session at 4:00 p.m. on Wednesday, October 14, 2009 at Lewis-Clark State College, Student Union Building, Room 225, in Lewiston, Idaho.

**M/S (Westerberg/Terrell): To move into Executive Session pursuant to Idaho Code on Wednesday, October 14, 2009 to consider the following items:**

- (Tab 1) Boise State University: A motion to hold an executive session pursuant to Idaho Code Sections 67-2345(1)(d) for the purpose of considering documents that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code.**
- (Tab 2) Boise State University: A motion to hold an executive session pursuant to Idaho Code Sections 67-2345(1) (c) for the purpose of deliberations to acquire an**

interest in real property which is not owned by a public agency.

**(Tab 3) Lewis-Clark State College: A motion to hold an executive session pursuant to Idaho Code Sections 67-2345(1) (c) and (f) for the purpose of deliberations to acquire an interest in real property which is not owned by a public agency and communicating with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

**A roll call vote was taken. Motion carried 6-0 (Luna and Lewis were absent).**

During Executive Session, the Board discussed and considered: (1) as Trustees for Boise State University documents that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code; (2) as Trustees for Boise State College, the possible acquisition of real property not owned by a public agency; (3) as the Trustees for Lewis-Clark State College, the possible acquisition of real property not owned by a public agency as well as a matter of probable litigation.

**M/S (Westerberg/Terrell): To go out of executive session at 4:45 p.m. and adjourn for the evening. Motion carried unanimously.**

#### **Thursday, October 15, 2009**

The Board met for regular business on Thursday, October 15, 2009, in the Williams Conference Center at Lewis-Clark State College in Lewiston, Idaho. Board President Paul Agidius called the meeting to order at 8:45 a.m. and thanked Dr. Dene Thomas and the staff and faculty of Lewis-Clark State College for hosting the meeting. He also noted achievements by the various institutions and announced the inauguration of Dr. Duane Nellis, President of University of Idaho, which will take place on October 16, 2009.

#### **BOARDWORK**

##### **1. Agenda Approval**

**M/S (Westerberg/Terrell): To approve the agenda with the following changes: pull item 8 of the Planning, Policy, and Governmental Affairs Committee; pull item 2 of section two of the Business Affairs and Human Resources Committee; and move item 1 of the Instruction, Research, and Student Affairs Committee to follow the Open Forum in order to accommodate the travel schedule of the presenter. Motion carried unanimously.**

##### **2. Minutes Approval**

**M/S (Westerberg/Soltman): To approve the minutes from the August 19-20, 2009 Board meeting as submitted. Motion carried unanimously.**

##### **3. Rolling Calendar**

**M/S (Westerberg/Atchley): To approve October 13-14, 2010 as the date, and Lewis-Clark State College as the location, for the October 2010 regularly scheduled Board meeting. Motion carried unanimously.**

At this time Board President Agidius took a few moments to introduce the newest Board member, Emma Atchley, to the audience. Ms. Atchley made brief comments as the other Board

members and the audience welcomed her.

## PRESENTATION

### 1. Distinguished Schools/Additional Yearly Growth

**M/S (Terrell/Luna): To recognize and award the 2009 Distinguished School and the 2009 Additional Yearly Growth recipients as detailed in the agenda materials. Motion carried unanimously.**

Board President Agidius introduced this item. He noted that four schools satisfied the requirements of the Distinguished Schools and fifty-three that have earned the Additional Yearly Growth award.

## INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS – Item 1

### 1. University of Idaho – Report on Research and Extension Regional Listening Sessions

Dr. Duane Nellis presented this item and introduced Dr. John Hammel, Dean of the College of Agriculture and Research Sciences, to discuss the progress of programs.

Dr. Hammel noted that the challenge was to match the College's operations with the state's financial situation and still remain healthy and able to move forward in the future. A blue ribbon task force was put together in 2009 to review programs. Representatives from many areas served on the task force. Recommendations included downsizing several sites. The University was encouraged to give additional time to the review of those recommendations and to consider other options. Dr. Hammel reported that public input was invited at hearings and meetings at the local sites. He noted that the research extension centers are important historically and also as a support system for local communities. The stakeholders of each station raised questions about ways to find additional funds in order to keep the stations for the rest of the current fiscal year. That would give time for further review and consideration.

Dr. Hammel indicated that a two-phase process was put into place. Phase one is the attempt to find addition funds and funding sources. If those funds cannot be found by November 1, 2009, the particular station would be closed. If the funds are found, then phase two would go into place, which entails a more in depth review of that specific station including looking at new models. Those things will need to be identified and established by April of 2010, or the College will need to go forward with shutting down that particular station.

Dr. Hammel pointed out that this effort takes into account the whole research and extension program statewide, not just a couple of local sites. The University recognizes that future decisions will impact personnel and the communities so it will move forward in a sensitive way.

Dr. Nellis noted that this item is for informational purposes. Future plans and proposals will be brought back to the Board in December.



**PERFORMANCE MEASURES REPORTS**

Selena Grace of the Board office introduced this item and briefly summarized the performance measures for each institution and agency for the benefit of the Board. Representatives of the institutions and agencies were invited forward to respond to questions.

1. College of Southern Idaho – Board member Edmunds mentioned that superintendents in the region had concerns about meeting the requirements for math and science. He asked what CSI is doing to help. Dr. Jerry Beck explained that CSI has identified resources to help teachers improve their own math/teaching skills. Also, the Idaho Distance Learning Academy (IDLA) will allow CSI to deliver higher level math courses and dual credit course to rural schools. State Superintendent Luna noted that the state is looking at different models for delivering courses through the IDLA or the Idaho Education Network (IEN). He pointed out superintendents and districts statewide have been given many opportunities to learn about other options, particularly the IEN. The SDE will continue to promote and advertise the message. Board member Westerberg asked about the cost per FTE and Dr. Beck noted he would furnish Mr. Westerberg additional information related to grant funds.

2. College of Western Idaho – Cheryl Wright, Vice President of Finance and Administration, and Rick Aman, Associate Vice President of Instruction were introduced. State Superintendent Luna asked about CWI's plans and efforts related to dual credit offerings. Mr. Aman noted that CWI President Glandon's goal is to be able to offer dual credit courses at the local high schools though it will take time to get everything up and running. Related to distance learning, Mr. Aman noted that CWI has an interest in this as well. He also noted that remedial education is an important emphasis for CWI.

3. North Idaho College – Dr. Priscilla Bell discussed several efforts underway at North Idaho College. Board member Edmunds asked about dual credit. Dr. Bell indicated that in 2009, NIC awarded approximately 6,000 dual credits.

As a side note, Board member Westerberg suggested that it would be helpful to have all of the measurements and benchmarks of all of the institutions in a format where the Board members could compare them side-by-side.

4. Professional-Technical Education – State Director Ann Stephens was introduced. The Board had no questions.

5. Eastern Idaho Technical College – Board member Terrell asked President Burton Waite about the benchmark for workforce training. Mr. Waite noted that EITC plans to go back and look at the various benchmarks. He explained that the benchmarks reflect an average of the peer institutions. Board member Westerberg indicated he appreciated the use of peer institutions in the benchmarks.

7. Boise State University – Dr. Robert Kustra reported that BSU just finished its ten year accreditation review and the final report will be forwarded to the Board. Board member Edmunds asked about the benchmarks for graduation rates. Dr. Kustra indicated that metropolitan colleges usually have lower graduation rates. He noted that BSU is looking at ways to address that, including requiring all students meet with an advisor yearly in order to stay on course for graduation. He agreed with national studies that a graduation rate of 50% is a good target.

8. Idaho State University – Dr. Gary Olson explained that Dr. Art Vailas was unable to attend the Board meeting. Board member Terrell asked why ISU's performance report had so many NA notations in place of data. Dr. Olson indicated that ISU has been challenged by not having a Director of Research. Dr. Barbara Adamcik of ISU explained that the data is pulled from the IPEDs report and it has not been possible to collect the details yet. Dr. Olson noted that once the new system is up and the new Director of Research is on board, the numbers will be more easily accessed. ISU agreed to make sure the numbers are forwarded to the Board as soon as they are available. Board member Edmunds asked about education rates. Dr. Olson indicated that ISU has been working on the graduation rates and agreed that 50% is a good target statewide.

As a side note, Mr. Edmunds suggested that as the Board goes into strategic planning, it needs to look at the geographical implications related to growth. He suggested that the Board identify the direction it wants the institutions to take so that growth by institutions in other areas of the state is not without structure and direction.

Board member Westerberg suggested that the definition of "benchmarks" be the "number of peers". Board President Agidius observed that the Board is just beginning its work and over time the approach will be clarified.

9. University of Idaho – Dr. Duane Nellis came forward to respond to questions, and introduced Dr. Doug Baker, Mr. Lloyd Mues, and Dr. Archie George. Dr. Nellis reported that UI just completed its interim five year review and has made good progress over the past five years. Board member Edmunds asked about dual credit and Dr. Baker noted that the numbers show an increase over the last four years. He noted that UI is working on distance programs and offering higher level math courses online. Dr. Nellis reported that UI is slightly below their peers in graduation rates, which is 60%. Dr. Nellis indicated that UI is looking aggressively at how it may increase enrollment. Board member Westerberg asked about the fee tuition waiver policy in terms of how it compares to other institutions. Dr. Baker explained that a good portion of those fee waivers are offered to graduate students and an effort is made to attract them from all over the nation.

9. Lewis-Clark State College – Dr. Dene Thomas, Tony Fernandez, and Chet Herbst came forward to respond to questions. Dr. Thomas noted that LCSC has a community college function and has worked hard to have an open enrollment policy that allows students to achieve and succeed. LCSC was recognized for embracing distance learning technology in their recent accreditation review. State Superintendent Luna congratulated LCSC on its continued improvement on dual enrollment. He noted that the PACE program has also continued to be successful.

As a side note, Board member Edmunds asked Board staff about tracking dual credits and how they transfer to other institutions, etc., to see how successful the system is statewide.

**By unanimous consent the Board, at this time, moved to item three of the Instruction, Research and Student Affairs agenda, and item five of section two of the Business Affairs and Student Resources agenda in order to accommodate flight schedules of the presenters.**

**INSTRUCTION, RESEARCH AND STUDENT AFFAIRS – Item 3**3. Second Reading, Proposed Amendments to Board Policy III.W, Higher Education Research

**M/S (Edmunds/Soltman): To approve the second reading of Board Policy III.W., Higher Education Research, with the revision of section 3.c.iv (2) (a), striking the last sentence “Board staff will also solicit nomination from the EPSCoR committee.” and adding to section 3.c.iv “The Board may, after review of the candidates nominated by the committee pursuant to the process described herein, consider other candidates for committee membership identified by the Board or its staff”. Motion carried unanimously.**

**BUSINESS AFFAIRS AND STUDENT RESOURCES – SECTION II – Item 5**5. University of Idaho – Building Conveyance and Ground Lease - Idaho Public Television

**M/S (Edmunds/Terrell): To authorize the University of Idaho and IPTV to complete the transaction, including the conveyance of the building and ground lease, and to authorize the Vice President for Finance and Administration of the University to execute a quitclaim deed and ground lease in substantial conformance to the drafts submitted as part of this request, and any other documents associated with the above authorized transactions. Motion carried unanimously.**

At this time, the Board returned to the Performance Measures Updates

10. Department of Education – State Superintendent Luna discussed the results of a study related to charter schools. He will provide copies of that study to the Board. Mr. Luna pointed out that he is a supporter of a choice of options in public education because students have different learning styles and needs. He will work to lower the cap on the number of charter schools because there is a high demand for them. In response to a question, Mr. Luna reported that a review of districts that have gone from five-day to four-day school weeks has shown that student achievement has not gone down. He will provide a copy of that report to the Board.

11. Idaho Public Television – Peter Morrill reported that the number of full time positions at IPTV has gone down as a result of the economic situation in the state. Board member Soltman asked about the breakout of funds that come to IPTV. Mr. Morrill indicated that IPTV gets about 25% of its total funding from general funds. IPTV also receive funds from grants, contributions, and other funding sources.

12. Vocation Rehabilitation – Vocational Rehabilitation had no representatives present. The Board agreed to review their performance report and direct any questions they had to the Board staff at a later date.

**CONSENT AGENDA**

**M/S (Westerberg/Soltman): To approve the Consent Agenda as submitted. Motion carried unanimously.**

1. BAHR – Section I – Boise State University – Deletions of Positions

**By unanimous consent, the Board approved the request by Boise State University to delete four (4) positions (3.38 FTE) supported by appropriated and local funds.**

2. BAHR – Section I – University of Idaho – New Positions and Reactivation of Positions

**By unanimous consent, the Board approved the request by the University of Idaho for three (3) new positions (3.0 FTE) supported by a reallocation of appropriated funds and to reactivate two (2) positions (2.0 FTE) supported by appropriated funds.**

3. BAHR – Section I – Lewis-Clark State College – New Position

**By unanimous consent, the Board approved the request by Lewis-Clark State College for one (1) new position (.73 FTE) to be supported by local funds.**

4. IRSA – Quarterly Report: Programs and Changes Approved by Executive Director

**By unanimous consent, the Board accepted the Quarterly Report on Programs and Changes approved by the Executive Director.**

5. PPGAC – Alcohol Permits Issued by University Presidents

**By unanimous consent, the Board received the report as submitted.**

At this time Board member Edmunds was excused from the remainder of the Board meeting in order to make a flight connection.

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**1. Presidents' Council Report

Dr. Dene Thomas reported on behalf of the Presidents' Council. She noted that the Presidents' Council had discussed student access and retention including waivers, credits for graduation, capacity, and veterans. The Presidents' Council also discussed higher education budgets in light of Idaho's economic situation. They discussed how the institutions are dealing with the 6% holdback and also had the opportunity to meet with Governor Otter to share concerns with him.

The Presidents' Council discussed institutional autonomy related to higher education's relationship with other state agencies. This discussion focused on issues such as health care and insurance for full- and part-time employees, and the working relationship with the Department of Public Works, Division of Human Resources, and the Division of Purchasing. Dr. Thomas noted that the Governor had suggested to the Presidents' Council that they review the policies related to those topics and bring something before the Board for consideration.

2. Lewis-Clark State College Annual Report

Dr. Dene Thomas presented the annual report for LCSC to the Board. She invited Student Body President Clay Long, Student Body Vice President Andrea Madsen, and Associated Faculty Chair Joni Dickinson Mina to join her. Dr. Thomas reviewed LCSC's three part role and mission which involves integrating academic and professional-technical education with community

programs. She also reported that LCSC's accreditation visit resulted in six commendations. She thanked the LCSC faculty, staff, students, and the Board for making the success of the College possible.

Dr. Thomas briefly discussed outreach efforts, instruction, and programs. She noted that LCSC experienced increased enrollments in the fall of 2009. LCSC continues to make very selective cuts in response to hold backs in order to do the least harm to the students and programs.

Dr. Mina commented on the hard work of the faculty and thanked the administration of LCSC, along with the State Board, for their integrity, support, and an inclusive environment that enables the LCSC faculty to work together in a successful way to the benefit of the students and the community they serve.

### 3. Higher Education Idaho 2010 Book

Mark Browning of the Board staff briefly summarized this item. He distributed copies of Higher Education in Idaho 2010 to the members of the Board.

### 4. Institution Pandemic Flu Response

Mark Browning briefly summarized this item.

### 5. PULLED from the agenda

### 6. Idaho State Historical Society Legislation

Tracie Bent of the Board staff briefly summarized this item.

### 7. Comprehensive Literacy Assessment Legislation

**M/S (Terrell/Soltman): To approve the proposed changes to section 33-1207A, Idaho Code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process. Motion carried unanimously.**

### 8. PULLED from the agenda

### 9. President Spouse Employment Legislation

**M/S (Terrell/Westerberg): To approve the proposed changes to section 18-1359(8), Idaho Code, to clarify that the employment of the spouse of an institution president is not a violation of section 18-1359, Idaho code and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process. Motion carried unanimously.**

### 10. Delegation of Board Authority Legislation

**M/S (Terrell/Soltman): To approve the proposed changes to section 33-107, Idaho Code, allowing the Board to delegate such powers as the Board finds necessary to its executive officers for them to perform duties prescribed to the Board by the school laws of the state and to direct the Executive Director to make any non-substantive changes as necessary**

as the legislation moves forward through the Governor's legislative process. Motion carried unanimously.

11. By-Laws Amendment – First Reading

**M/S (Terrell/Luna): To approve the first reading of the proposed amendments to the Idaho State Board of Education, Governing Policies and Procedures, By-Laws as submitted. Motion carried unanimously.**

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**

1. MOVED up on the agenda

2. Annual Report of Academic Programs and Memorandums of Understanding

Dale Bowers of the Board staff briefly summarized this item.

3. MOVED up on the agenda

**AUDIT COMMITTEE**

1. Extension of Contract with Moss Adams

**M/S (Soltman/Terrell): To ratify and approve the contract extension with Moss Adams for three (3) years and to approve the fourth amendment for audit services as submitted. Motion carried unanimously.**

2. Lewis-Clark State College – Revision to Foundation Operating Agreement

**M/S (Soltman/Atchley): To approve the Operating Agreement between the LCSC Foundation and Lewis-Clark State College; and to recognize the LCSC Foundation as an affiliated foundation to benefit Lewis-Clark State College. Motion carried unanimously.**

Board member Terrell asked for clarification on this item. Chet Herbst of LCSC explained the impact of this policy and the role of the Foundation.

**BUSINESS AFFAIRS AND HUMAN RESOURCES – Section I**

1. Proposed Amendments to Board Policy – Section II.G.2.b. (2) – Faculty Compensation – Second Reading

**M/S (Westerberg/Terrell): To approve the second reading of Board Policy II.G. – Faculty as submitted. Motion carried unanimously.**

2. PULLED from the agenda

3. Proposed Amendments to Board Policy – I.E. – Executive Officers – Second Reading

**M/S (Westerberg/Terrell): To approve the second reading of the amendment to Board Policy I.E.4., Executive Officers, Institutional Presidents Official Duties Related Spousal Expenses. Motion carried unanimously.**

State Superintendent Luna clarified that this policy standardizes an ongoing practice.

4. Boise State University – Head Track and Cross Country Coach Contract

**M/S (Westerberg/Soltman): To approve the request by Boise State University to enter into a multi-year employment contract with James Hardy, Head Track and Cross Country Coach. Motion carried unanimously.**

As a side note, Board member Westerberg suggested that in the near future a review of the basic athletic contract template be undertaken by the Board.

**BUSINESS AFFAIRS AND HUMAN RESOURCES – Section II**1. FY 2009 Carryover Funds

**M/S (Westerberg/Terrell): To approve the requests by Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, ISU Dental Education Program, and the UI WWAMI Medical Education Program, to carry over authorized but unspent non-general funds in the amounts specified in the agenda materials from FY 2009 to FY 2010. Motion carried unanimously.**

2. Boise State University – Multi-Media and Marketing Rights Agreement with Learfield Sports Marketing

**M/S (Westerberg/Soltman): To approve the request by Boise State University to enter into the proposed multi media and marketing rights agreement as submitted with Learfield Sports Marketing. Motion carried unanimously.**

Stacy Pearson of Boise State University presented this item. She introduced Rachel Bickerton, Director of Trademark Licensing and Enforcement at BSU, to discuss the terms of the University's arrangement with Learfield Sports Marketing. Ms. Bickerton reviewed the scope of the marketing agreement and noted it will be fully integrated with the BSU Athletics program. She pointed out that BSU retains consultation and consent rights.

Board member Atchley asked how Learfield staff will be integrated into BSU. Ms. Bickerton indicated they will be housed on campus. Ms. Pearson noted that currently BSU has athletic staff that negotiates sponsorships and donations. This agreement will allow Learfield staff to pursue sponsorships and free up BSU staff to focus on other efforts.

3. University of Idaho – Property Easement – Idaho Power – Cummings Research Center

**M/S (Westerberg/Terrell): To approve the grant of an easement to Idaho Power Company in substantial conformance to the form submitted to the Board in Attachment 1, and to authorize the University's Vice President for Finance and Administration to execute the easement and any related transactional documents. Motion carried unanimously.**

Board member Westerberg suggested that the Board determine some way to direct these types of routine property easement requests to the consent agenda.

4. University of Idaho – Property Sublease – CH2MHill at Idaho Water Center

**M/S (Westerberg/Terrell): To approve the Second Amendment to the Sublease between the University of Idaho and CH2M Hill in substantial conformance to the form submitted to the Board in Attachment 1 and to authorize the University’s Vice President for Finance and Administration to execute the Second Amendment to the Sublease and any related transactional documents. Motion carried unanimously.**

Lloyd Mues of University of Idaho briefly reviewed the details of this agreement.

5. MOVED up in the agenda

6. PULLED from the agenda

7. Lewis-Clark State College – Property Gift from LCSC Foundation

**M/S (Westerberg/Atchley): To approve the request by Lewis-Clark State College to accept the gift of the Center for Arts and History building and the North Lewiston Training Center facility from the LCSC Foundation, and to authorize the College’s Vice President for Finance and Administration to sign the associated property transfer documents in the name of the State of Idaho on behalf of the State Board of Education in its capacity as the Board of Trustees for the LCSC. Motion carried unanimously.**

8. FY 2011 Alterations and Repair Projects Budget Requests

**M/S (Westerberg/Soltman): To approve the non-major projects as submitted on pages 3-9. Motion carried unanimously.**

9. FY 2010 Promise B Scholarship Approval

**M/S (Westerberg/Atchley): To set the spring 2010 Promise B award at \$150.00 for those current recipients who maintain eligibility and for qualified first-year entering students under the age of 22 in academic year 2009-2010. Motion carried unanimously.**

**M/S (Atchley/Terrell): To delegate to the Executive Director any adjustment to the spring 2010 award for those current recipients who maintain eligibility and for qualified first year entering students under the age of 22 in academic year 2009-2010. Motion carried unanimously.**

10. Idaho Student Aid Programs - Overview

Board member Westerberg presented this item.



11. College of Western Idaho – Supplemental Budget Request

**M/S (Westerberg/Soltman): To approve the FY 2010 supplemental request for College of Western Idaho in the amount of \$1,047,200. Motion carried 4-2 (Soltman and Terrell voted Nay; Luna, Westerberg, Agidius, Atchley voted Yes).**

Board member Terrell expressed concerns about this item and indicated he would vote against the request. Board member Westerberg noted that this item comes up because when the appropriation was made by the Legislature, it was not possible to know how successful CWI would be. He pointed out that this request simply allows CWI to submit a supplemental request to the Legislature; the Legislature can then decide whether or not to approve it. Cheryl Wright of CWI explained the rationale of this request for the benefit of the Board. She noted that it is not the intent of CWI to harm the other two community colleges.

**DEPARTMENT OF EDUCATION**1. Superintendent's Report

Mr. Luna noted that he would not present a report at this time, due to time constraints. He did ask to reorder the items on the Department's agenda so that the action items could be heard first. The Board agreed to hear items 5-8 ahead of item 2.

5. Pending Rule – Docket 08-0203-904 – Incorporated by Reference – Idaho Alternate Assessment Achievement Standards

**M/S (Luna/Soltman): To approve the pending rule Docket 08-0203-0904 Rules Governing Thoroughness- Incorporate by Reference, Idaho Alternate Assessment Achievement Standards. Motion carried unanimously.**

6. Appointments to the Idaho State Curricular Materials Selection Committee

**M/S (Luna/Atchley): To approve the request by the State Department of Education for Geri Gillespy's appointment to the Idaho State Curricular Materials Selection Committee as submitted for a term beginning June 14, 2010 and ending June 30, 2015. Motion carried unanimously.**

7. School District Property Alteration – Boise/Meridian (Avimor)

**M/S (Luna/Soltman): To approve the alteration of boundaries from the Boise Independent School District to the Meridian Joint School District, on the finding that the alteration is in the best interests of the school children residing in each of the affected areas of such districts. Motion carried unanimously.**

8. School District Property Alteration – Meridian/Boise (Orchard Ranch)

**M/S (Luna/Soltman): To approve the alteration of boundaries from the Meridian Joint School District to the Boise Independent School District, on the finding that the alteration is in the best interests of the school children residing in each of the affected areas of such districts. Motion carried unanimously.**

2. Presentation of the FY 2011 Public School Budget Request

Mr. Luna briefly discussed this item. He noted that there are two budgets SDE puts before the Legislature; one is for the Department itself and the other is for the Schools. He referred the Board to their agenda materials and noted that he will go into more detail in January.

3. Annual Report – Hardship Elementary School – Cassia County School District #151, Albion Elementary School

Mr. Luna noted that the details related to this item are in the Board materials.

4. Approval to Operate an Elementary School with Less Than Ten (10) Pupils in Average Daily Attendance

Mr. Luna referred the Board to the materials in the packet.

**OTHER BUSINESS**

There being no further business, a motion to adjourn was entertained.

**M/S (Westerberg/Soltman): To adjourn the meeting at 4:00 p.m. Motion carried unanimously.**



STATE BOARD OF EDUCATION  
 TRUSTEES OF BOISE STATE UNIVERSITY  
 TRUSTEES OF IDAHO STATE UNIVERSITY  
 TRUSTEES OF LEWIS-CLARK STATE COLLEGE  
 BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO  
 STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION  
 TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND

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**DRAFT MINUTES  
 STATE BOARD OF EDUCATION MEETING  
 SPECIAL MEETING  
 November 9, 2009  
 Stueckle Sky Center, Skyline Room  
 Boise State University  
 Boise, Idaho**

**9:00 a.m. (MST)**

A special meeting of the State Board of Education was held November 9, 2009 in Boise, Idaho at the Stueckle Sky Center Skyline Room at Boise State University. Board President Paul Agidius presided.

**Present:**

Paul Agidius, President  
 President  
 Ken Edmunds, Secretary  
 Emma Atchley  
 Rod Lewis

Richard Westerberg, Vice  
 Don Soltman  
 Milford Terrell

**Absent:**

Tom Luna

The meeting was called to order at 9:00 a.m. Board President Agidius introduced the agenda. Mr. Agidius extended the thanks and appreciation of the Board to Boise State University for hosting the meeting.

**BOARDWORK**

1. Agenda Approval

**M/S (Terrell/Westerberg): To approve the agenda as submitted. Motion carried unanimously.**

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS****1. Strategic Planning****a. Welcome and Overview**

Board member Terrell presented this item. He introduced Sarah Borden to facilitate the strategic planning session.

Ms. Borden reviewed the agenda for the strategic planning session, discussed the ground rules, and summarized how the process would work for this portion of the meeting. She referred the Board to the agenda materials.

Ms. Borden asked for input from the Board and the representatives from the colleges, universities, and agencies in terms of their understanding of the purpose of strategic planning. Board member Edmunds indicated that the state and the education community want strategic direction. The strategic plan will also improve coordination and communication between the Board and the Department of Education. Board member Atchley observed that the strategic plan helps the Board to direct resources. Executive Director Mike Rush explained that the strategic plan will help Board staff know where to focus their attention, time, and resources in terms of staff effort. It also helps Board staff know what actions the Board wants staff to help institutions and agencies implement. The strategic plan lets the institutions and agencies know what the Board expects from them. It also helps them to draft their own strategic plans. Board member Westerberg agreed that the strategic plan should define where the Board wants to go, determine the speed of the march, and the direction to take to get there.

Dr. Kustra of Boise State University explained that a serious strategic planning effort will help the Board to do long-range planning in terms of how the state's universities and colleges are going to provide education across the state. He indicated that in the past, a lot of the planning was done in smaller increments, but a strategic plan that is long-range will look at the bigger picture. In the end, it will also help the Board track the resources statewide and account for how they are spent and hopefully get out of the regionalism approach to planning.

Board member Westerberg raised a question as to how specific the Board's strategic plan will be in terms of speaking to the goal and the role of instruction in the state of Idaho. Ms. Borden clarified that it seemed that what was said was that the Board should look at the macro level not the little details.

Board member Edmunds asked if the Board wanted to do more than to patch, or if it has the resources and political will power to do more than patch. Ms. Borden said that was a critical question. She asked the Board if it was tweaking what it already has, or if it is starting to build something new. Dr. Doug Baker of UI said that it made sense to see how much pruning actually needs to be done versus cutting down the tree altogether. He asked about the challenges the state faces, and how the education system is currently structured to meet those needs. He asked if the state needed to turn the little dial or the big dial to meet those needs. He agreed that what President Kustra said makes a lot of sense in terms of looking at the big picture.

**b. Education in Context**

Dr. Rush presented the Education in Context piece to the audience. This was followed by input and discussion from the Board and other participants. Dr. Kustra noted that the IPEDS data is not reliable in terms of trying to track what is going on in Idaho. Others agreed that IPEDS fails to track a large number of students.

Dr. Baker pointed out that the U.S. education system suffers the same problem that Idaho does, which is that it depends very much on state funding. What has happened over time is that as the economy struggles, state funds for education have been chipped away in order to take care of other needs. Dr. Baker explained that the opposite is true in other countries. Those countries view education as more valuable and have directed more and more money into education over the years. As a result, their education systems are growing at a phenomenal rate. He suggested that Idaho needs to consider raising revenue another way.

Ms. Borden noted that these are major issues and asked institutions for input as to what they are currently doing to grapple with the cuts. The representatives from the colleges and universities agreed that they have had to limit program offerings, not fill vacant positions, eliminate course offerings, and in some cases combine colleges or divisions. It was explained that some of the institutions do charge professional fees to professional students to help address the financial need. All of the institutions and agencies have had to do more with much less.

Ms. Borden asked the group to think about the intervention needed to turn this around. She encouraged the group to look at doing things differently. Dr. Robin Dodson of ISU suggested that there were influential people who may need to be brought into the discussion at some point down the road, but there was agreement that the Board needed to start the process and have something to take to those other people.

**c. Foundational Work**

Ms. Borden referred to the agenda materials and discussed the strategic plan hierarchy. She pointed out that the link between the current conditions and the Board's future vision is the strategic plan. Everything needs to point towards the vision. Board member Don Soltman noted that the vision statement needs to be a constant. And, Board President Agidius emphasized that if the effort stops with the vision statement, then the effort is a waste of time. Ms. Borden observed that once the strategic plan is completed, a communication strategy needs to be put into place to get the word to those influential people mentioned earlier.

There was discussion about the vision statement. It was noted that the current vision and mission statements were drafted about a year ago. Ms. Borden emphasized that a strong vision statement needs to convey clearly where the Board wants to go. It doesn't have to be long or wordy, but it does need to inspire the uninformed reader to look at what it represents. She suggested that the newest vision statement didn't offer enough to an uninformed reader. She asked the Board to compare it with the vision statement from 2009-2013.

Board member Atchley noted that an education system has a product at the end and agreed the previous vision statement gives a better picture of what that product should look like. Board President Agidius noted that the current vision statement is where the Board wants to be while the previous one is more about how to get there.

Board member Lewis noted that both vision statements focused on the individual or the system. He raised a point about what exactly the Board wants to accomplish. Is it talking about what it wants to do as a system to help individuals achieve a particular end, or is it talking about the capabilities it wants to provide to individuals? Is it trying to drive economic well-being of the state, or is it trying to help individuals so that they attain an education level that allows them to compete in the global economy? Does the Board want to better the economy or the individual? What is the responsibility of the Board?

Dr. Baker pointed out that all the colleges of the state are accredited through the Northwest Commission and the Commission requests program assessments, not individual assessments.

Ms. Borden referred to the 2009-2013 vision statement and wrote down the concepts it points to for the Board to consider. Those concepts include: access and a seamless system that results in a well-informed citizenry which affects the economy and the quality of life. Board member Lewis added that one of the concepts is that Idaho's students be competitive in a global economy.

Ms. Borden reiterated that the Board needs to remember who the audience is in terms of the vision statement. If the vision statement is too vague, it's hard to communicate what it means. Board member Westerberg emphasized that a simple statement keeps it from getting too unwieldy. Ms. Borden suggested that a tag line could be followed by a longer statement that spells it out a little more clearly.

In referring to the vision statement for 2009-2013, Board member Lewis noted that the term well-informed or well-educated is not clearly defined. He asked how the Board would measure that.

Dr. Sona Andrews of Boise State College asked how Idaho's vision or mission statements distinguish us from other states. She suggested having both the vision and mission statement use the word "Idaho". Ms. Borden reminded the Board again that to inspire people to get involved and to come along, the vision statement needs to appeal to the curiosity. Dr. Baker referred to Washington's vision and mission statements and read portions for the benefit of the Board so they could have an idea of what other states had crafted.

Ms. Borden again asked what the vision is for Idaho's education system. To get the discussion started, she asked the participants to write a statement to share with the group to get ideas from them for the group to consider and to share those statements out loud. She made a list of the common themes which came out of this exercise. They included: competitive, access, seamless, relevance, globally competitive, highly educated workforce, lifelong, innovative, sustainability of the system, creation of knowledge that impacts the quality of life in a region or in the state (the creation of knowledge that creates a new industry

through research or discoveries done by the institutions that moves the state forward), and maximizing potential.

Based on the discussion and the common themes that were identified, Ms. Borden asked the Board for permission to use the 2009-2013 statement as a starting point, then to add in the other key concepts, and also to include a tag line that further defines the vision statement. The Board agreed and urged that the tag line be short and not be a map of how to get there. Board President Agidius reiterated that the tag line needs to be broad and not cater to just one view or interest area.

Ms. Borden discussed values and how a point in the vision can be demonstrated. Dr. Baker referred back to what Washington had put together and noted that it had listed out a series of steps, each one building on the other. He suggested that the Board may want to look at that information. It is available online.

There was more discussion and Ms. Borden listed some other values that might be considered, including: accountability, responsibility, communication, innovation, cooperation, leadership/advocacy, respect, and efficiency. Those values help to further define the mission.

#### **d. Review and Development of Goals and Objectives**

The discussion turned to performance measures and goals. Ms. Borden referred to the agenda materials and reviewed existing goals from three different entities.

The first set of goals came out of CAAP. Sona Andrews provided more details as to how CAAP arrived at the goals and objectives it did. She noted that the foundational principles that CAAP identified included the need to: (1) educate more citizens and students; (2) motivate students; (3) increase access to education; (4) increase success rates for emerging citizens; (5) recruit more and better prepare educators; and (6) increase collaboration between all players. Based on these needs, CAAP came up with the four goals.

The next set of goals came from the State Department of Education. Luci Willits of SDE presented them and discussed the steps SDE went through to come up with its mission, vision, and goals. She indicated that the SDE wanted to make sure that the goals were global yet specific. She explained that the action plan that came out of the goals defines and outlines how the goals are met. Accountability is a key point in all the goals and the strategies. She recommended that the Board look at the Department's webpage to see their strategies and performance measures because they clearly define the responsibilities of the Department.

The next set of goals the Board reviewed came from the Education Alliance of Idaho. It was noted that members from the education community served on the EAI committee. Board member Lewis pointed out that EAI has been offering to give input and to engage in a dialog with the Board for several years. He suggested that the Board needs to take the initiative now and make sure to include the EAI in its discussions.

**As a side note, an action item for the Board to follow up on is deciding out how to get a partnership going with EAI.**

Ms. Borden asked the Board if any of the goals just presented might be ones the Board would like to build on. There was discussion about incorporating the various goals or ideas into the Board's plan. Board member Soltman liked the work that CAAP did. Board member Westerberg concurred and suggested that those goals could be adapted to fit the broader system.

There was a general acceptance of that idea. It will address the common themes identified by the Board: competitive, access, seamless, relevance, globally competitive, highly educated workforce, lifelong, innovative, sustainability of the system, creation of knowledge that impacts the quality of life in a region or in the state (the creation of knowledge that creates a new industry through research or discoveries done by the institutions that moves the state forward), and maximizing potential.

It was agreed that the CAAP goals did not conflict with the SDE or EAI goals. It was agreed to take the four goals and adapt them to the K-20 system. Dr. Baker noted that there is a need to address how the longitudinal data system fits into the SBOE plan. The Board agreed to come back to this item.

The Board agreed that having the performance measures and strategies is essential. Sona Andrews encouraged the Board not to start with the measures, but rather to think about what is important in the bigger sense and then figure out how to measure it. If it turns out to not be measurable, then it needs to go away.

The Board began to work through the goals and objectives that came from CAAP. Ideas were suggested as the goals and objectives were adapted to fit the Board's plan.

**Under goal 1 the Board agreed that objective (b) should read "quality instruction and learning".**

Dr. Rush noted that the goal that seems to be missing from the CAAP goals is similar to the EAI goal of transparent accountability. Other Board members agreed that would be a good goal and to use the language of EAI.

Board member Lewis suggested that there be a goal to read "highly educated citizenry" or an objective that incorporates that idea which is visible.

**It was suggested that Goal 1 could be written to say "provide a well educated citizenry." This will convey the point or concept that the goal is to increase the level of education, not just the quality of education. Also, "higher level of educational attainment" will be added as an objective (e) to Goal 1.**

In respect to **Goal 2, it was suggested objective (a) should read: "An environment in which critical thinking at the individual and system level, innovation, and creativity can thrive".**

In respect to **Goal 3, it was suggested that another objective should be "relevant educational programs."**



In respect to **Goal 4**, it needs to be expanded to include all of K-20, not just higher education. It was suggested that this goal might be where there is mention about building a stronger economy. Another objective was added (c) to read “economic development.”

It was agreed to create **Goal 5 (using EAI goal 1)** and have it read “**Transparent Accountability.**” It was agreed to add the following objectives: (a) **Robust metrics and a system to implement them (to evaluate where we are going);** (b) **integrated statewide data system K-20 and beyond;** (c) **continuous improvement.** It was pointed out that under this goal should be a place to tie funding to outcomes, for example, another objective which would read: and (d) **budget process tied to strategic plan outcomes.**

#### **e. Next Steps**

1. EAI Collaboration – There was discussion about how best to achieve an open and ongoing collaborative effort with EAI. Board President Agidius will meet with the Governor related to this. It was suggested that one of the Board’s existing committees invite EAI to meet with them on a quarterly basis and also to invite other Board members to attend as well. The Board and its staff will follow up on this.

2. Vision, Values Draft Plan – Board staff, with input from Sarah Borden, will complete this task. Tracie Bent will be the contact person at the Board office. There was discussion about timelines for finalizing the strategic plan. It was noted that the Board has to abide by the DFM due dates as do the institutions and agencies. Also, there needs to be a process for reviewing successive drafts. The Board and its staff will follow up on this.

3. Other -- Board member Edmunds suggested that the Board have a timeline for the other things they need to accomplish, such as roles and missions, so that it doesn’t lose sight of those other things. Ms. Borden suggested that the Board needs to let the institutions know what the priorities are. It was suggested that when there is a next meeting, who to invite who wasn’t at today’s meeting.

#### **2. Pending Rule – Docket 47-0101-0901 - Idaho Division of Vocational Rehabilitation Appeals Process**

**M/S (Terrell/Soltman): To approve the Pending Rule Docket 47.01.01.0901 – Rules of the Idaho Division of Vocational Rehabilitation as submitted. Motion carried unanimously.**

#### **3. Pending Rule – Docket 08-0104-0901 – Residency Classification**

**M/S (Terrell/Soltman): To approve the Pending Rule Governing Residency Classification, Docket 08-0104-0901, as submitted. Motion carried unanimously.**

Board staff explained that if an individual leaves the state for educational purposes and then wants to return to Idaho, this would allow them to do that. Before, if they left the state for

educational purposes and then returned, they would no longer consider a resident for tuition purposes.

4. Pending Rule – Docket 08-0114-0901- Rural Physicians Incentive Fund

Board member Edmunds abstained from discussion and voting on this item. Board member Lewis referred to the statement on page 5 of tab 4 – Section 016.01.a, and suggested that it wasn't clear what the intent was. The Board agreed to postpone this item until the end of the day in order to clear up the language in that section.

**By unanimous consent this item was postponed until later in the agenda.**

5. Amend Temporary/Pending Rule – Docket 08-0111-0901 - Proprietary/ Postsecondary School Registration

**M/S (Terrell/Westerberg): To approve the Amended Temporary and Pending Rule – Docket 08.01.11.0901, Registration of Postsecondary Education Institutions and Proprietary Schools, as submitted. Motion carried 6-0 (Agidius absent during the vote)**

Board staff reported that there had been public hearings and it was recognized there was a need to revisit the surety bond formula. The changes are reflected in the language of this rule.

**DEPARTMENT OF EDUCATION**

State Superintendent Luna was unable to be at the meeting due to a death in the family. Luci Willits of the Department took his place and presented the items of the Board's agenda for the benefit of the Board.

1. Pending Rule – Docket 08-0203-0903 - Middle Level Credit Requirements

**M/S (Soltman/Terrell): To approve pending rule with changes Docket 08-0203-903, Rules Governing Thoroughness, Middle Level Credit Requirements as submitted. Motion carried unanimously.**

2. Pending Rule - Docket 08-0202-0904 - Incorporation By Reference, Idaho Standards for the Initial Certification of Professional School Personnel

**M/S (Soltman/Atchley): To approve the pending rule Docket 08-0202-0904, Rules Governing Uniformity, Incorporation by Reference- Online Teacher Endorsement.**

3. Temporary and Pending Rule – Docket 08-0202-0905 - Incorporation by Reference, Idaho Operating Procedures for Public Driver Education Programs

**M/S (Soltman/Edmunds): To approve the Idaho Operating Procedures for Public Driver Education Programs. Motion carried unanimously.**

Nick Smith from the Department indicated that the public comments that were received were primarily geared towards private drivers' education businesses being able to contract with the schools, and the qualifications of those instructors. The rule, as it is now written, allows any private instructor that is licensed through the Bureau of Occupational Licensing to be approved. The only additional requirement is that they must have a background check and fingerprinting.

**M/S (Soltman/Westerberg): To approve the temporary and pending rule change to IDAPA 08.02.02.004 and 08.02.02.230, Rules Governing Uniformity Motion carried unanimously.**

4. Pending Rule - Docket 08-0202-0906 - Idaho Educator Credential

**M/S (Soltman/Westerberg): To approve pending rule Docket 08-0202-906, Rules Governing Uniformity, Idaho Educator Credential as submitted. Motion carried unanimously.**

5. Pending Rule - Docket 08-0202-0907 - Consulting Teacher Endorsement

**M/S (Soltman/Edmunds): To approve the pending rule Docket 08-0202-907, Rules Governing Uniformity – Consulting Teacher Endorsements. Motion carried unanimously.**

6. Pending Rule - Docket 08-0203-0905 - High School Graduation Requirements

**M/S (Soltman/Westerberg): To approve pending rule with changes to Docket 08-0203-905 High School Graduation Requirements as submitted. Motion carried unanimously.**

It was clarified that mastery of subject is determined by local school districts. The districts wanted that flexibility. Nick Smith of the Department also explained that the mastery piece only applies to high school students. The middle school piece allows students to take the class, but there is a clear separation between the middle school students and the high school requirement.

7. Temporary and Pending Rule – Docket 08-020203-0906- Special Education

**M/S (Soltman/Atchley): To approve the temporary and pending rule Docket 08-0203-906, Rules Governing Thoroughness – Special Education. Motion carried unanimously.**

8. Pending Rule - Docket 08-0203-0907 - K-12 Idaho Content Standards

**M/S (Soltman/Atchley): To approve pending rule Docket 08-02023-907, Rules Governing Thoroughness, K-12 Idaho Content Standards as submitted. Motion carried unanimously.**

9. Temporary Rule - IDAPA 08.02.03.003.04 - Incorporation by reference, the Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOS) and Accountability Procedures

**M/S (Soltman/Westerberg): To approve the temporary rule for IDAPA 08.02.03.004.03,**

**Incorporation by Reference -- The Idaho English Language Assessment (IELA) Achievement Standards as submitted. Motion carried unanimously.**

10. Temporary Rule - IDAPA 08.02.03.004.04 - Incorporation by Reference- The Idaho English Language Assessment (IELA) Achievement Standards

**M/S (Soltman/Westerberg): To approve the temporary rule for IDAPA 08.02.03.004.04, Incorporation by Reference -- The Idaho English Language Assessment (IELA) Achievement Standards as submitted. Motion carried unanimously.**

Dr. Carissa Miller of the Department noted that the cut scores are more appropriate now because they identify the student as being more ready to exit the program than previously. It should be an improvement for their educational experience.

11. Temporary Rule - IDAPA 08.02.03.112 - Rules Governing Thoroughness, Accountability

**M/S (Soltman/Atchley): To approve the temporary rule for IDAPA 08.02.03.112, Rules Governing Thoroughness, Accountability as submitted. Motion carried unanimously.**

Board member Lewis asked about NAPE and how the states rank in terms of their cut scores because Idaho was identified as a state below basic. Dr. Carissa Miller explained that the study was done looking at state standards in terms of the number of proficient students compared to the number of proficient students who took NAPE. Idaho standards are higher than the NAPE standards. The NAPE study does not take that into account because it focuses only on NAPE. Dr. Miller indicated that the study gives a wrong message.

## **BUSINESS AFFAIRS AND HUMAN RESOURCES**

1. Boise State University – Coach Petersen Contract Addendum & Deferred Compensation Plan

**M/S (Westerberg/Soltman): To approve the request by Boise State University to amend the Employment Agreement with Chris Petersen, as submitted. Motion carried unanimously.**

Board member Westerberg presented this item. Kevin Satterlee discussed the dynamics of the deferred compensation plan for Chris Petersen. He indicated that this addendum allows the University to take advantage of section 457(f), 415(m) or other similar provisions of the IRS Code that meet certain criteria. The plan that BSU is proposing will allow Coach Petersen to defer more funds. This plan does not apply to any other BSU employee nor does it increase the terms of his contract.

**M/S (Westerberg/Soltman): To approve and adopt the Boise State University Section 403(b) Base Plan and the Boise State University Section 415(m) Qualified Governmental Excess Benefit Plan, as submitted, subject to the conditions and limitations set forth below: (1) The Plans are adopted subject to IRS approval; and (2) The Board cannot guarantee the tax consequences of the Plans pending IRS action. The Board authorizes its Executive Director to execute on its behalf applications for IRS Private Letter Rulings with respect to the Plans. Motion carried unanimously.**

The Board returned to item 4 of the PPGAC agenda.

4. Pending Rule – Docket 08-0114-0901- Rural Physicians Incentive Fund

**M/S (Terrell/Atchley): To approve the motion as amended with clarification of the motion related to the language on tab 4, page 5, Section 016.01.a. Motion carried 6-0 (Edmunds abstained from the vote).**

The language in Section 016.01.a was changed in order to clarify its intent. It will read: "Priority selection for physicians who were Idaho resident students and were assessed the rural physician incentive fee and paid into the fund, followed by physicians who were Idaho residents prior to completing medical school out of the state and who did not contribute to the fund, followed by physicians from other states who were not Idaho residents."

**OTHER BUSINESS**

There being no further business, a motion to adjourn was entertained.

**M/S (Terrell/Westerberg): To adjourn the meeting at 4:03 p.m.**

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**CONSENT AGENDA  
DECEMBER 10, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>BAHR-SECTION I BOISE STATE UNIVERSITY</b> Deletions of Positions	Motion to approve
2	<b>BAHR-SECTION I IDAHO STATE UNIVERSITY</b> Changes to Positions & Deletions of Positions	Motion to approve
3	<b>BAHR-SECTION I UNIVERSITY OF IDAHO</b> Reactivation of Position & Deletions of Positions	Motion to approve
4	<b>BAHR-SECTION I LEWIS-CLARK STATE COLLEGE</b> Deletions of Positions	Motion to approve
5	<b>BAHR-SECTION I EASTERN IDAHO TECHNICAL COLLEGE</b> Reallocations of Positions	Motion to approve
6	<b>IRSA - SOUTH CENTRAL LOCAL OPERATIONS COMMITTEE – SUMMARY REPORT</b>	Information item
7	<b>PPGAC – ALCOHOL PERMITS ISSUED BY UNIVERSITY PRESIDENTS</b>	Motion to approve

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**CONSENT AGENDA  
DECEMBER 10, 2009**

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**BOISE STATE UNIVERSITY**

**SUBJECT**

Deletions of positions

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section II.B.3.

**BACKGROUND/DISCUSSION**

Boise State University requests approval to:

- Delete two (2) professional staff positions (1.5 FTE) supported by local funds; and delete one (1) professional staff position (1.0 FTE) supported by grant funds.
- Delete one (1) classified staff position (1.0 FTE) supported by appropriated funds; delete one (1) classified staff position (1.0 FTE) supported by appropriated and grant funds, and delete two (2) classified staff positions (1.68 FTE) supported by local funds.

**IMPACT**

Once approved, the positions can be processed in the State Employee Information System.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the request by Boise State University to delete seven (7) positions (6.18 FTE).

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**DELETED POSITIONS**

Position Title	Trainer
Type of Position	Professional
FTE	1.0 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$44,970
Funding Source	Local
New or Reallocation	n/a
Area/Department of Assignment	Division of Extended Studies
Duties and Responsibilities	Develop and teach non-credit courses, workshops, and certificate programs for business, government and other organizations.
Justification of Position	Position will not be refilled due to decrease in program enrollments.

Position Title	Associate General Counsel
Type of Position	Professional
FTE	0.5 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$47,000
Funding Source	Local
New or Reallocation	n/a
Area/Department of Assignment	General Counsel
Duties and Responsibilities	Assist the General Counsel in providing legal advice and counsel to the University on matters pertaining to employment law and policy.
Justification of Position	Position will not be filled due to budgetary restraints.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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Position Title	Regional Consultant
Type of Position	Professional
FTE	1.0 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$60,093
Funding Source	Grant
New or Reallocation	n/a
Area/Department of Assignment	Special Education
Duties and Responsibilities	Provide technical assistance and updated information to school districts, agencies, and families in southwest Idaho on a variety of educational, programmatic and administrative issues.
Justification of Position	Program funding was eliminated.

Position Title	Customer Service Representative 1
Type of Position	Classified
FTE	1.0 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$23,130
Funding Source	.5 Appropriated; .5 Grant
New or Reallocation	n/a
Area/Department of Assignment	Career Center
Duties and Responsibilities	Assist students in accessing student employment and career opportunities.
Justification of Position	Reorganization of functions allows for deletion of position.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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Position Title	Technical Records Specialist 1
Type of Position	Classified
FTE	1.0 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$23,442
Funding Source	Appropriated
New or Reallocation	n/a
Area/Department of Assignment	Human Resource Services
Duties and Responsibilities	Review and process hiring paperwork and other personnel actions.
Justification of Position	Position eliminated due to reorganization of functions.

Position Title	Custodian
Type of Position	Classified
FTE	1.0 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$20,343
Funding Source	Local
New or Reallocation	n/a
Area/Department of Assignment	Intercollegiate Athletics
Duties and Responsibilities	Clean and sanitize assigned areas according to cleaning schedule.
Justification of Position	Position will not be refilled due to budgetary restraints.

Position Title	Library Assistant 1
Type of Position	Classified
FTE	.68 FTE
Term of Appointment	12 Months
Effective Date	12/13/2009
Salary Range	Less \$20,065
Funding Source	Local
New or Reallocation	n/a
Area/Department of Assignment	Albertsons Library
Duties and Responsibilities	Assist in the maintenance of the Library's periodical collection; perform circulation service related duties.
Justification of Position	Position eliminated due to reorganization of funding sources.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**IDAHO STATE UNIVERSITY**

**SUBJECT**

Changes to current positions and deletion of positions

**APPLICABLE STATUTE, RULE, OR POLICY**

Items submitted for review and approval according to Board Policy Section II. B.3.

**BACKGROUND/DISCUSSION**

Idaho State University requests approval to:

- Increase the FTE on one (1) faculty position to .70 FTE, supported by state funds; and increase the FTE on one (1) faculty position to .66 FTE, supported by local funds reallocation.
- Increase the FTE on one (1) professional staff position to .92 FTE, and change the term to 11 month, supported by state funds reallocation.
- Increase the FTE on one (1) classified staff position to .70 FTE, supported by appropriated, local, and grant funds reallocation; one (1) classified staff position to .92 FTE, supported by state funds reallocation; one (1) classified staff position to .90 FTE, supported by state funds; and one (1) classified staff position to .70 FTE, supported by local funds reallocation.
- Delete the following positions which were vacant during the FY2010 budget process:
  - Twelve (12) faculty positions (11.0 FTE) supported by appropriated funds; and one (1) faculty position (1.0 FTE) supported by appropriated and local funds.
  - Ten (10) professional staff positions (9.75 FTE) supported by appropriated funds; and one (1) professional staff position (1.0 FTE) supported by local funds.
  - Twelve (12) classified staff positions (11.0 FTE) supported by appropriated funds; four (4) classified staff positions (4.0 FTE) supported by local funds; one (1) classified staff position (1.0 FTE) supported by appropriated and local funds; and one (1) classified staff position (1.0 FTE) supported by appropriated, local, and grant funds.
- Delete the following positions which were budgeted for FY2010:
  - One (1) faculty position (.75 FTE) supported by appropriated funds.
  - Two (2) professional staff positions (2.0 FTE) supported by appropriated funds; and one (1) professional staff position (1.0 FTE) supported by appropriated and local funds.
  - Three (3) classified staff positions (3.0 FTE) supported by appropriated funds.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**IMPACT**

Once approved, the positions can be processed on the State Employee Information System.

**ATTACHMENTS**

Attachment 1 – Addendums A & B - Deletions

Page 7

**STAFF AND COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the request by Idaho State University to increase the FTE on seven (7) positions by .79 FTE and change the term on one (1) position to 11 month supported by local and state funds reallocation, and to delete 49 positions (46.50 FTE).

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**CHANGES TO POSITIONS**

Position Title	Professor (PCN 7626)
Type of Position	Faculty
FTE	change from .67 FTE to .70 FTE
Term of Appointment	9 month
Effective Date	November 2, 2009
Salary Range	change from \$49,266.36 to \$50,251.68
Funding Source	State Funds
New or Reallocation	Reallocation
Area/Department of Assignment	History
Duties and Responsibilities	Teach courses, conduct research, and provide service.
Justification of Position	To increase teaching capacity in order to meet the instructional needs of History majors.

Position Title	Clinical Associate Professor and IAGD Dental Hygienist Provider and Coordinator (PCN 3775)
Type of Position	Faculty
FTE	change from .50 FTE to .66 FTE
Term of Appointment	9 month
Effective Date	December 14, 2009
Salary Range	change from \$23,410.40 to \$31,730.40
Funding Source	State and Local Funds
New or Reallocation	Reallocation
Area/Department of Assignment	Dental Sciences
Duties and Responsibilities	Coordinate the scheduling and recall of patients in the dental clinic and interact with residents regarding dental hygiene utilization in a private practice, including didactic responsibilities relating to staff interaction and dental hygiene utilization within the existing curriculum.
Justification of Position	To provide additional support for the IAGD residency clinic.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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Position Title	Academic Programs Coordinator (PCN 1299)
Type of Position	Non-Classified
FTE	change from .83 FTE to .92 FTE
Term of Appointment	change from 10 month to 11 month
Effective Date	November 2, 2009
Salary Range	change from \$34,003.20 to \$37,419.20
Funding Source	State Funds
New or Reallocation	Reallocation
Area/Department of Assignment	Center for Teaching and Learning
Duties and Responsibilities	Coordinate the Center for Teaching and Learning in supporting student education and academic pursuits, including program development, student and faculty advising, and course scheduling; assist students in improving the intellectual and academic skills necessary for scholastic excellence and long-term retention.
Justification of Position	The increase in FTE will provide adequate support needed for increased enrollment.

Position Title	IT Information Systems Technician (PCN 5035)
Type of Position	Classified
FTE	change from .75 FTE to .90 FTE
Term of Appointment	12 month
Effective Date	December 14, 2009
Salary Range	change from \$24,723.60 to \$29,128.30
Funding Source	State Funds
New or Reallocation	Reallocation
Area/Department of Assignment	Library
Duties and Responsibilities	Assist in the installation, maintenance, and troubleshooting of computer hardware and software; act as system administrator for various systems used by the Library; assist remote users in troubleshooting access problems; perform HTML coding for the library web page; and coordinate resolution of user problems.
Justification of Position	The increase in FTE will provide additional technical support needed to maintain current services.



**CONSENT AGENDA  
DECEMBER 10, 2009**

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Position Title	Financial Technician (PCN 8901)
Type of Position	Classified
FTE	change from .63 FTE to .70 FTE
Term of Appointment	12 month
Effective Date	November 2, 2009
Salary Range	change from \$18,460.00 to \$20,675.00
Funding Source	Local and Grant Funds
New or Reallocation	Reallocation
Area/Department of Assignment	Institute of Emergency Management
Duties and Responsibilities	Reconcile and balance books; input cost data; reconcile credit card purchases; process instructor pay and travel reimbursements; prepare, process, and pay invoices/billings; prepare quarterly reports; request and track journal entry requests.
Justification of Position	The increase in FTE will provide additional support needed for the HIV Education Program.

Position Title	Administrative Assistant 1 (PCN 3444)
Type of Position	Classified
FTE	change from .83 FTE to .92 FTE
Term of Appointment	12 month
Effective Date	November 2, 2009
Salary Range	change from \$24,833.60 to \$27,091.20
Funding Source	State Funds
New or Reallocation	Reallocation
Area/Department of Assignment	Mass Communication
Duties and Responsibilities	Provide clerical support for the Department of Mass Communication.
Justification of Position	To provide clerical support through the summer to support M.A. degree preparation, curriculum changes, and new computer labs.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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Position Title	Office Specialist 2 (PCN 1407)
Type of Position	Classified
FTE	change from .50 FTE to .70 FTE
Term of Appointment	12 month
Effective Date	December 14, 2009
Salary Range	change from \$10,670.40 to \$16,005.60
Funding Source	Local Funds
New or Reallocation	Reallocation
Area/Department of Assignment	Pharmacy Practice & Administrative Sciences
Duties and Responsibilities	Provide clerical support for the Pharmacy faculty and students at the ISU Meridian Health Sciences Center.
Justification of Position	To provide additional support for the expansion of the Doctor of Pharmacy Program in Meridian.

**DELETED POSITIONS**

Position Title	Various—See Attached Addendum A
Type of Position	Various—See Attached Addendum A
FTE	Various—See Attached Addendum A
Term of Appointment	Various—See Attached Addendum A
Effective Date	July 1, 2009
Salary Range	Various—See Attached Addendum A
Funding Source	Various—See Attached Addendum A
New or Reallocation	N/A
Area/Department of Assignment	Various—See Attached Addendum A
Duties and Responsibilities	Various—See Attached Addendum A
Justification of Position	Positions deleted during the FY2010 budget process

Position Title	Various—See Attached Addendum B
Type of Position	Various—See Attached Addendum B
FTE	Various—See Attached Addendum B
Term of Appointment	Various—See Attached Addendum B
Effective Date	November 1, 2009
Salary Range	Various—See Attached Addendum B
Funding Source	Various—See Attached Addendum B
New or Reallocation	N/A
Area/Department of Assignment	Various—See Attached Addendum B
Duties and Responsibilities	Various—See Attached Addendum B
Justification of Position	Deletion of positions budgeted for FY2010

**ATTACHMENT 1 - Addendum A**

**Idaho State University  
Positions Deleted During FY2010 Budget Process**

<b>Position Title</b>	<b>PCN</b>	<b>Type of Position</b>	<b>FTE</b>	<b>Term</b>	<b>Salary</b>	<b>Fund Source</b>	<b>Area/Department of Assignment</b>
Assistant Professor	3386	Faculty	1.0	9 month	\$44,013	State	Art
Associate Professor	3446	Faculty	1.0	9 month	56,285	State	Political Science
Assistant Professor	3526	Faculty	1.0	9 month	43,576	State	Biological Sciences
Professor	3528	Faculty	1.0	9 month	12,500	State	Biological Sciences
Assistant Professor	3701	Faculty	1.0	9 month	50,835	State	Accounting
Clinical Assistant Professor	5533	Faculty	1.0	9 month	38,314	State	Health & Nutrition Sciences
Associate Professor	8172	Faculty	1.0	9 month	53,747	State	Sociology & Social Work
Assistant Professor	8323	Faculty	1.0	9 month	61,485	State	Chemistry
Associate Professor	8324	Faculty	1.0	9 month	50,981	State	Languages & Literature
Instructor	1322	Faculty	1.0	9 month	41,850	State	Physics
Instructor	7523	Faculty	1.0	9 month	44,200	State	Marketing, Coll. of Technology
Instructor	8223	Faculty	1.0	11 month	48,589	State	Paramedic, Coll. of Technology
Instructor	8241	Faculty	1.0	11 month	50,606	State (85%) Local (15%)	Paramedic, Coll. of Technology
Asst. Coach/Men's Basketball	1333	Non-Classified	1.0	12 month	32,989	State	Intercollegiate Athletics
Technical Support Manager	1423	Non-Classified	1.0	12 month	40,019	State	College of Education
Assistant Director of Alumni	1461	Non-Classified	1.0	12 month	38,293	State	Alumni Relations
Assistant Soccer Coach	1469	Non-Classified	.75	9 month	18,300	State	Intercollegiate Athletics
Assistant Director/Financial Aid	2116	Non-Classified	1.0	12 month	44,762	State	Student Financial Aid
Director/Sawtooth Science Inst.	2244	Non-Classified	1.0	12 month	40,310	State	Continuing Ed./Summer Admin.
Director, C.W. Hog	8025	Non-Classified	1.0	12 month	39,229	Local	C.W. Hog
Staff Interpreter	8207	Non-Classified	1.0	12 month	47,653	State	ADA/Disabilities Resource Cntr.
Safety Officer/Custodial Coord.	8209	Non-Classified	1.0	12 month	51,459	State	Facilities Services
Asst. Coach/Women's Basketball	8330	Non-Classified	1.0	12 month	23,920	State	Intercollegiate Athletics
IT Programmer Analyst	1085	Classified	1.0	12 month	38,043	Local	Information Technology
Office Specialist 2	1170	Classified	.50	12 month	10,161	State	Economics
Assoc. IT Programmer Analyst	1283	Classified	1.0	12 month	34,237	State	Information Technology
Administrative Assistant 1	1334	Classified	1.0	12 month	26,354	State	Student Advising Program
Custodian Leadworker	1386	Classified	1.0	12 month	20,800	Local	Facilities Services
Custodian Leadworker	1465	Classified	1.0	12 month	21,528	State	Facilities Services
Landscape Technician	2015	Classified	1.0	12 month	19,614	State	Facilities Services
IT Information Systems Tech.	2256	Classified	1.0	12 month	36,837	State	Library
Office Specialist 2	3016	Classified	1.0	12 month	20,322	Local (62%) State (38%)	College of Education
Administrative Assistant 1	3018	Classified	1.0	12 month	24,128	State	College of Education
Administrative Assistant 1	3022	Classified	1.0	12 month	25,397	State	College of Education
Program Specialist	4003	Classified	1.0	12 month	36,899	Local (50%) State (40%) Grant (10%)	Idaho Museum of Natural History
Library Assistant 2	4020	Classified	.75	12 month	25,631	State	Library
Library Assistant 1	4051	Classified	.75	12 month	15,241	State	Library
Program Specialist	5135	Classified	1.0	12 month	44,117	State	College of Business
Administrative Assistant 1	6002	Classified	1.0	12 month	25,334	Local	Bengal Foundation
Tech. Records Specialist 1	7006	Classified	1.0	12 month	25,896	State	Student Services, Coll. of Tech.
Maintenance Craftsman Sr.	8047	Classified	1.0	12 month	31,179	Local	Facilities Services

**ATTACHMENT 1 - Addendum B**

**Idaho State University  
FY2010 Deletion of Budgeted Positions**

<b>Position Title</b>	<b>PCN</b>	<b>Type of Position</b>	<b>FTE</b>	<b>Term</b>	<b>Salary</b>	<b>Fund Source</b>	<b>Area/Department of Assignment</b>
Senior Lecturer	3987	Faculty	.75	9 month	\$32,370	State	College of Education
Special Assistant to the Dean	5102	Non-Classified	1.0	12 month	123,677	Local (50.25%) State (49.75%)	Boise Academic Programs
Staff Interpreter	2184	Non-Classified	1.0	9 month	35,173	State	ADA/Disabilities Resource Cntr.
Head Golf Coach	3381	Non-Classified	1.0	12 month	30,014	State	Intercollegiate Athletics
Administrative Assistant 1	3193	Classified	1.0	12 month	23,379	State	Research
Custodian	2122	Classified	1.0	12 month	17,597	State	Facilities Services
Custodian	2132	Classified	1.0	12 month	17,597	State	Facilities Services

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**UNIVERSITY OF IDAHO**

**SUBJECT**

Deletion of positions; one (1) reactivation

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Polices & Procedures Sections II.B.3 and II.G.1.b

**BACKGROUND/DISCUSSION**

The University of Idaho requests approval for:

- One (1) reactivation of faculty position (1.0 FTE) supported by appropriated funds
- Deletion of positions:
  - Ten (10) classified positions (9.2 FTE) supported by appropriated funds
  - Seven (7) exempt positions (5.25 FTE) supported by appropriated funds
  - Twenty one (21) faculty positions (16.88 FTE) supported by appropriated funds

**IMPACT**

Once approved, the changes can be processed on the State Employee Information System for Board approved positions.

**ATTACHMENTS**

Attachment 1 – Deletions

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the request by the University of Idaho to reactivate one (1) position and delete thirty eight (38) positions (31.33 FTE) supported by appropriated funds.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**CHANGES**

Position Title	Assistant Professor
Type of Position	Faculty
FTE	1.0 (1560 hours/year)
Term of Appointment	Academic Year
Effective Date	January 1, 2010
Salary Range	\$47,153.60
Funding Source	Appropriated funds
New or Reallocation	Reactivation of PCN 0240
Area/Department of Assignment	College of Letters, Arts & Social Sciences/History
Duties	Responsible for instruction of History
Justification	Position has been vacant while reorganization within the college took place. College would like to permanently fill positions again.

**DELETIONS**

Position Title	Various – See Attached
Type of Position	Various – See Attached
FTE	Various – See Attached
Term of Appointment	Various – See Attached
Effective Date	December 31, 2009
Salary Range	Various – See Attached
Funding Source	Various – See Attached
New or Reallocation	n/a
Area/Department of Assignment	Various – See Attached
Duties	Various – See Attached
Justification	Positions were deleted to meet State mandated budget cuts.

**UNIVERSITY OF IDAHO**  
**General Education Deleted Positions**  
**December 2009 SBOE Agenda**  
**ATTACHMENT - addendum to December, 2009**

Position Title	Type	FTE	Term of Appointment	Salary	Fund Source	Area/Department
Administrative Asst 2	Classified	0.50	Fiscal Year	31,886	Appropriated	College of Agriculture & Life Sciences/Animal Vet Science
Public Information Splst	Classified	0.14	Fiscal Year	4,719	Appropriated	College of Agriculture & Life Sciences/Bio & Ag Eng.
Library Assistant 3	Classified	1.00	Fiscal Year	45,136	Appropriated	General Library/General Library
Library Assistant 2	Classified	1.00	Fiscal Year	28,787	Appropriated	General Library/General Library
Administrative Asst II	Classified	0.68	Academic Year	17,199	Appropriated	Col of Letters, Arts & Soc Sci/Philosophy
Management Assistant - UI	Classified	1.00	Fiscal Year	32,822	Appropriated	College of Agriculture & Life Sciences/Family & Consumer Science
Cmptr Equmnt Repair Tech	Classified	1.00	Fiscal Year	35,381	Appropriated	College of Engineering/College of Engineering
Administrative Asst II	Classified	0.88	Fiscal Year	36,130	Appropriated	College of Natural Resources/Natural Resources Expt Station
Technical Rcrds Splst 1	Classified	1.00	Fiscal Year	29,682	Appropriated	Facilities Management/Facility Management
Team Cleaning Splst	Classified	1.00	Fiscal Year	22,651	Appropriated	Facilities Management/Custodial Services
Construction Inspector	Classified	1.00	Fiscal Year	47,445	Appropriated	Facilities Management/Architectural & Engineering Service
Research Assoc	Exempt	0.16	Fiscal Year	36,109	Appropriated	College of Agriculture & Life Sciences/Plant, Soil & Entomological Sciences
Public Information Officer	Exempt	1.00	Fiscal Year	46,010	Appropriated	College of Engineering/General Instr Support
Mgr, Broadcast System	Exempt	0.09	Fiscal Year	52,158	Appropriated	College of Agriculture & Life Sciences/Ag & Extension Distance Education
AstDean,Rsrch&StdntOtrch	Exempt	1.00	Fiscal Year	114,234	Appropriated	College of Engineering/College of Engineering
Assoc Registrar	Exempt	1.00	Fiscal Year	57,928	Appropriated	Enrollment Management/ Registrars Office
Asst Dir,NSS/Mnrty Cnslr	Exempt	1.00	Fiscal Year	39,520	Appropriated	Enrollment Management/New Student Services
Dir, Development	Exempt	1.00	Fiscal Year	60,008	Appropriated	College of Engineering/College of Engineering
Professor	Faculty	1.00	Academic Year	24,086	Appropriated	College of Letters, Arts, & Social Science/English
Professor	Faculty	0.54	Academic Year	67,725	Appropriated	College of Agriculture & Life Sciences/Bio & Ag Eng.
Professor	Faculty	0.59	Fiscal Year	61,443	Appropriated	College of Agriculture & Life Sciences/Family & Consumer Science
Division Chr, Plnt Pthlgt	Faculty	0.10	Fiscal Year	45,926	Appropriated	College of Agriculture & Life Sciences/Plant, Soil & Entomological Sciences
Academic Faculty	Faculty	0.78	Academic Year	54,870	Appropriated	College of Agriculture & Life Sciences/MMBB
Ext Crop Mgmt Splst	Faculty	0.10	Fiscal Year	73,694	Appropriated	College of Agriculture & Life Sciences/Plant, Soil & Entomological Sciences
Academic Faculty	Faculty	1.00	Academic Year	48,235	Appropriated	College of Engineering/General Instr Support
Academic Faculty	Faculty	1.00	Academic Year	72,488	Appropriated	Col of Letters, Arts & Soc Sci/CLASS Instructional Support
Academic Faculty	Faculty	1.00	Academic Year	64,230	Appropriated	Col of Letters, Arts & Soc Sci/CLASS Instructional Support
Chair	Faculty	1.00	Academic Year	71,245	Appropriated	Col of Letters, Arts & Soc Sci/CLASS Instructional Support
Academic Faculty	Faculty	1.00	Academic Year	48,027	Appropriated	Col of Letters, Arts & Soc Sci/CLASS Instructional Support
Research Faculty	Faculty	0.40	Fiscal Year	52,416	Appropriated	College of Agriculture & Life Sciences/Plant, Soil & Entomological Sciences
Academic Faculty	Faculty	1.00	Academic Year	95,014	Appropriated	College of Business & Economics/Accounting
Lecturer	Faculty	0.12	Academic Year	5,052	Appropriated	College of Business & Economics/Business
Lecturer	Faculty	0.25	Academic Year	10,105	Appropriated	College of Business & Economics/Business
Academic Faculty	Faculty	1.00	Fiscal Year	144,726	Appropriated	College of Engineering/College of Engineering
Academic Faculty	Faculty	1.00	Academic Year	65,520	Appropriated	College of Natural Resources/Natural Resources Expt Station
Academic Faculty	Faculty	1.00	Academic Year	42,135	Appropriated	College of Natural Resources/Natural Resources Expt Station
Academic Faculty	Faculty	1.00	Academic Year	30,701	Appropriated	College of Engineering/College of Engineering
Academic Faculty	Faculty	1.00	Academic Year	47,504	Appropriated	College of Art & Architecture/Architecture
Academic Faculty	Faculty	1.00	Academic Year	72,342	Appropriated	College of Art & Architecture/Art & Design
Reference Librarian	Faculty	1.00	Academic Year	33,301	Appropriated	General Library/General Library
		31.33		1,968,591.99		

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**CONSENT AGENDA  
DECEMBER 10, 2009**

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**LEWIS-CLARK STATE COLLEGE**

**SUBJECT**

Deleted positions

**APPLICABLE STATUTE, RULE, OR POLICY**

Office of the State Board of Education Policy Section II.B.3

**BACKGROUND/DISCUSSION**

Lewis-Clark State College is requesting approval to:

- Delete four (4) positions (4.0 FTE) supported by appropriated, grant and local funding.

**IMPACT**

Once approved, the positions can be processed on the State Employee Information System.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the request by Lewis-Clark State College to delete four (4) positions (4.0 FTE) supported by appropriated, grant and local funding.

Moved \_\_\_\_\_ Seconded \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**DELETED POSITIONS**

Position Title	IT Support Technician
Type of Position	Classified
FTE	1.00
Term of Appointment	12 months
Effective Date	7/5/2009
Salary Range	\$24,492
Funding Source	Grant Funded
Area/Department of Assignment	Education Division
Justification of Position	Position eliminated due to budget reductions

Position Title	Assistant Controller
Type of Position	Professional
FTE	1.00
Term of Appointment	12 months
Effective Date	7/1/2009
Salary Range	\$49,805
Funding Source	Appropriated Funds
Area/Department of Assignment	Controller's Office
Justification of Position	Position eliminated due to budget reductions

Position Title	Maintenance Craftsman
Type of Position	Classified
FTE	1.00
Term of Appointment	12 months
Effective Date	12/1/2009
Salary Range	\$24,273
Funding Source	Appropriated Funds
Area/Department of Assignment	Physical Plant
Justification of Position	Position eliminated due to budget reductions

Position Title	Human Resource Specialist
Type of Position	Classified
FTE	1.00
Term of Appointment	12 months
Effective Date	1/1/2009
Salary Range	\$41,225
Funding Source	Appropriated/Local Funds
Area/Department of Assignment	Human Resource Services
Justification of Position	Position eliminated due to budget reductions

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**EASTERN IDAHO TECHNICAL COLLEGE**

**SUBJECT**

Reallocate position

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section II.B.3

**BACKGROUND/DISCUSSION**

Eastern Idaho Technical College requests approval to:

- reallocate one (1) classified position (1.0 FTE) supported by appropriated funds.

**IMPACT**

Once approved, the position can be processed in the State Employee Information System.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the request by Eastern Idaho Technical College to reallocate one (1) position (1.0 FTE) supported by appropriated funds.

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Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**REALLOCATION OF POSITION**

Current Position Title	Administrative Assistant 2
Proposed Position Title	Research Analyst
FTE	1.0 FTE
Proposed Annual Salary	\$49,268
Current Annual Salary	\$47,367
Amount and Percent	\$1,902 and 3.9%
Effective Date	January 1, 2010
Department/Funding	Reallocation
Modification of Duties or Explanation	The duties of this position have always been in the arena of research and reporting. The individual that was filling the position left for other employment, so this reasserts the need for this to be filled by a research analyst. Duties include data collection, data storage, data evaluation and analysis, state and federal reporting, etc.

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**SUBJECT**

Alcohol Permits Approved by University Presidents

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, I.J.2.b.

**BACKGROUND/DISCUSSION**

The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by and in compliance with Board policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting.

The last update presented to the Board was at the October, 2009 Board meeting. Since that meeting, Board staff has received thirty (30) permits from Boise State University, seven (7) permits from Idaho State University, twelve (12) permits from the University of Idaho, and one (1) from Lewis-Clark State College.

Board staff has prepared a brief listing of the permits issued for use. The list is attached for the Board's review.

**ATTACHMENTS**

List of Approved Permits by Institution

page 3

**BOARD ACTION**

A motion to accept the report as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**SUBJECT**

South Central Local Operations Committee – Summary Report

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures  
Section III.G. Program Approval and Discontinuance  
Idaho State Board of Education Governing Policies and Procedures  
Section III.Z. Delivery of Postsecondary Education

**BACKGROUND/DISCUSSION**

Higher education delivery in Idaho has been addressed through a series of academic partnerships with sister institutions. The University of Idaho, Idaho State University, Boise State University, and the College of Southern Idaho (CSI) have partnered on the CSI campus for over a decade. In 2004 the South Central Idaho Local Operations Committee was formed. A formal memorandum of agreement was signed on January 31, 2007. This committee meets monthly and addresses topics such as academic programs and research opportunities; space needs; shared student services; articulation issues; opportunities for collaboration; and resource sharing among and between institutions.

As collaborative centers were established in various regions across the state, a Local Operations Committee (LOC), a Community Advisory Board, and an Oversight Council were created for each area. LOC responsibilities included the day-to-day coordination, development of policy, and program recommendations to the Oversight Council. In the past, the Oversight Council was comprised of the institutional presidents. In the spring of 2006, the institutional presidents delegated this responsibility to their respective provosts. The LOC periodically provides an update to the provosts at their Council on Academic Affairs and Programs (CAAP) meetings.

The College of Southern Idaho obtained financing to build a new Health Sciences and Human Services building on CSI's campus. When construction is complete, CSI will remodel an existing building on campus to suit the needs of the Higher Education Center. This center will house the Universities on the CSI campus and will serve as a one-stop-source for the students seeking four-year educational programs. The CSI Foundation has pledged to support the remodel with a goal of having the project complete in late 2010.

The South Central Idaho Local Operations Committee has provided a progress report on each institution's collaborative efforts and services, which includes their response to the closure of Dell Computer, Inc. to assist employees being displaced by the closure in Twin Falls and a special luncheon hosted by First Lady Lori Otter and the College of Southern Idaho entitled "Building Our Futures Together."

**ATTACHMENTS**

Attachment 1 – South Central LOC Summary

Page 3

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**STAFF COMMENTS AND RECOMMENDATIONS**

Staff has no comments or recommendations.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.



# Stay Near, Go Farther!

*Four-Year Degrees and Beyond Right Here at Home*

South Central Idaho LOC Report to CAAP: 11/5/09



Boise State University, Idaho State University, the University of Idaho, along with the College of Southern Idaho are working together to expand your local educational options.

For more information, contact one of our local offices located on the College of Southern Idaho campus.



Chris Vaage  
Phone: 208-736-2101  
Email: [vaagchri@isu.edu](mailto:vaagchri@isu.edu)  
[www.isu.edu/twinfalls](http://www.isu.edu/twinfalls)



CSI Advising Center  
Phone: 208-732-6250  
Email: [advising@csi.edu](mailto:advising@csi.edu)  
[www.csi.edu](http://www.csi.edu)



Amanda Moore-Kriwox  
Phone: 208-736-3624  
Email: [akriwox@uidaho.edu](mailto:akriwox@uidaho.edu)  
<http://www.uidaho.edu/boise>



Shari Stroud  
Phone: 208-732-6284  
Email: [sstroud@boisestate.edu](mailto:sstroud@boisestate.edu)  
[www.boisestate.edu/extendedstudies/twinfalls](http://www.boisestate.edu/extendedstudies/twinfalls)

# Table of Contents

BSU, ISU, UI Map of programs and locations ..... 3

Local Operations Committee: History and Updates ..... 4-5

Highlights of CSI, BSU, ISU, UI Collaborative Efforts ..... 6-8

South Central Idaho LOC Response to Dell Closure ..... 9-15

South Central Idaho LOC Summary of Year’s Activities ..... 16

    Vision Statement for Higher Education Center ..... 17-18

    “Building our Futures Together” ..... 19-21

BSU / Twin Falls ..... 22-23

ISU / Twin Falls ..... 24-25

UI / Twin Falls ..... 26-29



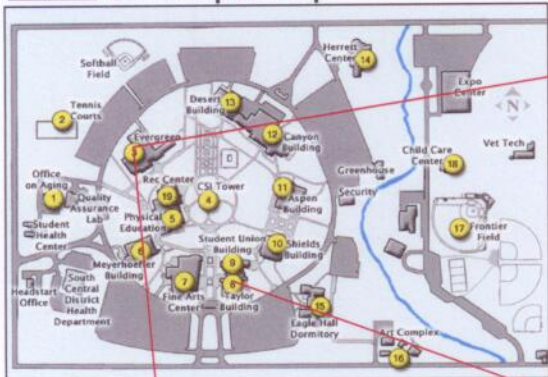
# Bachelor's and Master's Degree Programs Available In Twin Falls

ATTACHMENT 1

You can earn the following degrees on the College of Southern Idaho campus!



CSI Campus Map



University of Idaho



## **CHRIS VAAGE, DIRECTOR**

(208) 736-2101 Evergreen Building  
[vaagchri@isu.edu](mailto:vaagchri@isu.edu)  
[www.isu.edu/twinfalls](http://www.isu.edu/twinfalls)

## **LESA WAGNER, ASSISTANT DIRECTOR**

(208) 736-2101 Evergreen Building  
[wagnlesa@isu.edu](mailto:wagnlesa@isu.edu)

## **ASSOCIATE OF SCIENCE**

Respiratory Therapy

## **BACHELOR OF ARTS/SCIENCE**

General Studies  
 Early Childhood Education (B.A. or B.S.)  
 Elementary Education (B.A. or B.S. or certification)  
 Secondary Education (certification)  
 Special Education (certification)  
 Human Resource Training & Development (B.S., Professional Technical Education & Corporate Training)  
 Professional Technical Education Certification  
 Nursing (B.S.) completion program  
 Coursework leading to a degree in Psychology

## **MASTER OF EDUCATION**

Educational Administration (M.Ed)  
 Educational Specialist (Ed.S.)  
 Master of P.E./Athletic Administration (MPE)

## **MASTER OF TRAINING & DEVELOPMENT**

Also available: Professional Technical Education Certification

## **DOCTOR OF EDUCATION**

Educational Leadership (Ed.D., K-12 and Higher Ed)

## **DISTANCE DELIVERED PROGRAMS**

Emergency Management (A.S./B.S.)\*  
 Fire Service Administration (A.S.)\*  
 Nursing (M.S.)\*  
 Nursing (Post Master's Certificate)\*  
 Associate Degree-Master of Science in Nursing Pathway\*  
 Speech Language Pathology (M.S. and pre-professional certificate)\*  
 Dental Hygiene (M.S.)\*

## **AMANDA MOORE-KRIWIX PROGRAM SPECIALIST**

(208) 736-3624  
 Evergreen Building  
[akriwix@uidaho.edu](mailto:akriwix@uidaho.edu)  
<http://www.uidaho.edu/boise>

## **BACHELOR OF SCIENCE**

Agricultural Science Communication & Leadership

## **DISTANCE DELIVERED PROGRAMS**

Adult and Organizational Learning & Leadership (M.S., M.Ed., Ed. Specialist)\*  
 Adult Basic Education/GED Instructor (Certificate)\*  
 Business & Marketing Education (Secondary Teaching Certification, M.Ed.)\*  
 Educational Leadership (Principal & Superintendent Endorsement, M.Ed., Ed. Specialist)\*  
 Education (Ed.D., Ph.D)  
 Engineering Management (M.Engr)\*  
 Environmental Science (M.S.)\*  
 Fire Ecology Certificate\*  
 Human Resource Development (Certificate)\*  
 Natural Resources (MNR)\*  
 Professional-Technical & Technology Education (Professional-Technical Education Certification M.S., M.Ed., Ed. Specialist)  
 Psychology (B.S.)\*  
 Restoration Ecology Certificate\*  
 Technical Workforce Training (Certificate)\*

## **SHARI STROUD, COORDINATOR**

(208) 732-6284  
 Taylor Building, Room 202  
[sstroud@boisestate.edu](mailto:sstroud@boisestate.edu)  
[www.boisestate.edu/extendedstudies/twinfalls](http://www.boisestate.edu/extendedstudies/twinfalls)

## **BACHELOR OF BUSINESS ADMINISTRATION**

General Business  
 Accounting

## **BACHELOR OF ARTS/SCIENCE**

Criminal Justice  
 Social Work

## **MASTER OF SOCIAL WORK**

Full Program MSW  
 Advanced Standing MSW

## **MASTER OF EDUCATION**

Bilingual Education

## **DISTANCE DELIVERED PROGRAMS**

Nursing (RN to BSN, MSN)\*  
 Instructional & Performance Technology (M.S.)\*  
 Educational Technology (M.S.)\*

# ***LOCAL OPERATIONS COMMITTEE: HISTORY AND UPDATES***

## ***History of Local Operations Committees in Idaho:***

Higher education delivery in Idaho has been addressed through a series of academic partnerships with sister institutions. In 1998 Idaho State University and the University of Idaho formalized an agreement of collaboration to serve the educational needs in the Idaho Falls area. As a result, the University Place in Idaho Falls was established. Later, Eastern Idaho Technical College joined the agreement. The structure includes a Memorandum of Agreement for the delivery of Educational Services. Two years later North Idaho College, Lewis-Clark State College, University of Idaho, and Idaho State University entered a similar relationship to serve baccalaureate to post-graduate needs in North Idaho. The South Central Idaho Local Operations Committee which includes representatives from the College of Southern Idaho, Boise State University, Idaho State University, and the University of Idaho was formed in 2004.

Through strong leadership by the university presidents and vice-presidents, the centers are operating effectively and enjoy strong support from the local communities. They share governance and oversight while remaining closely aligned and integrated with on-campus colleges and departments.

As collaborative centers were established in various regions across the state, a Local Operations Committee (LOC), a Community Advisory Board, and an Oversight Council were created for each area. LOC includes responsibility for the day to day coordination, development of policy, and handles program recommendations to the Oversight Council. In the past, the Oversight Council was comprised of the institutional presidents. In the spring of 2006 the Oversight Council was handed to the Vice Presidents and is now governed by CAAP (Council on Academic Affairs and Programs). This body provides oversight for local operations, policy, direction, and approval. A coordinated schedule for these Oversight Council Meetings is distributed annually.

## ***Establishment of the South Central Idaho Local Operations Committee:***

The University of Idaho, Idaho State University, Boise State University, and the College of Southern Idaho have benefitted from partnerships on the CSI campus for over a decade. In 2004 the South Central Idaho Local Operations committee was

formed. A formal memorandum of agreement is in place and was signed on January 31, 2007. This committee meets monthly (on the first Wednesday of each month) and includes representatives who have a mutual interest in the commitment to the educational programs and services offered throughout South Central Idaho. The committee addresses topics such as academic programs and research opportunities, space needs, shared student services, articulation issues, opportunities for collaboration and resource sharing among and between institutions. The LOC has established operational procedures and guidelines such as voting procedures and chairmanship and will honor each institutions designated role and mission in the region including historical precedence. Membership includes, but is not limited to the following:

- Local Program Coordinator – Boise State University
- Local Program Coordinator – University of Idaho
- Local Program Director – Idaho State University
- Administrative Representative – College of Southern Idaho
- Administrative Representative – Boise State University
- Administrative Representative – University of Idaho
- Administrative Representative – Idaho State University

**History of Higher Education Center Building on the CSI Campus:**

Over the years there have been efforts to fund a Higher Education Center building on the College of Southern Idaho campus that would house the Twin Falls Centers for Idaho State University, University of Idaho, and Boise State University. As it became clear that funding for the university's own building would not be possible, other options were considered. With the College of Southern Idaho obtaining financing to build a new Health Sciences and Human Services building, space will be available on the College of Southern Idaho Campus that will house the Higher Education Center. When construction of the new Health Sciences and Human Services building is complete, CSI has plans to remodel a building on the CSI campus to suit the needs of a Higher Education Center. A common reception area with offices for each of the universities is planned. The College of Southern Idaho Foundation has pledged to support the remodel with a goal of having the project complete in late 2010.

## HIGHLIGHTS OF CSI, BSU, UI, ISU Collaborative Efforts-Twin Falls

The presence of the senior universities at the College of Southern Idaho in Twin Falls, in a typical semester, touches nearly 500 students in the South Central Idaho area. In the past year academic year (2008-2009) over 125 bachelor's and master's degrees have been awarded. These degrees have been earned, for the most part, without the students leaving Twin Falls.

Below is a summary of the cooperative efforts of the senior universities with CSI as well as with each other:

### **CSI / BSU / ISU / UI:**

- There is a seamless transfer of CSI's AA and AS Degrees.
- Financial aid consortium agreements are in place for students enrolled in two or more institutions concurrently.
- Tuition waivers are available for full-time employees and their spouses for some programs.
- CSI offers the use of traditional classrooms to BSU/ISU/UI at no cost.
- An effort is made to resolve student issues at the local level.
- The BSU/ISU/UI on-site directors/coordinators maintain a solid working relationship with CSI advising center.
- BSU/ISU/UI students utilize CSI facilities such as the CSI testing center, library, recreation center, and bookstore.
- Students needing lower division coursework are regularly referred to the CSI Advising Center.

### **BSU / ISU / UI:**

- The BSU/ISU/UI on-site directors/coordinators maintain a solid working relationship with each other.
- Room use is shared amongst BSU/ISU/UI.
- There is a collegial student referral system among institutions.
- The universities utilize each other's courses to fulfill degree requirements to best suit the students' needs.
- The graduate student application fee is waived for UI students utilizing ISU courses.
- There is no application fee for non-degree seeking undergraduate students.

**BSU / CSI:**

- On site transfer center since 1995 with student services that include admissions, academic advising, registration, financial aid information, fee payments, photo ID's, student orientation, and phone, mail, and fax services at no cost to students.
- The \$40 undergraduate admissions application fee is waived for Boise State, Twin Falls students.
- There is a seamless transfer from CSI to BSU as all lower division courses are aligned for transfer.
- Regular attendance of BSU Coordinator at CSI Business Department meetings.
- Shared "2 plus 2" advertising campaigns.
- Waiver of the regulation that only 70 credits from a community college be used toward a bachelor's degree for CSI transfers to Boise State.

**ISU / CSI:**

- On-site transfer center since 1992
  - ISU office on CSI main campus offers one-stop student services, including admissions and academic advising, registration, photo ID's, 20 station computer lab, new student orientation, financial aid and fee payment advising, phone and mail service to Pocatello at no cost to students, 2 distance learning classrooms. ISU delivers 60+ classes to Twin Falls each semester.
- Partnership between Nursing Departments
  - Articulation Agreement waives 39 upper division credits for CSI Associate Degree in Nursing (ADN) graduates.
  - CSI transfers can complete Bachelor of Science in Nursing (BSN) in 3 semesters.
  - Students can attend institutions concurrently to accelerate BSN program
  - Early admission process for CSI transfers.
  - Students able to progress from Certified Nursing Assistant (CNA) to a Post Master's of Science in Nursing without leaving the Magic Valley.
- Articulation Agreement for Associate of Science Degree in Respiratory Therapy
  - Students can complete RT program without leaving the Magic Valley. General Education courses are offered by CSI; ISU delivers RT classes.
- Articulation Agreement between Psychology Departments.
- Partnership between Education Departments
  - 2+2 Program. CSI Associate Degree in Education completes first 2 years of Bachelor's program.
  - 2 full-time ISU College of Education faculty assigned to Twin Falls.

- Collaborative recruiting and advising: ISU/CSI regularly participate in recruiting and advising functions together.
- Students able to progress from Para-Educator program to Doctor of Education in Educational Leadership without leaving the Magic Valley.
- Collaboration on Albertsons and National Science Foundation grants.
- TRIO Services
  - ISU and CSI work together to prepare high school students for success in post-secondary institutions. TRIO is a federally funded student assistance program directed at low-income, first generation college students, or those who are physically disabled. CSI provides office space at no cost to 2 full-time ISU TRIO employees.
- Establishment of ISU office at CSI-Burley Center in 2007.

**UI / CSI:**

- Onsite transfer center since 1994.
- UI office on the CSI main campus offers one-stop student services including assistance with: admissions and academic advising, registration, student photo ID cards, financial aid, scholarships, student health insurance, and phone, mail and fax service at no cost to students.
- Cooperative classroom agreement, shared classroom and equipment
- Shared CALS/CSI Agricultural department recruitment efforts
- Shared CALS/CSI Agricultural department advising efforts
- Dual course listings for some agriculture courses
- Partnership to provide in-service workshops to secondary agricultural science instructors



University of Idaho



# ***CLOSURE OF TWIN FALLS DELL CENTER***

## ***SOUTH CENTRAL IDAHO LOC RESPONSE***

### **Narrative**

On September 10, 2009, Dell Computer, Inc. announced that it will close its Twin Falls customer support call center by January 2010. Dell has been one of the communities' largest and most prominent employers for eight years.

The closure of the Twin Falls Dell center will leave 75% of its 500 workers unemployed by January 2010.

The College of Southern Idaho has responded along with the Department of Labor, Twin Falls Chamber of Commerce, and other agencies to form a Rapid Response Team to assist the employees of Dell being displaced by the closure in Twin Falls.


The South Central Idaho Local Operations Committee has contributed to this effort by compiling a list of all the bachelor's and higher degrees available from the sister universities that are available on the College of Southern Idaho campus or are available online.

The degrees are listed alphabetically with a notation of which university offers the degree either online or in Twin Falls at CSI. This document has been distributed by College of Southern Idaho Advising Center and Career Center personnel to Dell employees at their site.


On Saturday, October 17, 2009 the College of Southern Idaho hosted a Career Fair for Dell employees. A higher education table for employees who may choose to further their education was facilitated by the members of South Central Idaho LOC.

## FOUR YEAR DEGREES AND BEYOND RIGHT HERE AT HOME


### Earn these degrees without leaving Twin Falls!

**Accountancy BBA**—This degree is offered on site at the College of Southern Idaho campus. Accountancy graduates find themselves in various positions in the business world including: Certified Public Accountant, Tax Accountant, Internal Auditor, IRS Agent, Investment Analyst, Controller, Financial Manager, Payroll Manager. For further information: <http://cobe.boisestate.edu/accountancy>. 


### **Adult and Organizational Learning & Leadership (M.S., Ed. Specialist)**


The AOLL program focuses on individual and organizational learning and development in order to improve organizational effectiveness. The program is designed for internal and external management consultants, organizational trainers and leaders in business, governmental and non-profit organizations. Emphasis options include Human Resource Development and Professional-Technical and Technology Education. Customization of an emphasis option to fit your career needs may also be considered. Occasionally live courses are offered in Twin Falls. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. 

### **Adult Basic Education/GED Instructor (Certificate)**


Are you interested in a career that helps educationally disadvantaged adults become self-sufficient, contributing members of their workplace, family and community? Prepare to become an adult basic education (ABE) instructor, facilitator or coordinator and help adults earn their GED, take English as a Second Language and prepare to attend college. Designed for working professionals, this five-course graduate certificate can also be applied to a master's or doctorate degree in Adult/ Organizational Learning & Leadership. As a matter of fact, upon completion of the certificate program, you'll be nearly halfway to a master's degree. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. 

### **Agricultural Science Communication & Leadership (B.S.)**

Graduates of this program will have a strong foundation in agriculture business, communication and leadership skills to work in the broad world of agriculture. As students complete the ASCL coursework, they will be eligible to earn a University of Idaho Leadership Certificate. Students are encouraged to learn a foreign language to communicate and lead within agriculture business across the globe. Students completing the program will also complete a field-based capstone internship. Contact Amanda Moore-Kriwox ([akriwox@uidaho.edu](mailto:akriwox@uidaho.edu) or 208.736.3642) for additional information. 


**Bilingual Education/ESL MEd**—This master's degree is offered on site at the College of Southern Idaho campus on the weekends and is designed to provide additional training to educators who are providing services to or are preparing to provide services to limited English proficient school children. When you complete this degree, you can have your Idaho Certificate endorsed for bilingual education and/or ESL for K-12. For further information: <http://education.boisestate.edu/bilingual-esl/graduate.htm> 

**Business & Marketing Education (Secondary Teaching Certification, M.Ed.)**

Have you considered teaching in business, marketing or economics? Teaching at the high school and/or college level allows you to share the knowledge you've gained in the real world with your students. As part of the Professional-Technical and Technology Education Program, graduates are prepared to become master teachers at the high school level or community college instructors. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. 

**Communication Sciences Pre-Professional Program** – Fully online. One-year program that provides all the coursework needed for an individual to transition from a bachelor's level degree in any discipline, to the requirements for entering a Master's degree program in Speech-language Pathology.



**Criminal Justice BS or BA**— This degree is offered on site at the College of Southern Idaho campus. A career in Criminal Justice can include Law Enforcement, Correction Officers, Private Security, Loss Prevention Officer, Probation and Parole, Pre-sentence Investigator, Court Personnel, and work in other branches of government. For additional information: <http://cja.boisestate.edu>. 


**Dental Hygiene, M.S.** – Fully online. Prepares graduates for progressive leadership roles in dental hygiene such as advanced practitioners in rural and community settings, educators, and researchers.




**Education (Ph.D., Ed.D.)**


Doctoral degrees are offered in the following emphasis areas: Adult and Organizational Learning & Leadership, Educational Leadership and Professional-Technical and Technology Education. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Distance delivered program.



**Educational Administration, M.Ed.** – The Masters in Education with Educational Administration Emphasis meets ISU's Standards for Advanced Professionals, the Interstate School Leaders Licensure Consortium (Standards for School Leaders), and the Idaho State Department of Education's Principals Certification Standards. 

**Educational Leadership, Ed.D.** – The Doctorate in Ed. Leadership offers two concentrations: *Educational Administration* and *Higher Education Administration*. The Doctorate in Educational Leadership seeks to support the development of education professionals as scholars, researchers, practitioners and higher-level administrators. 

**Educational Leadership (M.Ed., Ed. Specialist, Principal and Superintendent Endorsements)**

Become a leader in the field of educational leadership. This program prepares visionary leaders who create high achieving, inclusive schools. Certification or competency emphasis is available for for K-12 principals, superintendents and higher education administration. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. 

**Educational Specialist in Educational Administration, Ed.S.** – This program is 30 credits post-graduate work in educational leadership which prepares a candidate for the school superintendent certification endorsement. ISU

**Educational Technology MS or MEd**—This fully online master’s degree offers an innovative way to design, deliver, facilitate, and manage instruction for learners of all ages, whether it is face-to-face in a classroom, online, or a combination of methods. For further information:

<http://edtech.boisestate.edu>. BSU

**Emergency Management, A.S., B.S.** – Fully online. A Bachelor’s in EM will begin Fall, 2010. Emergency Management places emphasis upon the needs of first responder professionals at the city, county, state, and national levels. This newly emerging field is expected to grow faster than the average for all occupations through 2014. The U.S. Dept. of Labor expects a job market increase of 28% in Emergency Management Specialists in the next two years (Idaho Commerce and Labor expects a 16-33% increase). ISU

**Engineering Management (M.Engr.)**

The Engineering Management Program is designed for engineering professionals moving into technical management roles. Students explore analytical, technical and human resource aspects of managing in a technical environment. And, they can choose where they want to expand their knowledge when selecting a specific field of expertise. Contact Denise Engebrecht ([denisee@uidaho.edu](mailto:denisee@uidaho.edu) or 208.364.6123) for additional information. Online program. UI

**Environmental Science (M.S.)**


The environmental science program provides an interdisciplinary approach for students committed to studying science associated with air, water and soil. The program provides students with educational and research tools which enable them to analyze and search for solutions to local, national, and global environmental problems. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. UI

**Fire Ecology (Certificate)**


This 15-credit Fire Ecology, Management, and Technology Certificate, designed for state, regional and national audiences, provides background and depth in the concepts and tools currently used in fire ecology and management. The certificate provides students with breadth, depth and applications of knowledge in fire ecology, management and technology, including prescribed burning and applications to natural resource issues and management. Students may also choose to combine completion of this certificate with a graduate degree or another certificate program, such as geographic information systems (GIS). Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. UI

**Fire Services Administration, A.S.** – Fully online. This program is designed for those who have chosen firefighting as a career, to enhance their knowledge base as well as to prepare them for organizational leadership positions. ISU


**General Business BBA**— This degree is offered on site at the College of Southern Idaho campus. General Business graduates find themselves in various positions in the business world including: Advertising Manager, Financial Manager, Retail Store Manager, Property/Real Estate Manager, Hotel/Motel Manager. For additional information: <http://cobe.boisestate.edu/management>. 


**General Studies, B.A.** – A non-specialist degree program designed to meet the needs of students interested in broadly-based education in the liberal arts, with greater breadth in subject matter than provided by traditional degree programs. It is an excellent fit for those seeking a master's degree in health professions, law or the social sciences. 

### **Human Resource Development (Certificate)**


Talent - are you making the most of your most valuable asset? Attract. Retain. Motivate. Develop. If these words describe why you come to work each day, consider a graduate certificate in human resource development from the University of Idaho. Designed for working professionals, this five-course graduate certificate can also be applied to a master's or doctorate degree in Adult/Organizational Learning & Leadership. As a matter of fact, upon completion of the certificate program, you'll be nearly halfway to a master's degree. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. 

### **Human Resource Training and Development, B.S., P.T.E. Certification, M.T.D. –**

*Corporate Training Option:* Designed for the myriad disciplines of training, workforce development, leadership, and adult education. Eligible candidates may earn up to a maximum of 32 credits for their work experience (5 years+). *Professional-Technical Teacher Education and Certification Option:* Prepares students for instructional responsibilities in professional-technical education and other related fields. Includes content applicable to State of Idaho standards for Professional-Technical educators. It emphasizes teaching in public, proprietary secondary and postsecondary schools. A master's degree in Human Resource Training and Development is also offered. 


**Instructional & Performance Technology MS**—This fully online masters degree is intended to prepare students for careers in the areas of instructional design, training and development, e-learning, job performance improvement, organizational development, program evaluation, and performance consulting. Job settings can include business industries, private consulting, government agencies, non-profit organizations, and the military. For additional information: <http://ipt.boisestate.edu>. 


### **Natural Resources (M.N.R.)**


A Master of Natural Resources prepares you to address global environmental concerns we face every day. Our breadth of curriculum will give you an understanding of ecological principles and the ability to analyze and interpret ecological conditions. You'll also have the analytical and problem-solving skills needed to predict the consequences of natural resource management decisions. With an ecological background, you'll understand the role that public and private organizations play in influencing policy, issues and standards involved in the management of natural resources. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. 


**Nursing (RN to BSN)**—This fully online degree program is for Registered Nurses who wish to complete a bachelor's degree. For further information:

<http://nursing.boisestate.edu/admissions/rnbsonline.asp?ID=admissions>. 


**Nursing, B.S.N. Completion** – Students with an Associate RN, a nursing license and pre-requisites met, may apply to ISU's BSN Completion Program. ISU's School of Nursing will waive 39 credits with successful completion of the NCLEX, and upon acceptance, these students will complete only 9 additional credits to receive their Bachelor's Degree in Nursing. 


**Nursing, A.D.-M.S.** – Fully online. This pathway is designed to provide an accelerated program for nurses with an Associate Degree to be directly admitted into the Master's program. 

**Nursing, M.S., Post-Master's** – Fully online. Programs are either full-time (2 years) or part-time (3 years). Five options are offered: Clinical Nurse Leader ([CNL](#)), Clinical Nurse Specialist ([CNS](#)), Family Nurse Practitioner ([FNP](#)), Nursing Education ([EDU](#)), and Nursing Leadership ([LD](#)). A Post-Master's Certificate (total of 12 credits) is available for those seeking advanced preparation in one of those five areas. 


**P.E./Athletic Administration, M.P.E.** – Designed to strengthen the student's understanding, knowledge, and skills in the areas of leadership and administration as they relate to the management of athletic programs at the interscholastic and intercollegiate levels. 

**Professional-Technical and Technology Education (Certification, M.S., M.Ed., Ed. Specialist)**

The professional-technical education option is designed primarily for teachers in professional-technical schools and secondary trade and industry programs who do not hold degrees. It does not qualify one for teaching in the public K-12 system unless a person also holds a secondary endorsement or a professional-technical specialist certificate. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Distance delivered program. 

**Psychology, B.A. or B.S.** – A bachelor's degree in psychology prepares a student for jobs in law enforcement-related positions, counselor for youth in juvenile detention centers or other programs for troubled teens is a possibility, organize recreation programs for children and manage day care centers, human resources, vocational counselor, career counseling, or psychiatric, research or laboratory assistant. 

**Psychology (B.S.)**

Psychology is the scientific study of thinking, emotion and behavior. It is a diverse field and can be applied to almost all aspects of everyday life: interpersonal relationships, college life, lifelong learning, family and the work environment. Prospective students can complete a bachelor's degree by combining coursework taken at CSI or other institutions with the Psychology Department requirements offered online. Contact Carol Berreth ([cberreth@uidaho.edu](mailto:cberreth@uidaho.edu) or 208.885.6324) for additional information. 

**Respiratory Therapy, A.S.** – Respiratory Therapists administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardiopulmonary system through assessment and determination of appropriate methods of therapies, operation of therapy equipment, monitoring of pulmonary function, testing, and assisting patients with breathing maneuvers. ISU

**Restoration Ecology (Certificate)**

The Restoration Ecology Certificate provides background and depth in the concepts and tools currently used in restoration ecology. It consists of five courses (14 credits). Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. UI

**Social Work BSW & MSW**—The BSW and MSW degree programs are offered on site at the College of Southern Idaho Campus. Social Work careers offer a broad range of opportunities with employment options including: School Social Work, Child Welfare, Medical Social Work, Mental Health Clinical Social Work, Management and Administration, Policy and Planning, Research, Case Management, Developmental Disabilities, Gerontology, Corrections/Courts, Occupational Social Work, Substance Abuse, Community Organization, Legislative Advocacy. For further information:

<http://www.boisestate.edu/socwork>. BSU

**Speech Language Pathology, M.S.** – Fully online. Designed to prepare students to meet the academic and clinical requirements for the Idaho Dept. of Education Certificate for Speech-Language Pathologist or Audiologist, state licensing for Audiology, and the Certificate of Clinical Competence. Practitioners in these areas work with development and deviations within all ranges of speech, hearing, and language functions and processes. ISU

**Teacher Education, B.S., B.A., and Certification** – Coursework and clinical experiences of the ISU Teacher Education Program are designed to insure that graduates meet the Idaho State Core Standards for Beginning Teachers (CSBT) and Idaho Core Teacher Standards (ICTS): *Elementary Ed., B.A., B.S* – coursework and methodology for K-8 teacher certification. *Secondary Ed. Certification* – methodology for 6-12 teacher certification. *Certification only* – for those holding a bachelor's degree+. *Early Childhood/Blended Certification* – coursework and methodology leading to certification in Pre-school-3 or Pre-school-8. ISU

**Technical Workforce Training (Certificate)**

The Technical Workforce Training Certificate is designed for those seeking or working in a training capacity. Whether you are already a professional trainer or someone in a more informal capacity or educational role - this certificate will expand your knowledge base and enhance your marketability. Contact Miki Kurosawa ([mikik@uidaho.edu](mailto:mikik@uidaho.edu) or 208.364.4050) for additional information. Online program. UI

# ***SOUTH CENTRAL IDAHO LOC***

## ***SUMMARY OF ACTIVITIES FOR PAST YEAR***

### **Narrative**

Much of the activity for the last year has been focused on the first phases of planning for the South Central Idaho Higher Education Center that will be located on the College of Southern Idaho campus.

In November 2008, all of the technical support personnel, administrators, local coordinators and directors from CSI, BSU, ISU, and UI met on the College of Southern Idaho campus for a meeting to discuss the technical needs of each of the institutions when we move to a common site. As a result of this meeting, a survey was developed and each of the universities responded. CSI's Technology Services Department compiled the results of the survey.

A vision statement for the Higher Education Center was also drafted and a copy follows.

Other activities included ranking our discussions for our LOC meetings to be in this order: technology, maintenance costs, shared staff, joint appointed faculty, and fund raising.

In the area of fund raising, the College of Southern Idaho Foundation and First Lady Lori Otter hosted a "Building our Futures Together" fund raising event at the Rick Allen Room in the Herrett Center at the CSI campus in June 2009. The goal of the event was to raise awareness and raise scholarship funds for students who are attending CSI with the intent to transfer to one of the sister universities. Each university was asked to provide names of individuals that they would like to have invited and representatives from each university were present to speak briefly at the event. Community members, alumni, and potential donors attended. The invitation and follow up letter from First Lady Otter are included in this packet.





## Higher Education Center

### College of Southern Idaho

### History

To serve the academic needs in the state of Idaho, sister institutions developed and fostered partnerships on the College of Southern Idaho campus. The College of Southern Idaho, Boise State University, Idaho State University and the University of Idaho have worked collaboratively for 13 years to provide educational programs and services in South Central Idaho.

These institutions have enjoyed partnership informally for years. In 2004 the South Central Idaho Operations Committee (LOC) was formed. A formal memorandum of agreement was signed on January 31, 2007. The Local Operations Committee meets monthly and includes representatives who have a mutual interest in the commitment to the educational programs and services offered in South Central Idaho.

With the new Health Sciences and Human Services building on the CSI campus nearing completion, space will come available on the CSI campus that will become the home of the Higher Education Center. The HEC will house the Universities on the CSI campus and will serve as a one-stop-source for students seeking four year educational programs and beyond.

### Vision Statement

Stay Near, Go Farther!

The Higher Education Center serves as a central location for the Universities on the College of Southern Idaho campus. The HEC seeks to provide students with access to services and educational programs enabling them to complete their academic goals in South Central Idaho.

In addition to serving Southern Idaho based students, the HEC serves as a transfer center for students who pursue their educational goals on the Universities main campuses.

## Goals

The Higher Education Center is charged with providing services to students who are seeking four year degrees and beyond on the College of Southern Idaho campus. The center will exhibit the following:

- **A welcoming, common entrance with identifiable signage for students to access.** The reception area will be continually staffed by one or more qualified support personnel who will direct prospective students to one of the universities or to CSI. This will provide students a convenient central location to access information about the Universities programs that are available locally.
- **Office space for university coordinators and directors and shared advising offices for visiting faculty.** Student records are confidential. Private offices for advising are essential for protecting the academic rights of students.
- **Shared conference room.** This will provide an area for Local Operations Committee meetings and other university meetings, which can be reserved as needed.
- **Shared distance classrooms.** Classrooms equipped with state-of-the art technology will allow better access to the main university campuses by allowing quality distance learning environments.
- **Common gathering place for students.** A lounge area with a comfortable, inviting, atmosphere equipped with vending machines will give students a common area to share community, study, and dine with other students.
- **Shared business center.** A center equipped with a copy machine, fax, shredder, and other office equipment will be shared by the universities to decrease costs.
- **Computer Labs.** A shared computer lab and a teaching lab will be available for University students.
- **Student Services.** University students will continue to have the following services available to them: library, computer labs, daycare, testing center, recreation center and cafeteria.

The Higher Education Center will meet the needs of students in one convenient central location. It will give the University students a place of their own. In addition, the physical closeness of the Universities will enable staff to share resources and knowledge to provide service of the highest quality to Southern Idaho students.



This event is sponsored by the  
CSI Foundation Board of Directors

Tom Ashenbrenner— President

Cally J. Parrott— Vice President/President Elect

Dave Werbeck— Secretary/Treasurer

Curtis H. Eaton— Executive Director

Debra J. Wilson— Associate Executive Director

Gerald L. Beck— CSI President

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Adrian Boer, Donna Brizee, Deanna DalSoglio,

John O. Fitzgerald, II, Jane Ledbetter,

Jason Meyerhoeffer, Steven D. Peterson,

Ruth S. Pierce, Judy Pollow, Ginny Riffle,

Brenda Sanford, Anna G. Scholes,

Richard B. Stivers, Greg Wills

“Building Our Futures Together”  
with  
Idaho Universities



You are cordially invited to a  
Luncheon

with

Idaho First Lady, Lori Otter

Honorary Chair

of the

CSI Major Gifts Campaign



"I chose to be a transfer student beginning at CSI and finishing my bachelor degree at BSU. Scholarships made my undergraduate education possible."

*Lori Otter*

IDAHO FIRST LADY, LORI OTTER

Lori Jean Otter became Idaho's First Lady when her husband, C.L. "Butch" Otter, was inaugurated Governor on January 1<sup>st</sup> 2007. Lori Otter was born in Pensacola, Florida, where she grew up in a Naval Military family as the youngest of four children and the only girl. When her father retired in the 70s, her family moved to Twin Falls, Idaho, taking over a family farm. Mrs. Otter fell in love with Idaho, and became active in 4-H and FFA, taking horse, sheep and pig projects to the Twin Falls County Fair.

After graduation from Kimberly High School, First Lady Otter attended school at College of Southern Idaho, in Twin Falls, Idaho earning an A.A. in English Literature. She finished her B.S. at Boise State University, in Education, Physical Education, with minors in Health and English. Mrs. Otter pursued and completed her Masters degree in 2004 at Northwest Nazarene University in Curriculum and Instruction with an emphasis in Educational Leadership.



# CSI Luncheon

Thursday, June 11, 2009

College of Southern Idaho  
Herrett Center for Arts and Science - Rick Allen Room  
North College Rd., Twin Falls

11:30 am –Welcome and Introductions

Cally J. Parrott, 2009-2010 CSI Foundation President

Higher Education through Scholarships-  
Idaho First Lady, Lori Otter

CSI & Idaho University Relationships-

Dr. Gerald L. Beck, President, College of Southern Idaho

Southern Idaho Higher Education Center Presentations



BOISE STATE UNIVERSITY Associate Dean of Extended Studies  
Dr. Ken Brauchle,

Idaho State University– Dr. Kent Tingey,  
Vice President for University Advancement

University of Idaho University of Idaho– Dr. Trudy Anderson,  
Associate Vice President

Conclusion "It's Scholarships!"

Curtis H. Eaton, J.D., Executive Director,  
CSI Foundation, Inc.

1:00 pm– Optional CSI Campus Tour

Breckenridge Agriculture Farm  
Health Science & Human Services Building

RSVP by June 5, 2009- (208) 732-6249



*First Lady of Idaho*

*Lori J. Otter*

September 15, 2000

Mrs. Shari Stroud  
Boise State University  
PO Box 1238  
Twin Falls, ID 83303-1238

Dear Mrs. Shari Stroud,

On June 11, 2009 you graciously attended the "Building Our Futures Together" luncheon that we helped to host at the College of Southern Idaho. You listened to the Idaho universities tell their collaborative story to provide four-year, masters' and doctorate degrees to students in the Magic Valley. Thank you for listening.

There is a definite need for the Southern Idaho Higher Education Center (SIHEC) that provides an area on the CSI campus sufficient to service the needs of students who locally attend Idaho universities. The delivery of four-year programs in the Magic Valley is very good now. Students have benefited greatly from the convenience and decreased expense of taking classes nearer their homes. Already, there are opportunities for transfer students who are exiting CSI and entering one of the baccalaureate programs. But, opportunities for those students will be enhanced upon the co-location of the array of four-year programs. The Idaho universities pledge cooperation with each other and CSI in providing as smooth a network of higher education programs as possible.

As you may know I began my education at the College of Southern Idaho and am very grateful for the scholarship opportunities that I received while there. Access to a college education, provided by scholarships, is important in helping our Idaho citizens succeed.

I encourage you to help in any way that you can in "Building Our Futures Together" for our Idaho college students. As you probably recall, it is a way to help students who are on track to transfer to the university. Thank you for your participation and listening to our message.

Sincerely,

Lori Otter  
Idaho's First Lady

## **Degree Program Highlights**

### **Boise State University, Extended Studies**

### **Twin Falls Program**

#### **Program Information:**

- Classes offered in Twin Falls since 1995
- Four bachelor's degree programs offered:
  - Accountancy (BBA)
  - General Business (BBA)
  - Criminal Justice (BS or BA)
  - Bachelor of Social Work (BSW)
- Two Graduate Programs
  - Bilingual/ESL Education (MED)
  - Master of Social Work (MSW)
- Total Enrollments in all programs—Fall 2009: Total Enrollments--456, Headcount--191
- Bachelor's Degree Graduates Dec 2008 & May 2009: 36 (9 Accountancy, 1 Accountancy & General Business, 15 General Business, 11 Criminal Justice)
- Master's Degree Graduates May 2009: 12 Master of Social Work
- Total Bachelor's Degree Graduates since 1998---269

#### **Student Demographics:**

- Average Age: 32
- Female: 62%
- Male: 38%

#### **Course Delivery:**

- Courses are delivered to Twin Falls primarily by on-site instruction with tenured faculty of Boise State University or adjunct faculty hired from the College of Southern Idaho or the Twin Falls Community.
- For the convenience of the student, courses are offered in a variety of alternative time periods and formats that include evenings, weekends, afternoons, videoconferencing, and internet.

#### **Facilities:**

- Coordinator's office is located in the Taylor Administration Building Room 202 at CSI and is shared with the College of Southern Idaho Community Education Center. Master of Social Work and Bachelor of Social Work Coordinators office is located in the Aspen Building Room 130
- Classes are held primary in the Shields and Aspen buildings at the College of Southern Idaho Campus.

# Earn a degree from Boise State, ... without leaving the Magic Valley!

After getting started at the College of Southern Idaho, you can complete a degree through Boise State University's Program at CSI.

## Bachelors' Degrees:

- General Business
- Accounting
- Criminal Justice
- Social Work

## Master's Degrees:

- Master's Degree in Bilingual/ESL Education
- Master's Degree in Social Work

## Online Programs:

- Master's Degree in Instructional & Performance Technology
- Graduate Certificate or Master's Degree in Education Technology
- Registered Nursing to Bachelor of Science in Nursing Degree Completion Option

## Boise State's Fall 2009 Classes in Twin Falls

Fall semester begins Monday, August 24, 2009

### BUSINESS MANAGEMENT AND ACCOUNTING

- ACCT 304, Intermediate Accounting I, Thursdays, 6-9 p.m.
- ACCT 314, Cost Accounting, Wednesdays, 6-9 p.m.
- GENBUS 302, Commercial Law, Tuesdays, 6-9 p.m.
- HRM 305, Human Resource Management, Mondays, 6-9 p.m.
- HRM 340, Employee & Labor Relations, Internet
- MKTG 301, Principles of Marketing, Internet

### CRIMINAL JUSTICE

- CJ 331, Corrections in the Community, Internet
- CJ 317, Corrections Law, Mondays, 6-9 p.m.
- CJ 425, Research Methods, Internet
- CJ 426, Statistics, Internet

### BILINGUAL/ESL EDUCATION MASTER'S DEGREE

- ED-BLESL 503, Applied Theory and Foundation of Bilingual Ed, 3 weekends (Aug 28-Oct 10)
- ED-BLESL 511, Contemporary Issues of Bilingual Education, 2 weekends (Oct 23-Nov 14)
- ED-BLESL 600 Assessment, 3 weekends (Sept 18-Nov 13)

### SOCIAL WORK BACHELOR'S DEGREE

- PSYC 310, Adolescent and Adult Development, Mondays 6:30-9:30 p.m.
- SOCWRK 301, Social Welfare Policy, Thursdays, 4:30-7:30 p.m.
- SOCWRK 333, General Social Work Practice I: Individuals, Tuesdays, 4:30-7:30 p.m.
- SOCWRK 380, Social Work Statistics and Research Methods, Mondays, 3:00-6:00 p.m.

### SOCIAL WORK MASTER'S DEGREE

- SOCWRK 521, Social Dimensions of Human Behavior, Mondays, 3:30-6:30 p.m.
- SOCWRK 526, Mental Disorders, Mondays, 6:30-9:30 & Tuesdays, 6-9 p.m.
- SOCWRK 530, Foundation of Research I, Mondays 7-9 p.m.
- SOCWRK 532, Advanced Research, Mondays, 3-6 p.m.
- SOCWRK 550, Advanced Interventions I, Tuesdays 6-9 p.m.
- SOCWRK 575, Advanced Social Work Practicum I, Tuesdays 3:30-5:30 p.m.

For more information contact Shari Stroud, Twin Falls Coordinator.



<b>Call</b> 208-732-6284	<b>Visit</b> Taylor 202 at CSI	<b>Write</b> sstroud@boisestate.edu	<b>Click</b> boisestate.edu/extendedstudies/ and click "Twin Falls"
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# Idaho State UNIVERSITY

## Twin Falls

(208) 736-2101  
[www.isu.edu/twinfalls](http://www.isu.edu/twinfalls)

# FALL 2009

*Classes begin August 25*

## COLLEGE OF ARTS & SCIENCES

156004 ART/MC 210	HIST & APPREC OF PHOTOGRPHY
156093 F 12:00P-2:50; 3 cr.	Frazier, T. Evgrn C-89
156011 BIOL 432	BIOCHEMISTRY
MWF 10-10:50; 3 cr.	Sheridan, P. Evgrn C-89
156028 ENGL 433	METHODS IN TEACHNG ENGLISH
M: 4:00P-6:30; 3 cr.	Whitaker, C. Evgrn C-91
156090 GEOL 471/571	HISTORICAL GEOGRAPHY OF ID
156115 H 7:00P-9:50; 3 cr	Link, P. Evgrn C-91
156025 HIST 255	AFRICAN HISTORY & CULTURE
MWF 2:00-2:50; 3 cr.	Christelow, A. Evgrn C-91
156031 HIST 308	INDUSTRIALIZ. & REFORM IN US
MWF 11:00-11:50; 3 cr.	Kuhlman, E. Evgrn C-91
156036 HIST 471/571	HISTORICAL GEOGRAPHY OF ID
156039 H 7:00P-9:50; 3 cr	Link, P. Evgrn C-91
112348 PHYS 325	WEATHER & CLIMATE
TBA; 3 cr.	Hackworth, M. Website
156064 POLS 471/571	HISTORICAL GEOGRAPHY OF ID
156065 H 7:00P-9:50; 3 cr	Link, P. Evgrn C-91
156068 PSYC 341	SOCIAL PSYCHOLOGY
T 6:00P-8:30; 3 cr.	Simonson, R. Aspen 195
156069 PSYC445/545	PSYCHOLOGY OF LEARNING
156003 T,H 1:30P-2:45; 3 cr.	Rasmussn, E. Evgrn C-91

## COLLEGE OF EDUCATION

156005 CFS 440	PRTSHP FAMILIES YOUNG CHILD
H 7:00P-10:00; 3 cr.	Neff Shields 107
156008 EDLA 608	EDUC LEADERSHIP & ADMIN
M 7:00P-9:50; 3 cr.	Meyer, A. Evgrn C-89
156009 EDLA 614	CURRICULUM LEADERSHIP
W 7:00P-9:50; 3 cr.	Scherz, S. Evgrn C-91
156012 EDLA 642	SCHOOL COMM & PUBLIC REL.
W 6:00P-9:00; 3 cr.	Meyer, A. Evgrn C-89
156017 EDLA 643	SCHOOL PERSONNEL ADMIN
H 7:00P-9:50; 3 cr.	Meyer, A. Evgrn C-89
156018 EDLA 720	LEGAL ISSUES IN EDUC ORGAN.
T 7:00P-9:50; 3 cr.	Thomas, J. TBA
156072 EDLH 731	LAW IN HIGHER ED
H 7:00P-9:50; 3 cr.	Thomas, J. TBA

## EDUCATION, cont.

156022 EDLP 700	CHANGE STRATEGIES
M 7:00P-9:50; 3 cr.	Neill, M. TBA
156083 EDUC 301	INQUIRING, THINKING, KNOWING
M 3:30P-6:30; 3 cr.	Kelle, F. Shields 108
156015 EDUC 302	MOTIVATION AND MANAGEMENT
W 3:30P-6:30; 3 cr.	Kelle, F. Shields 108
156014 EDUC 322	LITERATURE FOR CHILDREN
T 12:30P-3:30; 3 cr.	Toevs, J. Shields 110
156016 EDUC 330	ELEMENTARY MATH METHODS
W 7:00P-10:00; 3 cr.	Bonnett Shields 108
158511 EDUC 331	ELEMENTARY SCIENCE METHODS
F 4:30P-7:30; 3 cr.	Goerisch Shields 106
158515 EDUC 336	SOCIAL SCIENCE METHODS
H 3:30P-6:30; 3 cr.	Kelle, F. Shields 110
156019 EDUC 419	DEVELOPMENTAL LITERACY
T 4:30P-7:30; 3 cr.	Toevs, J. Shields 110
156001 EDUC 460/560	FOUNDATIONS OF ESL
156002 H 4:00P-6:50; 3 cr.	Lin, S. Evgrn C-89
158545 EDUC 494	ELEMENTARY EDUC INTERNSHIP
W 4:30P-6:30; 14 cr.	Rankin, R. Aspen 134
158555 EDUC 496	SECONDARY EDUC INTERNSHIP
W 4:30P-6:30; 14 cr.	Rankin, R. Aspen 134
112030 EDUC 601	RESEARCH AND WRITING
Website; 3 cr.	Ray, B. Website
110474 EDUC 602	THEORIES OF LEARNING
Website; 3 cr.	Ray, B. Website
112488 EDUC 616	INTEG TECH SCHOOL CURRIC
TBA; 3 cr.	Moulton, S. Website
112031 EDUC 655	FUNDAMENTALS INSTRUCT DES
TBA; 3 cr.	Coffland, D. Website
110787 H E 211	HEALTH ED METHODS EL TCHR
TBA; 1 cr.	Batacan, J. Website
156061 P E 605	LEADERSHIP & ADMIN IN P.E.
T 6:00P-8:50; 3 cr.	Lester, M. Evgrn C-89
156051 SPED 350	CREATE INCLUSIVE CLASSROOMS
M 7:00P-9:50; 3 cr.	Henderson, R. Shields 113
156006 SPED 424	ASSESSMNT PROCED SPEC ED.
W 4:00P-6:50; 3 cr.	Henderson, R. Evgrn C-91

<http://classes.isu.edu/fall/TF.shtml>



## NURSING\*

114490	<b>BIOL 305</b> .....	<b>INTRO. TO PATHOBIOLOGY</b>	
	TBA; 3 cr.	Bunde, C.	Website
111586	<b>NURS 330</b> .....	<b>EVIDENCE BASED NRSRG PRACT</b>	
	TBA; 3 cr.	Renn, N.	Website
111306	<b>NURS 405</b> .....	<b>SOCIALIZATION INTO NURSING</b>	
	TBA; 1 cr.	Marquette, L.	Website
110574	<b>NURS 424</b> .....	<b>RN LEADERSHIP IN COMMUNITY</b>	
	TBA; 2 cr.	Renn, N.	TBA
156081	<b>NURS 425</b> .....	<b>RN LEADERSHIP PRACTICUM</b>	
	TBA; 3 cr.	Ovitt, M.	TBA
156040	<b>PHIL 230</b> .....	<b>BIOETHICS</b>	
	T,H 4:00P-5:15; 3 cr.	Baergen, R.	Evgrm C-91

**\*PLEASE SEE ONLINE SCHEDULE FOR ALL CLASS OFFERINGS FOR THE MASTER'S OF NURSING: <http://classes.isu.edu/fall/NURS.shtml>**

## COLLEGE OF TECH., cont.

156054	<b>HRD 635</b> .....	<b>GRADUATE PRACTICUM IN HRD</b>	
156052	TBA; 3 cr.	Croker / Kolody	TBA
156033	<b>HRD 645</b> .....	<b>FIELD RESEARCH PROJECT</b>	
156055	TBA; 1-3 cr.	Croker / Kolody	TBA
156034	<b>HRD 650</b> .....	<b>THESIS</b>	
156057	TBA; 1-3 cr.	Croker / Kolody	TBA
156059	<b>RESP 232</b> .....	<b>PATIENT ASSESSMENT II</b>	
	M 9:00-10:50; 2 cr.	TBA	Evgrm C-91
156060	<b>RESP 280</b> .....	<b>CASE MANAGEMENT I</b>	
	T 10:00-11:50; 2 cr.	TBA	Evgrm C-91
156063	<b>RESP 330</b> .....	<b>CLIN. PRACT THERAP PROCED III</b>	
	TBA; 5 cr.	TBA	TBA

## COLLEGE OF TECHNOLOGY

110511	<b>DENT 201</b> .....	<b>PRINCIPLES OF DENTAL HYGIENE</b>	
	TBA; 2 cr.	Long, M.	Website
111442	<b>FSA 102</b> .....	<b>FIRE BEHAVIOR &amp; COMBUSTION</b>	
	T,H 7:00P-8:00; 2 cr.	Gates, D.	Web Conf.
111452	<b>FSA 106</b> .....	<b>PRINCIPLES OF EMERGENCY SVC</b>	
	W 7:00P-9:00; 2 cr.	Hanneman, D.	Web Conf.
112048	<b>HRD 401/501</b> .....	<b>FOUNDATIONS OF P.T.E.</b>	
112049	Website; 3 cr.	Croker, R.	Website
112074	<b>HRD 402/502</b> .....	<b>OCC. ANALAS/COURSE CONSTR.</b>	
152241	Website; 3 cr.	Kolody, R.	Website
156013	<b>HRD 403/503</b> .....	<b>METHODS OF TEACHING PTE</b>	
156021	H 6:00P-9:00; 3 cr.	Trotter, C.	Shields 103
156073	<b>HRD 404/504</b> .....	<b>EVALUATION IN CT AND PTE</b>	
156588	M 7:00P-9:50; 3 cr.	Buffaloe, D.	Evgrm C-91
110416	<b>HRD 409/509</b> .....	<b>PROF READINGS AND WRITING</b>	
110446	TBA; 3 cr.	Kolody, R.	Website
110816	<b>HRD 457/557</b> .....	<b>FACILITATING ADULT LEARNING</b>	
110803	Website; 3 cr.	Scott, K.	Website
156041	<b>HRD 461</b> .....	<b>DIRECTED STUDIES</b>	
156043	TBA; 1-4 cr.	Croker, R. / Johnson, R.	TBA
156035	<b>HRD 561</b> .....	<b>DIRECTED STUDIES</b>	
156075	TBA; 1-4 cr.	Croker, R. / Kolody, R.	TBA
156046			
156047	<b>HRD 465</b> .....	<b>PRACTICUM IN CORP TRNG</b>	
158475	TBA; 3 cr.	Croker/Johnson/Kolody	TBA
156050	<b>HRD 634</b> .....	<b>ADMINISTRATION OF HRTD</b>	
	F 5:30P-9:20 & S 8:30-4:30; 3 cr.	Johnson, R.	TBA
		9/11-12, 9/18-19, 9/25-26, & 10/2-3	

**REGISTRATION:** At ISU-Twin Falls, CSI Evergreen Bldg., Room #B40; or on the ISU website, [www.isu.edu](http://www.isu.edu), at MyISU.

**FEES:** Per-credit fees begin at \$253 for undergraduate credit, and \$297 for graduate credit. Full-time fees begin at \$2,484 for undergraduates and \$2,924 for graduates. Full-time students will be charged a health insurance premium of \$647, which may be waived with proof of insurance. For more info. on Student Health Insurance or to print a waiver, go to: [isu.edu/stuhlth/insurance/gen.shtml](http://isu.edu/stuhlth/insurance/gen.shtml). Reduced fees for employees and students over 60; additional fees for non-residents.

### PAYMENTS/LATE FEES:

### FEES DUE BY 5:00 pm, 8/24/09

A \$50 late fee will be charged August 25. A \$100 late fee will be charged if not paid by September 8, 2009.

In addition to the \$100 late fee, a late registration petition will be required if fees are not paid by the 10th day of class.

Pay with TranPay, check or cash at the ISU-Twin Falls office.

To pay with credit card, call (208) 282-2900.

**ADVISING & BENGAL CARD PHOTO ID:** For an appointment with an advisor or for more information, call 736-2101. Bengal ID photos can be taken in the ISU-Twin Falls office.

**DEGREE OPTIONS:** Bachelor's degrees are offered in *Early Childhood and Elementary Education, General Studies, Human Resource Training & Development, and Nursing*. Master's Degrees offered in *Training & Development, and Nursing*. Associates Degrees in *Respiratory Therapy and Fire Services Administration*. Courses are offered toward degrees in *Psychology, Special Education* and for Masters' of Education.

\*Classes can be cancelled at any time for lack of enrollment

09/30/09

# University of Idaho

## South Central Idaho Programs

### Program Information

- Classes offered in Twin Falls since the early 1980's
- Bachelor of Science in **Agricultural** offered on the CSI campus since 1994
  - **Agricultural Science Communication & Leadership** (Beginning Fall 2009)
- Distance Delivered Programs include:
  - **Psychology** (Bachelor of Science)
  - **Adult & Organizational Learning and Leadership** (Masters, Educational Specialist)
    - **Administrative Endorsement- Principalship, Superintendent**
    - **Business & Marketing Education** (Secondary Teaching Certificate, Masters)
    - **Educational Leadership** (Masters, Educational Specialist)
    - **Education** (Doctorate)
    - **Professional-Technical & Technology Education** (Professional-Technical Education Certification, Masters, Educational Specialist)
    - **Environmental Science** (Masters)
    - **Masters of Natural Resources** (MNR)
    - **Fire Ecology Certificate**
    - **Restoration Ecology Certificate**
    - **Technical Workforce Training** (Certificate)
    - **Adult Basic Education/GED Instructor** (Certificate)
    - **Human Resource Development** (Certificate)
    - **Engineering Management** (M. Engr)
- Undergraduates- Fall 2008: 22
- Graduates- Fall 2008: 20
- Non-degree- Fall 2008: 7
- Degrees awarded in 2008-2009: 11
  - Bachelors – 5
  - Masters – 3
  - Specialist – 2
  - Doctorate - 1
- Course Delivery- courses are delivered via distance learning classrooms , on-site instruction and the internet.

### Extension

Cooperative Extension offices are located on the College of Southern Idaho campus. Non-formal educational programs that address critical issues, identified through local advisory boards in each of the eleven counties are provided. Expertise areas include crop production, horticulture, livestock, farm business management, community development, family and

consumer sciences, natural resources, youth development, leadership development and volunteer development.

#### Research and Facilities

One University institute and two research and extension centers are located in south central Idaho. Plans are underway to establish the Idaho Center for Livestock and Environmental Studies and to relocate the Caine Veterinary Center in south central Idaho.

- **Aquaculture Research Institute - Hagerman Fish Culture Experiment Station**  
The Hagerman Fish Culture Experiment Station is internationally recognized for its scientific expertise in conservation biology of salmon, fish feed technology and trout breeding for improved performance on grain-based diets. A new 13,000-square-foot building includes six analytical laboratories, 14 offices, eight cubicles for technicians and graduate students and two conference rooms wired for distance learning and videoconferencing. More than 45 scientists, faculty and staff are involved in the aquaculture laboratory research programs. Ninety-two percent of the operating funds come from competitive and earmarked federal funds and grants and contracts that scientists are awarded. The station brings in over \$3.5 million a year.
- **Kimberly Research & Extension Center** - The Kimberly Research and Extension Center has approximately 180 acres of irrigated farm, four greenhouses, a dry bean research facility complete with laboratories, a seed cleaning complex, seed warehouse, and a potato storage research facility. In the early 1960's, the USDA Agricultural Research Service established the Snake River Conservation Research Center, now known as the Northwest Irrigation and Soils Research Laboratory, across the road from the University Farm. Many of the research programs evolved into cooperative programs between the ARS research scientists and the UI scientists. Major program emphases include research in dry beans, irrigation and water resources, and potatoes. Additionally, the center is home for the Foundation Seed Program which produces and cleans foundation class seed for the state in cooperation with the other research and extension centers.
- **Twin Falls Research & Extension Center** - The Twin Falls Research and Extension Center is located on the College of Southern Idaho campus in the Evergreen Building. The Twin Falls Research and Extension Center office supports Cooperative Extension System and agricultural research programs in south central Idaho. University of Idaho faculty and staff from Agricultural Economics and Rural Sociology, Animal and Veterinary Science, Biological and Agricultural Engineering, Plant, Soil and Entomological Sciences and the College of Natural Resources are housed in the facility. Major research and extension programs are conducted on agriculture, natural resources, youth, family, community, and environmental issues.



## Graduate and Undergraduate Course work available in Twin Falls!

A complete list of updated courses can be found online at:  
<http://www.uidaho.edu/schedule/boise/schedule.htm>

- **Agricultural Science & Technology:**  
B.S.
- **Psychology:**  
B.S. or B.A.
- **Educational Leadership:**  
M.S., M.Ed., Educational Specialist  
Educational Leadership
- **Professional Technical and Technology Education (PTTE):**  
Certification courses only
- **Administrative Endorsement:**  
Principalship, Superintendentcy (courses only)

### Fall 2009 Courses: (All courses are subject to change)

- Acct 201- Introduction to Financial Accounting (WWW)- CRN 33624
- ADOL 560- Career Development in Organizations (WWW)- CRN 32047
- ADOL 570- Introduction to Research in Workforce Education (WWW)- CRN 32662
- ADOL 573- Adult Learners: Foundations and Characteristics (WWW)- CRN 33462
- ADOL 575- Strategies for Facilitating Adult Learning (WWW) - CRN 30743
- AGE 411- The World of International Agribusiness (Videoconferencing)- CRN 26726
- AVS 330- Genetics of Livestock Improvement (Videoconferencing)- CRN 27576
- AVS 472- Dairy Cattle Management (Videoconferencing)- CRN 21251
- BUS 301- Financial Management (WWW)- CRN 10548
- BUS 311- Introduction to Management (WWW)- CRN 10551
- BUS 321- Marketing (WWW)- CRN 10553
- CASP 514- Career Counseling and Development (This is an online Elluminate SYNCHRONOUS ONLINE course and students must be able to attend class ONLINE Monday nights 4:00 to 7:00 p.m.) - CRN 29649
- Ed 510- Schools in Context (WWW)- CRN 28193
- Ed 574- Introduction to Qualitative Research (WWW)- CRN 30919
- Ed 586- Advanced Planning and Design of Educational Research (WWW)- CRN 31956
- EdAd 509- Educational Policy and Politics for Educational Leaders (WWW)- CRN 32693
- EdAd 513- Administration of Special Education Law (WWW)- CRN 26157
- EdAd 533- Multicultural Diversity and Educational Leadership (WWW)- CRN 26607
- EdAd 567- Administration of Teacher Development (Comments: This class is NEW. It is the online substitute for EdAd 566, Leading Continuous School Improvement. This class is designed for MEd Educational Leadership candidates who cannot travel to a campus to enroll in EdAd 566.) CRN 33630
- EdAd 586- Advanced School Finance (WWW)- CRN 28573
- EdAd 587- The Superintendentcy (WWW) CRN 33631

- EdAd 595- Administration and Supervision of Personnel (WWW)- CRN 33632
- Engl 313- Business Writing (WWW)- CRN 15836 or 15831
- Envs 101- Introduction to Environmental Science (WWW)- CRN 26767
- FCS 435- Feeding Young Children in a Group Setting (Video)- CRN 24320
- FCS 462- Eating Disorders (WWW)- CRN 29315
- PLSC 302- Golf and Sports Turf Management (Videoconferencing)- CRN 29620
- PSYC 305- Developmental Psychology (WWW)- CRN 26227
- PSYC 311- Abnormal Psychology (WWW)- CRN 27863
- PSYC 320- Introduction to Social Psychology (WWW)- CRN 27578
- PTTE 299- DS:Keyboarding and Document Preparation (WWW)- CRN 33311
- PTTE 404- ST:Accident Investigation (WWW)- CRN 33639
- PTTE 404- ST:Using Microsoft Office 2007 (WWW)- CRN 28133
- PTTE 404- ST:Emergency Management & Planning (WWW)- CRN 32936
- PTTE 415- Microcomputer Applications (WWW)- CRN 28003
- PTTE 419- Database Applications and Information Management (WWW)- CRN 27379
- PTTE 426- Occupational Analysis and Curriculum Development (T 5:00 PM-8:00 PM TBA)- CRN 28021
- PTTE 432- Systems Integration (WWW)- CRN 33459
- PTTE 434- Quality Assurance Organization and Management (WWW)- CRN 31081
- PTTE 461- Using Internet-Based Career Information in the Classroom (WWW)- CRN 27427
- PTTE 464- Career Guidance and Transitioning to Work (WWW)- CRN 27436
- PTTE 472- Teaching and Learning in Occupation Education (M 5:00PM-8:00PM, TBA)- CRN 27677
- PTTE 492- Business and Marketing Education Methods (WWW)- CRN 31163
- PTTE 495- Administrative Technology Management and Procedures (WWW)- CRN 33650
- PTTE 507- The Future of Education and Work (WWW)- CRN 33818
- PTTE 519- Database Applications and Information Management (WWW)- CRN 27380
- PTTE 525- Emergency Management and Planning (WWW)- CRN 33640
- PTTE 528- Accident Investigation (WWW)- CRN 30052
- PTTE 552- Industrial Ergonomics (WWW)- CRN 33642
- PTTE 570- Introduction to Research in Workforce Education (WWW)- CRN 32661
- REM 221- Ecology (WWW)- CRN 32502
- REM 410- Principles of Vegetation Measurement/Assess (WWW)- CRN 33890
- REM 459- Rangeland Ecology (WWW)- CRN 32523

#### **Graduate Admissions Office**

PO Box 444266  
 Moscow, ID 83844-4266  
 Phone: (208) 885-4001  
 Fax: (208) 885-4406  
 Email: [gadms@uidaho.edu](mailto:gadms@uidaho.edu)

#### **Undergraduate Admissions**

P.O. Box 444264  
 Moscow, ID 83844-4264 phone: (208) 885-6326  
 toll free: 1-88-88-UIDAHO  
 fax: (208) 885-9119  
 e-mail: [admappl@uidaho.edu](mailto:admappl@uidaho.edu)

#### **Information and Advising**

For advising, development of programs, or information about degrees and certification requirements, contact UI Boise program advisors at 208-364-4047 or 208-364-4057 or toll free 866-264-7384.

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**CONSENT AGENDA  
DECEMBER 10, 2009**

<b>APPROVED ALCOHOL SERVICE AT BOISE STATE UNIVERSITY September 2009 – April 2010</b>		
<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
World Sports Humanitarian Hall of Fame	Skyline-Stueckle Sky Center	9/23/09
Governor's Innovation Summit	Double R Ranch- Stueckle Sky Center	9/24/09
Capitol Dist Customer/Vendor Forum	Skyline-Stueckle Sky Center	9/24/09
Class of 74 Reunion	Double R Ranch- Stueckle Sky Center	9/26/09
1999 BSU Football Team Reunion	Skyline-Stueckle Sky Center	10/1/09
Presidential Alumni Gala	Double R Ranch- Stueckle Sky Center	10/2/09
Serving Up Wishes	Double R Ranch- Stueckle Sky Center	10/5/09
MWSR Conf Reception/Dinner	The Loft-Stueckle Sky Center	10/8/09
George Lopez	Morrison Center	10/10/09
Stockholder Meeting/Dinner	Conf Room-Stueckle Sky Center	10/12/09
Loaves and Fishes	Double R Ranch- Stueckle Sky Center	10/16/09
Bronco Primetime	Bronco Zone -Stueckle Sky Center-	10/22/09, 11/19/09
Fundraiser for Ore-Idaho Boy Scouts – Holiday Dinner/Auction	Double R Ranch- Stueckle Sky Center	10/24/09
SSPA Donors Reception	Farnsworth-SUB	10/26/09
St. Lukes President's Awards Dinner	Double R Ranch- Stueckle Sky Center	10/26/09
Coaches Call In Radio Show	Stueckle Sky Center	11/3/09
JFK Banquet	Double R Ranch- Stueckle Sky Center	11/7/09
St. Mary's Annual Ball & Auction Fundraiser	Double R Ranch/The Loft-Stueckle Sky Center	11/21/09
Wedding & Reception	Stueckle Sky Center	11/22/09
Albertson's Xmas Party	Skyline-Stueckle Sky Center	12/4/09
The Nutcracker	Morrison Center	12/11-12/09
Guy Fieri	Morrison Center	12/14/09
The Christmas Carol	Morrison Center	12/18-19/09

**CONSENT AGENDA  
DECEMBER 10, 2009**

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<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
Bob & Tom Comedy All Stars	Morrison Center	12/31/09
Renewables Rendezvous	Skyline-Stueckle Sky Center	3/23/10
Robertson Supply Expo 2010	Double R Ranch-Stueckle Sky Center	4/8/10



**CONSENT AGENDA  
DECEMBER 10, 2009**

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**APPROVED ALCOHOL SERVICE AT  
IDAHO STATE UNIVERSITY  
October 2009– December 2009**

<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
INL-All Hands Meeting	Bennion Student Union	10/29/09
Women's Basketball Crab Feed	Student Union Ballroom	11/4/09
INL Holiday Reception	Center for Advanced Energy Studies	12/3/09
Festival of Trees: Gala Dinner, Employee Receptions, Holiday Tea	Stephens PAC Rotunda	11/30/09, 12/2, 12/3, 12/5/09

**CONSENT AGENDA  
DECEMBER 10, 2009**

<b>APPROVED ALCOHOL SERVICE AT University of Idaho October 2009 – November 2009</b>		
<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
Friends of Prichard Art Gallery Annual Meeting	Prichard Art Gallery	10/1/09
COBRE External Advisory Committee Meeting	SUB Gold Room	10/10/09
Finding Face Film Screening	Kenworthy Performing Arts Center	10/14/09
Presidential Inauguration Dinner	University Inn-Silver Room	10/15/09
Inauguration Dinner	SUB Ballroom	10/16/09
234 <sup>th</sup> Navy/Marine Corps Birthday Ball	SUB	10/23/09
Auditorium Chamber Music Reception	Albertson's	10/27/09
College of Law Homecoming Reception	College of Law Foyer	10/30/09
University Advancement Retreat	University Inn	11/5/09
Kibbie Dome Fundraising Reception	Legacy Pointe, UI Boise	11/12/09
UI Pre/Post Game Celebration	Qwest Arena, Boise	11/14/09
Young Alumni Mixer	Bogey's	11/17/09

**CONSENT AGENDA  
DECEMBER 10, 2009**

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**APPROVED ALCOHOL SERVICE AT  
LEWIS-CLARK STATE COLLEGE  
December 2009**

<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
Winter Revels Holiday Party - LCSC Employee Gathering	Student Union Building	12/11/09

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**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
AUGUST 20, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>COLLEGE OF SOUTHERN IDAHO ANNUAL REPORT</b>	Informational Item
2	<b>PRESIDENTS' COUNCIL REPORT</b>	Informational Item
3	<b>ACT – 50<sup>TH</sup> ANNIVERSARY RECOGNITION</b>	Informational Item
4	<b>BOARD OF EDUCATION BY-LAWS – 2<sup>ND</sup> READING</b>	Motion to Approve
5	<b>P-20 STATEWIDE LONGITUDINAL DATA SYSTEM GRANT PROPOSAL</b>	Motion to Approve
6	<b>STATE BOARD OF EDUCATION – STRATEGIC PLANNING</b>	Informational Item

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

The College of Southern Idaho

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.3.

**BACKGROUND/DISCUSSION**

This agenda item fulfills the Board's requirement for CSI to provide a progress report on the institution's strategic plan and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

Dr. Jerry Beck will provide a 15-minute overview of CSI's progress in carrying out the College's strategic plan.

**IMPACT**

CSI's strategic plan, based on its assigned role and mission from the State Board and supportive of the State Board's own strategic plan, drives the College's integrated planning, programming, budgeting, and assessment cycle and is the basis for the institution's annual budget requests and performance measure reports to the Division of Financial Management and the Legislative Services Office.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

Presidents' Council Report

**BACKGROUND/ DISCUSSION**

Dr. Dene Thomas, President of Lewis-Clark State College and current Chair of the Presidents' Council will give the bi-monthly report for the Presidents' Council.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

50<sup>th</sup> Anniversary Recognition for ACT

**BACKGROUND/DISCUSSION**

Founded in 1959, ACT is celebrating 50 years of helping people achieve education and workplace success. The concept for the *American College Testing Program* emerged in the 1950s, and the organization itself was founded in 1959. In the late 1950s, large numbers of students were approaching college age and wanted to attend college. Financial aid to students was increasing, and most colleges desired increasing enrollments. It was in this environment that ACT's founders established *The American College Testing Program, Inc.*, now known as ACT. ACT's first testing program, the ACT Assessment, was designed to serve two purposes:

- to help students make better decisions about which colleges to attend and which programs to study ; and
- to provide information helpful to colleges both in the process of admitting students and in ensuring their success after enrollment

In late 1996, the company underwent a name change from American College Testing to ACT (pronounced "A - C - T"). ACT provides services to K-16 education and educational agencies and to business and industry.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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**SUBJECT**

Idaho State Board of Education By-Laws Amendment – 2<sup>nd</sup> Reading

**REFERENCE**

February 2007

Board approved amendments to section J. Presidents' Council, aligning the by-laws with the current practice of the Presidents' Council.

October 2009

Board approved 1<sup>st</sup> reading of proposed amendments to by-laws.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education, Governing Policies and Procedures, By-Laws

**BACKGROUND/DISCUSSION**

The proposed amendments will bring the Board's by-laws into alignment with current operating procedures of the Board's standing committees, eliminate committee's that are no longer in operation, clarify the quorum requirements of the Board based on state statute and clean up language in a few miscellaneous sections.

Between the first and second reading there has been minor changes clarifying additional language based on Board member input.

**IMPACT**

These changes will bring the Board by-laws into alignment with current Board practice.

**ATTACHMENTS**

Attachment 1 – By-laws

page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends approval.

**BOARD ACTION**

A motion to approve the second reading of the proposed amendments to the Idaho State Board of Education, Governing Policies and Procedures, By-Laws as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**BYLAWS**

**A. Membership**

The membership of the State Board of Education and Board of Regents of the University of Idaho is determined in accordance with the Constitution of the State of Idaho and by legislative enactment.

**B. Office of the State Board of Education**

The Board maintains an Office of the State Board for the purpose of carrying out the administrative, financial, and coordinating functions required for the effective operation of the institutions and agencies under the governance of the Board. The staff of the Office of the State Board is under the direction of an executive director responsible directly to the Board.

**C. Powers and Duties**

The State Board of Education and Board of Regents of the University of Idaho have all the powers and duties specified in the Constitution of the State of Idaho and the Idaho Code.

**D. Meetings**

1. The Board holds at least four (4) regular meetings annually. A quorum of the Board consists of a simple majority of the total membership of the Board. A quorum of the Board must be present for the Board to conduct any business.
2. The Board will maintain a 12-month running meeting schedule. To accomplish this, the Board will, at each of its regularly scheduled meetings, update its 12-month running schedule of Board meetings, provided, however, that the Board by majority vote, or the Board president after consultation with Board members, may reschedule or cancel any meeting.
3. The Board may hold special meetings by vote of a majority of the Board taken during any regular meeting or by call of the Board president.
4. All meetings of the Board are held at such place or places as may be determined by the Board.
5. All meetings of the Board are conducted and notice thereof provided in accordance with the Idaho "Open Meeting Law." An executive session (a closed

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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meeting) of the Board may be held upon a two thirds vote of a quorum of the Board for the purpose of considering (a) appointment of an employee or agent, (b) employee evaluation or termination or hearing of complaints and disciplinary action, (c) labor negotiations or acquisition of private real property, (d) records that are exempt from public inspection, (e) preliminary negotiations on matters of trade or commerce, or (f) matters of pending or probable litigation as advised by its legal representatives.

**E. Rules of Order**

1. Meetings of the Board are conducted in accordance with controlling statutes and applicable bylaws, regulations, procedures, or policies. In the absence of such statutes, bylaws, regulations, procedures, or policies, meetings are conducted in accordance with the current edition of *Robert's Rules of Order Newly Revised* except that a Board action that conflicts with a previous action takes precedence.
2. With the exception of usual, short, parliamentary motions, all motions, resolutions, or other propositions requiring Board action will, whenever practicable, be reduced to writing before submission to a vote.
3. A record vote of the Board is taken in rotational order on all propositions involving any matters of bonded indebtedness; convening an executive session of the Board; or on any other action at the request of any Board member or upon the advice of legal counsel.

**F. Officers and Representatives**

1. The officers of the Board include:
  - a. A president, a vice president, and a secretary, who are members of the Board.
  - b. An executive secretary, who is the state superintendent of public instruction.
2. The president, vice president, and secretary are elected at the organizational meeting for one (1) year terms and hold office until their successors are elected. Vacancies in these offices are filled by election for the remainder of the unexpired term.
3. Board representatives to serve on other boards, commissions, committees, and similar bodies are appointed by the Board president.
4. The executive director is appointed by and serves at the pleasure of the Board unless the contract of employment specifies otherwise. The executive director serves as the chief executive officer of the Office of the State Board of Education.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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**G. Duties of Board Officers**

1. Board President

The Board president:

- a. Presides at all Board meetings, with full power to discuss and vote on all matters before the Board.
- b. Submits such information and recommendations considered proper concerning the business and interests of the Board.
- c. Signs, in accordance with applicable statutes and Board action, all contracts, minutes, agreements, and other documents approved by the Board, except in those instances wherein the Board, by its procedures, has authorized the Board president to designate or has otherwise designated persons to sign in the name of or on behalf of the Board.
- d. Gives prior approval for any official out-of-state travel of seven (7) days or more by Board members, agency and institution heads, and the executive director.
- e. Subject to action of the Board, gives notice and establishes the dates and locations of all regular Board meetings.
- f. Calls special Board meetings at any time and place designated in such call in accordance with the Open Meeting Law.
- g. Establishes screening and selection committees for all appointments of agency and institutional heads.
- h. Appoints Board members to all standing and interim committees of the Board.
- i. Establishes the Board agenda in consultation with the executive director.
- j. Serves as chief spokesperson for the Board and, with the executive director, carries out its policies between meetings.

2. Vice President

The vice president:

- a. Presides at meetings in the event of absence of the Board president.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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- b. Performs the Board president's duties in the event of the Board president's inability to do so.
- c. Becomes the acting Board president in the event of the resignation or permanent inability of the Board president until such time as a new president is elected.

3. Secretary

The secretary:

- a. Presides at meetings in the event of absence of the Board president and vice president.
- b. Signs, in accordance with applicable statutes and Board action, all minutes, contracts, agreements, and other documents approved by the Board except in those instances wherein the Board, by its procedures, has authorized or has otherwise designated persons to sign in the name of or on behalf of the Board secretary.

4. Executive Secretary

The state superintendent of public instruction, when acting as the executive secretary, is responsible for:

- a. Carrying out policies, procedures, and duties prescribed by the Constitution of the State of Idaho and the *Idaho Code* or established by the Board for all elementary and secondary school matters.
- b. Presenting to the Board recommendations concerning elementary and secondary school matters and the matters of the State Department of Education.

5. Executive Director

The executive director serves as the chief executive officer of the Board, as chief administrative officer of the statutory Office of the State Board of Education, and as chief executive officer of such federal or state programs as are directly vested in the State Board of Education. The position description for the executive director, as approved by the Board, defines the scope of duties for which the executive director is responsible and is accountable to the Board.

## **H. Committees of the Board**

The Board may organize itself into standing and other committees as necessary. Committee members are appointed by the Board president after informal consultation with other Board members. Any such standing or other committee may make recommendations to the Board, but may not take any action, except when authority to act has been delegated by the Board. The Board president may serve as an ex-officio member of any standing or other committee. The procedural guidelines for Board committees appear in the Board Governing Policies and Procedures.

For purposes of the bylaws, the University of Idaho, Boise State University, Idaho State University, Lewis-Clark State College, Eastern Idaho Technical College, the College of Southern Idaho the College of Western Idaho, and North Idaho College are included in references to the "institutions;" and Idaho Educational Public Broadcasting System, the Division of Vocational Rehabilitation, the Division of Professional-Technical Education, and the State Department of Education, are included in references to the "agencies."\* An institution or agency may, at its option and with concurrence of the Board president, comment on any committee report or recommendation.

### **1. Planning, Policy and Governmental Affairs Committee**

#### **a. Purpose**

The Planning, Policy and Governmental Affairs Committee is a ~~permanent~~ standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy, planning, and governmental affairs. The committee, in conjunction with the chief executive officers and chief administrators of the Board governed agencies and institutions, will develop and recommend to the Board future planning initiatives and goals. This committee shall also advise the Board on collaborative and cooperative measures for all education entities and branches of state government necessary to provide for the general supervision, governance and control of the state educational institutions, agencies and public schools, with the goal of producing a seamless educational system.

#### **b. Composition**

The Planning, Policy and Governmental Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who designates one (1) member to serve as the chairperson and

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\* Definition provided for purposes of the Bylaws only. Recognizing the Board governance relationship varies with each of these entities, the intent in including representatives of each of the agencies and institutions as much as possible in the committee structure is to ensure proper and adequate representation, but is not intended to obligate or interfere with any other local boards or governing entities.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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spokesperson of the committee, and is staffed by the Board's Chief Planning and Policy Officer. The Planning, Policy and Governmental Affairs Committee may form a working unit or units, as necessary, to advise the committee. The chairperson presents all committee and working unit recommendations to the Board.

c. Responsibilities and Procedures

The Planning, Policy and Governmental Affairs Committee is responsible for making recommendations to the Board in the following general areas:

- (1) long range planning and coordination;
- (2) initial discussions and direction on strategic policy initiatives and goals;
- (3) legislative proposals and administrative rules for Board agencies and institutions;
- (4) coordination and communication with the Governor, the Legislature, and all other governmental entities with regard to items of legislation, Board policy and planning initiatives;
- (5) review and revision of Board policies, administrative rules and education-related statutes for consistency and compatibility with the Board's strategic direction;
- (6) reports and recommendations from the Presidents' Council and the Agency Heads' Council;
- (7) other matters as assigned by the Board.

At the direction of the Board President, any matter before the Board may be removed to the Planning, Policy and Governmental Affairs Committee for initial action or consideration.

The Planning, Policy and Governmental Affairs Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's Chief Policy and Government Affairs Officer, under the direction of the chairperson, prepares the agenda for the Planning, Policy and Governmental Affairs Committee work that is under consideration at each meeting of the Board.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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2. Instruction, Research and Student Affairs Committee

a. Purpose

The Instruction, Research and Student Affairs Committee is a **permanent** standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy and procedure concerning instruction, research and student affairs.

b. Composition

The Instruction, Research and Student Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who designates one (1) member to serve as chairperson and spokesperson of the committee, and is staffed by the Board's Chief Academic Officer. The Instruction, Research and Student Affairs Committee may appoint a working unit or units, as necessary, to advise the committee. One such working unit shall be the Council on Academic Affairs and Programs (CAAP), which shall be composed of the Board's Chief Academic Officer and the chief academic officers of the institutions and agencies. The chairperson presents all committee and working group recommendations to the Board.

c. Responsibilities and Procedures

The Instruction, Research and Student Affairs Committee is responsible for making recommendations to the Board in the following general areas:

- (1) agency and institutional instruction, research and student affairs agenda items;
- (2) instruction, academic or professional-technical program approval;
- (3) instruction, academic or professional-technical program review, consolidation, modification, and discontinuance, and course offerings;
- (4) outreach, technology and distant learning impacting programs and their delivery;
- (5) long-range instruction, academic and professional-technical planning;
- (6) registration of out-of-state institutions offering programs or courses in Idaho;
- (7) continuing education, professional development, workforce training, programs for at-risk populations, career guidance;

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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- (8) student organizations' activities and issues; and
- (9) other matters as assigned by the Board.

The Instruction, Research and Student Affairs Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's chief academic officer, under the direction of the chairperson, prepares the agenda for the Instruction, Research and Student Affairs Committee work that is under consideration at each meeting of the Board.

3. Business Affairs and Human Resources Committee

a. Purpose

The Business Affairs and Human Resources Committee is a **permanent** standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy and procedures concerning business affairs and human resources affairs.

b. Composition

The Business Affairs and Human Resources Committee is composed of two (2) or more members of the Board appointed by the president of the Board, who designates one (1) member to serve as chairperson and spokesperson of the committee, and is staffed by the Board's Chief Fiscal Officer. The Business Affairs and Human Resources Committee may appoint a working unit or units, as necessary, to advise the committee. One such working unit shall be the Financial Vice Presidents council, which shall be composed of the Board's Chief Fiscal Officer and the chief financial officers of the institutions and agencies. The chairperson presents all committee recommendations to the Board.

c. Responsibilities and Procedures

The Business Affairs and Human Resources Committee is responsible, through its various working unit or units, for making recommendations to the Board in the following general areas:

- (1) agency and institutional financial agenda items;
- (2) coordination and development of guidelines and information for agency and institutional budget requests and operating budgets;
- (3) long-range fiscal planning;

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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- (4) fiscal analysis of the following:
- (a) new and expanded financial programs;
  - (b) establishment, discontinuance or change in designation of administrative units;
  - (c) consolidation, relocation, or discontinuance of programs;
  - (d) new facilities and any major modifications to facilities which would result in changes in programs or program capacity; and
- (5) other matters as assigned by the Board.

The Business Affairs and Human Resources Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's chief fiscal officer, under the direction of the chairperson, prepares the agenda for the Business Affairs and Human Resources Committee work that is under consideration at each meeting of the Board.

4. Audit Committee

a. Purpose

The Audit Committee is a ~~permanent~~ standing ~~advisory~~ committee of the Board, ~~and its members are appointed to assist the Board in fulfilling its fiscal oversight responsibilities.~~ The Audit Committee provides oversight to the organizations under its governance (defined in Idaho State Board of Education, Policies and Procedures, Section I. A.1.) for: financial statement integrity, financial practices, internal control systems, financial management, and standards of conduct.

b. Composition

The Audit Committee members shall be appointed by the Board and shall consist of six or more members. Three members of the Committee shall be current Board members and three members shall be independent non-Board members who are familiar with the audit process and permanent residents of the state of Idaho. No employee of an institution or agency under the governance of the Board shall serve on the Audit Committee. Each Audit Committee member shall be independent, free from any relationship that would interfere with the exercise of her or his independent judgment. Audit Committee members shall not be compensated for their service on the committee, and shall not have a financial interest in, or any other conflict of interest with, any entity doing business with the Board, or any institution or

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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agency under the governance of the Board. However, Audit Committee members who are Board members may be compensated for Board service. The Audit Committee may appoint a working unit or units, which could include the chief financial officers of the institutions and financial officers of the Board office.

All members shall have an understanding of the Committee and financial affairs and the ability to exercise independent judgment, and at least one member of the Committee shall have current accounting or related financial management expertise in the following areas:

- (1) an understanding of generally accepted accounting principles, experience in preparing, auditing, analyzing, or evaluating complex financial statements, and;
- (2) the ability to assess the general application of such principles in the accounting for estimates, accruals, and reserves, and;
- (3) experience in preparing or auditing financial statements and;
- (4) an understanding of internal controls.

Appointments shall be for a three-year term. Terms will be staggered such that two members exit and two new members are added each year. The Audit Committee chair shall be appointed by the Board President and shall be a Board member.

c. Responsibilities and Procedures

It is not the Committee's duty to plan or conduct audits or to determine that the institution's financial statements are complete, accurate and in accordance with generally accepted accounting principles. Management of the applicable institution's and agencies shall be is responsible for the preparation, presentation, and integrity of the financial statements and for the appropriateness of the accounting principles and reporting policies used. The following shall be the principle duties and responsibilities of the Committee:

- (1) Approve the appointment, establish the compensation, and evaluate and oversee the work of the independent auditors. The Committee must approve any services prior to being provided by the independent auditor. The independent auditing firm shall report directly to the Committee and the auditor's "engagement letter" shall be addressed to the Committee and the President of each institution. The Committee shall have the authority to engage the Board's legal counsel and other consultants necessary to carry out its duties.
- (2) Discuss with the independent auditors the audit scope, focusing on areas of concern or interest;



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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- (3) Review the financial statements, adequacy of internal controls and findings with the independent auditor. The independent auditor's "management letter" shall include management responses and be addressed to the Audit Committee and President of the institution.
- (4) Ensure the independent auditor Ppresents the financial statements to the Board and provides detail and summary reports as appropriate.
- (5) Oversee standards of conduct (ethical behavior) and conflict of interest policies of the Board and the institutions and agencies under its governance including establishment of confidential complaint mechanisms.
- (6) Monitor the integrity of each organization's financial accounting process and systems of internal controls regarding finance, accounting and stewardship of assets;
- (7) Monitor the independence and performance of each organization's independent auditors and internal auditing departments;
- (8) Provide general guidance for developing risk assessment models for all institutions.
- (9) Provide an avenue of communication among the independent auditors, management, the internal audit staff and the Board.
- 10) Maintain audit review responsibilities of institutional affiliates to include but not limited to foundations and booster organizations.
- ~~11)As a matter of independence, the Committee will not approve policy.~~

The Audit Committee will meet as needed. The Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's Chief Fiscal Officer, under the direction of the chair, prepares the agenda for work that is under consideration at each meeting of the Board.

5. Executive Committee

a. Purpose

The Executive Committee is responsible for assisting the full Board in discharging its responsibilities with respect to the management of the business and affairs of the Board and the Board Office when it is impracticable for the full Board to meet and act, to consider matters concerning the Board that may arise from time to time, and to provide appropriate direction to the executive director on any of such matters.

b. Composition

The Executive Committee is composed of the current Board President, Vice President, and Secretary, and the immediate past Board President. The Board's Executive Director also shall serve on the Executive Committee. The current Board President serves as chairperson of the committee. In the event

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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the past Board President is unable to serve on the Executive Committee, then the Board President may appoint another member of the Board to serve in the place of such former officer.

c. **Responsibilities and Procedures**

The Executive Committee shall have such duties, responsibilities, and authority as may be delegated from time to time to the Executive Committee by the Board, and in the intervals between meetings of the Board, the Executive Committee shall, in conjunction with the executive director, assist in directing the management of the business and affairs of the Board. However, the Executive Committee may not undertake any action that, pursuant to any applicable law, rule, or policy of the Board, must be performed by another committee of the Board, or which must be acted upon by the whole Board in public session. The Board's executive director, under the direction of the Board President, prepares the agenda for and schedules each meeting of the Executive Committee, which may be conducted telephonically. A written record is not kept of the committee's activities, but it shall be the responsibility of the executive director to promptly communicate to all Board members who are not members of the committee regarding information related to the committee's discussions and activities.

**I. Committee Presentations**

1. The agenda for each regular meeting of the Board shall be organized using the areas of responsibility provided for in regard to each permanent standing committee of the Board, as described in Subsection H above, with the exception of the Audit Committee.
2. The Board member who is the chair of the permanent standing advisory committee and spokesperson shall lead and facilitate discussion and presentations with regard to agenda items in the area of the committee's responsibility. In the event of an absence or conflict with respect to the committee chairperson, the Board President may designate a substitute Board member or Board officer to lead and facilitate discussions and presentations in a particular area.

**J. Presidents' Council**

1. **Purpose**

The Presidents' Council convenes prior to each Board meeting to discuss and make recommendations, as necessary, on Board agenda items scheduled for Board consideration. The Presidents' Council may also choose or be directed by the Board to meet with the Agency Heads' Council for exchanges of information or to discuss projects of benefit to the entire system. The Presidents' Council

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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reports to the Board through the Planning, Policy and Governmental Affairs Committee of the Board.

2. Composition

The Presidents' Council is composed of the presidents of the University of Idaho, Idaho State University, Boise State University, Lewis-Clark State College, Eastern Idaho Technical College; and the presidents of North Idaho College, the College of Western Idaho and the College of Southern Idaho, each of whom has one (1) vote. One (1) of the voting members shall serve as chair of the Council, with a new chair selected each academic year such that the chair will rotate among the respective members, such that no two community college presidents' will hold a term in consecutive years. The administrator of the Division of Professional-Technical Education and the Board's Executive Director shall be ex-officio members of the Council.

3. Duties of the Chair

The chair:

- a. presides at all Presidents' Council meetings with full power to discuss and vote on all matters before the Council;
- b. establishes the Presidents' Council agenda in consultation with the Executive Director; and
- c. Maintains open communications with the Board on agenda matters through the Planning, Policy and Governmental Affairs Committee.

4. The Executive Director will communicate openly and in a timely manner with the Presidents' Council.

**K. Agency Heads' Council**

1. Purpose

The Agency Heads' Council convenes prior to each Board meeting to discuss and make recommendations, as necessary, on agenda items scheduled for Board consideration. The Agency Heads' Council may also choose or be directed by the Board to meet with the Presidents' Council for exchanges of information or to discuss projects of benefit to the entire system. The Agency Heads' Council reports to the Board through the Planning, Policy and Governmental Affairs Committee of the Board.

2. Composition

The Agency Heads' Council is composed of the chief administrators of Idaho Educational Public Broadcasting System, the Division of Vocational

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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Rehabilitation, and the Division of Professional-Technical Education; and representatives from the State Department of Education. The Board's Executive Director shall serve as chair of the Council.

3. Duties of the Chair

The chair:

- a. presides at all Agency Heads' Council meetings
- b. establishes the Council's agenda in consultation with the Council's members;  
and
- c. maintains open communications with the Board on agenda matters through the Planning, Policy and Governmental Affairs Committee.

**L. Adoption, Amendment, and Repeal of Bylaws**

Bylaws may be adopted, amended, or repealed at any regular or special meeting of the Board by a majority vote of the Board, provided notice has been presented at the preceding meeting of the Board.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

Statewide P-20 and Workforce Longitudinal Data System – Federal Grant

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education, Governing Policies and Procedures, By-Laws

**BACKGROUND/DISCUSSION**

Pursuant to accepting State Fiscal Stabilization Funds, Idaho agreed to education reform assurance. There are four assurances, the second of which states that “The State will establish a longitudinal data system that includes elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871 (e)(2)(D)). *(Improving Collection and Use of Data Assurance).*”

As part of the American Reinvestment and Recovery Act of 2009, the Institute of Education Sciences invited states to apply for grants to design, develop and implement statewide P-20 longitudinal data systems to capture student level data from preschool to high school, college, and career. The Office of the State Board of Education has completed the application process. Board staff collaborated with the State Department of Education, the eight public postsecondary institutions, the Division of Professional-Technical Education, and the Idaho Department of Labor to complete the grant application.

The purpose of grants under this program is to enable State Educational Agencies (SEAs) to create comprehensive P–20 systems that permit the generation and use of accurate and timely data, support analysis and informed decision-making at all levels of the education system; increase the efficiency with which data may be analyzed to support the continuous improvement of education services and outcomes; facilitate research to improve student academic achievement and close achievement gaps; support education accountability systems, and simplify the processes used by SEAs to make education data transparent through Federal and public reporting. The grants awarded will support the development and implementation of systems that have the capacity to link individual student data across time and across databases (i.e., are "interoperable"), including the matching of teachers to students, promote the linking of data collected or held by various institutions, agencies, and States, and protect student privacy consistent with applicable privacy protection laws.

In April of 2009 the State Board of Education was awarded a \$6 million Institute of Education Sciences, Statewide Longitudinal Data System grant to aid efforts currently underway by the State Department of Education for building a K-12 statewide longitudinal data warehouse. The State Department of Education is managing the efforts on that grant as they design and develop the K-12 Idaho System for Educational Excellence (ISEE).

The outcomes of this new grant will expand and blend a number of efforts currently underway to create the Idaho Longitudinal Education Analysis Data

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

---

System (I-LEADS). The proposed project core is an integrated, statewide, dimensional P-20 and workforce data warehouse coupled to a reporting and analysis system. There are nine proposed outcomes as part of this grant application.

1. Establish policies and governance structure to support a P-20 and workforce data system
2. Integrate current statewide Education ID application into the public postsecondary systems
3. Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse, and reporting and analysis systems
4. Integrate Professional and Technical training information into I-LEADS
5. Deploy web services to facilitate the exchange of data across agencies and states
6. Establish a K-12 Learning Management System to support formative assessments and curriculum management
7. Create a statewide K-12 data utilization training program (teaching the teachers and administrators how to use data to set measurable goals and track progress)
8. Create web widgets and tools to provide targeted, appropriate information to stakeholders
9. Multi-state collaboration

The projected P-20 and workforce data warehouse will interface with proposed data warehouses at each of the eight state-supported postsecondary institutions, the K-12 data warehouse currently under development and workforce data to create a centralized P-20 and workforce data warehouse managed by the Board office.

Developing a P-20 and workforce statewide longitudinal data warehouse is a critical step to fulfill accountability, reporting, and analysis obligations under the American Recovery and Reinvestment Act of 2009. It will also permit the generation and use of accurate and timely data, allow for analysis and informed decision-making at all levels of the education system, and increase the efficiency with which data may be analyzed to support the continuous improvement of education services and outcomes.

**IMPACT**

Implementation of a statewide P-20 and workforce data system will allow the Board to gather reliable, consistent data showing the effectiveness of the statewide education system. This grant will provide the needed resources to fully develop and implement a P-20 and workforce data system. It is anticipated at this time that on-going maintenance for infrastructure and two positions post-grant funding will be needed by the Board office at the conclusion of the grant. Funding will be requested from the legislature at the conclusion of the grant when the information system requirements are finalized and exact numbers can be compiled. If no additional funding is appropriated, systemwide needs funds will

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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be reallocated to provide sustainability of I-LEADS. The proposed data warehouses will be fully implemented at the institution level by the expiration of the grant. The Department of Education estimates they will need on-going maintenance for infrastructure and six positions post-grant funding, this funding was presented to the legislature as part a \$1.8 million K-12 longitudinal data system budget proposal submitted two years ago by Superintendent Luna. Funding for the Department's six positions will be requested as part of the Superintendent's \$1.8 million request. Additionally, the Department of Labor may need funds for staff time allocated to the activities surrounding their participation in the project.

Should the Board disapprove the application, Board staff would withdraw the application.

**ATTACHMENTS**

Attachment 1 – Federal Request for Proposals

page 5

Attachment 2 – Grant Application

page 25

**STAFF COMMENTS AND RECOMMENDATIONS**

The original grant application deadline of November 19<sup>th</sup> was changed to December 4<sup>th</sup> in an attempt to provide states with additional time to complete the applications. Board staff recommends approval.

**BOARD ACTION**

A motion to approve the grant application submitted on December 4<sup>th</sup> for the development of a statewide P-20 and workforce longitudinal data system as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

GRANTS FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS UNDER THE  
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

CFDA NUMBER: 84.384

RELEASE DATE: July 24, 2009

REQUEST FOR APPLICATIONS: NCES 09-02

INSTITUTE OF EDUCATION SCIENCES

<http://ies.ed.gov/funding/>

APPLICATION DEADLINE DATE: November 19, 2009

THIS REQUEST FOR APPLICATIONS CONTAINS THE FOLLOWING INFORMATION:

- I. Request for Applications
- II. Background
- III. Purpose of the Grant Program for Statewide Longitudinal Data Systems
- IV. Statewide Longitudinal Data System Requirements
- V. Applications Available
- VI. Mechanism of Support
- VII. Funding Available
- VIII. Eligible Applicants
- IX. Special Requirements
- X. Contents and Page Limits of Application
- XI. Application Processing
- XII. Peer Review Process
- XIII. Review Criteria
- XIV. Receipt and Review Schedule
- XV. Award Decisions
- XVI. Submission Requirements
- XVII. Exception to Electronic Submission Requirement
- XVIII. Inquiries Address
- XIX. Program Authority
- XX. Applicable Regulations

**I. REQUEST FOR APPLICATIONS**

The Institute of Education Sciences invites State educational agencies to apply for grants to design, develop, and implement statewide P-20 longitudinal data systems to capture student data from preschool to high school, college, and career.

**II. BACKGROUND**

The American Recovery and Reinvestment Act of 2009 (Recovery Act), signed into law on February 17, 2009, provides \$245 million for investing in statewide, longitudinal data systems to improve student achievement. These funds will support grants pursuant to section 208 of the

Educational Technical Assistance Act of 2002, the Grant Program for Statewide, Longitudinal Data Systems, but with additional authority to include postsecondary and workforce information. The Institute of Education Sciences held an earlier fiscal year 2009 competition under this program, and awards pursuant to that competition have been made. This announcement and request for applications is for a separate competition for grants to be made with the funds provided by the Recovery Act.

The Recovery Act recognizes the need for longitudinal data to support informed decision-making and continuous improvement at all levels of the education system. In addition to this grant competition, the Recovery Act includes other provisions related to the development and implementation of longitudinal data systems. It requires that States that wish to receive allocations under the State Fiscal Stabilization Fund assure, among other things, that they will establish longitudinal data systems that include the elements set out in the America COMPETES Act. In addition, the Recovery Act requires that Race to the Top funds be awarded to States that have made significant progress in establishing such longitudinal data systems and in meeting other performance objectives related to higher standards and better assessments, teacher effectiveness and equity in teacher distribution, and supporting and turning around low-performing schools.

The Department of Education will propose specific data and information requirements for all four reform areas of the State Fiscal Stabilization Fund, in the form of assurance metrics and descriptors, in a notice for Part II funding. In addition, the Department is developing guidance to assist States in designing and implementing statewide, longitudinal data systems that are consistent with the provisions of the America COMPETES Act and that comply with applicable student privacy requirements, including applicable requirements of the Family Educational Rights and Privacy Act. Preliminary guidance in this area will be issued soon and will also apply to grants awarded pursuant to this competition. These grants will assist States in meeting the State Fiscal Stabilization Fund assurance related to data systems, and they may also contribute to States' ability to compete for Race to the Top funds. Data systems that capture student data, thus facilitating the tracking of student progress, and that link student growth and achievement to teachers, link principals to their schools, and link teachers and other educators to their preparation programs will support actions and reporting in all the reform areas.

The Department recognizes that requests for data and information should reflect an integrated and coordinated approach among the various Recovery Act programs, particularly the Stabilization, Race to the Top, School Improvement Grants, and Statewide Longitudinal Data Systems grant programs. Accordingly, the Department will continue to evaluate our requests for data and information under this program in context with other Recovery Act programs.

### III. PURPOSE OF THE GRANT PROGRAM FOR STATEWIDE LONGITUDINAL DATA SYSTEMS

The purpose of grants under this program is to enable State educational agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

The long-term goal of the program is to enable all States to create comprehensive P-20 systems that permit the generation and use of accurate and timely data, support analysis and informed decision-making at all levels of the education system, increase the efficiency with which data may be analyzed to support the continuous improvement of education services and outcomes, facilitate research to improve student academic achievement and close achievement gaps, support education accountability systems, and simplify the processes used by State educational agencies to make education data transparent through Federal and public reporting.

The grants awarded will support the development and implementation of systems that have the capacity to link individual student data across time and across databases (i.e., are “interoperable”), including the matching of teachers to students, promote the linking of data collected or held by various institutions, agencies, and States, and protect student privacy consistent with applicable privacy protection laws.

Grants will not be made available to support ongoing maintenance of data systems, but they may be used to expand and/or improve existing systems, and to support system implementation. Expansion and improvement activities should include promoting and facilitating the linking of data across institutions, agencies, and States not only to capture student data and track student progress, but also to inform policy and practice. Linking data from multiple sources will be facilitated by improving system interoperability through the adoption of standardized, extensible markup language (xml) format and/or the data definitions and standards of the National Center for Education Statistics. Implementation activities should include, among other things, training, technical assistance, analyses, and feedback reporting to promote effective use of data by teachers, administrators, and other appropriate personnel to monitor progress and make changes to improve student achievement.

Grants are intended to help States accelerate the development of their longitudinal data systems, to support the inclusion of education data from preschool through postsecondary and workforce information, including employment, wage, and earnings data, and to promote linkages with other data systems where such linkages may inform policy and practice. Longitudinal data can be used, among other purposes, to identify early childhood programs that are associated with strong school readiness outcomes for children, assess student progress and learning needs, improve instruction, identify successful instructional programs within the State, and determine priorities for allocating resources. These data also help policymakers and educators devise methods for identifying effective teachers and teaching practices, and strong teacher preparation programs. They can be used to identify programs and pathways that encourage students to stay in school, re-enter school, and enter postsecondary education, and they are a means to determine whether high school graduates have the knowledge and skills to succeed in postsecondary education and the workforce without the need for remediation, strengthen the preparation of all students for success after high school, provide accurate information about schools, school staff, and the progress of students, and support accountability and public reporting.

Supplement not supplant. The Educational Technical Assistance Act of 2002 requires that funds made available under the Grant Program for Statewide, Longitudinal Data Systems be used to supplement, and not supplant, other State or local funds used for developing State data systems.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

This requirement applies to grants to be awarded pursuant to this competition for Recovery Act funds, as well as to other Statewide, Longitudinal Data System grants.

**IV. STATEWIDE LONGITUDINAL DATA SYSTEM REQUIREMENTS**

Any statewide, longitudinal data system to be supported with funds made available pursuant to this competition must meet the requirements described below, which include certain system capabilities, the elements prescribed by the America COMPETES Act, and other requirements.

Required data system capabilities. A statewide, longitudinal data system developed with funding obtained pursuant to this grant competition must have the following seven capabilities:

- The system must enable States to examine student progress and outcomes over time, including students' preparation to meet the demands of postsecondary education, the 21<sup>st</sup> century workforce, and the Armed Forces. Such a system must include data at the individual student level from preschool through postsecondary education and into the workforce (e.g., employment, wage, and earnings information).
- The system must facilitate and enable the exchange of data among agencies and institutions within the State and between States so that data may be used to inform policy and practice. Such a system would support interoperability by using standard data structures, data formats, and data definitions to ensure linkage and connectivity among the various levels and types of data.
- The system must link student data with teachers, i.e., it must enable the matching of teachers and students so that a given student may be matched with the particular teachers primarily responsible for providing instruction in various subjects.
- The system must enable the matching of teachers with information about their certification and teacher preparation programs, including the institutions at which teachers received their training.
- The system must enable data to be easily generated for continuous improvement and decision-making, including timely reporting to parents, teachers, and school leaders on the achievement of their students.
- The system must ensure the quality and integrity of data contained in the system.
- The system must provide the State with the ability to meet reporting requirements of the Department, especially reporting progress on the metrics established for the State Fiscal Stabilization Fund and the reporting requirements included in the *EDFacts* data collection and reporting system.

Required data system elements. A data system developed with funding obtained pursuant to this grant competition must include at least these 12 elements prescribed by the America COMPETES Act:

With respect to preschool through grade 12 education and postsecondary education:

- A unique statewide student identifier that does not permit a student to be individually identified by users of the system (except as allowed by Federal and State law)
- Student-level enrollment, demographic, and program participation information

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

- Student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs
- The capacity to communicate with higher education data systems
- A State data audit system assessing data quality, validity, and reliability

With respect to preschool through grade 12 education:

- Yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965
- Information on students not tested, by grade and subject
- A teacher identifier system with the ability to match teachers to students
- Student-level transcript information, including information on courses completed and grades earned
- Student-level college readiness test scores

With respect to postsecondary education:

- Data that provide information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework
- Data that provide other information determined necessary to address alignment and adequate preparation for success in postsecondary education

Depending on the condition of a State's current system, a grant awarded pursuant to this competition may not be of sufficient amount or duration to permit the State to build a system with all of the capabilities and including all of the elements outlined above. The State's application should indicate, however, which capabilities and elements are already included in its existing system, which are being developed or improved with an earlier grant under the Grant Program for Statewide, Longitudinal Data Systems, which will be developed or improved with a grant awarded pursuant to this competition, and which will be developed or improved with other funds, including other Recovery Act funds, Federal formula or discretionary funds, or State funds. Please refer to section *IX. Appendix C* for details. If the State cannot fully achieve each of these capabilities and fully implement each of these elements in its statewide, longitudinal data system by the end of the 3-year grant period, the State must outline in its application its plan for accomplishing each requirement, including the date by which each will be realized and the projected sources of funding.

States are encouraged to include additional information in their longitudinal data systems, provided all of the required capabilities and elements have been or are being addressed. States are encouraged to include or integrate data from special education, programs for English language learners, early childhood programs, human resources, finance, health, postsecondary, and other relevant areas, with the purpose of allowing important questions related to policy or practice to be asked and answered. States are also encouraged to work together to adopt or adapt their statewide, longitudinal data systems to meet multiple States' needs.

Systems must be designed to meet the standards and guidelines of the National Center for Education Statistics (<http://nces.ed/Programs/SLDS/standardsguidelines.asp>) to the maximum extent feasible. These resources currently include the NCES Handbooks Online, the schemas of

the Schools Interoperability Framework Association and the Postsecondary Electronic Standards Council, the National Education Data Model of the National Forum on Education Statistics, the data glossary of NCES' Integrated Postsecondary Education Data System, and others. Work is currently underway to create comprehensive standards and guidelines for use by States to promote data quality and interoperability of data systems both within States and across States. The NCES site will be modified, as appropriate, to include up-to-date resources, and States should plan to utilize the common standards and guidelines that are available prior to the award of grants pursuant to this competition. In addition, the Department of Education is developing the guidance mentioned above (see section III. *Purpose of the Grant Program for Statewide, Longitudinal Data Systems*), which will apply to these grants.

States should include in their applications and plans for developing robust, statewide, longitudinal data systems concrete strategies and steps to ensure that the data will be used to support continuous improvement, especially instructional improvement, and informed decision-making by school and district leaders, as well as by State officials.

States are encouraged to pursue the seamless integration of district systems with the State system and to leverage available resources by establishing partnerships with other States and among institutions and agencies within the State that hold data to be included in the statewide, longitudinal data system.

States are encouraged to develop partnerships with State workforce agencies and the workforce investment system to build a data system that can provide information to inform complex policy questions that cut across education, the workforce, and economic development contexts.

States are encouraged to develop partnerships with external research organizations and must include in their applications and plans strategies for providing researchers access to State data for evaluations of policies and programs within the State, with appropriate safeguards to protect student confidentiality.

In developing applications for this competition, States are encouraged to consult with key stakeholders such as superintendents, educators, and parents as well as teacher union, business, community, and civil rights leaders. Such consultation would ensure that these stakeholders are aware of the State's current ability to meet the statewide, longitudinal data system requirements, can provide input on the means the State will develop to comply with the requirements, and can prepare to assist the State in implementing those means.

#### V. APPLICATIONS AVAILABLE

Application forms and instructions for the electronic submission of applications will be available for this program no later than August 10, 2009, at the Department's E-Application system. Applicants should refer to this site for information about the electronic submission procedures that must be followed and the software that will be required.

**VI. MECHANISM OF SUPPORT**

The Institute intends to award grants in the form of *cooperative agreements*. Applicants should note that *cooperative agreements* allow Federal involvement in the activities undertaken with Federal financial support. The Institute intends to work with grantees to identify best practices in designing and implementing statewide, longitudinal data systems, establish partnerships among States, and disseminate useful products or “lessons learned” through these grants. The specific responsibilities of the Institute and the grantee will be outlined in the cooperative agreement.

**VII. FUNDING AVAILABLE**

A total of \$245 million is available in one-time funding. The Institute estimates that individual grants will range from \$2,000,000 to \$20,000,000 for the entire grant period. Grants will be awarded for periods not to exceed 3 years. The size of individual grants will depend on the outcomes the State proposes to achieve and the extent of development and improved system capability the State commits to accomplishing with grant funds. The Institute anticipates that the average grant to a single State will be approximately \$10,000,000. Additional funds for multi-state collaboration may be awarded based on the proposed plans and anticipated outcomes of the multi-state collaboration.

**VIII. ELIGIBLE APPLICANTS**

Only State educational agencies are eligible to apply. By law, for this program, the State educational agency is the agency primarily responsible for the State supervision of elementary schools and secondary schools. The State educational agencies of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands are eligible. A State educational agency may propose to work jointly with other agencies in the State, such as a higher education agency, preschool, early childhood, or workforce agency, or a school district or group of districts in the State. However, in all cases, the State educational agency, as defined above, must be the applicant and the fiscal agent for the grant.

Individual States may also propose to collaborate with other States. Each State educational agency participating in a collaborative should submit its own application for its own activities and funding. If the collaborating States determine that funding for the joint activities cannot be easily and clearly apportioned among them, or that such apportioning would result in inefficiency and higher costs, one State could serve as the fiduciary agent for the joint activities. In that case, funding for the joint activities should be included in the application of the State acting as fiscal agent.

**IX. SPECIAL REQUIREMENTS**

Applicants should budget for travel and accommodations for two senior project staff to attend a two-day meeting each year in Washington, DC with other grantees and Institute staff to discuss accomplishments, problems encountered, and possible solutions/improvements.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

State educational agencies that receive grants must agree to participate in an evaluation to determine the quality of the data in the statewide, longitudinal data systems, if the Department decides to conduct such an evaluation. The agreement of a State to participate in such an evaluation would extend to an evaluation conducted after termination of the State's assistance under this program.

In order to leverage the value of work supported through these grants, resulting products and lessons learned shall be made available for dissemination, except where such products are proprietary.

Accountability and Transparency. The Recovery Act requires accountability and transparency in the use of these funds. A State educational agency that receives Recovery Act funds must report the following information to the Department of Education 10 days after the end of each calendar quarter:

- The total amount of recovery funds received from the Department
- The amount of recovery funds received that were obligated and expended to projects or activities. This reporting will also include unobligated allotment balances to facilitate reconciliations
- A detailed list of all projects or activities for which recovery funds were obligated and expended, including:
  - The name of the project or activity;
  - A description of the project or activity;
  - An evaluation of the completion status of the project or activity;
  - An estimate of the number of jobs created and the number of jobs retained by the project or activity; and
  - For infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under the Recovery Act, and the name of the person to contact at the agency if there are concerns with the infrastructure investment.
- Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (P.L. 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of OMB.

Note that these are requirements that apply to all funding received by State educational agencies under the Recovery Act. Grantees under this competition should anticipate having to report at the end of each quarter on the amount of the grant funds obligated and expended; all activities for which those funds were obligated and expended; the completion status of those activities; the estimated number of jobs created or retained by the project and those activities; and detailed information on any contracts awarded with grant funds. Specific guidance regarding reporting will be contained in the terms and conditions of any grant awarded pursuant to this competition.



**X. CONTENTS AND PAGE LIMITS OF APPLICATION**

All applications and proposals must be self-contained within specified page limitations. Internet website addresses may not be used to provide information necessary to the review because reviewers will not be able to view Internet sites for application review.

The sections described below (summarized in Table 1) represent the body of applications to be submitted to the Institute and should be organized in the order they appear in the RFA.

As noted above under section *V. Applications Available*, all of the required forms and instructions for the forms will be in the application package to be made available through the Department’s eApplication system. The application package will also provide specific instructions about where applicants will be able to attach those application sections that must be submitted in .PDF (Portable Document Format).

**Table 1. List of proposal sections and their page limits.**

Section	Page Limit
1. <i>Application for Federal Education Assistance (SF 424)</i>	N/A
2. <i>Department of Education Supplemental Information for SF 424</i>	N/A
3. <i>Budget Information Non-Construction Programs (ED 524) – Sections A and B</i>	N/A
4. <i>Budget Information Non-Construction Programs (ED 524) – Section C</i>	No page limit
5. <i>Project Abstract</i>	1 page
6. <i>Project Narrative</i>	30 pages
7. <i>Budget Narrative (Justification)</i>	No page limit
8. <i>Appendix A – Optional Attachments</i>	15 pages
9. <i>Appendix B – Résumés of Key Personnel</i>	3 pages for each résumé
10. <i>Appendix C – Current Status of State’s Longitudinal Data System</i>	4 pages
11. <i>Appendix D - Letters of Support</i>	No page limit

1. *Application for Federal Education Assistance (SF-424)*. Applicants must use this form to provide basic information about the applicant and the application.

2. *Department of Education Supplemental Information for SF 424*. Applicants must use this form to provide contact information for the Project Director and research on human subjects information, if applicable.

3. *Budget Information Non-Construction Programs (ED 524)—Sections A and B*. The application must include a budget for each year of support requested. Applicants must use this form to provide the budget information for each project year.

4. *Budget Information Non-Construction Programs (ED 524)—Section C*. The application must provide an itemized budget breakdown for each project year, for each budget category listed in Sections A and B. For each person listed in the personnel category, include a listing of percent effort for each project year, as well as the cost. Section C should also include a breakdown of the fees to consultants, a listing of each piece of equipment if applicable, itemization of supplies into separate categories, and itemization of travel requests (e.g., meeting travel, etc.) into separate categories. Any other expenses should be itemized by category and unit cost. All information provided should be displayed as a spreadsheet and

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

should directly correspond to the written description provided in section *XI: 8. Budget Narrative (Justification)*.

*5. Project Abstract.* The *Project Abstract* is limited to one page and must include: (1) The title of the project, (2) the names of collaborating States if the State proposes to participate in a multi-state collaboration, (3) a short description of the project, including goals and major activities, and (4) the expected outcomes of the project related to required system elements and implementation of the State's longitudinal data system.

*6. Project Narrative.* This section provides the majority of the information on which reviewers will evaluate the application. In the narrative, the applicant should describe the proposed project and address how the State either meets or proposes to make progress toward incorporating each of the capabilities and requirements outlined in section *IV. Statewide Longitudinal Data System Requirements*. The applicant should also address implementation and how the State anticipates the system will be used to support improvement.

The narrative should be set out in five sections – (a) through (e) as described here – to facilitate reviewers' application of the five review criteria described in section *XIII. Review Criteria*.

(a) Need for Project

Briefly summarize the current status of the State's statewide, longitudinal data system, if one exists or is under development, the required capabilities and key elements to be developed or improved through this grant, and how these capabilities and key elements will support the State's education improvement efforts, goals, and accountability system. Briefly describe the current capacity in the State to use the data system to support improvement efforts, and the training or technical assistance needs to be addressed through the grant. Describe how the State will use the system to address the requirements of the State Fiscal Stabilization Fund.

In summarizing the current status of the State's system, refer to the capabilities and elements outlined in section *IV. Statewide Longitudinal Data System Requirements*. Indicate whether work on each capability and element has been completed, is in progress and if so, whether an existing grant from the Institute is being used, has been planned but not yet begun, or is not planned. With regard to the seven required capabilities and 12 essential elements, specify for each whether any current resources (especially grants from the Institute and from other Recovery Act programs) are being used for design or development of the element. Display this information in chart format and attach as *Appendix C*.

(b) Project Outcomes Related to System Requirements and Implementation

List proposed outcomes (products, features, benchmarks) for each of the system requirements (both capabilities and elements) that the State will be addressing in work funded under this grant. A proposed outcome should represent completion or substantial progress toward completion of the requirement and its inclusion in the

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

State's longitudinal data system (example: develop a unique student identifier for all students in the K-12 system).

Outcomes should be expressed as products (example: develop web portal), features (example: design data support application), or benchmarks (example: integration of postsecondary data by 2011) that can be measured at the end of the grant period.

If the State proposes to participate in a multi-state collaboration, describe the goals and outcomes to be achieved through the joint activities.

(c) Timeline for Project Outcomes

Briefly describe how the outcomes of the project will be achieved. Provide a timeline for all relevant subtasks related to each of the proposed outcomes described in (b) *Project Outcomes Related to System Requirements and Implementation*. The applicant may determine the format for the timeline, but it should include the proposed outcomes for the project, a set of supporting events or tasks for each of the proposed outcomes, the party or parties responsible for the events or tasks, and estimated dates (month can be used) for initiation and completion of the tasks.

Describe how activities supported by a grant pursuant to this competition will be coordinated with activities supported by an existing grant, especially how duplication will be avoided. (Note that funds under a Recovery Act grant must be separately tracked from funds under another grant, including other Statewide, Longitudinal Data System grants.)

If the State proposes to participate in a multi-state collaboration, describe the collaboration, citing the other States involved, and what role the State will play in the collaboration. Describe the outcomes for which the State is requesting funding, making clear which outcomes are unique to the State's application and which, if any, would be carried out on behalf of the collaboration. If the State will act as the fiscal agent for the collaboration, also describe the joint outcomes for which the State will be responsible. If the joint outcomes are described in another application, i.e., the application of another State that would serve as the fiscal agent, indicate the application.

(d) Project Management and Governance Plan

Indicate where the project is located within the organizational structure of the State educational agency and identify the entities responsible for approval and oversight of project activities. Describe the management controls that will be exercised in order to achieve the goals of the proposed project on time and within budget. In describing these controls, refer to the timeline and activities described above.

Briefly describe the governance structure for the proposed project. Identify the organizational units that will have authority for the project, that will be responsible for the project's operation, and that will be responsible for the subsequent operation of the statewide data system. Identify any units or agencies working as partners in

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

the project, and describe how the project proposes to include other relevant State and local stakeholders. Describe how such partnerships or other working agreements will be coordinated and funded. Describe partnerships that will support implementation activities (i.e., training and technical assistance for users) and how those will be funded. Specify how the input of teachers and other educators will be obtained and utilized.

Include as *Appendix D* letters of support or other documentation that are evidence of the anticipated participation and coordination by all agencies or institutions that will be partners in the project (e.g., letters of support from postsecondary institution leaders, the Governor, the chief State school officer, etc.).

If a multi-state collaboration is proposed, explain how it will be managed and what steps the State will take to mitigate risk and ensure that the project achieves its intended outcomes.

(e) Staffing

Discuss how the project will be staffed and managed. Describe the specific roles, responsibilities, and time commitments of the individuals involved with the project; this information should complement the information provided in (d) *Project Management and Governance Plan*. This section can refer to the résumés of key personnel included in *Appendix B*, to demonstrate that the proposed staff has needed qualifications, but the section should also describe how the key personnel are qualified to manage and implement the proposed activities.

The *Project Narrative* is limited to the equivalent of 30 pages, where a “page” is 8.5 inches x 11 inches, on one side only, with 1 inch margins at the top, bottom, and both sides. All text in the *Project Narrative* must be single-spaced and at least 12 point font in order that the reviewers can easily read the applications.

Use only black and white in graphs, diagrams, tables, and charts. The application must contain only material that reproduces well when photocopied in black and white. Color graphs, diagrams, tables, and charts are discouraged for this reason.

7. *The Budget Narrative (Justification)*. This justification narrative should correspond to the itemized breakdown of project costs that applicants are asked to provide in a spreadsheet format. See above, 4. *Budget Information – Non-Construction Programs (ED 524) – Section C*.

The budget justification should be organized around the specific outcomes listed in 6. b) *Project Outcomes Related to System Requirements and Implementation*. A projected cost should be shown for each outcome. If, for example, an applicant proposes six outcomes for funding, each outcome must include an estimated total cost and budget justification. In this example, the total cost for these six outcomes must equal the requested amount for this application in 4. *Budget Information – Non-Construction Programs (ED 524) – Section C*

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

The *Budget Narrative* must provide sufficient detail to allow reviewers to judge whether reasonable costs have been attributed to the project. It must include the time commitments, including an indication of the percentage of FTE, and brief descriptions of the responsibilities of key personnel. For consultants, the narrative should include the number of days of anticipated consultation, the expected rate of compensation, travel, per diem, and other related costs. A justification for equipment purchase, supplies, travel, and other related project costs should also be provided in the budget narrative for each project year outlined in *Section C*. For applications that include contracts for work, applicants should submit an itemized budget spreadsheet for each contract for each project year, and the details of the contract costs should be included in the budget narrative. It is understood that some level of detail may not be provided due to overall timing of the process (i.e., contracts cannot be articulated unless grants have been awarded). A page limit does not apply to this section.

8. *Appendix A – Optional Attachment.* In *Appendix A* of the proposal, applicants may include any figures, charts, or tables that supplement section *X. 6. Project Narrative*, as well as key letters of agreement from partners and consultants. Letters of agreement should include enough information to make it clear that the author of the letter understands the nature of the commitment of time, space, and resources to the project that will be required if the application is funded. *Appendix A* is limited to 15 pages.

9. *Appendix B – Résumés of Key Personnel.* Abbreviated résumés should be provided for the project director and other key personnel. Each résumé is limited to 3 pages and should include information sufficient to demonstrate that personnel possess training and expertise commensurate with their duties. The résumés must adhere to the margin and format requirements described above in the section *X. 6. Project Narrative*.

10. *Appendix C – Current Status of State’s Longitudinal Data System.* The chart described in section *X. 6. Project Narrative* should be provided. The chart should include three columns that: 1) identify each of the seven capabilities and 12 elements that are set out in section *IV. Statewide, Longitudinal Data System Requirements*; 2) describe the current status of each requirement (i.e., whether the requirement has been completed, whether it is currently under development, whether current development is supported with an existing grant from the Institute, and whether it will be developed or improved under a grant awarded pursuant to this competition; and 3) identify any relevant outcomes (from section *X. 6. Project Narrative*) that will address the requirement.

11. *Appendix D – Letters of Support.* In this appendix, applicants should provide letters of support or other documentation that are evidence of the anticipated participation and coordination by all agencies or institutions that will be partners in the project.

Please note that applicants selected for funding will be required to submit the certifications and assurances noted below before a grant is issued. The electronic application will provide these forms so that applicants can complete and submit them with their applications.

- (a) SF 424B Assurances-Non-Construction Programs
- (b) ED 80-0013 Certification Regarding Lobbying

(c) SF LLL Disclosure of Lobbying Activities, if applicable

#### XI. APPLICATION SUBMISSION AND PROCESSING

Applications must be received by 4:30:00 p.m., Washington, DC time, on the application deadline date listed in the heading of this request for applications. E-Application will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, the Department strongly recommends that you do not wait until the application deadline date to begin the application process.

Each application that is received on time will be reviewed for completeness and for responsiveness to this request for applications.

#### XII. PEER REVIEW PROCESS

All applications that are complete and responsive to this request will be evaluated and rated by peer reviewers. A panel of technical experts who have substantive and methodological expertise appropriate to the design, development, implementation, and utilization of statewide, longitudinal data systems will conduct reviews in accordance with the review criteria stated below.

Each application will be assigned to at least two primary reviewers, who will complete written evaluations of the application, identifying strengths and weaknesses related to each of the review criteria. Primary reviewers will independently assign a score for each criterion, as well as an overall score, for each application they review. At the full panel meeting, each application will be presented to the panel by the primary reviewers. After discussion of the application's strengths and weaknesses, each panel member will independently assign a score for each criterion, as well as an overall score.

#### XIII. REVIEW CRITERIA

Reviewers will be expected to evaluate the application on the basis of the following criteria:

- (1) Substantial need for the project. The application clearly describes the status of the State's longitudinal data system and demonstrates that the system lacks one or more required capabilities and/or several of the essential elements. It provides a convincing case that the project is necessary to accelerate the State's development and implementation of a longitudinal data system. Failure to meet the goals outlined for the project would seriously threaten or impede significant State progress toward establishment and use of an effective, statewide, longitudinal data system.
- (2) Clear goals and appropriate and measurable outcomes. The goals of the project are clearly articulated and demonstrate a commitment to creating a robust system that includes the seven required capabilities and 12 required elements, and supports transparency, accountability and improvement. Proposed outcomes relate directly and logically to the stated needs with respect to both data system

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

requirements and implementation. The application clearly describes measurable or observable outcomes that will be accomplished by the end of the grant. These outcomes will represent completion or substantial progress toward completion of the requirements described in section *IV*, as well as appropriate attention to promoting effective use of the system. If the required system capabilities and elements cannot be accomplished during the grant, the application provides a compelling explanation and indicates when each of those capabilities and elements will be accomplished.

- (3) High-quality, logical, and feasible activities and timeline. The project activities are reasonable and well designed to achieve project goals. Proposed collaborations will promote efficiency. The timeline clearly describes work that logically will lead to accomplishment of the proposed outcomes. The work appears feasible in terms of the State's current status as described in section *X. 6 (a) Need for the Project*, and the time and resources available for the project.
- (4) Effective management and governance plan. The management plan for the project demonstrates that there will be sufficient administrative oversight and controls to enable the work to proceed on time, as planned, and within budget. The governance plan describes an active partnership between K-12 and higher education agencies and with other agencies and institutions responsible for data included in the statewide data system, as well as the involvement of appropriate parties to promote use of the system to support reform and accountability. In particular, the plans describe any new staffing required to provide useful data back to school districts, schools, and teachers.
- (5) Personnel and financial resources. The project personnel have the qualifications and time commitment needed to implement the project within the proposed project period. If personnel will be hired or contracted for the project, the qualifications and duties of these new hires or contractors are clearly described. The proposed budget and budget justification are reasonable in terms of the activities to be carried out and commensurate with the proposed outcomes and goals of the project.

**XIV. RECEIPT AND REVIEW SCHEDULE**

Application Deadline Date and Time: November 19, 2009, 4:30:00 p.m., Washington, DC time

Earliest Anticipated Start Date: May 2010

**XV. AWARD DECISIONS**

The following will be considered in making award decisions:

1. Overall merit of the proposal, as determined by the peer review;
2. Responsiveness to the requirements of this Request for Applications;
3. Prior funding under this program and stage of development of State's system;
4. Performance and use of funds under previous Federal awards; and
5. Funding available.

## XVI. SUBMISSION REQUIREMENTS

Applications for grants under this competition must be submitted electronically using the Department's e-Grants Web site: <http://e-grants.ed.gov>. For information (including dates and times) about how to submit your application in paper format by mail or hand delivery, if you qualify for an exception to the electronic submission requirement, please refer to XVII. Exception to Electronic Submission Requirement.

### Electronic Submission of Applications

Applications for grants under the Statewide Longitudinal Data Systems competition--CFDA number 84.384A must be submitted electronically using E-Application, accessible through the Department's e-Grants Web site at: <http://e-grants.ed.gov>.

Applications must be received by 4:30:00 p.m., Washington, DC time, on the application deadline date listed in the heading of this RFA.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, the Department strongly recommends that you do not wait until the application deadline date to begin the application process.
- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.
- You will not receive additional point value because you submit your application in electronic format, nor will the Department penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a.PDF (Portable Document) format. If you upload a file type other than the file type specified in this paragraph or submit a password protected file, the Department will not review that material.
- Your electronic application must comply with any page limit requirements described in this RFA.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:
  - (1) Print SF 424 from E-Application.
  - (2) The applicant's Authorizing Representative must sign this form.
  - (3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.
  - (4) Fax the signed SF 424 to the Application Control Center at (202) 245-6272.
- The Department may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of E-Application Unavailability

If you are prevented from electronically submitting your application on the application deadline date because E-Application is unavailable, the Department will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. The Extension will be granted if--

- (1) You are a registered user of E-Application and you have initiated an electronic application for this competition; and
- (2) (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or  
(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either the person listed below under Section XVIII of this RFA or (2) the e-Grants help desk at 1-888-336-8930. If E-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an E-Application. Extensions referred to in this section apply only to the unavailability of E-Application.

**XVII. EXCEPTION TO ELECTRONIC SUBMISSION REQUIREMENT**

The Department will reject your application if you submit it in paper format unless, as described here, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided below.

You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through E-Application because—

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- You do not have access to the Internet; or
  - You do not have the capacity to upload large documents to E-Application;
- and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Elizabeth Payer, U.S. Department of Education, 555 New Jersey Avenue, NW, room 602C, Washington, DC 20208. FAX: (202) 219-1466. Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.384A)  
LBJ Basement Level 1  
400 Maryland Avenue, SW.  
Washington, DC 20202-4260

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, the Department does not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

If your application is postmarked after the application deadline date, the Department will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.384A)  
550 12th Street, SW.  
Room 7041, Potomac Center Plaza  
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department--

(1) You must indicate on the envelope and--if not provided by the Department--in Item 11 of the SF 424 -- the CFDA number 84.384A; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

**XVIII. INQUIRIES ADDRESS**

Dr. Tate Gould  
Institute of Education Sciences  
National Center for Education Statistics  
1990 K Street, NW, Rm. 9023  
Washington, DC 20006-5651  
Email: Tate.Gould@ed.gov  
Telephone: (202) 219-7080

**XIX. PROGRAM AUTHORITY**

20 U.S.C. 9607 et seq., the "Educational Technical Assistance Act of 2002," Title II of Public Law 107-279, November 5, 2002. This program is not subject to the intergovernmental review requirements of Executive Order 12372.

**XX. APPLICABLE REGULATIONS**

The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 77, 80, 81, 82, 84, 85, 97, 98, and 99. In addition 34 CFR part 75 is applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217, 75.219, 75.220, 75.221, 75.222, and 75.230.

**Abstract**

Idaho plans to expand its current K-12 SLDS efforts by creating a data system that spans the P-20 and workforce pipeline through the establishment of the Idaho Longitudinal Education Analysis Data System (Idaho-LEADS). Idaho began streamlining its K-12 reporting requirements by evaluating the current data management infrastructure. This evaluation resulted in the creation of a unique student identifier and the consolidation of agency data collection and management through an enterprise portal and directory system. We are currently in the process of building a K-12 dimensional data warehouse and working diligently to provide stakeholders (i.e., students, parents, teachers, school and district leaders, state officials) with the ability to analyze, aggregate, and utilize relevant student-level information to identify trends and share best practices.

The State Board of Education (SBOE) is the SEA for Idaho's P-20 public education system. As the policy-making body for all public education in Idaho, the SBOE has the capacity to broadly impact the entire educational pipeline. The SBOE will coordinate efforts to meet the requirements and proposed outcomes for this grant. Idaho intends to participate in a pilot cross-state effort to establish a data exchange sharing K-12 and postsecondary education and workforce data. Other states to be included are Washington, Oregon, and Hawaii, and this coordination will be managed through the Western Interstate Commission for Higher Education (WICHE). Idaho has also collaborated with the state of Oregon on the development of a data utilization training program.

To implement Idaho-LEADS, our proposal includes nine outcomes aligned with the required seven capabilities and twelve elements. These outcomes will expand our current K-12 SLDS efforts, known as the Idaho Systems for Educational Excellence (ISEE), to include a P-20 and workforce data system:

1. Establish policies and governance structure to support P-20 and workforce data system
2. Integrate current statewide Education ID application into the public postsecondary systems
3. Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse and an associated reporting and analysis system based on the P-20 and workforce data warehouse
4. Align the Division of Professional-Technical Education's 10 System with State Department of Education's (SDE) application rewrite
5. Deploy web services to facilitate the exchange of data across agencies and states
6. Establish a K-12 Learning Management System to support formative assessments and curriculum management
7. Create a statewide K-12 data utilization training program (teaching teachers and administrators how to use data to set measurable goals and then track progress)
8. Create web widgets and tools to provide targeted, appropriate information to stakeholders
9. Develop pilot multi-state data exchange

## **Project Narrative**

### ***A. Need For Project***

#### **Demographics and Organization of Idaho**

Idaho is the nation's thirteenth largest state geographically, covering 83,557 square miles. However, Idaho is ranked 41<sup>st</sup> in the nation for population, with 1.3 million residents. Thirty-five of the forty-four counties are defined as rural (a county in which the largest town or city has fewer than 20,000 residents). Idaho is a state with two time zones, with limited highway infrastructure due to the ruggedness of the mountain ranges, and where 63% of the state is federal lands (the majority of those inaccessible). Nevertheless, in December 2007 the U.S. Census Bureau named Idaho as the fourth fastest growing state in the nation. Idaho is divided into six educational regions with more than 630 K-12 schools operating within those regions. Idaho has eight public postsecondary institutions and three private. Most of the postsecondary institutions are located in urban areas.

The Idaho Constitution provides that the general supervision of the state educational institutions and the public school system of the State of Idaho shall be vested in the State Board of Education (SBOE). The Idaho educational system, consisting of the diverse agencies, institutions, school districts, and public charter schools governed by the SBOE, delivers public primary, secondary, and postsecondary education, training, rehabilitation, outreach, information, and research services throughout the state. These public organizations collaborate to provide educational programs and services that are high quality, readily accessible, relevant to the needs of the state, and delivered in the most efficient manner. The SBOE is responsible for defining the limits of instruction in the educational institutions supported in whole or in part by the state, and for the prevention of wasteful duplication of effort in the educational institutions. This broad educational oversight by the SBOE provides an ideal structure to implement and oversee the proposed Idaho-LEADS, a P-20 and workforce data system.

#### **Current Status and Capacity to Use Data**

Idaho has one of the least developed statewide longitudinal data systems in the nation. According to the Data Quality Campaign 2009 Annual Survey of the Ten Essential Elements of a Longitudinal Data System, Idaho employs one of the ten essential elements. Idaho lacks the ability to use longitudinal data to support educational improvement efforts, resulting in the inability to answer key questions regarding the educational processes.

Idaho is a local control state, with each Local Education Agency (LEA) selecting and operating independent Student Information Systems (SIS); this paradigm creates a heterogeneous K-12 landscape with many districts maintaining critical records only in spreadsheets or homegrown databases. The State Department of Education (SDE) is in the early stages of developing a K-12 data warehouse (under existing IES grant 84.372A). The project team has determined that the first steps in that effort are to identify the crucial common data elements, build a traditional normalized data model for data collection, and develop processes for extracting the required data from the various district systems and loading it into that single normalized model. These steps are under way. This effort will be expanded to incorporate the limited amount of pre-kindergarten data available into this data collection model, creating a P-12 database. This

database will then form the foundation for the development of the dimensional P-12 data warehouse.

The postsecondary educational system is similar to the K-12 system in that there are four different Enterprise Resource Planning (ERP) systems being operated among the eight state supported institutions. The systems include various levels of student information, finance, and human resource components. Most of those institutions lack a data warehouse and the associated benefits of business intelligence capabilities. Of these institutions, Boise State University is the only institution that has a data warehouse component nearing completion. Idaho State University is implementing an enterprise data warehouse as part of its new ERP implementation.

### **Current Improvement Efforts**

Our current efforts are funded through a combination of state and IES resources. Under the current IES grant, the SDE is developing a K-12 SLDS, the Idaho Systems for Educational Excellence (ISEE). In recognition that ISEE is the foundation for a P-20 and workforce data warehouse, our data system architecture is being developed to incorporate key features to support student-level and teacher data across agencies and time (see Appendix A, Figure 1). Funding the nine outcomes proposed in this grant will enable our proposed data system to meet the seven capabilities and the twelve elements.

Current state-funded projects include:

- Statewide portal that will support a centralized statewide K-12 data collection mechanism and streamline data submission and review by all LEAs
- Authentication and authorization scheme that will ensure state and federal privacy regulation compliance and support single sign-on
- Teacher certification application rewrite, rebuilding the application in .Net to comply with our SLDS architecture and integrating Educational IDs (EDUID) for teachers
- Enrollment and attendance application rewrite that will refine the granularity of data collection to the individual student level for incorporation into the K-12 data system

Current IES grant-funded projects focus on these six K-12 areas:

- Enhanced Unique ID application; to create a system to assign and manage a unique Educational ID (EDUID) to identify all individuals involved in the K-12 educational system (i.e., students, teachers, administrators, etc.). This system will also facilitate linkage of student and teacher data, as well as enabling the collection and analysis of teacher specific education data.
- K-12 Longitudinal Data Warehouse; consisting of two primary components: a normalized data storage model is being developed to store person level information and all associated data for each individual. The model includes: Persons, Providers, Programs, and Evidence. Second, a dimensional data warehouse is being developed to support a reporting engine and associated data analytics.
- K-12 LEA data collection at state level; collect person level data at regular intervals from LEAs via standardized data exchange formats. This data will be imported into the K-12 longitudinal data warehouse.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Support for LEAs to purchase, contract for, or internally develop any ETL (Extract, Transform, Load) capabilities needed to prepare their data to be imported into the K-12 longitudinal data system. This will streamline the data submittal process for LEAs.
- Deployment of the K-12 reporting and analysis system based on the Longitudinal Data Warehouse to examine and analyze educational results and trends over time. This will include development of standardized reports to fulfill federal reporting obligations such as ED Facts, and to identify effective teachers, schools, and programs to share best practices.
- Transcript system; Streamline and automate the movement of transcript information from LEAs to postsecondary institutions.

**Required Data System Capabilities & Elements**

To expand our current SLDS efforts from a K-12 system to a P-20 and workforce system we have proposed nine outcomes in this grant request.

**Proposed Outcomes:**

1. Establish policies and governance structure to support P-20 and workforce data system
2. Integrate current statewide Education ID application into the public postsecondary systems
3. Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse and an associated reporting and analysis system based on the P-20 and workforce data warehouse
4. Align the Division of Professional-Technical Education's 10 System with SDE's application rewrite
5. Deploy web services to facilitate the exchange of data across agencies and states
6. Establish a K-12 Learning Management System to support formative assessments and curriculum management
7. Create a statewide K-12 data utilization training program (teaching teachers and administrators how to use data to set measurable goals and then track progress)
8. Create web widgets and tools to provide targeted, appropriate information to stakeholders
9. Develop pilot multi-state data exchange

Proposed outcomes are tied closely to the required seven capabilities and twelve elements outlined in section IV of the RFA, as well as the State Fiscal Stabilization Fund assurances. Increasing student achievement will require instructional and policy decisions based on evaluation of data gathered, enabling us to more effectively use limited educational resources. Idaho-LEADS will be designed to improve the quality of collaboration efforts among educational stakeholders by shifting from anecdotal discussion groups to fact-based decision-making processes. Idaho-LEADS will maximize opportunities for improvement by creating a chain of feedback loops at transitions along the educational pipeline (e.g. secondary to postsecondary, postsecondary to workforce). This will allow for analysis of educational outputs and provide the appropriate data to guide instruction and administrative policy changes.

Idaho's proposed outcomes will expand and blend a number of efforts currently underway to create the Idaho Longitudinal Education and Analysis Data System (Idaho-LEADS). The proposed project core is an integrated, statewide, dimensional P-20 and workforce data



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

warehouse coupled to a reporting and analysis system managed by the SEA. This warehouse will consolidate PK, K-12, postsecondary, and workforce data.

**Alignment of Proposed Outcomes with the seven Data System Capabilities, the twelve Data System Elements, and the State Fiscal Stabilization Fund**

<b>Required Data System Capabilities</b>	<b>Corresponding Outcomes</b>
1. Student progress and outcomes over time including preparation for postsecondary, workforce, and Armed Forces	2, 3, 5, 6, 8, 9
2. Exchange of data among agencies and institutions within and across states	1, 2, 3, 4, 5, 8, 9
3. Link student data with teachers	2, 3, 4, 5, 6, 8
4. Teacher certification and preparation information	2, 3, 5, 7
5. Support continuous improvement and decision making including timely information to parents, teachers, and school leaders on student achievement	2, 3, 5, 6, 7, 8, 9
6. Data quality and integrity	1, 2, 3, 4, 5, 7, 8
7. Meet Federal reporting requirements	1, 2, 3, 5

<b>Required Data System Elements</b>	<b>Corresponding Outcomes</b>
1. Unique Student ID, not personally identifiable	2, 3, 5, 7
2. Student-level enrollment, demographic, and program participation	2, 3, 5, 6, 7, 8, 9
3. Student-level information about points at which students exit, transfer, drop out, graduate P-16	2, 3, 5, 9
4. Capacity to communicate with higher education systems	2, 3, 4, 5
5. Data audit system, quality, validity, reliability	1
6. Yearly test records per ESEA	Funded by Existing Grant
7. Information on students not tested, by grade, by subject	Funded by Existing Grant
8. Teacher ID with ability to match teacher to student	Funded by Existing Grant
9. Student-level transcripts, courses completed and grades	Funded by Existing Grant
10. Student-level college readiness test scores	Funded by Existing Grant
11. Student information regarding transition from secondary to postsecondary and remedial coursework in college.	2, 3, 4, 5, 7, 8, 9
12. Other information necessary to address alignment and preparation for success in postsecondary education.	1, 2, 3, 4, 5, 6, 7, 8, 9

<b>State Fiscal Stabilization Fund (SFSF) Assurances</b>	<b>Idaho-LEADS uses to address SFSF Assurances</b>
Take actions to improve teacher effectiveness and	Proposed Learning Management System will support provisioning of results-oriented curriculum, formative

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

distribution	assessments, scope, sequence, and pacing guides to assist struggling teachers. Linkage of student results to teachers will support analysis of teacher effectiveness. Linkage of teachers to student assessments will assist in the analysis of teacher preparation programs. Linkage of teachers to student outcomes can be used to ensure equitable distribution of effective teachers and continuous improvement of instructional practices. Initiation of professional learning communities for teachers to share best practices.
Establish an SLDS	Idaho–LEADS will be a P-20 and workforce SLDS.
Enhance the quality of academic assessments	Idaho–LEADS will allow for multiple data points to examine correlation of current academic assessments to postsecondary attendance and postsecondary performance (including remedial course work), creating feedback loops and opportunity for continuous improvement, or adoption of other, more highly correlated assessments. Introduction of juried item bank formative assessments into classroom will allow for prediction of student success and modification of ESEA assessments to more accurately reflect student learning, or adjustment of curriculum for improved alignment with standards.
Comply with IDEA	Idaho–LEADS will allow the State to monitor progress of children with disabilities over time, create an “early warning system” utilizing formative assessments, and share formative information with parents and other stakeholders.
Take steps to improve academic standards	Proposed Learning Management System allows for the online management of academic standards and comparison of curriculum to assessment results to standards proficiency. It will also support correlation of curriculum, formative assessments, and academic standards for the continuous improvement of academic standards. Introduction of feedback loops between postsecondary and secondary institutions will support analysis of standards against success in postsecondary environment.
Support struggling schools	Idaho–LEADS will be used to identify schools in need or potentially in need for targeted assistance by trending formative as well as summative assessment data to measure and predict school performance. It also supports the sharing of best practices by identifying high-performing schools, capturing their instructional practices and communicating those practices to struggling schools. It also creates tools for parent involvement, a key component of turning around struggling schools.

***B. Project Outcomes Related to System Requirements and Implementation***

Our data system is designed to track student-level data within a single data structure and minimize redundant and inconsistent data. The creation of Idaho–LEADS will increase our ability to measure and monitor student achievement, increase stakeholder participation and collaboration, monitor key performance metrics, identify and disseminate best practices, and expand the K-12 system scope to P-20 and workforce to align educational outcomes to workforce needs. To complete our vision, we propose nine outcomes aligned with the required seven capabilities and twelve elements.

**1. Establish policies and governance structure to support P-20 and workforce data system**

We will form the Idaho–LEADS Advisory Group to be responsible for developing and recommending clear reporting rules and operational policies, and creating a statewide data dictionary.

Idaho has a unique governance structure that provides significant advantages toward supporting this P-20 and workforce data system. The SBOE is responsible for the general supervision of the state postsecondary educational institutions and the public school system. The SBOE is responsible for defining the limits of instruction in the educational institutions supported in whole or in part by the state, and for the prevention of wasteful duplication of effort in the educational institutions. In addition, the SBOE will coordinate our efforts with the Governor’s Workforce Development Council. The Council was established to provide strategic direction and oversight of Idaho’s workforce development system and is supported by the Idaho Department of Labor. The Council members represent business, workers, education, state and local government and community-based organizations. The primary role of the Council is to advise Idaho’s governor and the SBOE on strategies designed to yield high-quality workforce investment services for Idaho’s businesses, job seekers, and students.

Based on Idaho’s unique governance structure and workforce partnerships, we will create the Idaho–LEADS Advisory Group. This group will consist of representatives from the SBOE, the Idaho Department of Labor, postsecondary institutions, the Division of Professional Technical Education, SDE and LEAs, as well as the education chairs of the Idaho House of Representatives and the Idaho Senate. Membership may be expanded or modified to include other stakeholders with database development, and/or research expertise. This group will be responsible for overseeing the development of the P-20 and workforce data warehouse and ensuring that it meets statewide longitudinal data needs, contains accurate, consistent data, and complies with the policies to be recommended by the group. The Idaho–LEADS Advisory Group will act as data stewards coordinating data governance with the local agency data stewards.

The two primary functions of the Idaho–LEADS Advisory Group are development and recommendation of sound data policy and technical aspects of data governance. The Idaho–LEADS Advisory Group will be responsible for the development and recommendation of privacy protection policies, data exchange agreements, confidentiality policies for access and uses, and data elements. Policies will take into account the need for interactions between participating data providers and consumers, both within and beyond the state, and will in turn govern those interactions. The Idaho–LEADS Advisory Group will also be responsible for

overseeing data element management, data security protocols, data collection, data exchange protocols, record matching, data quality assurance, and creation of a statewide data dictionary. To ensure data accuracy and timely reporting a complete set of validation rules as well as a robust data audit process will be implemented. An Idaho–LEADS Advisory Group information exchange portal will be developed to facilitate communication and product dissemination.

**2. Integrate current statewide Education ID application into public postsecondary systems**

We will modify the postsecondary Enterprise Resource Planning (ERP) to incorporate the Education Unique ID (EDUID) by 2012.

As part of our current grant (IES grant 84.372A), we have created an EDUID application to assign unique identifiers to people within the educational system to follow students over time, to link teachers and students, and monitor the transition of student into teachers. The EDUID is associated with an individual and remains the same regardless of the role they play (student, teacher, administrator). The EDUID will be used by all Idaho educational agencies to allow for longitudinal analysis (see Appendix A, Figure 2).

The eight public postsecondary institutions will evaluate their current ERPs and make necessary modifications to incorporate the EDUID data element. The coexistence of both the EDUID and SSN in the postsecondary institutions' ERPs will allow for the linkage of information across the secondary, postsecondary and workforce systems. The public postsecondary institutions will work collaboratively with the SDE IT group and external consultants as needed to ensure seamless integration of the EDUID and to fulfill this outcome. Representatives from the postsecondary institutions will receive training on the process of obtaining and assigning the EDUID as a part of this integration.

**3. Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse, and an associated reporting and analysis system based on that warehouse**

The core of this grant proposal is the design, development, and implementation of a P-20 and workforce dimensional data warehouse. It will be a "meta-warehouse," combining data from the K-12 data warehouse (currently being developed under existing IES grant 84.372A) with data from the proposed data warehouses that will be built at each of the eight state-supported postsecondary institutions as described below, along with data from the Idaho Department of Labor (see Appendix A, Figure 3). This P-20 and workforce data warehouse will provide the foundation on which a robust reporting and analysis system, using appropriate business intelligence tools, will be based. The creation of this comprehensive dimensional data warehouse will provide the most powerful and flexible mechanism possible for reporting, analysis, and longitudinal tracking.

The proposed P-20 and workforce data warehouse will include detailed "transcript-level" information at the individual student level across the entire educational spectrum to include such information as individual students' course enrollments, grades, instructors, terms enrolled, majors and minors, etc. This will allow us to fulfill the requirements for postsecondary data elements specified in the RFA. We will be able to track how long students wait after high school before enrolling in postsecondary education, which students enroll in remedial coursework at the postsecondary level, and how their postsecondary performance correlates with their K-12

history. Additionally, we will be able to analyze which students are most likely to pursue postsecondary studies in STEM disciplines based on a wide variety of factors in their K-12 educational background, and use this information to devise strategies to improve STEM participation. Likewise, by including wage and industry-level data from the Department of Labor, we will be able to analyze how a students' level of educational attainment correlates with their employment. Strategies will be developed and implemented to provide de-identified but still detailed data and reports for appropriate research, evaluation, and policy-making purposes.

The first step toward the construction of this P-20 and workforce data warehouse is the development of the K-12 warehouse under the existing IES grant, which is still in the initial phase, consisting of the construction of a normalized data collection model. The design of the dimensional model has not yet begun, resulting in the ability to take into account any additional requirements arising from the need to incorporate data from that K-12 model into the P-20 and workforce data warehouse.

The next step will be the construction of individual dimensional data warehouses for each postsecondary institution. This approach will allow much of the work required to develop, maintain, and modify the detailed ETL logic to be distributed among the eight postsecondary institutions and SDE, rather than placing the entire burden on a single central team. The heterogeneity of the postsecondary institutions' ERPs, and their varying degrees of progress toward development of institutional data warehouses, necessitates that each institution be empowered with the flexibility to determine its own method of approach, subject to the requirement that each must have the capability to provide the data needed to populate the P-20 and workforce data warehouse.

A benefit of this architecture is that it will enhance local reporting and analysis capabilities at each postsecondary institution in addition to the statewide reporting and analysis that will be done from the central P-20 and workforce data warehouse. The proposed structure will enable institutions to track additional institution-specific data while also fulfilling their commitment to the statewide system. This distributed model will make it easier to accomplish sustained, post-grant funding for the initiative, since each postsecondary institution will be expected to provide the staffing needed to support its own data warehouse and will have the incentive to do so.

The Idaho-LEADS Advisory Group, as proposed in Outcome 1, will be the advisory group responsible for ensuring that the K-12 warehouse, the postsecondary warehouses, and the P-20 and workforce data warehouse are all based upon clearly and consistently defined common data elements. Additionally, the project management team will coordinate detailed planning sessions to ensure that those data elements identified by the Idaho-LEADS Advisory Group are reflected accurately and consistently within each of the respective data warehouses.

One important decision in implementing the P-20 and workforce data warehouse will be the selection of the physical architectures in which the dimensional model will be implemented. A dimensional model can be implemented as either a collection of fact and dimension tables in a relational database management system (such as Oracle or Microsoft SQL Server), or as a collection of multidimensional cubes in a system such as Oracle/Hyperion Essbase or Microsoft Analysis Services. Each approach has its own strengths and limitations, and it is very likely that

we will choose an implementation approach that includes *both* architectures, allowing us to use each one for the types of analysis and reporting it best supports. Likewise, the choice of reporting and analysis tools will depend on the architectural platforms chosen, but we expect to implement several different types of tools in order to support a wide range of needs.

The reporting and analysis tools chosen for the P-20 and workforce data warehouse will be used to develop an extensive library of standardized reports, including key performance indicators (KPIs), that will be used for statewide analysis across the entire educational and workforce spectrum. These reports will be used to analyze student preparation, remediation, retention, attainment, and employment, and to inform efforts at educational improvement and reform. Guidance concerning the exact types of reports needed and their relative priority will be provided by the Idaho-LEADS Advisory Group. The reports will be made available through a secure website to authorized stakeholders. Access to interactive features within the reporting tools will allow more in-depth exploration and analysis of the data. Researcher access will be controlled by the Idaho-LEADS Advisory Group through allowance of time-bound access to de-identified data sets in compliance with FERPA.

**4. Align the Division of Professional-Technical Education's (PTE) 10 System to align with SDE's application rewrite**

SDE is in the process of rewriting their teacher certification application incorporating EDUID for teachers. This requires moving the current application from Microsoft FoxPro to .Net creating compatibility with the ISEE SLDS architecture.

PTE accesses data from SDE for its 10 system. The 10 system was created as a desktop client-server application over a decade ago. Over the years new features and functionalities have been added into the system per new data collection requirements, including features that enable users to access the system using the Internet. The email generation feature does not work consistently and is not a reliable means of communication with the districts and schools therefore notification letters are written manually and sent to the districts/schools. Modifications have led to data integrity issues, manual intervention to exchange data between the different databases, and most importantly problems with data security and stability. The current system has several applications tied together using data exchange processes, leading to data inconsistencies and incorrect report generation from the two systems. To overcome these issues, program managers manually run the data exchange application at regular intervals to synchronize the data between the different databases. Data resides in FoxPro databases that are accessed by the FoxPro application and SQL server databases that are accessed by web application. The desktop application developed in FoxPro is reaching end-of-life support by Microsoft.

We will develop a new robust system using the latest technologies that are secure, stable, easy to maintain and scalable. In addition, this would also address the issues that the users are facing in terms of work efficiency as listed above.

We will develop a single database (FoxPro and SQL server databases would be merged) that houses the data entered by the program managers and the users accessing from the web. Personal information such as SSN numbers will be stored in an encrypted format with a robust role-based security setup for users accessing the system. Database backup procedures will be

automated at scheduled intervals with an automated scheduled process to synchronize district and school data from the ISEE system. With the new robust system, e-mail notification would be reliable, efficient and useful reports will then be generated from a single database system, and historical data would be available.

A centralized database (SQLServer) would store data entered by the program managers and the users outside the network. The access to the application would be only through a web interface (Internet and Intranet). Users would have role-based access to the different functionalities within the system and the application would be easily scalable as more users need access to the system. The synchronization process to update the district and school data would be automated and could be set on defined intervals. This will ensure that the database would have up-to-date information from the ISEE system and the manual database synchronization process would no longer be needed, and ensure the alignment with the P-20 and workforce data system.

**5. Deploy web services to facilitate the exchange of data across agencies and states**

We will deploy web services to facilitate the secure and efficient exchange of data across agencies, and states within a services-oriented architecture (SOA) using XML and other protocols.

The Idaho–LEADS data system will contain and exchange highly sensitive information between agencies, each with independent data systems. By utilizing web services there will be minimal impact to legacy systems, which will increase the number of data sources for Idaho–LEADS, increasing the types of student information, and thereby increasing its potential impact in the evaluation of educational policy and practices.

The deployment of web services will be coordinated with the data governance work of the Idaho–LEADS Advisory Group (Outcome 1) to implement policies and procedures guiding coordinated service development efforts. The Idaho–LEADS architecture and development team will define standard business processes and create application development guidelines (such as service descriptions and APIs) to ensure the efficient integration of web services into the application development process and sharing of information across agencies and states.

Web services will facilitate the management of authentication and authorization of researcher access to Idaho–LEADS. This will allow Idaho greater flexibility with more control in the provisioning of Idaho–LEADS information to research organizations, increasing the available information to make education policy adjustments. This access will be guided by Idaho–LEADS Advisory Group policy and initiated by a research request from an organization. There will be strict data use policies and required security contracts. Researchers will only have access to de-identified information, and their access will terminate by the date specified in the security contract.

**6. Establish a K-12 Learning Management System to support formative assessments and curriculum management**

We will implement a K-12 Learning Management System (LMS) that will facilitate the delivery of existing test data (i.e., Direct Math Assessment, Direct Writing Assessment, Idaho Standards Achievement Test) to teachers in the classroom to evaluate student-level strengths and

weaknesses to facilitate targeted instruction, assess teacher effectiveness, evaluate curriculum quality, and compare LEA achievement results. The K-12 LMS will create, track, and manage instructional plans; capture student progress on formative assessments; report summative assessment data; and provide detailed achievement metrics to teachers, students, parents and administrators.

Formative assessments will assist in the evaluation of teaching practices and teacher preparation programs for continuous improvement to increase student achievement. An LMS is a specialized data system that will enable district and school staff to identify student needs and determine appropriate interventions and/or programs; allow for rapid analysis and grouping of students by subject proficiency; store state standards and a set of curriculum based upon those standards. The K-12 LMS will also provide a mechanism that supports Professional Learning Communities where Idaho teachers can share best practices. We anticipate these best practices will be particularly useful for emerging teachers and schools struggling to meet AYP and other performance measures. The K-12 LMS will act as a digital library that maintains lesson plans and online resources for a given subject matter that can be accessed by instructors. The combination of digital instructional materials and Professional Learning Communities supports the sharing and continual improvement of instructional materials and practices.

The K-12 LMS will streamline the creation of assessments (formative, benchmarks and end-of-course), providing a process that includes: test and subject matter creation; test printing, and electronic grading supporting analysis of content proficiency and trends analysis to guide instructional practices.

Some of the key features anticipated in the K-12 LMS are:

- Graphical class roster display which includes student proficiency
- Differentiated instruction groups
- Individual student test history and profiles
- Teacher generated materials banks

The K-12 LMS will be integrated with ISEE, the K-12 data warehouse. ISEE will contain all student assessment data including those produced through the K-12 LMS and those delivered and scored by outside assessment vendors. The integration of these two systems will promote delivery of all assessment information to the classroom for teacher use. This system will also support efficient transfer of information regarding migrating students, providing longitudinal data to the new school during enrollment changes.

**7. Create a statewide K-12 data utilization training program (teaching teachers and administrators how to use data to set measurable goals and then track progress)**

We will create a statewide K-12 data utilization training program employing regional data coaches to train LEA personnel on data utilization for instructional and administrative practices.

The SDE will create a comprehensive training program for K-12 educators in the effective use of data to modify instructional practices. Educators need to be better prepared to use classroom formative assessments, summative assessments, proficiency trends, and student grouping. These tools can be used to correlate student progress to curriculum and instruction for the purpose of



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

individualizing instruction and the modification of curriculum based upon student achievement results. Under this grant proposal we will develop pre-service curriculum as well as in-service curriculum in the use of student assessment data to guide instructional practices.

Idaho plans to collaborate with Oregon, incorporating the training materials and expertise developed by them under their 2009 IES grant, CFDA 84.372A. Oregon has developed an extensive battery of on-line and workshop-centered training materials covering topics such as: creating a data culture, using data to improve learning in schools and districts, and using data to improve learning in the classroom. Idaho plans to modify these training materials to align with ISEE and deploy these materials to Idaho educators via workshops and on-line training, in both pre-service and in-service teacher programs.

An initial phase of the training program will be the creation of a communications plan to introduce the Learning Management System (LMS) and its utility to Idaho stakeholders. This phase will be quickly followed by the key training program components, on-line instruction and workshops, aligned to teacher and administrator stakeholder needs and instituted utilizing regional data coaches. Training will provide stakeholders with the knowledge and skills for using data to measure and analyze student progress and make data-driven instructional decisions which reflect the educational needs of individuals. It will provide administrators the ability to use data-driven information to identify successful programs, evaluate policy alternatives, and determine priorities for allocation of resources.

We will identify the most efficient ways to train each group of stakeholders and develop methods that maximize data use within that stakeholder's role. We will participate in local, regional and state stakeholder meetings (e.g., the Idaho Association of Principals, Title I conferences). We will invite neighboring states to participate in these meetings to share their successes using longitudinal and formative assessment data as a methodology to increase student achievement. This interaction will initiate peer-to-peer networks and establish a forum for sharing best practices across classrooms, schools, LEAs, and states.

The training curriculum will be designed for use during educator meetings (e.g. staff meetings), as well as for self-paced, web-based training. A series of workshops will be established to develop skills in data use for instructional modification and curriculum adjustments. The curriculum will include a number of instructional strands, culminating in the certification of local educators in data utilization.

The training program will be closely tied to the introduction of formative assessments delivered through the LMS. Educators need the ability to deliver and utilize formative assessments to adjust instruction and curriculum during the course work and prior to state tests. These formative assessments can be used to measure instructional outcomes and allocate resources (e.g. interventions) thereby increasing student learning. They can also be incorporated in the evaluation of teacher preparation programs.

Data-driven decision making and the use of data will become a part of the teacher evaluation process, integrated into the pre-service teacher certification process, included in student teacher internships, and introduced as part of the state's teacher certification process.

Organizationally, the training program will consist of six positions: one centralized Director of Data-Driven Instruction and five Regional Data Coaches. This training team will create a data use certification program and provide training workshops and on-line resources to certify educators as data coaches. These certified data coaches will train school data teams and coordinate training and professional development activities to other stakeholder groups. We will use a train-the-trainer model managed by the Director of Data-Driven Instruction who will coordinate delivery of training through the efforts of the regional data coaches (see Appendix A, Figure 4).

The training program will be evaluated by collecting quantitative and qualitative participant information using feedback sources such as Web Trends, paper-based surveys, on-line surveys, and/or interviews. This information will be used to modify the training program and ensure its alignment with stakeholder needs and continual improvement.

#### **8. Create web widgets and tools to provide targeted, appropriate information to stakeholders**

We will establish processes and instruments to deliver targeted, appropriate information to stakeholders by identifying key influencers of the educational process and creating web tools matched to their common web behaviors (see Appendix A, Figure 5).

Data availability does not equal accessibility. We plan to increase stakeholder participation and involvement in the educational system through the creation of specific sets of data for each of our stakeholder groups and then development of web widgets and tools to deliver more personalized information to each stakeholder group. This process will start by defining our stakeholders and determining where they acquire their information, what information they find useful and/or what information will they act upon, where they want it delivered and the most useful format. As an example, those who use iGoogle as their home page may want a gadget to customize their iGoogle page. Some may want to subscribe to updates (similar to the way they currently subscribe to local stock prices or sports scores) text messaged to their cell phone. Teachers may want a WebPart to be one of their favorite online teaching tools to integrate into the district portal. Parents may want to know school performance by school boundaries so they can select a home in an area with high performing school and have the information reside on their Yahoo account.

We will survey stakeholder groups for their informational needs and commonly used methods to access and acquire information. We will identify appropriate technology to deliver relevant educational information to each stakeholder group for incorporation into their preferred information source (e.g., iGoogle, Facebook, cell phone alerts, etc.); then establish message managers, who select pertinent information for the group they manage, and determine delivery schedules and content.

Once the stakeholder audience is defined and a general understanding of the content desired by the stakeholders has been established, the implementation of this new mechanism for providing targeted, appropriate information to stakeholders includes three steps: 1) defining content channels (e.g., Local School District, 4<sup>th</sup> Grade, local Elementary) to which stakeholders can

subscribe; 2) defining end points (e.g., iGoogle Gadget, MyYahoo, iPhone App, RSS Feed, Facebook Plugin, eMail etc.) to which content will be distributed; and 3) allowing stakeholders to select the combination of content channels and end points that suit their preferences.

**9. Develop a pilot multi-state data exchange**

We will participate in a pilot effort to establish a multi-state data exchange that encompasses K-12 and postsecondary education and workforce data.

To lay the foundation for this project, data system leaders from four states (Idaho, Oregon, Washington, and Hawaii) attended a planning meeting in June 2009 convened by the Western Interstate Commission for Higher Education (WICHE). Discussions focused on how such a multi-state data exchange might be designed, organized, governed, and implemented. The data exchange will focus on providing the resources to comprehensively answer two principal policy questions with evidence drawn from all participating states' data: 1) How are former high school students from participating states performing in postsecondary education and/or the workforce in participating states?; and 2) How are former postsecondary students from participating states performing in the workforce in participating states? The answers could be disaggregated in many ways to examine trends in performance associated with key characteristics such as timeframe; school/institution of attendance; disciplinary field or type of high school curriculum; industry of employment; key demographics such as race/ethnicity, gender, etc.; region within state; level of college readiness; and different conditions of departure from education (e.g., graduated/not graduated, number of postsecondary credits earned at departure, etc.).

The goals for this pilot effort are to create a structure through which states can exchange individual-level data for enhanced analysis while preserving privacy; to identify and standardize a set of core data elements required for effective record matching across states and policy research and analysis; to establish a lasting structure for the governance of such an exchange, which is completely reliant on the voluntary participation of states; and to create a set of regular reports using data from the exchange, and to develop the processes and procedures for FERPA compliant access to data for additional analyses.

To accomplish these goals, our project will engage WICHE, a trusted third party, to lead the development of the data exchange. WICHE will provide services including organization and facilitation of planning activities to include the development of necessary memoranda of understanding; identification and standardization of the initial set of core data elements to enable matching of records across sectors and states; selection and management of a qualified vendor to perform the technical aspects of record linking; facilitation of regular meetings of the data exchange's governing body; design and initial preparation of reports as regular products of the data exchange; and facilitation of meetings to standardize and incorporate additional data elements of particular interest to the participating states.

Particular attention must be paid to the governance of the exchange, given the voluntary nature of the exchange and the potential for built-in challenges to participation, such as comparisons among state performance that will inevitably be made. Initially, the exchange will turn to each state's governor to appoint members representing each sector (K-12, postsecondary, workforce) to a governance body. The governance structure will rely on an executive committee drawn

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

from each state's delegation and a technical advisory committee, whose members will be selected among nominations made by the governance body. Issues for the governance structure to address include selection of the vendor for technically linking records; assuring compliance with relevant privacy protections; identifying the specific data elements to comprise the data exchange; creating regular reports using data in the exchange; and developing a process for outside researchers gaining access to the data.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**C. Timeline for Project Outcomes**

These tables show the proposed outcome, their major activities and the expected quarters within which those activities will occur. These activities lead to the outcomes in the grant narrative.

**1. Establish policies and governance structure to support P-20 and workforce data system**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Select representatives for Idaho–LEADS Advisory Group	X											
Convene initial Idaho–LEADS Advisory Group meeting		X	X									
Document member roles, responsibilities, establish meeting schedules and communication methodologies		X	X									
Examine other states’ interoperability models			X	X								
Develop data elements to be included in P-20 and workforce data warehouse, data dictionary, policy manuals, protocol standards (in collaboration with development team)			X	X	X	X						
Define and implement data quality audit process			X	X	X	X	X	X	X	X	X	X
Provide quarterly Idaho–LEADS Advisory Group SLDS progress reports					X	X	X	X	X	X	X	X

**2. Integrate current statewide Education ID application into the public postsecondary systems**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Collaboration between postsecondary institutions and SDE for integration of EDUID into postsecondary ERPs	X	X										
Evaluate and modify current ERPs to incorporate EDUID		X	X	X								

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
SDE and postsecondary institutions prepare process documentation and training materials for users			X	X								
SDE schedule and deliver training sessions				X	X	X						
Evaluate efficacy of processes and procedures as needed							X	X	X	X	X	X

**3. Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse and an associated reporting and analysis system based on the P-20 and workforce data warehouse**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Issue RFP's, review proposals, award contracts for individual postsecondary data warehouses and reporting/analysis systems	X	X										
Issue RFP, review proposals, award contract for development of P-20 and workforce data warehouse and reporting/analysis system	X	X										
Design and implementation of individual postsecondary data warehouses			X	X	X	X	X	X	X	X		
Logical design of P-20 and workforce data warehouse (i.e., defining facts and dimensions)			X	X								
Review/adjustment/enhancement of individual secondary and postsecondary warehouse designs to ensure support for P-20 and workforce data warehouse logical design				X								
Construction and testing of P-20 and workforce data warehouse relational layer and ETL processes						X	X	X	X			

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Construction and testing of P-20 and workforce data warehouse multidimensional layer (intertwined with relational layer development)							X	X	X	X		
Development of end user data dictionary and training/help documentation for P-20 and workforce data warehouse									X	X		
Construction of reports (using both relational and multidimensional layers) in P-20 and workforce data warehouse									X	X	X	
Design and implementation of security									X	X	X	
Training and go-live									X	X	X	X

**4. Align the Division of Professional-Technical Education's (PTE) 10 System to align with SDE's application rewrite**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Analyze and define business requirements for PTE			X									
Design system based on requirements and architecture of SDE's current system				X	X							
Build the various system applications and reporting tools					X	X	X					
Define test scripts, perform quality assurance, and testing on applications and reports								X				
Obtain end-user acceptance								X				
Load applications to PTE's servers									X			
Migrate data from existing databases									X			
Write application documentation										X		
Train end-users										X	X	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**5. Deploy web services to facilitate the exchange of data across agencies and states**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Business analysis	X											
Create Business Requirements Documents		X										
Develop architecture models			X	X								
Define use cases and test scenario framework and standards					X							
Purchase server and software applications to support architecture				X								
Define data elements and models					X	X						
Build application and user interfaces standards							X	X				
Create system testing standards									X			
Establish development requirements										X		
Final user acceptance testing standards											X	

**6. Establish a K-12 Learning Management System to support formative assessments and curriculum management**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Requirements gathering and documentation (procurement)	X											
Procurement process (procurement)	X	X										
Determine configuration		X	X									
Define data elements and format		X										
Verify data is normalized			X									
Software installation				X								
Load standards				X								
Curriculum discovery and loading				X								
Configure site preferences and permissions					X							
Load test data					X							
Load students and bell schedules						X						
Perform quality analysis							X					



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Deploy to pilot districts							X	X				
Deploy system statewide									X	X	X	X

**7. Create a statewide K-12 data utilization training program**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Discovery process of other states' best practices	X	X										
Document organizational structure, job descriptions, budgets, policies and processes		X	X									
Preparation and completion of hiring process. i.e. interview guides, selection grids, etc.			X	X								
Create communications and training plan				X								
Develop certification criteria and establish certification program					X							
Develop workshop training materials & online training tools					X	X						
Deploy training workshops and online courses							X	X	X	X	X	X
Survey participants to continuous improvement of courseware							X	X	X	X	X	X

**8. Create web widgets and tools to provide targeted appropriate information to stakeholders**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Procurement process	X											
Conduct stakeholder surveys and focus groups. Identify requirements	X	X										
Identify content providers			X									
Develop methodology for push (widgets, RSS, etc.)				X	X	X	X					

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Build applications					X	X	X	X	X	X		
Security testing						X	X	X	X	X		
Conduct user acceptance testing							X	X	X	X	X	
Train end users								X	X	X	X	X
Deploy/pilot								X	X	X	X	X

**9. Develop pilot multi-state collaboration**

Activity	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Organize and facilitate planning activities (develop memoranda of understanding)	X	X	X	X	X	X	X	X				
Identify and standardize the initial set of core data elements to enable matching of records across sectors and states	X	X	X	X	X	X	X	X				
Select qualified vendor to perform technical aspects or record linking	X	X	X	X	X	X	X	X				
Facilitate regular meetings of the data exchange's governing body	X	X	X	X		X		X		X		X
Design and prepare reports as regular products of the data exchange					X	X	X	X	X	X	X	X
Facilitate meetings to standardize and incorporate additional data elements									X	X	X	X

***D. Project Management and Governance Plan***

**Project Management**

Management for the proposed nine outcomes of this grant will be the responsibility of the SEA. The nine outcomes will be divided into projects. The SBOE Project Manager will work with stakeholders to develop a plan to identify tasks and assign responsibilities. We will use a Project Management Institute (PMI) framework for project management based on the Project Management Body of Knowledge (PMBOK). The standard PMBOK process includes Scope Management, Time Management, Cost Management, Quality Management, and Communication Management. The processes involved in the framework will be audited on a quarterly basis to ensure consistency and adherence to the intended project outcome.

Each project will be managed electronically using an MSProject Server. Projects will be divided into four stages: Initiation, Planning, Execution, and Closing. Baseline variances against task averages will be used to measure task lifecycle durations and compared across the task portfolio to ensure all tasks will be completed on time and within budget.

During the planning phase, several management plans will be instituted to ensure project oversight and compliance. A risk management plan will identify potential risks and mitigation strategies. A communications plan will document what artifacts will be developed and the processes for keeping stakeholders informed of task progress. Additionally, this plan will be used to document input from teachers and other educational stakeholders. A change management plan will document how unforeseen events that affect the task schedules will be handled. Regular status meetings among stakeholders will be scheduled. These meetings will include the appropriate staff from relevant agencies to review task timelines (actual versus planned), task risks, expenditures (time and financial), and open issues needing resolution. Notes from these meetings as well as any other key documents will be posted electronically.

At the completion of the implementation of Idaho–LEADS, a final report will be generated to evaluate lessons learned.

**Governance Structure**

Legal authority for educational rules and policies exists within the SBOE, which will be responsible for drafting Memorandums of Understanding (MOUs) that establish interagency partnerships. MOUs will allow for shared responsibility for the creation and management of Idaho–LEADS. The organizational units with responsibility for Idaho–LEADS creation and implementation include the SBOE, SDE, and Idaho Department of Labor. Implementation activities will be coordinated and funded through this grant as part of Outcome 1. The SBOE will be responsible for the subsequent operation of the statewide data system.

As stated in Outcome 9, Idaho will be participating in a pilot multi-state data exchange. Particular attention will be paid to the governance of the exchange, given the voluntary nature and the potential for built-in challenges to participation. Initially, each state’s governor will appoint members representing each sector (K-12, postsecondary, workforce) to a governance body. The governance structure will rely on an executive committee drawn from each state’s

delegation and a technical advisory committee whose members will be selected among nominations made by the governance body.

***E. Staffing***

Staffing under this grant will be a coordinated team of professionals from multiple agencies utilizing a formal project management process as identified in the Project Management and Governance Plan above. Each functional group will be responsible for staffing projects specific to their group. For example, each postsecondary institution will manage projects and staff the data warehouse and reporting engine for their own institution.

The project team includes SDE's current ISEE deployment team. This will ensure coordination of efforts in the expansion of the planned K-12 SLDS efforts into a seamless P-20 and workforce data system.

**Idaho State Board of Education**

*Project Management*

SBOE Project Director Selena Grace, Director of Research, will be responsible for the oversight of the alignment SBOE initiatives, and her estimated project effort is 15% per year. She has extensive knowledge about Idaho policies, rules and laws pertaining to higher education and has a good understanding of their existing student information systems. She will ensure all activities of this project integrate into statewide efforts. She is working on her Ph.D. in Adult, Organizational Learning & Leadership. She has ten years of higher education experience, with a combined three years of experience in program management.

SBOE Project Manager (One new position) Responsible for day-to-day monitoring of Idaho-LEADS progress. His/her estimated project effort will be 100% per year. This person will manage and coordinate resources to analyze, design, configure, and implement the technical and security requirements for Idaho-LEADS. He/she will oversee technical and administrative services for management and planning of technical production activities to meet the needs of the SBOE for: data systems, network services, and security environments.

*P-20 and workforce data warehouse*

The exact nature of the design and development work that will be needed for this project is likely to depend in part on the experience of the selected vendor and on the architectural components and programmatic approaches that the vendor has already developed and used in prior projects. Some of the contractual work needed to implement the system may be done by employees of the selected vendor, while other work may be done by third party contractors working with both the SBOE and the vendor. The following positions will be needed, whether supplied by the vendor or hired independently by the SBOE. Some positions may require more than one person, and conversely, some personnel may perform the duties of more than one of the listed positions.

Data Warehouse Architect, (Contract position for development of P-20 and workforce data warehouse) This position will be responsible for designing the overall architecture of the warehouse. This will include responsibility for the logical and physical design of the fact and dimension tables, any staging tables needed for importing data from the various source systems,

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

the multidimensional (OLAP) dimensions and cubes, and any metadata tables, views and procedures needed to support ETL logic, relational reporting, and troubleshooting.

Data Warehouse Developer/Analyst, (Contract position for development of P-20 and workforce data warehouse) This position will be responsible for implementing the architectural design of the data warehouse (for example, creating and altering tables, views, dimensions and cubes) and for developing the ETL code needed to populate the data warehouse.

Reporting/Analysis Developer and Trainer, (Contract position for development of P-20 and workforce data warehouse) This position will develop an initial library of “canned” reports using the P-20 AND WORKFORCE data warehouse and reporting/analysis system that will address the most important reporting and analysis needs. They will also train staff from the SBOE, SDE, LEAs, postsecondary institutions and other agencies in the development and use of such reports.

Database Administrator, (Contract position for development of P-20 and workforce data warehouse) This position will be responsible for installing, maintaining, backing up and tuning the relational and OLAP databases that comprise the P-20 AND WORKFORCE warehouse, and for database-level security.

Functional Data Expert and Liaison, (Contract position for development of P-20 and workforce data warehouse) This position will have experience and expertise with the specific types of educational and workforce data to be tracked in the P-20 AND WORKFORCE warehouse, and will work with both the technical positions described above and with data experts SBOE, SDE, postsecondary institutions and Department of Labor to ensure that the data in the warehouse accurately reflects the data definitions adopted by the Idaho-LEADS Advisory Group and the business practices of the various agencies and institutions.

Technical Report Writer, (Contract position for development of P-20 and workforce data warehouse), This position will manage documentation of this project from initial planning through writing and editing, reviewing and revising, and creating graphics through final publication. The writer will have a working knowledge of educational data and federal and state education policy, rules and regulations to ensure document conformity with grant requirements.

**Postsecondary Institutions**

Each postsecondary institution will implement a data warehouse and reporting system that will be used as the source for that institution’s data in the P-20 and workforce data warehouse. The amount and nature of the staffing required at each institution to carry out this implementation will depend on the specific approach the institution chooses for implementation, the type and extent of the resources provided by the vendor (if one is used), and the skills and experience available at the institution.

Postsecondary Project Manager/Data Expert (Eight positions, see attached resumes) This person will work with the vendor and the institution’s technical team to ensure that the data in the data warehouse accurately reflects the institution’s business practices and the structure of its ERP, and identifying and providing specifications for any modifications or enhancements that are needed. It will also include working with the P-20 and workforce data warehouse development team to

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

ensure that the data from the institution's data warehouse are accurately reflected in the P-20 and workforce data warehouse.

Postsecondary Data Warehouse Developer/Analyst (Eight positions, see attached resumes) The exact duties of this position will again depend on the approach taken, vendor resources provided, and skills available at the institutions. This person will learn the technical architecture of the vendor's system and the techniques used to modify and enhance that system; work closely with the data expert to understand and translate into technical language any changes to the system needed to reflect the institution's data accurately; work with the Data Expert and the vendor to ensure that the needed modifications and enhancements to the system are successfully implemented and tested; work with the Data Expert and the P-20 and workforce data warehouse development team to ensure that institution's data warehouse are accurately reflected in the P-20 and workforce data warehouse and that any technical questions are answered.

**Idaho State Department of Education**

Project Director Troy Wheeler, SDE Chief Information Officer, will be the project director and his estimated project effort is 30% per year. Troy will direct the technical aspects of the project including the integration of the systems into the enterprise data architecture. Troy will assure that all activities of this project integrate into statewide efforts. He has more than 20 years of experience in information technology, project management, and business management. His experience includes work with educational systems.

Project Manager Joyce Popp, SDE IT Project Manager and IT Network Manager, will be the project manager responsible for day-to-day monitoring of project progress and her estimated project effort is 40% per year. Joyce will manage and coordinate resources to analyze, design, configure, and implement the data system technical and security requirements for this project. She oversees technical and administrative services for management and planning of technical production activities to meet the needs of the SDE for: data systems, network services, helpdesk, workstations and security environments. Her work experience includes the role of CIO for a large information technology group supporting an international manufacturer of computer systems. She has more than 30 years as an IT professional with extensive technical and project management experience.

Federal Data Manager John Romero, SDE EDFacts Coordinator, will insure alignment with EDFacts/Consolidated State Performance Reporting (CSPR) and Non-Fiscal State Reporting requirements and his estimated project effort is 20% per year. John has a Master's degree in Educational Technology and has worked for the SDE for more than eight years. He is currently working as the Federal EDFacts coordinator and Federal and State non-fiscal reporting data coordinator.

School District Liaison Jimmy Takata, SDE Education Technology Coordinator, will insure school district alignment and coordination for the project, and his estimated project effort is 10% per year. He will help with identifying personnel for the SLDS Advisor Group and be an active member of the group. He has ongoing professional relationships with the technical coordinators and other school district personnel through his work managing Title II-D funds, and assisting

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

districts with integrating technology in the curriculum. He has a Master's degree in Instructional Technology, and he has been working as an educational professional for 10 years.

Assessment Liaison Carissa Miller Ph.D, SDE Deputy Superintendent, Assessment Division, oversees ESEA assessments including National Assessment of Educational Progress (NAEP), Idaho Standards Achievement Test (ISAT) and the Idaho English Language Assessment (IELA) required assessments and the accountability processes for NCLB, and her estimated project effort is 5% per year. She will communicate assessment requirements to the data system team and use the data system to analyze student achievement trends and report those trends to the appropriate groups for continuous improvement efforts. She will assist in the coordination of assessment vendor systems with the Idaho data system to ensure accurate capture of student assessment information. Her previous experience includes the position of Program Manager of Assessment and Accountability with the Idaho Board of Education. Dr. Miller has a Doctorate of Philosophy in Education.

Teacher Certification Liaison Christina Linder, SDE Director of Certification and Professional Standards, will provide leadership in the inclusion of data use in instructional pedagogy for Idaho's teaching professionals, coordinating the modification of pre-service certification requirements to include proficiency in data gathering and its use in instructional planning. She will also communicate teacher certification program requirements to ensure unique identifier tracking for teachers and other instructional staff. Her estimated project effort is 5% per year. Ms. Linder has more than 20 years of experience working in education, including experience in federal program management and as university faculty in a teacher preparation program. She holds a Master's degree in Curriculum and Instruction and is currently completing her doctorate in Adult and Organizational Leadership.

Finance Coordinator Myrna Holgate, SDE Finance Coordinator, will provide input and oversight for the management of all staffing data elements including course code. Her estimated project effort is 5% per year. She maintains the Idaho Basic Education Data System (IBEDS) that contain the demographics on public school staffing. She has extensive knowledge regarding Idaho policies, rules and laws and their implications to data gathering and reporting. For more than 10 years, she has been Idaho's liaison to the National Center of Educational Statistics (NCES) during which she has developed expertise in data element definitions understanding including those reported to the U.S. Department of Education. She has served at the SDE for more than 14 years. Ms. Holgate is a Certified Public Accountant.

Director of Content Areas and Instructional Services Peter Kavouras, SDE Director of Content Areas and Instructional Services, will provide assistance in the coordination of the project with the data analysis needs of each core content area, Mathematics, Science, Reading, English Language Arts, and Social Studies. His estimated project effort is 5% per year. In addition, his team is responsible for managing the data for three statewide assessments: Idaho Reading Indicator, Direct Math Assessment, and Direct Writing Assessment. He and his team will be key contributors to the selection and implementation of the Learning Management System. Peter has 24 years of experience in education working as a classroom teacher and administrator. Peter holds Bachelor of Science, Bachelor of Arts, and Master of Education degrees. He is certified as a K-12 Principal and Curriculum and Instruction Supervisor.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Director of Data-Driven Instruction (One new position) He/she will lead the data utilization efforts for the integration of data into instructional practices and policy making. Estimated project effort is 100%. Delivering training through efforts of the Regional Data Coaches, they will develop workshops and online training materials for teachers, principals and superintendents. He/she will coordinate training with LEA efforts, integrating training materials into in-service days and staff meetings, and introduce support materials for the initiation of school data teams.

Regional Data Coaches (Five new positions) The Regional Data Coaches will train LEA personnel on data utilization to individualize instructional practices, measure and monitor curriculum effectiveness, identify “best of class” instructors for adoption of their instructional practices, and data-driven policy making. Estimated project effort is 100%. The Regional Data Coaches will conduct data use workshops, coordinate the delivery of on-line training materials and monitor data use training attendance versus program goals. They will also train administrators on the benefit of and the management of school data teams. School data teams will meet regularly to review student achievement and evaluate potential benefits from instructional, curricular, and organizational adjustments.

Web Services Specialist, (Contract position for development web services) Define and design the Services Oriented Architecture (SOA). Identify strategies, technologies, vendor, and stakeholder requirements. Recommend instrumentation, coordinate activities with vendors and other service developers. Establish application development and web services standards based on the latest technologies and best practices. Work with developers to ensure that standards are communicated, understood, and implemented. Develop web services as required.

Senior Development Analyst, (Two contract positions for development of web services) Understand and document the business processes and requirements through direct interaction with business teams. Analysts must be able to translate business needs into technical requirements and solutions. Analysts will work closely with the Project Manager and Developers to ensure that the business requirements are communicated and understood and that development efforts are in line with requirements. Use cases and test cases will be derived from requirements documentation.

**Idaho State Department of Labor**

Senior Research Analyst (One contract position) Plan, develop, and implement wage record matches using associated Social Security numbers. This person will communicate with the governance team about pertinent issues necessary to develop the technical protocols and practices for wage record matching while maintaining confidentiality of the records under state and federal requirements. This person will support contractors in the development of protocols and data matching infrastructure to create efficiencies for all subsequent wage record matches. Efforts will be made to determine the efficacy of combining other labor market information data sets to enrich the database. Initially all quarterly wage record matches will be conducted in-house by the Senior Research Analyst. The analyst will analyze initial wage record matches and make summary findings for initial matches during the duration of the grant period or until a fully integrated or automated analytical data system can be developed, whichever comes first.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Budget Narrative (Justification)**

**Outcome 1: Establish policies and governance structure to support P-20 and workforce data system**

Create the Idaho–LEADS Advisory Group which will be responsible for ensuring progress and outcomes of interoperability initiatives, and reporting them to the SBOE. We will examine at least two other state’s interoperability models to evaluate their efficacy and draw from their best practices to develop an effective interoperability model for Idaho.

<b>Outcome 1</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$6,000	\$6,000	\$6,000	\$18,000	The SBOE Project Director, Selena Grace, Director of Research/Grant Developer, will commit 10% of her time to these efforts to coordinating, conducting and disseminating the results of these meetings. She will work closely with the SBOE Project Manager to ensure alignment with the Idaho–LEADS data warehouse system and all proposed outcomes in this grant.
Benefits	\$1,320	\$1,320	\$1,320	\$3,960	
Travel	\$13,872	\$13,872	\$13,872	\$41,616	Travel for nine Idaho-LEADS Advisory Group members to attend six, one day meetings per year, assumes \$80 hotel for one night and 2 days per diem at \$44 plus \$600 mileage or other travel expenses for the group per meeting
Equipment					
Supplies					
Contractual					
Construction					
Other					
Total Direct	\$21,192	\$21,192	\$21,192	\$63,576	
Indirect	\$2,967	\$2,967	\$2,967	\$8,901	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

<b>Outcome 1</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Training Stipends					
Total Costs	\$24,159	\$24,159	\$24,159	\$72,477	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 2: Integrate current statewide Education ID application into the public postsecondary systems**

The eight public postsecondary institutions will modify their current Enterprise Resource Programs (ERP) to incorporate the Education ID (EDUID) into their ERP systems.

<b>Outcome 2</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$5,600	\$5,600		\$11,200	Two SDE staff will facilitate and conduct one all-day training session with the public postsecondary institutions. Representatives from the public postsecondary institutions will then provide training to their respective institution.
Benefits	\$1,232	\$1,232		\$2,464	
Travel	\$11,504	\$11,504		\$23,008	One, all day meeting per year for years 1-2 for two representatives from the eight public postsecondary institutions to attend training on EDUID use. Assumes \$80 hotel for one night and two days per diem at \$44 plus \$600 mileage or other travel expenses for the group per meeting
Equipment					
Supplies					
Contractual	\$605,920			\$605,920	Eight postsecondary institutions will need to work with their ERP vendors to modify their current systems to incorporate the EDUID. This allows for \$75,740 for each institution for consulting services with their ERP vendors.
Construction					
Other					
Total Direct	\$624,256	\$18,336		\$642,592	
Indirect	\$6,067	\$2,567		\$8,634	
Training Stipends					
Total Costs	\$630,323	\$20,903		\$651,226	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 3: Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse and an associated reporting and analysis system based on the P-20 and workforce data warehouse**

The core of this grant proposal is the design, development, and implementation of a P-20 and workforce dimensional data warehouse. It will be a “meta-warehouse,” combining data from the K-12 data warehouse (currently being developed under existing IES grant 84.372A) with data from the proposed data warehouses that will be built at each of the eight state supported postsecondary institutions, along with data from the Idaho Department of Labor. This P-20 and workforce data warehouse will provide the foundation on which a robust reporting and analysis system, using appropriate business intelligence tools, will be based.

<b>Outcome 3</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$287,105	\$288,175	\$288,175	\$863,455	Staff support to contractor designing the P-20 and workforce data warehouse (approximately 1,655 hours), includes time for training for 20 staff members for SLDS and reporting and analysis system. Staff support effort decreases to 1/2 the time years 2-3. Allows for \$154,860 for year one and \$77,430 for years two and three. One Project Manager, 100% of the time at \$78,500 years 1-3. One Database Administrator, 100% of the time at \$78,500 years 2-3. One Research Analyst 100% of the time at \$53,745 years 1-3.
Benefits	\$82,563	\$92,499	\$92,499	\$267,560	
Travel	\$17,086	\$17,086	\$17,086	\$51,258	Meetings to review design of the P-20 and workforce data warehouse and for training on the use of the reporting and analysis system. Three people to attend the NCES SLDS grant recipient meetings in DC. Assumes \$550 airfare, three days hotels at \$190, three days per diem at \$64 and \$50 for taxi/shuttle.
Equipment	\$149,061	\$20,000	\$20,000	\$189,061	Servers for P-20 and workforce data warehouse and for the reporting and analysis system includes software and licenses. Two desktop computers for SBOE Project Manager and Database

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

<b>Outcome 3</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
					Administrator.
Supplies					
Contractual	\$727,601	\$427,601	\$427,601	\$1,582,803	Contractor time for table design and initial load, ETL and cube development, and training for staff for the P-20 and workforce data warehouse. Allows for \$727,601 for the first year and \$427,601 for years 2-3. Contractor time to build reports along with license fees for selected reporting and analysis software. Allows for \$400,000 for the first year and \$200,000 for subsequent years for maintenance fees and report development. Contractual positions will include Data Warehouse Architect, Data Warehouse Developer/Analyst, Reporting/ Analysis Developer and Trainer, Technical Report Writer.
Construction					
Other	\$2,399,904			\$2,399,904	Construction of data warehouses for the eight postsecondary institutions to provide data needed to populate P-20 and workforce data warehouse \$299,988 per institution
Total Direct	\$3,663,320	\$845,361	\$845,361	\$5,354,041	
Indirect	\$57,646	\$59,186	\$59,186	\$176,018	
Training Stipends					
Total Costs	\$3,720,966	\$904,547	\$904,547	\$5,530,059	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 4: Align the Division of Professional-Technical Education’s (PTE) 10 System to align with SDE’s application rewrite**

We will develop a single database (FoxPro and SQL server databases would be merged) that houses the data entered by the program managers and the users accessing from the web. Personal information such as SSN numbers will be stored in an encrypted format with a robust role-based security setup for users accessing the system. Database backup procedures will be automated at scheduled intervals with an automated scheduled process to synchronize district and school data from the ISEE system. With the new robust system, email notification would be reliable, efficient and useful reports will then be generated from a single database system, and historical data would be available.

<b>Outcome 4</b>	Year 1	Year 2	Year 3	Totals	Justification
Personnel					
Benefits					
Travel					
Equipment					
Supplies					
Contractual	\$200,000	\$65,000		\$265,000	Contractor time to design and build a system that aligns with SDE's current application rewrite and incorporates with the P-20 and workforce data warehouse
Construction					
Other					
Total Direct	\$200,000	\$65,000		\$265,000	
Indirect	\$3,500	\$3,500		\$7,000	
Training Stipends					
Total Costs	\$203,500	\$68,500		\$272,000	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 5: Deploy web services to facilitate the exchange of data across agencies and states**

Deploy web services to facilitate the exchange of data across agencies, and states within a services oriented architecture (SOA).

<b>Outcome 5</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment	\$158,000	\$31,600	\$31,600	\$221,200	Install Storage Area Network (SAN) device. Hardware includes: rack, drives (multiple), cache memory, SATA expansion units, base unit, cabling, backup drives, fail-over and load balancing, power supply, and UPS.
Supplies	\$14,000	\$2,800	\$2,800	\$19,600	Software: Resource manager, replication software, link management, data protection suite, backup service manager plus maintenance agreement at 20%.
Contractual	\$351,520	\$174,720	\$174,720	\$700,960	One web services specialist consultant to assist in development of web service requirements at \$85 per hour for one year (2080 hours). One Senior Development Analyst full time (100%), years 1-3 to oversee the development of web services at \$65,000 per year. One Database Administrator full time (100%) at \$65,000 per year, years 1-3 to oversee development and maintenance. Fringe benefits at 33% of salary and 2% COLA.
Construction					
Other	\$5,000	\$5,000	\$5,000	\$15,000	Administrative services at \$2,500 per FTE.
<b>Total Direct</b>	<b>\$528,520</b>	<b>\$214,120</b>	<b>\$214,120</b>	<b>\$956,760</b>	
Indirect	\$5,460	\$3,892	\$3,892	\$13,244	
Training Stipends					
<b>Total Costs</b>	<b>\$533,980</b>	<b>\$218,012</b>	<b>\$218,012</b>	<b>\$970,004</b>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 6: Establish a K-12 Learning Management System to support formative assessments and curriculum management**

Implement a K-12 Learning Management System (LMS) that provides student information to teachers in the classroom to accurately assess student-level strengths and weaknesses to facilitate targeted instruction. The LMS will create, track, and manage curriculum, instructional plans; assessment data (formative, benchmark and high stakes).

<b>Outcome 6</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment	\$125,000	\$25,000	\$25,000	\$175,000	Server to host application and additional SAN drives
Supplies					
Contractual	\$5,900,000	\$1,180,000	\$1,180,000	\$8,260,000	Purchase of Learning Management System, (assessments, curriculum, content, reports, dashboards) plus ongoing licensing fees for application and content. Project Manager to manage requirements and deployment process, 100% of time, years 1-3 at \$95 per hour, 2080 hours per year.
Construction					
Other					
Total Direct	\$6,025,000	\$1,205,000	\$1,205,000	\$8,435,000	
Indirect	\$3,500	\$3,500	\$3,500	\$10,500	
Training Stipends					
Total Costs	\$6,028,500	\$1,208,500	\$1,208,500	\$8,445,500	



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 7: Create a statewide K-12 data utilization training program**

Assist educational stakeholders in adopting data utilization for modification of instructional and organizational practices. Support a network of school data teams who use data to monitor student proficiency and adjust instruction, curriculum, and pacing to maximize results and share best practices. Create demand and use of data by local and state administrative personnel.

<b>Outcome 7</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$460,000	\$469,200	\$478,584	\$1,407,784	Six full time staff, 100% of time. One Director of Data-Driven Instruction (years 1-3), five Regional Data Coaches (years 1-3). The Director of Data-Driven Instruction will lead the data utilization efforts for the integration of data into instructional practices and policy making. Estimated project effort is 100%. Regional Data Coaches will train LEAs on data utilization to measure and monitor instructional practices and policy making. Estimated project effort is 100%. Director salary of \$85,000, Regional Coaches at \$75,000, plus benefits at 33% of salary and 2% COLA.
Benefits	\$151,800	\$154,836	\$157,933	\$464,569	
Travel	\$203,904	\$207,982	\$212,142	\$624,028	Twelve school visits or workshops per month (per staff member) resulting in three overnight stays at \$100 a night plus \$76 a day per diem times six staff. 180 workshops per year (6 trainers times 3 per month) with supplies of \$400 each.
Equipment	\$18,700	\$3,740	\$3,740	\$26,180	Laptops, software, web cameras and video equipment.
Supplies	\$72,000	\$72,000	\$72,000	\$216,000	
Contractual	\$54,900	\$27,450		\$82,350	Contract with Oregon Department of Education. Training Director of Oregon Direct Access To Achievement (DATA) Project to assist Idaho. Incorporation of Oregon DATA Project materials and methodologies into Idaho's data utilization

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

<b>Outcome 7</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
					training program. Oregon Training Director travel at three days per month for eighteen months at \$1,000 per day consulting compensation and \$525 per day for travel and per diem.
Construction					
Other	\$400,000	\$100,000	\$50,000	\$550,000	Video production work for on-line training material development plus printed training materials.
<b>Total Direct</b>	<b>\$1,361,304</b>	<b>\$1,035,208</b>	<b>\$974,398</b>	<b>\$3,370,911</b>	
Indirect	\$127,779	\$130,063	\$128,892	\$386,733	
Training Stipends					
<b>Total Costs</b>	<b>\$1,489,083</b>	<b>\$1,165,271</b>	<b>\$1,103,291</b>	<b>\$3,757,644</b>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 8: Create web widgets and tools to provide targeted appropriate information to stakeholders**

Processes and instruments to deliver targeted, appropriate information to stakeholders by identifying key influencers of the educational process and creating information sets and web gadgets and tools designed for their common web behaviors and actionable information.

<b>Outcome 8</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment					
Supplies					
Contractual	\$149,760	\$299,520	\$50,400	\$499,680	One full time application developer at \$72 per hour for 2,080 hours year one, two full time application developers at \$72 per hour for 5,160 hours year two, one part time application developer at \$72 per hour for 700 hours year three.
Construction					
Other	\$165,000	\$40,000		\$205,000	Market research to identify stakeholder groups, survey their educational interest and web habits. Conduct focus groups for each stakeholder group to gain insight on potential information sets and delivery mechanisms (yr 1). Post deployment research to analysis project effectiveness and adjust to match stakeholder feedback (yr 2).
Total Direct	\$314,760	\$339,520	\$50,400	\$704,680	
Indirect	\$3,500	\$3,500	\$3,500	\$10,500	
Training Stipends					
Total Costs	\$318,260	\$343,020	\$53,900	\$715,180	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 9: Develop pilot multi-state collaboration**

Costs for participating in the multi-state exchange are based on equal sharing for four states of all initial development and maintenance costs over three years. Each state's share will equal \$117,500. That covers matching of all public school students in grades 9-12 and public postsecondary students in all four states. Initial activities to develop this pilot multi-state exchange were funded by a grant from the Bill and Melinda Gates Foundation, but the grant that supported those efforts has since ended. This proposal's budget includes an amount sufficient only for the physical matching of data from multiple states. We anticipate that a grant currently under consideration by the Gates Foundation will support other costs, including that for travel and meeting expenses and WICHE's involvement.

<b>Outcome 9</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment					
Supplies					
Contractual	\$117,500	\$117,500	\$117,500	\$352,500	Covers matching of all public school students in grades 9-12 and public postsecondary students in all four states.
Construction					
Other					
Total Direct	\$117,500	\$117,500	\$117,500	\$352,500	
Indirect	\$3,500	\$3,500	\$3,500	\$10,500	
Training Stipends					
Total Costs	\$121,000	\$121,000	\$121,000	\$363,000	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**



**DECEMBER 10, 2009**  
**U.S. DEPARTMENT OF EDUCATION**  
**BUDGET INFORMATION**  
**NON-CONSTRUCTION PROGRAMS**

OMB Control Number: 1894-0008  
 Expiration Date: 02/28/2011

Name of Institution/Organization  
 Idaho State Board of Education

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

**SECTION A - BUDGET SUMMARY**  
**U.S. DEPARTMENT OF EDUCATION FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel	\$758,705	\$768,976	\$772,759			\$2,300,440
2. Fringe Benefits	\$236,915	\$249,887	\$251,751			\$738,553
3. Travel	\$246,366	\$250,444	\$243,100			\$739,910
4. Equipment	\$450,761	\$80,340	\$80,340			\$611,441
5. Supplies	\$86,000	\$74,800	\$74,800			\$235,600
6. Contractual	\$8,107,201	\$2,291,791	\$1,950,221			\$12,349,213
7. Construction						
8. Other	\$2,969,904	\$145,000	\$55,000			\$3,169,904
9. Total Direct Costs (lines 1-8)	\$12,855,852	\$3,861,238	\$3,427,971			\$20,145,061
10. Indirect Costs*	\$213,918	\$212,675	\$205,437			\$632,030
11. Training Stipends						
12. Total Costs (lines 9-11)	\$13,069,770	\$4,073,913	\$3,633,408			\$20,777,091

**\*Indirect Cost Information (To Be Completed by Your Business Office):**

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

(1) Do you have an Indirect Cost Rate Agreement approved by the Federal government?  Yes  No

(2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: 07/01/2007 To: 06/30/2011 (mm/dd/yyyy)

Approving Federal agency:  ED  Other (please specify): \_\_\_\_\_ The Indirect Cost Rate is \_\_\_\_\_%

(3) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

Is included in your approved Indirect Cost Rate Agreement? or  Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is \_\_\_\_\_%

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Name of Institution/Organization Idaho State Board of Education	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.
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**SECTION B - BUDGET SUMMARY  
NON-FEDERAL FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel	\$811,541	\$821,401	\$822,836			\$2,455,778
2. Fringe Benefits	\$275,879	\$279,996	\$282,297			\$838,172
3. Travel	\$2,500	\$2,500	\$2,500			\$7,500
4. Equipment						
5. Supplies	\$13,000	\$13,000	\$10,000			\$36,000
6. Contractual	\$1,400,000					\$1,400,000
7. Construction						
8. Other	\$65,000	\$200,000	\$200,001			\$465,001
9. Total Direct Costs (Lines 1-8)	\$2,567,920	\$1,316,897	\$1,317,634			\$5,202,451
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (Lines 9-11)	\$2,567,920	\$1,316,897	\$1,317,634			\$5,202,451

**SECTION C – BUDGET NARRATIVE** (see instructions)

ED 524

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009  
SECTION C – BUDGET NARRATIVE**

**Outcome 1: Establish policies and governance structure to support P-20 and workforce data system**

Create the Idaho–LEADS Advisory Group which will be responsible for ensuring progress and outcomes of interoperability initiatives, and reporting them to the SBOE. We will examine at least two other state’s interoperability models to evaluate their efficacy and draw from their best practices to develop an effective interoperability model for Idaho.

<b>Outcome 1</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$6,000	\$6,000	\$6,000	\$18,000	The SBOE Project Director, Selena Grace, Director of Research/Grant Developer, will commit 10% of her time to these efforts to coordinating, conducting and disseminating the results of these meetings. She will work closely with the SBOE Project Manager to ensure alignment with the Idaho–LEADS data warehouse system and all proposed outcomes in this grant.
Benefits	\$1,320	\$1,320	\$1,320	\$3,960	
Travel	\$13,872	\$13,872	\$13,872	\$41,616	Travel for nine Idaho-LEADS Advisory Group members to attend six, one day meetings per year, assumes \$80 hotel for one night and 2 days per diem at \$44 plus \$600 mileage or other travel expenses for the group per meeting
Equipment					
Supplies					
Contractual					
Construction					
Other					
Total Direct	\$21,192	\$21,192	\$21,192	\$63,576	
Indirect	\$2,967	\$2,967	\$2,967	\$8,901	
Training Stipends					
Total Costs	\$24,159	\$24,159	\$24,159	\$72,477	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**DECEMBER 10, 2009**

**Outcome 2: Integrate current statewide Education ID application into the public postsecondary systems**

The eight public postsecondary institutions will modify their current Enterprise Resource Programs (ERP) to incorporate the Education ID (EDUID) into their ERP systems.

<b>Outcome 2</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$5,600	\$5,600		\$11,200	Two SDE staff will facilitate and conduct one all-day training session with the public postsecondary institutions. Representatives from the public postsecondary institutions will then provide training to their respective institution.
Benefits	\$1,232	\$1,232		\$2,464	
Travel	\$11,504	\$11,504		\$23,008	One, all day meeting per year for years 1-2 for two representatives from the eight public postsecondary institutions to attend training on EDUID use. Assumes \$80 hotel for one night and two days per diem at \$44 plus \$600 mileage or other travel expenses for the group per meeting
Equipment					
Supplies					
Contractual	\$605,920			\$605,920	Eight postsecondary institutions will need to work with their ERP vendors to modify their current systems to incorporate the EDUID. This allows for \$75,740 for each institution for consulting services with their ERP vendors.
Construction					
Other					
Total Direct	\$624,256	\$18,336		\$642,592	
Indirect	\$6,067	\$2,567		\$8,634	
Training Stipends					
Total Costs	\$630,323	\$20,903		\$651,226	

**Outcome 3: Develop postsecondary data warehouses, a centralized P-20 and workforce data warehouse and an associated reporting and analysis system based on the P-20 and workforce data warehouse**

The core of this grant proposal is the design, development, and implementation of a P-20 and workforce dimensional data warehouse. It will be a “meta-warehouse,” combining data from the K-12 data warehouse (currently being developed under existing IES grant 84.372A) with data from the



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

proposed data warehouses that will be built at each of the eight state supported postsecondary institutions, along with data from the Idaho Department of Labor. This P-20 and workforce data warehouse will provide the foundation on which a robust reporting and analysis system, using appropriate business intelligence tools, will be based.

<b>Outcome 3</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
					Staff support to contractor designing the P-20 and workforce data warehouse (approximately 1,655 hours), includes time for training for 20 staff members for SLDS and reporting and analysis system. Staff support effort decreases to 1/2 the time years 2-3. Allows for \$154,860 for year one and \$77,430 for years two and three. One Project Manager, 100% of the time at \$78,500 years 1-3. One Database Administrator, 100% of the time at \$78,500 years 2-3. One Research Analyst 100% of the time at \$53,745 years 1-3.
Personnel	\$287,105	\$288,175	\$288,175	\$863,455	
Benefits	\$82,563	\$92,499	\$92,499	\$267,560	
					Meetings to review design of the P-20 and workforce data warehouse and for training on the use of the reporting and analysis system. Three people to attend the NCES SLDS grant recipient meetings in DC. Assumes \$550 airfare, three days hotels at \$190, three days per diem at \$64 and \$50 for taxi/shuttle.
Travel	\$17,086	\$17,086	\$17,086	\$51,258	
					Servers for P-20 and workforce data warehouse and for the reporting and analysis system includes software and licenses. Two desktop computers for SBOE Project Manager and Database Administrator.
Equipment	\$149,061	\$20,000	\$20,000	\$189,061	
Supplies					
					Contractor time for table design and initial load, ETL and cube development, and training for staff for the P-20 and workforce data warehouse. Allows for \$727,601 for the first year and \$427,601 for years 2-3. Contractor time to build reports along with license fees for selected reporting and analysis software. Allows for
Contractual	\$727,601	\$427,601	\$427,601	\$1,582,803	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

<b>Outcome 3</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
					\$400,000 for the first year and \$200,000 for subsequent years for maintenance fees and report development. Contractual positions will include Data Warehouse Architect, Data Warehouse Developer/Analyst, Reporting/ Analysis Developer and Trainer, Technical Report Writer.
Construction					
Other	\$2,399,904			\$2,399,904	Construction of data warehouses for the eight postsecondary institutions to provide data needed to populate P-20 and workforce data warehouse \$299,988 per institution
Total Direct	\$3,663,320	\$845,361	\$845,361	\$5,354,041	
Indirect	\$57,646	\$59,186	\$59,186	\$176,018	
Training Stipends					
Total Costs	\$3,720,966	\$904,547	\$904,547	\$5,530,059	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**DECEMBER 10, 2009**

**Outcome 4: Align the Division of Professional-Technical Education’s (PTE) 10 System to align with SDE’s application rewrite**

We will develop a single database (FoxPro and SQL server databases would be merged) that houses the data entered by the program managers and the users accessing from the web. Personal information such as SSN numbers will be stored in an encrypted format with a robust role-based security setup for users accessing the system. Database backup procedures will be automated at scheduled intervals with an automated scheduled process to synchronize district and school data from the ISEE system. With the new robust system, email notification would be reliable, efficient and useful reports will then be generated from a single database system, and historical data would be available.

<b>Outcome 4</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment					
Supplies					
Contractual	\$200,000	\$65,000		\$265,000	Contractor time to design and build a system that aligns with SDE's current application rewrite and incorporates with the P-20 and workforce data warehouse
Construction					
Other					
<b>Total Direct</b>	<b>\$200,000</b>	<b>\$65,000</b>		<b>\$265,000</b>	
Indirect	\$3,500	\$3,500		\$7,000	
Training Stipends					
<b>Total Costs</b>	<b>\$203,500</b>	<b>\$68,500</b>		<b>\$272,000</b>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**DECEMBER 10, 2009**

**Outcome 5: Deploy web services to facilitate the exchange of data across agencies and states**

Deploy web services to facilitate the exchange of data across agencies, and states within a services oriented architecture (SOA).

<b>Outcome 5</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment	\$158,000	\$31,600	\$31,600	\$221,200	Install Storage Area Network (SAN) device. Hardware includes: rack, drives (multiple), cache memory, SATA expansion units, base unit, cabling, backup drives, fail-over and load balancing, power supply, and UPS.
Supplies	\$14,000	\$2,800	\$2,800	\$19,600	Software: Resource manager, replication software, link management, data protection suite, backup service manager plus maintenance agreement at 20%.
Contractual	\$351,520	\$174,720	\$174,720	\$700,960	One web services specialist consultant to assist in development of web service requirements at \$85 per hour for one year (2080 hours). One Senior Development Analyst full time (100%), years 1-3 to oversee the development of web services at \$65,000 per year. One Database Administrator full time (100%) at \$65,000 per year, years 1-3 to oversee development and maintenance. Fringe benefits at 33% of salary and 2% COLA.
Construction					
Other	\$5,000	\$5,000	\$5,000	\$15,000	Administrative services at \$2,500 per FTE.
<b>Total Direct</b>	<b>\$528,520</b>	<b>\$214,120</b>	<b>\$214,120</b>	<b>\$956,760</b>	
Indirect	\$5,460	\$3,892	\$3,892	\$13,244	
Training Stipends					
<b>Total Costs</b>	<b>\$533,980</b>	<b>\$218,012</b>	<b>\$218,012</b>	<b>\$970,004</b>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**DECEMBER 10, 2009**

**Outcome 6: Establish a K-12 Learning Management System to support formative assessments and curriculum management**

Implement a K-12 Learning Management System (LMS) that provides student information to teachers in the classroom to accurately assess student-level strengths and weaknesses to facilitate targeted instruction. The LMS will create, track, and manage curriculum, instructional plans; assessment data (formative, benchmark and high stakes).

<b>Outcome 6</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment	\$125,000	\$25,000	\$25,000	\$175,000	Server to host application and additional SAN drives
Supplies					
Contractual	\$5,900,000	\$1,180,000	\$1,180,000	\$8,260,000	Purchase of Learning Management System, (assessments, curriculum, content, reports, dashboards) plus ongoing licensing fees for application and content. Project Manager to manage requirements and deployment process, 100% of time, years 1-3 at \$95 per hour, 2080 hours per year.
Construction					
Other					
Total Direct	\$6,025,000	\$1,205,000	\$1,205,000	\$8,435,000	
Indirect	\$3,500	\$3,500	\$3,500	\$10,500	
Training Stipends					
Total Costs	\$6,028,500	\$1,208,500	\$1,208,500	\$8,445,500	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**DECEMBER 10, 2009**

**Outcome 7: Create a statewide K-12 data utilization training program**

Assist educational stakeholders in adopting data utilization for modification of instructional and organizational practices. Support a network of school data teams who use data to monitor student proficiency and adjust instruction, curriculum, and pacing to maximize results and share best practices. Create demand and use of data by local and state administrative personnel.

<b>Outcome 7</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel	\$460,000	\$469,200	\$478,584	\$1,407,784	Six full time staff, 100% of time. One Director of Data-Driven Instruction (years 1-3), five Regional Data Coaches (years 1-3). The Director of Data-Driven Instruction will lead the data utilization efforts for the integration of data into instructional practices and policy making. Estimated project effort is 100%. Regional Data Coaches will train LEAs on data utilization to measure and monitor instructional practices and policy making. Estimated project effort is 100%. Director salary of \$85,000, Regional Coaches at \$75,000, plus benefits at 33% of salary and 2% COLA.
Benefits	\$151,800	\$154,836	\$157,933	\$464,569	
Travel	\$203,904	\$207,982	\$212,142	\$624,028	Twelve school visits or workshops per month (per staff member) resulting in three overnight stays at \$100 a night plus \$76 a day per diem times six staff. 180 workshops per year (6 trainers times 3 per month) with supplies of \$400 each.
Equipment	\$18,700	\$3,740	\$3,740	\$26,180	Laptops, software, web cameras and video equipment.
Supplies	\$72,000	\$72,000	\$72,000	\$216,000	
Contractual	\$54,900	\$27,450		\$82,350	Contract with Oregon Department of Education. Training Director of Oregon Direct Access To Achievement (DATA) Project to assist Idaho. Incorporation of Oregon DATA Project materials and methodologies into Idaho's data utilization training program. Oregon Training Director travel at three days per month for eighteen months at \$1,000 per day consulting compensation and \$525 per day for travel and per diem.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

<b>Outcome 7</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Construction					
Other	\$400,000	\$100,000	\$50,000	\$550,000	Video production work for on-line training material development plus printed training materials.
Total Direct	\$1,361,304	\$1,035,208	\$974,398	\$3,370,911	
Indirect	\$127,779	\$130,063	\$128,892	\$386,733	
Training Stipends					
Total Costs	\$1,489,083	\$1,165,271	\$1,103,291	\$3,757,644	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**DECEMBER 10, 2009**

**Outcome 8: Create web widgets and tools to provide targeted appropriate information to stakeholders**

Processes and instruments to deliver targeted, appropriate information to stakeholders by identifying key influencers of the educational process and creating information sets and web gadgets and tools designed for their common web behaviors and actionable information.

<b>Outcome 8</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment					
Supplies					
Contractual	\$149,760	\$299,520	\$50,400	\$499,680	One full time application developer at \$72 per hour for 2,080 hours year one, two full time application developers at \$72 per hour for 5,160 hours year two, one part time application developer at \$72 per hour for 700 hours year three.
Construction					
Other	\$165,000	\$40,000		\$205,000	Market research to identify stakeholder groups, survey their educational interest and web habits. Conduct focus groups for each stakeholder group to gain insight on potential information sets and delivery mechanisms (yr 1). Post deployment research to analysis project effectiveness and adjust to match stakeholder feedback (yr 2).
<b>Total Direct</b>	<b>\$314,760</b>	<b>\$339,520</b>	<b>\$50,400</b>	<b>\$704,680</b>	
Indirect	\$3,500	\$3,500	\$3,500	\$10,500	
Training Stipends					
<b>Total Costs</b>	<b>\$318,260</b>	<b>\$343,020</b>	<b>\$53,900</b>	<b>\$715,180</b>	



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Outcome 9: Develop pilot multi-state collaboration**

Costs for participating in the multi-state exchange are based on equal sharing for four states of all initial development and maintenance costs over three years. Each state's share will equal \$117,500. That covers matching of all public school students in grades 9-12 and public postsecondary students in all four states. Initial activities to develop this pilot multi-state exchange were funded by a grant from the Bill and Melinda Gates Foundation, but the grant that supported those efforts has since ended. This proposal's budget includes an amount sufficient only for the physical matching of data from multiple states. We anticipate that a grant currently under consideration by the Gates Foundation will support other costs, including that for travel and meeting expenses and WICHE's involvement.

<b>Outcome 9</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Totals</b>	<b>Justification</b>
Personnel					
Benefits					
Travel					
Equipment					
Supplies					
Contractual	\$117,500	\$117,500	\$117,500	\$352,500	Covers matching of all public school students in grades 9-12 and public postsecondary students in all four states.
Construction					
Other					
Total Direct	\$117,500	\$117,500	\$117,500	\$352,500	
Indirect	\$3,500	\$3,500	\$3,500	\$10,500	
Training Stipends					
Total Costs	\$121,000	\$121,000	\$121,000	\$363,000	

# Figure 1 - Idaho SLDS Efforts - By Funding Type

2009

2010

2011

2012

2013

## State Funded Efforts

- Authentication & Authorization
- Enrollment & Attendance Application
- Teacher Certification Application

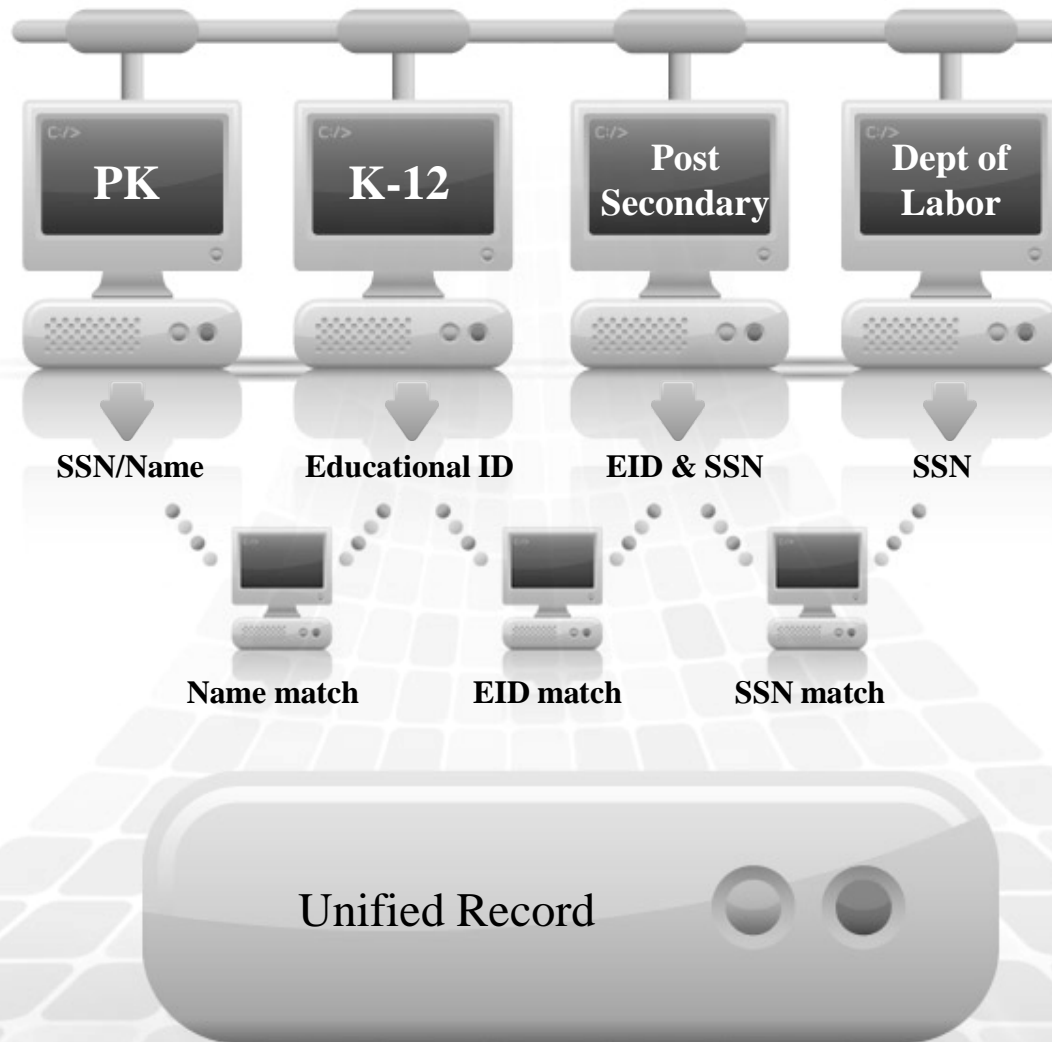
## Current SLDS Grant Efforts (K-12 focus)

- Unique ID – Student / Staff
- Data Warehouse K-12
- Data Reporting K-12
- Data Collection K-12
- District Support
- Transcripts

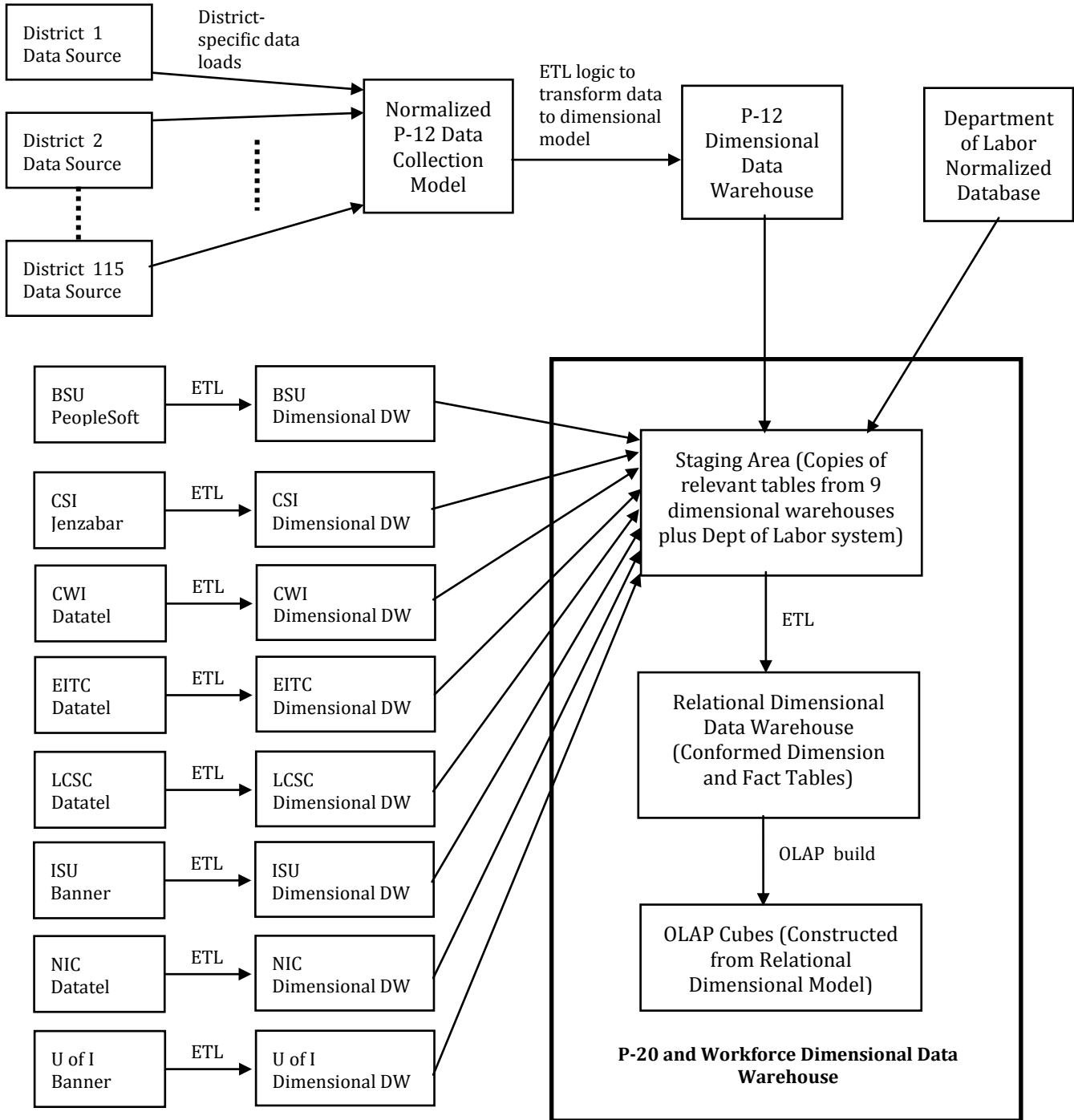
## Proposed SLD Grant Efforts (P20 and workforce)

- Governance
- EDUID to IHE
- Data Warehouse & Reporting
- Professional & Technical Inclusion
- Web Services
- Learning Mgmt System (K-12)
- Data Utilization Training
- Widget & Tool for Stakeholders

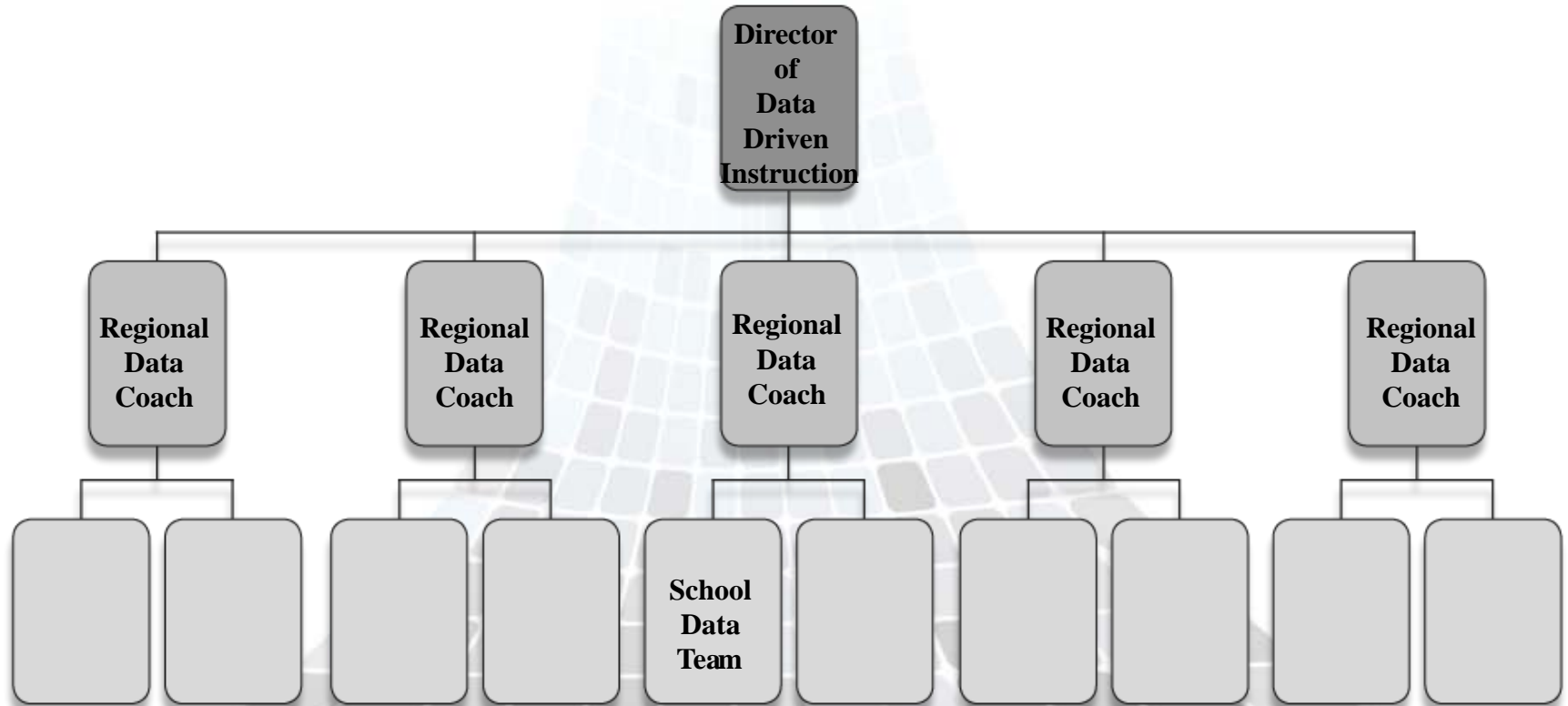
## Figure 2 - Linking Records Across Data Systems



### Figure 3 – P20 and Workforce Data Warehouse



# Figure 4 - K-12 Training Organizational Chart



## Figure 5 - Delivering Stakeholder Information



**Troy M. Wheeler**

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650 West State Street

Boise, Idaho

**Career Profile:**

- Extensive experience in all aspects of Information Technology.
- A proven track record of results, using project management methodologies and systems.
- Versed in enterprise technologies including data warehousing, storage networks and virtualization.
- Expertise in technical staff development, recruitment and retention
- Experienced with contract requirements gathering, development and oversight including service level agreements, RFP's and out-sourcing agreements.
- Self-motivated, efficient, resourceful and reliable under pressure.
- Excellent communication, presentation and facilitation skills.
- Confident and poised in interactions with individuals at all levels.
- Strong problem resolution skills.
- Proven track record in successful business startups.

**Work Experience:**

**CHIEF INFORMATION OFFICER(CIO) (2008-Present)  
Idaho State Department of Education - Boise, Idaho**

- Responsible for management and budgetary decisions for IT operations
- Direct the design, development, implementation, and operation of information systems and data processing applications in support of SDE mission, goals, policies, procedures, and programs
- Establish and implement IT goals, policies, procedures, and performance indicators
- Provide input to and assist the Superintendent of Public Instruction in the areas of statewide IT efforts and projects, liaison with the legislature and other agencies, and long-term departmental IT strategic planning; including resolution of constituent concerns
- Work closely with Program Directors to understand overall process-related and governance-related needs and ensure successful processes are implemented
- Advise management and staff on current industry trends and information processing concepts, strategies, and products
- Ability to analyze data systems functionality and implement data systems rewrites to meet changes in technological advancement and language modernization
- Analyze fiscal requirements and recommend department budgets for personnel, operations, hardware, and training in support of IS functions and administer funds
- Recommend and hire staff, assign projects, and evaluate performance

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Provide for technical training and educational needs in information processing for department staff
- Represent department on various task forces, committees, and study groups

**MANAGING PARTNER & VP OF TECHNOLOGY (2004-2008)**

**EPM<sup>2E</sup> INC. - Boise, Idaho**

- Develop, prioritize and manage both internal and external IT projects
- Responsible for business operations including financial, tax and legal issues
- Manage service delivery for clients across the US
- Negotiate contracts and Service Level Agreements with contractors and vendors
- Develop business cases to justify IT expenditures
- Built relationships with clients senior business management and IT personnel to understand their business strategies

**SENIOR ENGINEER/ACCOUNT MANAGER (1994-2004)**

**Random Access/ Empire Technologies, Inc. Denver Co, - Boise, Idaho**

- Managed large multiyear IT projects for clients including St Luke's Regional Medical and Morrison Knudsen
- Recruit, manage and lead a team of technical and administrative personnel
- Delegated ownership of projects, review work, and track progress

**K-12 EDUCATION/SENIOR PROJECT ENGINEER**

**MARKETING SUPPORT ANALYST**

**(1988-1994)**

**International Business Machines (IBM) – Boise, Idaho**

- Manage IBM business partner relations and projects in the K-12 Education market
- Assist sales team with solution development
- Prepare and present demos and presentations to clients and partners.
- Managed IT construction projects including the network rollout for Micron – Lehi, UT

**EDUCATION**

**BOISE STATE UNIVERSITY**

**1988-1992**

- Management Information Systems and Business Administration

**CIVIC/PERSONAL:**

- Leadership Committee - Information Management Systems Society Project Management Interest Group
- Vice President Junior Membership – Arid Club
- Past Advisory Council Member – Caring Foundation for Children
- Founding member and past President - Idaho Toastmasters
- Founding member and past President – Networking Professionals Association
- Assistant Coach – Parents and Youth Soccer League



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## EDUCATION

**George Mason University** – December 2008  
*Fairfax, Virginia*  
MFA, Creative Writing – Nonfiction emphasis  
Thesis Title: *Keeper of the Gate*

**Boise State University** – December 2002  
*Boise, Idaho*  
Bachelor of Arts – English writing emphasis  
Minor - Native American Studies

## AWARDS/SCHOLARSHIPS

**George Mason University**  
2006-2007 George Mason University Non-fiction Writing Fellowship  
2004 & 2005 George Mason University, English Department Graduate Teaching Assistantship

**Boise State University**  
2002 Jim Poore Writing Scholarship  
2002 Nonfiction Essay selected for presentation at Sigma Tau Delta National Convention

**University of Idaho**  
2001 Grace V. Nixon Undergraduate English Teaching Scholarship  
2001 Outstanding Student in Student Support Services  
2000 Nominated for Student Employee of the Year  
1999, 2000 & 2001 Student Support Services Scholarship  
1999 & 2001 Shirley Grossman Caldwell Scholarship

**Pocatello, Idaho**  
1993 Governor's Job Training Partnership Act (JTPA) award - Distinguished Participant

## PROFESSIONAL EXPERIENCE

**Office of the State Board of Education** – 2007 – present  
*Boise, Idaho*  
Director of Research

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

- Monitor educational trends and determine how these trends impact the Board's research agenda and vision, mission, and goals.
- Plan and manage ad hoc research reports; including data collection methods for specific projects, and determination of the types and sizes of sample groups to be used.
- Plan, develop and support a system for standardization of research reports, including the annual fact book; design research projects that apply valid scientific techniques and utilize information obtained from baselines or historical data in order to structure uncompromised and efficient analyses.
- Analyze and interpret statistical data in order to identify significant trends and differences in relationships among sources of information
- Evaluate sources of information in order to determine any limitations in terms of reliability or usability; evaluate the statistical methods and procedures used to obtain data in order to ensure validity, applicability, efficiency, and accuracy.
- Identify relationships and trends in data, as well as any factors that could affect the results of research
  - Provide oversight for the Board's Native American Higher Education Committee, which includes analyzing policy and educational trends to determine how to ensure access and increase retention for Native American students. Work with the State Department Indian Education Coordinator, postsecondary multicultural leadership contacts, and tribal liaisons.
  - Coordinator for the Board office on Dual Credit, which includes meeting with statewide postsecondary dual credit coordinators, analyzing Board policy and current procedures at the secondary and postsecondary level, and representing the Board on the Dual Credit Task Force.

**RGI, Inc. (NASA Training Support Contract) – 2003-2004**

*Falls Church, Virginia*

Project Administration Specialist

- Generated content for various NASA web-sites, tracked NASA training participation data, participant demographic data, and other criteria required for management and analysis activities. Input registration into NASA database, prepared and processed final course reports and evaluations using MS Access. Managed more than 20 on-going training programs held at the 12 different NASA centers with 20-50 participants per program. This included all communications with participants and speakers; coordinating logistics, lodging and presenters for NASA training support programs. Edited and formatted the office Standard Operating Procedures (SOP) manual.

**University of Idaho - Boise, College of Education**

**Center on Disabilities and Human Development – 2001-2003**

*Boise, Idaho*

Administrative Assistant

- Created and managed database to track financial donors to the University of Idaho, College of Education. Assisted Director of Development with file organization, preparing letters, and mass-mailings. Prepared purchase orders, claim vouchers, billed conference attendees, contacted and provided follow-up services for vendors. Also designed and edited two 10-chapter training manuals to be used by State Department of Health & Welfare for intensive behavioral intervention.

**University of Idaho, College of Law, Legal Aid Clinic – 1999-2001**

*Moscow, Idaho*

Legal/Office Assistant

- Assisted office manager with organization and preparation for all four student clinics, upcoming classes, Northwest Institute for Dispute Resolution, and Trial Advocacy course. Drafted court pleadings, designed procedural rules manual for the Tribal Clinic, prepared correspondence, and handled new client intake. Assisted in training students in the proper procedures for court filings and other standard clinic procedures.

**TEACHING EXPERIENCE**

**The Cabin – Summer 2007**

*Boise, Idaho*

Writing Instructor

- Taught a one-week session of summer writing camp, worked with 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> grade students in self-exploration and discovering new ways to see and investigate the world around them.

**George Mason University – 2004-2006**

*Fairfax, Virginia*

Graduate Teaching Assistant

- Taught two courses of English 101 Composition each semester for Fall 2005 and Spring 2006, selected my own text, designed lesson plans and assignment requirements for each semester
- Tutored undergraduate students in the Writing Center Fall 2004 and Spring 2004, worked with a large number of English as a Second Language (ESL) students

**Boise State University – 2001**

*Boise, Idaho*

Teaching Assistant

- Assisted English 90 instructor with class lessons and grading written assignments

**ORGANIZATIONS/MEMBERSHIPS**

Sigma Tau Delta, English Honors Society

The Cabin Literary Center

American Business Woman's Association (1995-2000)

**JOYCE M. POPP**  
650 West State Street  
Suite 343  
Boise, ID 83720  
208-332-6970

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More than thirty years of information technology system experience including senior & executive level responsibilities with management oversight of \$35M+ dollars and team of seventy IT professionals. Highly motivated, career-oriented professional who possesses excellent leadership, organizational, strategic planning, and problem-solving skills. Proven ability to plan, develop, and implement client -centric and market positioning strategies; build a positive team and strong strategic partner relations.

- **Strategic Business Planning**
  - **Executive Leadership**
  - **Customer Relations**
  - **Business Analyst**
  - **Budget planning & management**
  - **Project & Program management**
- 

### PROFESSIONAL EXPERIENCE

#### **State Of Idaho-Department of Education**

*7/2009 to Present IT- Sr. Project Manager*

- Project manager for design and implementation of the SLDS
- Work with various contracted entities on application updates
- Track programs and projects from contracts to deliverables implementation
- Work with teams on strategic direction – both internal and external
- Communicate with vendors on necessary changes
- Track budget to actual expenditures

#### **MPC Computers (Formerly Micron Electronics, Inc.)**

*4/2005 to 7/2009 Vice President – IT & Service Operations*

- Managed information technology budget that exceeded \$35,000,000 annually
- Managed team of seventy information technology professionals
- Executive staff responsibilities, including monthly updates to the Corporate Board of Directors
- Sarbanes Oxley Act steering committee membership
- Strategic designer of technical support and customer service programs and partners relationships
- Responsible for IT strategy documentation and communication.
- Implemented projects and programs in coordination with organizational strategic initiatives
- Lead large scale data system and business process integration efforts as part of Gateway acquisition
- Developed and utilized Key Performance Indicator dashboards to define departmental metrics for measurement and monitoring of team efforts

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Mentor team towards a “customer first” focus
- Work directly with customers to better understand needs and requirements
- Promote proactive implementation of programs and processes
- Decreased employee turnover by 96%
- Recruit and hire talent for IT, Web, Customer Service, Reverse Logistics & Technical Support
- Implement cross-functional teams and training programs
- **2/1998 – 3/2005    *Director - Web Operations & Marketing***
- Directed the strategy, programs, and development of corporate Web sites
- Designed customer specific secure site program with complete account information
- Lead technical and marketing team to promote corporate objectives
- Created programs that track and analyze usability of customer experience on Web site
- Designed comprehensive CRM system linking to all corporate applications
- Developed and controlled budget for the Web and marketing teams (both front-end and back-end resources)
- Tracked projects from conception through production within budget and on schedule
- Negotiated contracts with both vendors and customers
- Gathered, researched, designed, and implemented functional requirements for internal and external customer solutions
- Lead the creative direction in design, communication and layout of consumer, business, government, and e-commerce Web site
- Focused strategic direction to ensure support of business objectives
- Set up Web-based channel partners and programs
- **1997 - 1998    *Market Development Manager***
- Managed the Market Development team for the commercial and medium business segment
- Controlled budget for all segment marketing programs and projects
- Managed market analysis/assessment
- Provided strategic planning, scheduling and training on marketing programs for cost effectiveness
- Tracked marketing ROI analysis for each program implemented by the team
- Communicated marketing programs to both internal and external customers

**Micron Technology, Inc.**

**1983 - 1996    *Marketing & Program Manager***

- Planned, developed and implemented marketing programs
- Designed sales collateral
- Delivered programs on time and within budget
- Wrote technical specifications for marketing and sales use
- Communicated with sales for execution of programs

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***EDUCATION***

- University of Washington - Business Administration (accounting/finance)
  - Green River Community College
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*PROFESSIONAL ASSOCIATIONS*

- Former Board of Directors member - Idaho Total Quality Institute
- American Marketing Association
- Former Board of Director member for non-profit association
- Current Advisory Board Member for Salvation Army
- Treasurer for non-profit organization
- Team host for Humanitarian Bowl (four years)

**Stephen B. Grantham**

Coordinator, Data Quality and Reporting  
Associate Professor, Department of Mathematics  
sgrantha@boisestate.edu  
Boise State University

(208) 426-2357

**EDUCATION**

PhD Mathematics University of Colorado, August 1982  
MA Mathematics University of Colorado, December 1978  
BS Mathematics Harvey Mudd College, June 1977

**PROFESSIONAL EXPERIENCE**

**March 2006—Present**

**Coordinator, Data Quality and Reporting, Boise State University**

Responsible for ensuring the quality of the data in the University's administrative information systems, and for making that data accessible to stakeholders. Duties include investigating and resolving data quality problems, writing ad hoc queries to fulfill requests from academic and administrative users, and, since October 2007, leading the implementation of the iStrategy data warehouse and reporting system. That implementation involves reviewing and modifying the delivered software to reflect Boise State needs and business practices, developing reports for end users, and miscellaneous other duties.

**July 2000—March 2006**

**Manager, Enrollment Information Systems, Boise State University**

Served as overall functional coordinator and "internal consultant" for the PeopleSoft Student Administration system, and in particular as functional lead for:

- The Campus Community module.
- BroncoWeb (web-based self-service functionality)
- Cross-modular functionality and interfaces with external systems
- Upgrade of PeopleSoft HRSA from version 7.6 to version 8
- Security conversion and setup for version 8.

Duties include performing troubleshooting and analysis, developing specifications for customizations, conducting training, working with other functional module leads, and serving as the primary liaison between functional SA team and technical staff. I also have done a significant amount of technical development work (primarily SQR programming) in this position.

**July 1999—July 2000**

**Student Records Team Lead, Project ACCESS, Boise State University.**

Responsibilities included managing and coordinating all prototyping, development, data conversion, training and other aspects of the Student Records implementation while also carrying out a large number of specific, detailed functional and technical tasks.

**May 1996—July 2000**

**Member of Project ACCESS process innovation and implementation teams for Student Records and Registration, Boise State University.** I originally joined this team in a primarily advisory role, by virtue of my experience as department chair, at the invitation of the Registrar. As the project progressed I assumed a more and more active role in both functional and technical areas. In particular, I wrote a number of substantial custom SQR programs to address gaps in the delivered PeopleSoft functionality.

**August 1990—August 1998**

**Department Chair, Department of Mathematics and Computer Science, Boise State University.** Responsible for all aspects of administration of a department with approximately 30 full-time and 25 part-time faculty, including evaluation, class scheduling, academic and administrative policy, budget oversight, report writing, etc.

**1988—present**

**Associate Professor, Department of Mathematics, Boise State University.** Promoted from Assistant Professor in 1988.

**1982—1988**

**Assistant Professor, Department of Mathematics, Boise State University.**

**January—August 1983**

**Postdoctoral Fellow, University of Calgary** (on leave from Boise State University)

**1977—1982**

**Teaching Assistant/Fellowship Recipient, University of Colorado.**

**COURSES TAUGHT**

Algebra Review, Intermediate Algebra, Mathematics for Liberal Arts Students, Introduction to Mathematical Thought, Finite Mathematics, Survey of Calculus, Discrete and Foundational Mathematics, Discrete Mathematical Structures, Calculus I, II and III, Vector Calculus, Linear Algebra, Foundations of Geometry, Foundations of Analysis, Differential Equations, Fundamentals of Statistics, Abstract Algebra, Database Theory

**PUBLICATIONS**

**Galvin's "Pawns up the Trees" Game,**

University of Calgary Department of Mathematics and Statistics Research Report No. 478, March 1981

**An Analysis of Galvin's Tree Game,**

Ph.D. Thesis, University of Colorado, 1982.

**Galvin's "Racing Pawns" Game and a Well-Ordering of Trees,**



*Memoirs of the American Mathematical Society*, Volume 53, Number 316, January 1985.

**Semiformal proof in predicate logic, Greek Knuckleballs, and Lucky Charms: some metaphors and notation for dealing with quantifiers** DIMACS Workshop on Teaching Logic and Reasoning in an Illogical World, Rutgers University, July 1996. Published in the on-line proceedings at <http://dimacs.rutgers.edu/Workshops/Logic/program.html>

### **SELECTED PEOPLESOFT/ORACLE RELATED PROFESSIONAL ACTIVITIES**

**Completed PeopleSoft Training Courses in** Student Records I and II, Query Tool, Academic Advisement, PeopleTools 8 Delta, 3C's

**Active in HEUG (Higher Education User Group) since 1998.** This organization is a 401(c3) non-profit corporation that represents all institutions of higher education worldwide who run application software from Oracle Corporation. My major activities with this organization include the following:

- Served on HEUG Student Records Product Advisory Group [PAG] June 2002—March 2006. Served as Track Chair for 2004 HEUG Conference and as PAG chair 2004—2005
- Elected to HEUG Board of Directors March 2006.
  - Served as liaison to several different PAGs (Student Records, Campus Community and Reporting) and on several other committees and working groups.
  - Served as Vice President for Communications, March 2008—March 2009
  - Re-elected to Board March 2009
- Attended and gave presentations and/or workshops at every HEUG/Alliance conference 2000—2009. Topics have included Student Records conversion, enrollment processing enhancements, BroncoWeb, Security, automation of various processes, Query Techniques, Data Warehousing, and several others.
- Participated in Oracle's Hosted Beta program for CS 9.0 release, October—December 2006
- Wrote article for Campus Technology on Boise State's experiences with PeopleSoft/Oracle, and in particular the Hosted Beta program for CS 9.0:  
<http://www.campustechnology.com/articles/46669>

**Attended Higher Education Data Warehouse Forum conferences** in Austin, TX, May 2007 and Blacksburg, VA, March 2008. Gave presentation on "The Virtues of Cross-Training" at latter.

#### **PeopleSoft Consulting:**

- Carried out an analysis of Academic Program setup options for the North Dakota University System's PeopleSoft Implementation, April 2003
- Examined Enrollment, Grade and Academic Statistics issues at Lee College, Baytown, Texas, June 2006.
- Consulted on a variety of Campus Solutions issues (mainly Academic Structure, Campus Community, and Student Records) for Lahore University of Management Sciences, Lahore, Pakistan August 2007—December 2008

S . ROSS STIVISON

1735 S. Eagleson, Boise, ID 83705  
(208) 484-0739  
[srs@cableone.net](mailto:srs@cableone.net)

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**Skills Summary**

Over five years of experience in system and process analysis using PeopleSoft versions 8.0, 8.8, 8.9 and 9.0 in both a University and private sector environment. Strong background in security maintenance, user training, report writing, system troubleshooting, testing, enhancements & customizations, project management and support documentation. Extensive experience and success at coordinating system changes with many parties often with competing interests for system usage.

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**Experience**

**Boise State University** 4/08-present

**Senior Management Systems Coordinator, Registrar's Office**

- Systems project identification, analysis, specifications, timeline, testing and implementation.
- Responsible for security, access, roles and changes to the Noli imaging system.
- Assist with the Student Records module in many ways; production support, evaluations of current functionality with recommendations for setup changes, process changes, or customizations.
- PeopleSoft Student Records table and setup changes.
- Responsible for all student data reporting from the PeopleSoft system for current students for both internal and external needs.
- Responsible for creating the annual and semester enrollment and University reporting figures.
- Assist in supporting the Registrar's Office web site, making changes as needed using Dream Weaver.

4/05-4/08

**Senior Management Systems Coordinator, Human Resource Services**

- Implemented PeopleSoft 8.0 Position Management and Time & Labor 8.9 Modules, with customizations; creating a total of 8 PeopleSoft modules directly supported.
- Responsible for PeopleSoft Security to HR data, as the Data Steward for Human Resources. Created, modified and removed roles, permissions and other security as needed.
- Served as the functional/technical liaison for all HRS projects requiring IT involvement.
- Identified, created and maintained HRIS PeopleSoft system defensive queries.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Report writing in PS Query, SQL, and Crystal Reports. Assisted users with PS Query.
- Formed HRIS as a unit within HRS and consolidated all reporting into the HRIS team.
- Created HRIS online report request form for campus wide report requests from HRS.

5/02-4/05

**Albertsons**

*Business Analyst*

- Promoted within Albertsons from store level management upon completion of my BBA.
- Company wide reporting from the HR/Payroll system (Vista/PDS) for all data needs.
- Wrote, maintained and ran defensive queries from the database and coordinated fixes with users.
- Identified customizations, assisted functional users with requirements and fix migrations.
- HR Generalist on both PeopleSoft 8.8 implementation project and Documentum (Imaging System).

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**Systems Proficiency**

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**Reporting Languages / Tools**

SQL, SQR, PS Query, Crystal Reports VII & XI

**Database Systems & Software**

PeopleSoft 8.0, PeopleSoft 8.8, PeopleSoft 8.9, PeopleSoft 9.0, Microsoft Office Suite, Microsoft Visio, Microsoft Project, Macro Scheduler, STAT (Systems Migration & Management Tool) , Novell Applications (GroupWise), Bugzilla (Bug reporting software), Dream Weaver, Noli & Documentum (Imaging Software).

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**Education**

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**MBA, Business Administration**

Boise State University, Boise, Idaho

In  
Progress

**BBA, Business Administration / Emphasis on Human Resources**

Boise State University, Boise, Idaho

2002

**Vincent Miller**

1270 Swisher Rd  
Pocatello, ID  
83204-1929  
Mobile: (316) 680-9159  
Email: vptmiller@gmail.com

**Abilities**

I have over 10 years of experience in Institutional Research. I have advanced skills in data analysis, SQL (Structured Query Language), Microsoft SQL Server, and the SunGard Banner ERP system. In 2006, I was recognized by SQL Server magazine as a SQL expert.

**Key Skills**

**Basic Programs:** Windows XP, Vista, and 7 OS , Microsoft Office, (Word, Excel, etc),

**Specific Software:** SunGard Banner ERP, Microsoft SQL Server 2008, Visual Studio 2008, SAS

**Languages:** SQL, .NET

**Education**

**1996** MPA, Public Administration Wichita State University, Wichita, Kansas

**1989** BA, English Bethel College, North Newton, Kansas

**Prior Employment**

**2009-Present** Director of Institutional Research, Idaho State University

**1999-2009** Associate Director of Institutional Research, Wichita State University

**1997-1998** City Administrator, City of Lancaster, Wisconsin

**Publications – Book Chapters**

1. Wong, J.D., Ekstrom, C.D., Coberley, S.A., **Miller, V.** “Proprietary Funds,” Chapter 8 in Handbook for Governmental Accounting, F.B.Bogui (Ed), New York, CRC Press, p. 249-315, 2009

2. **Miller, V.** “Grant Writing for Small Cities,” Private/Public Management, Wong, J.D., W.B. Hildreth (Eds.), Austin, TX, Sheshunoff Publishing, p. 171-209, 2003

**Institutional Research Projects (unfunded)**

**2009:** “Program Review.” Conducted an extensive academic program review of all programs for Wichita State University

**2008:** “Teaching Load Project.” Developed the SQL scripts, plus designed the report for faculty workload for Wichita State University

**2007:** “Student Profile.” Created an in-depth analysis of students who returned and did not return to the university for Wichita State University.

**2006:** “Banner Implementation Project.” Mapped legacy data elements to the new Banner ERP system. Wrote SQL scripts to capture the data in the new ERP system. Wichita State University.

**Community Service**

**2006-2009** Ronald McDonald House Charities Board of Directors

**2002-2009** Campus advisor for the Kappa Sigma fraternity

**2001-2002** President of the Sedgwick County Community Health Clinic Network Board of Directors

**2000-2001** City of Wichita Kansas District 5 Advisory Board

**Grants**

**2000** Successfully wrote a federal grant application for \$1.2 million for Sedgwick County Kansas' "Northeast Healthy Start Program"

**1997** Successfully wrote a federal grant application for \$225,000 for the City of Lancaster Wisconsin for historic restoration of the city hall building.

**BARBARA A. ADAMCIK, Ph.D.**

***PERSONAL INFORMATION***

Business Address Office of Academic Affairs, Idaho State University, Pocatello, ID 83209  
Phone & e-mail: 208/282-5011; FAX: 208/282-4447; adambarb@isu.edu

***EDUCATION***

College: • Pasadena City College, Pasadena, CA 1970-72 (pre-medicine); A.A. 6/72.  
• University of California (UCLA), Los Angeles, CA (pre-medicine/psychology major);  
A.B., 6/74.  
Graduate School: • California State University, Los Angeles, CA 1974-75 (Clinical Psychology)  
• University of Southern California, Los Angeles CA. 1975-84 (Sociology, with major emphases in: medical sociology, gerontology, family therapy); M.A. /81; Ph.D. 5/84.

***PROFESSIONAL EXPERIENCE***

**Idaho State University, Pocatello, ID:**

5/08 – 4/09 • Acting Provost/Vice President for Academic Affairs  
2006-present • Associate Vice President for Academic Affairs, and Director of Institutional Research.  
12/04 - 9/06 • Assistant Academic Vice President, and Director of Institutional Research  
7/03 - 12/04 • Assistant Vice President, Office of Academic Affairs (Faculty development position)  
2003- • Accreditation Coordinator (for ISU's NWCCU institutional accreditation activities).  
2002 - 2003 • Administrative Fellow, Office of the President  
7/97 - • Professor, Social and Administrative Sciences in Pharmacy, Department of Pharmacy Practice and Administrative Sciences.  
1993-1994 • Interim Chair, Department of Pharmacy Practice and Administrative Sciences.  
1/93-5/93 • Sabbatical Leave.  
1989-1997 • Associate Professor (with tenure), Pharmacy Administration, Department of Pharmacy Practice and Administrative Sciences.  
1988-1996 • Coordinator of Graduate Studies in Pharmacy Administration, Department of Pharmacy Practice and Administrative Sciences.  
1985-1989 • Assistant Professor, Pharmacy Administration, Department of Pharmacy Practice and Administrative Sciences, College of Pharmacy, Idaho State University, Pocatello, ID.

**University of Southern California, Los Angeles, CA:**

1981-1984 • Research Associate and Program Evaluator, USC Schools of Pharmacy and Medicine; Kellogg Foundation Project: *Community Pharmacy Enhancement*

*Program, Development and Demonstration Center in Continuing Education for Health Professionals.*

- 1977-1980 • Clinical Intern, Family Therapy Program, USC Human Relations Center.  
1976-1980: • Teaching Assistant, Department of Sociology.  
1975-1976 • Trainee in Gerontology, Department of Sociology, USC Andrus Gerontology Center.  
1963-1981 • Clinical clerkship coordinator (medicine), USC School of Medicine, Department of Medicine; and Research Assistant, Diabetes Research Group, Los Angeles County/USC Medical Center.

### **HONORS & AWARDS**

- 1995-1996 Idaho State University Master Teacher Award  
1995 American Association of Colleges of Pharmacy Innovation in Teaching Award  
1993-1994 Idaho State University Master Teacher Award  
1988 Teacher of the Year, College of Pharmacy, Idaho State University

### **THESIS & DISSERTATION**

- Ph.D. Dissertation: "*Differential acceptance of a new role for pharmacists.*" Department of May, 1984 Sociology, University of Southern California; Dr. T. Lasswell, Chair.  
M.A. Thesis: "*An examination of the comparability of morale measures among working and retired blacks, Mexican-Americans, and whites.*" Department of May, 1981 Sociology, University of Southern California. Dr. T. Lasswell, Chair.

### **PUBLICATIONS - Peer Reviewed**

1. Thompson, J.F., McGhan, W.F., Rubbalo, R.L., Cohen, D.A., **Adamcik, B.A.**, and Segal, J.L. Clinical pharmacists prescribing drug therapy in a geriatric setting: Outcome of a trial. *J. of Am. Geriatrics Soc.*, 32:154-159, 1984.
2. Weissman, F.G., Oppenheimer, P.R., **Adamcik, B.** and Mortazavi, E. The development and implementation of a community pharmacy practice clerkship. *Am. J. Pharmaceutical Educ.*, 48:170-174, 1984.
3. **Adamcik, B.A.**, Oppenheimer, P.R., Brown, J.F., Eagan, P.A. and Denson, T.A. Attitudes and needs of pharmacists relevant to traditional and practice-based continuing education. *Am. J. Pharmaceutical Educ.*, 49:22-30, 1985.
4. McGhan, W.F., Draugalis, J., Bootman, J.L., Pelter, M.A., **Adamcik, B.A.** and Matinoff, J. Identification of factors associated with student satisfaction and commitment to pharmacy practice. *Am. J. Pharmaceutical Educ.*, 49:124-129, 1985.
5. **Adamcik, B.A.**, Ransford, H.E., Oppenheimer, P.R., Brown, J.F., Eagan, P.A. and Weissman, F.G. New clinical roles for pharmacists: A study of role expansion. *Soc. Sci. & Med.*, 23(11): 1187-1200, 1986.
6. **Adamcik, B.A.** and Stimmel, G.L. The use of physical assessment skills by clinical pharmacists in monitoring drug therapy response: Attitudes and frequency. *Am. J. Pharmaceutical Educ.*, 53:127-133, 1989.

7. **Adamcik, B.A.** Teaching Pharmaceutical Care: Removing the Fences. *Am. J. Pharmaceutical Education*, 56:434-441, 1992.
8. **Adamcik, B.A.** and Rhodes, R.S. The Pharmacist's Role in Rational Drug Therapy of the Aged. *Drugs and Aging (Invited leading article) Drugs and Aging*, 3(6):481-486, 1993.
9. Sansgiry, Sujit S., Cady, Paul S., **Adamcik, Barbara A.** Consumer comprehension of information on OTC medication labels: Effects of picture superiority and individual differences based on age. *J. Pharmaceutical Marketing and Management* 11(3) 63-76, 1996.
10. Kale, M., Cady, P., Sharp, W., **Adamcik, B.**, Schwendig, L., Culbertson, V. Monitoring the Regulatory Process of Prescription Drug Advertising. *J. of Pharmacy & Law*, 5(2):229-247, 1996.
11. **Adamcik, B.A.**, Hurley, S., Erramouspe, J., Huff, M. Assessment of Pharmacy Students' Critical Thinking Abilities. *American J. of Pharmaceutical Education*. 60(3):256-265, 1996.
12. **Adamcik, B.A.** and Airmet, D.A. Multi-Cohort Learning: Teaching Pharmacy Students About Compliance, Counseling, and Mentoring. *American J. Pharmaceutical Education*, 62(Fall):342-346, 1998.
13. Frost, James, **Adamcik, Barbara**, Schou, Corey. An Analysis of Instructors' Leadership Styles Using the Blake and Mouton's Leadership Model. *Mountain Plains J. of Business & Economics*. 2001.
14. Erramouspe, John, **Adamcik, Barbara A.**, and Carlson, Rena K. Veterinarian Perception of the Intentional Misuse of Veterinary Medications in Humans. *J. of Rural Health* 18(2):311-318, 2002.



**Biographical Sketch for Archie George**

Director, Institutional Research and Assessment  
University of Idaho

**Professional Preparation**

**B.A.** 1971 Psychology, Gonzaga University, Spokane, Washington

**Ph.D.** 1977 Educational Psych., Measurement and Evaluation, Univ of Texas at Austin

**Appointments** (academic/professional, beginning w/ most recent)

2000 – Present: Director, Institutional Research and Assessment,  
University of Idaho, Moscow, Idaho

2004 – Present: Adjunct Assistant Professor, Adult, Career and Technology Education

1998 – 2000: Director, Program Review and Assessment, University of Idaho

1988 – 1998: Assistant Director, Institutional Research, University of Idaho

1980 – 1987: Analyst, Management Information Services (subsequently renamed  
Institutional Research)  
University of Idaho

1983 – 1986 Instructor (concurrent with MIS appointment), Computer Science Department,  
University of Idaho

1973 – 1980: Systems Analyst and Research Associate

Procedures for Adopting Educational Innovations Project, Research and Development  
Center for Teacher Education, University of Texas at Austin

**Five Related Publications**

Hall, G.E., Negroni, I.A. and George, A.A. “Drawing connections between principal leadership and student learning.” Paper to be presented at the Northern Rocky Mountain Educational Research Association Annual Conference, Jackson Hole, Wyoming, Oct. 2007.

George, A. “The Registrar and Institutional Research” Chapter 25 in The Registrar’s Guide. Edited by Barbara Lauren. American Association of Collegiate Registrars and Admissions Officers, 2006.

George, A.A., Hall, G.E., and Stiegelbauer, S.M. Measuring Implementation in Schools: Stages of Concern. Southwest Education Development Laboratory, Austin, TX, 2005

Hall, G.E., Dirksen, D.J., and George, A.A. Measuring Implementation in Schools: Levels of Use. Southwest Education Development Laboratory, Austin, TX, 2005

George, A. “Relationships among Student Test Scores, First-semester College Grades, First-year Retention and Six-year Graduation Rates.” Presentation at the Pacific NW Association for Institutional Research and Planning, Portland, OR, 2003.

**Five Additional Publications**

George, A. and Baillargeon, J. “Sharing the Pain: Tools and Maps to Measure and Rank Academic Programs.” Presentation at the Pacific NW Association for Institutional Research and Planning, Seattle, WA, 2005

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

Hord, S.M., Stiegelbauer, S.M., Hall, G.E., and George, A.A. Measuring Implementation in Schools: Innovation Configurations. Southwest Education Development Laboratory, Austin, TX, 2005

George, A. and Baillargeon, J. "Online Course Evaluations: An Ever-evolving Process at the University of Idaho." Presentation at the Pacific NW Association for Institutional Research and Planning, Seattle, WA, 2005

Baillargeon, J. and George, A. "Successful External Program Review." Presentation at the Pacific NW Association for Institutional Research and Planning, Seattle, WA, 2005

Baillargeon, J. and George, A. "Using a Graduating Senior Survey to Assess Department, College, and Institutional Level Learning Outcomes," Paper delivered at the Pacific Planning, Assessment and Institutional Research Conference, Honolulu, Hawaii, 2002.

**Synergistic Activities Relevant to Proposed Project**

As Director of the Institutional Research Office, Dr. George oversees results and analyses of internal and external surveys, such as the UCLA/CIRP Freshman and UCLA/HERI Faculty surveys, National Survey of Student Engagement (NSSE), as well as our own Non-returning Student, Graduating Senior, Employer, Alumni and Staff surveys. Data sets include degrees awarded, student enrollments, courses offered and credits taught, faculty, staff and financial resources and student retention and graduation rates.

Dr. George works closely with operational units across the campus, especially Admissions, the Registrar, Finance and Administration and Alumni/Development, for which he has designed and implemented an internal data warehouse that serves nearly all of our reporting needs and ensures a high degree of consistency between reports. Recent examples include retention and graduation rate analyses by student housing, low-income and first-generation, and participation in FFA and 4-H pre-college programs.

Dr. George actively participated in three institutional accreditation ten-year self-study reviews for the Northwest Commission on Colleges and Universities (NWCCU, formerly NASC), and many programmatic accreditation and professional society reviews.

**Collaborators & Other Affiliations**

Dr. Gene Hall, University of Nevada – Las Vegas

Dr. Italia Negroni, Hartford Public Schools, Hartford, CT

Dr. Barbara Lauren, American Association of Collegiate Registrars and Admissions Officers (AACRAO), Washington, DC

Ms. Jane Baillargeon, University of Idaho, Moscow, ID

Ms. Shirley Hord, Southwest Educational Development Lab (SEDL), Austin, TX

Dr. Suzie Stiegelbauer, Southwest Educational Development Lab (SEDL), Austin, TX

Dr. Debra Dirksen, Metropolitan State University, St. Paul, MN

Mr. Michael Griffel, Bowling Green State University, Bowling Green, OH

*Collaborators: Name and organization of all collaborators/co-authors, in **alphabetical order**, past 48 months*

**Graduate and Post Doctoral Advisors**

Dissertation advisor: Dr. Earl Jennings, University of Texas at Austin

**Kyu Larson**

846 Ford Street  
Moscow, Idaho 83843

Phone: (208) 885-2006  
E-mail: Kyul@uidaho.edu

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An accomplished Database Administrator (DBA) with over 16 years experience in IT. Extensive knowledge in designing, coding, testing and supporting database solutions in Oracle enterprise environments; application development, programming, implementation and maintenance of SunGard Banner environment; supervising, customer support of a university's central IT Help Desk, and hardware/software/network analysis, setup and troubleshooting for small businesses and educational institutions. Posses diversified technical background with Enterprise Systems solutions working for state government agency, higher education, and private sector.

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**QUALIFICATION HIGHLIGHTS**

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- **Bachelor's of Science, Business Information Systems**, from University of Idaho and over **5-years experience** performing database administration functions in an enterprise Oracle RDBMS environment
- Expertise in full project life cycle administration in higher education, SunGard Banner environment to include; development for implementation, administration, security upgrades, integration, testing, programming, and application enhancement
- Polished IT leadership skills, *4-years supervising team of 20-plus employees* at university's ITS Help Desk, mentoring, scheduling, budgeting, as well as developing training and procedural manuals
- Extensive experience performing system analysis and design of Oracle environment to include auditing, backup and recovery features, SQL, PL/SQL, architecture, security features, and maintaining of database management systems with upgrades and patches.

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**TECHNICAL EXPERIENCE**

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<b>OS/Databases/Tools</b>	Windows 95/98/2000/2003/XP, Vista; Unix Solaris, Linux Red Hat; Oracle RDBMS 10g, 9i, 8i, 7, 6; Oracle Application Server 10.1.x 9.0.x, 1.0.x; Oracle Developer & Designer 6i, ,Oracle Enterprise Manager, SQL Server 2005, SQL Server Management Studio, Novell ZENworks Application Launcher, Microsoft Office Suite, Novell Netware 4.1, ER/Studio, TOAD, SSH
<b>Languages/Applications</b>	PL/SQL, Pro*C, Perl, shell scripting, Visual Basics, SunGard Banner 6.0, 7.3, 8; Luminis, WebCT/Blackboard, Pinnacle
<b>Oracle Training</b>	Managing Oracle on Linux ( <i>Oracle Education Center, Sacramento, CA</i> ),  Oracle 8 Database Administration ( <i>Oracle Education Center, San Jose, CA</i> ),

Oracle Designer 2000 & Oracle Developer 2000 (*Helena College of Technology, Helena, MT*), PL/SQL I: Coding Techniques, PL/SQL II: Database Level Application Programming, Oracle 8 Performance Tuning Strategies, Oracle 8 Architecture and Startup, SQL Statement Tuning (*Oracle Channel, Helena, MT*)

**Conferences**

UI Women's Leadership Conference 2007, 2008

Computer Services Management Symposium (CSMS) 2004 Santa Fe

Special Interest Group on University and College Computing Services (SIGUCCS) User Services Conference Portland 2001

SunGard Summit (2001 Toronto, 2006 Las Vegas)

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**DATABASE ADMINISTRATION EXPERIENCE**

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*Database Administrator II, Information Technology Services, University of Idaho 2005-present*  
Currently support the database management systems, primary responsibilities include:

- Monitoring database resources, performance, security controls, & backup status
- Managing database accounts & privileges
- Reviewing/responding to database errors/logs
- Responding to non-routine application problems
- Maintaining configuration management of all application source code (PL/SQL, Pro\*C, Pro\*Cobol, Oracle Forms, and Unix shell scripts)
- Responding to unplanned outages
- Executing disaster recovery procedures as necessary
- Coordinating planned service outages
- Installing Oracle database software, client software, upgrades, and security patches
- Configuring logical and physical structures of the databases
- Database tuning for efficiency and performance
- Development and testing of disaster recovery processes, including backup/recover procedures
- Planning and implementation for future Oracle releases
- Development, testing, and implementation of automated procedures to support database operations

*Oracle Database Administrator, Montana Dept. of Environmental Quality 1998 - 1999*  
Primary role was that of Oracle Database Administrator and system development. Duties performed include install and upgrade Oracle RDBMS and support tools. Document all database problems and monitor database performance statistics, tuning and database maintenance and recovery. Provide database problem diagnosis and resolution in all DEQ environments. Ensure that all databases meet architecture standards and specifications. Support software engineers to ensure development methodology and associated deliverables are maintained and followed for database projects. Responsible for database creation, performance testing, upgrading, import/exporting, backup and restores. Consulted in the area of application development tools;

review of application development/programming contracts; software evaluation, configuration and maintenance; and policies and procedures development. Served as technical project lead for DEQ database server consolidations project, collapsing multiple bureau databases and migrate to Enterprise-wide database solution.

**OTHER TECHNICAL PROFESSIONAL EXPERIENCE**

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***ITS Help Desk Supervisor, Information Technology Services, University of Idaho 2001 - 2005***  
Supervised 20-plus employees, duties included hiring, disciplining and dismissing student staff, prioritizing and assigning work, scheduling and coordinating staff at the Help Desk and student labs, evaluating performance reviews and ensure technical needs of student staff are met. Develop, coordinate and implement training, documented Help Desk procedures; *mentor* & develop student staff skills; develop, recommend and monitor budgets & control Help Desk expenditures; prepare operating policies & procedures; provide problem resolution for ITS to the university community; answer Secondary Customer Support level questions & provide technical solutions through phone, walk-ins, and e-mails.

***Lecturer, UI College of Business & Economics, University of Idaho 2001***  
Lecturer for Bus 250 - Introductory Systems Development Instructor; Course was an introduction to event-driven and object-oriented systems development using Visual Basics.

***Programmer Analyst, Human Resource Information Systems, University of Idaho 1999 – 2001***  
Duties included performing all aspects of development, testing, and implementation of Human Resources & Payroll Banner module application releases, programs and enhancements; resolve routine to complex programming problems and determine appropriate solutions; participate in and design applications systems; prepare system diagram and logic representation; and work with users to analyze, develop, and maintain programs; managed configuration control over modifications to vendor-provided source code and custom development; facilitated peer reviews for newly developed application modules, applied approved modifications to production environments. Developed specially designed reports and programs using C, Pro C, SQL, PL/SQL, and/or Oracle Forms 4.5 (Developer 2000); programmed and maintained HR Oracle Web based applications, i.e. Open Enrollment and Salary Model; created and modified reports and processes in accordance with UI standards; providing ad-hoc query support to end-users; documenting code in accordance with HR Systems standards, designed, maintained and coordinated HR web pages to ensure consistency with institutional standards; troubleshooted and resolved routine to complex programming problems and determined appropriate solutions; communicating with users/co-workers concerning complex issues/problems and analyzed optional methods for reaching desired outcomes;

***Technical Services, Inacom Information Systems, Great Falls, Montana 1997 - 1998***  
Provided hardware & software technical support services via the phone and on-site to business and local schools. Assisted in the analysis and setup of networks/systems, provided consulting, planning, design, and implementation of client-server based technology solutions from desktop to data center for businesses in and around the Great Falls, Montana area; assisted in the maintenance of existing Inacom clientele network/systems providing sales, service and support and ongoing training and education.

*Howard Erdman*  
*1145 Sunnyside East*  
*Pullman, WA 99163*  
*509/432-5122*

*Lewis-Clark State College*  
*500 8<sup>th</sup> Avenue*  
*Lewiston, ID 83501*  
*208/792-2456*

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**Professional Employment**

2007-Present Adjunct Instructor, Lewis-Clark State College, Lewiston, ID  
2006-Present Director of Institutional Planning, Research, and Assessment,  
Lewis-Clark State College, Lewiston, ID  
2003- 2006 Coordinator, Office of the Provost, Washington State University,  
Pullman, WA  
2006- Present Affiliate Associate Professor of Higher Education- Department of  
Educational Leadership and Counseling Psychology, Washington  
State University, Pullman, WA  
2001-2003 Director of Institutional Studies and Planning, Navarro College,  
Corsicana, TX  
1999 to 2001 Director of Institutional Research and Strategic Planning,  
El Paso Community College, El Paso, TX  
1977 to 1999 Tenured economics/business instructor, Southwest Texas Junior  
College, Uvalde, TX  
1991 Adjunct accounting instructor, Sul Ross State University, Rio  
Grande Campus, Uvalde, TX  
1977 Adjunct economics instructor, University of Houston-  
Downtown Campus, Houston, TX.  
1976 - 1977 Research assistant, University of Wyoming, Laramie, WY  
1974 - 1976 Teaching assistant, economics, University of Houston,  
University Park, Houston, TX

**Refereed Publications**

Erdman, H., & Ogden, W. R. (2000). Reconsidering William Rainey Harper as the “Father of the Junior College.” College Student Journal, 34(3), 434-439.

Erdman, H., & Campion, W. (Fall, 1999). Free speech and the public employee under Connick v. Myers: A survey of the circuits. Southern Law Journal, 9(1), 46-57.

Ogden, W. R., Campion, W. J., Truelock, A., & Erdman, H. (1999). Responding to job related stress. Catalyst for Change, 28(3) 5-7.

Campion, W. J., Mason, D., & Erdman, H. (2000). How faculty evaluations are used in Texas community colleges. Community College Journal of Research and Practice, 24(3), 169-179.

Curry, L., & Erdman, H. (1995). The uniform standards of appraisal practice: A means to an end of divergent appraisals in Tax Court. Proceedings: Southern Academy of Legal Studies in Business.

Curry, L., Skekel, T., Fulkerson, C., & Erdman, H. (1994). Environmental issues: How they impact accounting, auditing, and tax in the U.S., Canada, and Europe. Proceedings: Southern Academy of Legal Studies in Business.

Sipes, D., & Erdman, H. (1996). Privacy, privilege, and confidentiality: Dimensions of counseling. Proceedings: Southern Academy of Legal Studies in Business.

### **Professional Presentations**

Erdman, H., & Campion, W. J., (1999). Presented paper entitled "Free speech and the public employee under Connick V. Myers: A Survey of the circuits. Southern Academy of Legal Studies in Business Annual Meeting, Houston, TX.

Erdman, H. (1997). Presented paper entitled "The evolving role of the accountant in environmental audits: At the paradigmatic crossroads." Southern Academy of Legal Studies in Business Annual Meeting, New Orleans, LA.

Sipes, D., & Erdman, H. (1996). Presented paper entitled "Privacy, privilege, and confidentiality: Dimensions of counseling." Southern Academy of Legal Studies in Business Annual Meeting, San Antonio, TX.

Curry, L., & Erdman, H. (1995). Presented paper entitled "The uniform standards of appraisal practice: A means to an end of divergent appraisals in Tax Court." Southern Academy of Legal Studies in Business Annual Meeting, Houston, TX.

Curry, L., Skekel, T., Fulkerson, C., & Erdman, H. (1994). Presented paper entitled "Environmental issues: How they impact accounting, auditing, and tax in the U.S., Canada, and Europe." Southern Academy of Legal Studies in Business Annual Meeting, Dallas, TX.

Curry, L., & Erdman, H. (1993). Presented paper entitled "The issue of constructive knowledge in innocent spouse cases." Southern Academy of Legal Studies in Business Annual Meeting, New Orleans, LA.

Curry, L., & Erdman, H. (1992). Presented paper entitled "Divorce, remarriage, and federal tax collection in Texas." Southern Academy of Legal Studies in Business Annual Meeting, San Antonio, TX.

### **Professional Experiences**

- Elected vice-chair of the Census Information Center Steering Committee, February 2001
- Taught "Federal Tax Consequences of Divorce" component for Divorce Mediation Training Seminar for Southwest Family Institute, Dallas, Texas, 1994.
- Member of Texas Faculty Association Executive Committee, 1996 – 98.
- Member of Texas State Teachers' Association (TSTA) Legislative Political Advocacy Committee, 1997- 1999.
- Elected delegate to TSTA House of Delegates, 1996, 1997.
- Acknowledged reviewer for Economics, 3<sup>rd</sup> Ed. West Publishing, 1996.
- Member of the Strategic Planning Team, Southwest Texas Junior College, 1984 – 89.
- Member of steering committee for SACS accreditation, Southwest Texas Junior College, 1982 - 84.
- Chair of economics section of Texas Junior College Teachers Association, 1989.
- Vice Chair of economics section of Texas Junior College Teachers Association, 1987, 1988.
- President of Faculty Association, Southwest Texas Junior College, 1988 – 89.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Vice-President of Faculty Association, Southwest Texas Junior College, 1987 - 88.
- Co-chair of economics section of Texas Junior College Teachers Association, 1978.
- Chaired and served as member of numerous committees at Southwest Texas Junior College, El Paso Community College, Navarro College and Washington State University.
- Secretary/treasurer, Sotol Drilling and Production.
- Testified as expert witness in personal damage law suits.
- Veteran, U.S. Navy, honorable discharge.

**Professional Memberships**

Texas Community College Teachers' Association (1986- 1999)  
Omicron Delta Epsilon (Economics honor society)  
Southern Business Law Association (1990 – 99)  
Texas Association of Institutional Research (1999-2003)

**Education**

Ed. D.            Texas A&M University-Commerce, Supervision, Curriculum and  
Instruction, Department of Secondary and Higher Education, 2002

Master of Professional  
Accountancy (M.P.A.)  
Accounting, University of Texas at San Antonio, 1995

Master of Arts  
(M.A.) Economics, University of Houston, 1976

Bachelor of Arts  
(B.A.)            Economics, University of Houston, 1974

Associate of Arts  
(A. A.)            San Jacinto College, Pasadena, Texas, 1969

Postgraduate    Accounting/economics, University of Houston, 1989

Postgraduate    Business/economics, Sul Ross State University, Uvalde Study Center,  
Uvalde, TX 1982 - 88

Teacher            Social science/economics, Texas State University,  
Certification    San Marcos, TX, 1986 - 87



**Celeste McCormick**  
805 15th Street, Lewiston ID 83501  
celtutt@yahoo.com | 208-798-3279

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**Summary** Information Technology manager and software programmer responsible for maintaining and supporting a college-wide enterprise resource planning (ERP) system.

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**Professional Experience** **Manager of Administrative Computing**, July 2008 - present  
*Lewis-Clark State College, ranked one of the top public colleges in the West*  
Direct, supervise and implement hardware and software support of administrative and student systems.

- Promoted to manager of the four-person Administrative Computing unit after 18 months of supervising two Programmer/Analysts.
- Serve as project manager and lead developer for major software upgrades.
- Manage the unit's workload; assign and track the tasks and projects of all team members.
- Collaborate with customers to design programming solutions for business processes.
- Chair the advisory committee that provides policy and guidance for use of the system.
- Implement and maintain development methodology and documentation standards.

**Newsletter Editor (volunteer)**, 2005 – present  
*Spina Bifida Association of Washington State, a disability-advocacy non-profit*  
Write, edit and compile articles in the newsletter issued six times per year.  
Utilized the chapter as a case study for my master's thesis and developed a comprehensive fundraising plan for the organization.

**Systems Analyst Supervisor**, July 2006 – June 2008  
*Lewis-Clark State College*  
Promoted to supervisor of two Programmer Trainees after developing and administering their six-month training program. Continued handling my own programming projects while delegating and managing employee assignments. Completed a four-day Applied Leadership professional development course from Boise State University.

**Programmer/Analyst, May 2005 – June 2006**

*Lewis-Clark State College*

Supported and improved administrative and student systems by completing programming assignments and development projects. Served as project manager and lead developer during a significant version upgrade of the college's online student records application. Developed and administered a six-month training program for two new programmers.

**Programmer and User Liaison, May 2003 – May 2005**

*SunGard Collegis (at Seattle University) to which the IT department was outsourced*

Supported Enrollment Services with the implementation, customization and reporting required to support the use the student information system.

- Designed, wrote and tested new and customized enhancements to the software.
- Facilitated end user testing and training.
- Evaluated Registrar procedures to automate and improve process efficiency.
- Served as the main resource in Enrollment Services for the student information system.

**Programmer, July 2001 – May 2003**

*Seattle University, the largest independent university in the Northwest*

Maintained and enhanced administrative and student systems.

- Completed a yearlong training program in eight months.
- Retrofitted the University's data reporting tools for a new graphical user interface.
- Wrote the documentation set for the University's data reporting tools.
- Designed and programmed reporting tools to audit student data.

**Sr. Technical Buyer, September 2000 – June 2001**

*Seattle University*

Generated and tracked technology purchase orders for all campus departments. Procured technical assets, including hardware and software, for all departments on campus. Established and managed a central receiving system to coordinate installation with the hardware/software support team. Maintained the university's call accounting system and generated monthly phone bills for all departments on campus.

**Sr. Administrative Assistant, October 1999 – August 2000**

*Seattle University*

Performed receptionist and office management duties for the department of Information Technology and provided direct assistance to the Associate Vice President/CIO. Supervised student employees, including coordinating their schedules and overseeing their workloads. Maintained the university's call accounting system and generated monthly phone bills for all departments on campus.

**Production Manager**, November 1995 – August 1999

*The Huckleberry People, a growing gift and candy company*

Supported myself during college by working nearly full-time. Started on the candy line and was promoted to manager of the candy kitchen. Scheduled and facilitated the production of over 30 products. Trained new line workers. Produced a kitchen manager manual complete with recipes and instructions for all of the position's duties.

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***Education/*** Master of Public Administration, University of Idaho - May 2009  
***Training*** Bachelor of Arts, English Literature, University of Montana - May 1999  
Bachelor of Arts, History, University of Montana - May 1999

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**Ken Campbell**  
**Dean, Information Technology Services**

(208) 732-6243 (W)  
[kcampbell@csi.edu](mailto:kcampbell@csi.edu)

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**Areas of Knowledge and Experience**

- Computer Networks
- Software Programming
- Information Systems Design
- Research Methods
- Project Management
- Proposal Writing & Budgeting
- Telecommunication Systems
- Longitudinal Student Tracking
- Outcomes Assessment & Institutional Effectiveness
- Computer Utilization & Support
- 

**Employment History**

College of Southern Idaho, Twin Falls, Idaho

- |                |  |
|----------------|--|
| 1996 - Present | Dean of Information Technology Services                    |
| 1993 - 1996    | Director of Institutional Research and Computing Resources |
| 1992           | Director of Institutional Research                         |
| 1991           | Coordinator of Institutional Research                      |

Sorg Associates, Orono, Maine

- |             |                    |
|-------------|--------------------|
| 1986 - 1991 | Research Associate |
|-------------|--------------------|

University of California-Irvine, Irvine, California

- |             |   |
|-------------|---|
| 1986        | Research Assistant, Dr. Michael Burton        |
| 1986        | Research Assistant, Dr. David Easton          |
| 1984        | Research Assistant, Dr. Frank Cancian         |
| 1980 - 1985 | Teaching Assistant, School of Social Sciences |
- Courses: Statistics, Anthropology, Sociology, Geography

**Education**

- |       |      |   |
|-------|------|---|
| Ph.D. | 1986 | University of California-Irvine<br>School of Social Sciences, GPA 3.9 |
|-------|------|---|
- Dissertation: "Relative Priorities in Residential Location Choice: The Case of a Fast-growing Non-metropolitan County"
  - Program emphasized quantitative analysis and research methods
  - Cross-cultural experience, familiar with Spanish
- 
- |      |      |  |
|------|------|--|
| B.A. | 1979 | University of Redlands<br>Major: Sociology/Anthropology, GPA 3.4<br>Minor: Mathematics |
|------|------|--|

## Employment Highlights

### 1991 - Present College of Southern Idaho

#### Dean of Information Technology Services (*current position*)

- Design and manage technology enhancement projects; these have included:
  - conversion and implementation of primary management information system
  - migration from a legacy telephone system to VoIP
  - implementation of voice mail and e-mail systems
  - implementation of new microwave communication links and subsequent conversions of existing analog microwave links to digital links
- Interface with college departments to ensure information technology resources are effectively supporting the college mission and operations.
- Develop and maintain network system architecture, defining standards and protocols for data exchange, communications, software and interconnectivity of network information systems.
- Serve as project director for activities funded through federal and local grants; these have included:
  - improvement of administrative management system through a Title III grant award
  - enhancement of the college's telecommunication system through a congressionally directed grant
  - development of telecommunication links at high schools through an Albertson's Foundation grant
- Manage and direct the college's information and communication systems and projects including data, voice and video distribution networks.
- Manage and direct the college's technical support systems for the operation and security of the information technology resources.
- Develop reports with appropriate statistical measures in response to variety of internal and external information requests
- Develop and enhance components of institutional effectiveness program.
- Design, develop and maintain longitudinal student tracking system.
- Key participant in accreditation self-study and ongoing assessment.
- Assist with campus strategic planning activities and grant development.
- Prioritize and respond to external and internal informational requests and develop standard and ad hoc reports as required.
- Participate with executive council to develop and articulate college vision and strategic direction.
- Hire, prioritize tasks and evaluate department staff and manage \$1.4 million budget.

### 1986 - 1991 Sorg Associates Research Associate

- Designed, managed, analyzed and presented findings for special-request research projects.
- Developed information system software and user documentation, and provided support for customer base.
- Consulted on computer hardware/software needs, some of which led to the development of customized software.
- Designed and managed ongoing research projects with periodic reporting.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Developed project proposals and prepared budget estimates.

**1991 - Present      College of Southern Idaho**

**Dean of Information Technology Services (*current position*)**

- Develop reports with appropriate statistical measures in response to variety of internal and external information requests
- Serve as project director for activities funded through federal and local grants; these have included:
  - improvement of administrative management system through a Title III grant award
  - enhancement of the college's telecommunication system through a congressionally directed grant
  - development of telecommunication links at high schools through an Albertson's Foundation grant
- Develop and enhance components of institutional effectiveness program.
- Design, develop and maintain longitudinal student tracking system.
- Key participant in accreditation self-study and ongoing assessment.
- Assist with campus strategic planning activities and grant development.
- Prioritize and respond to external and internal informational requests and develop standard and ad hoc reports as required.
- Participate with executive council to develop and articulate college vision and strategic direction.
- Manage and direct the college's information and communication systems and projects including data, voice and video distribution networks.
- Manage and direct the college's technical support systems for the operation and security of the information technology resources.
- Hire, prioritize tasks and evaluate department staff and manage \$1.4 million budget.
- Design and manage technology enhancement projects; these have included:
  - conversion and implementation of primary management information system
  - migration from a legacy telephone system to VoIP
  - implementation of voice mail and e-mail systems
  - implementation of new microwave communication links and subsequent conversions of existing analog microwave links to digital links
- Interface with college departments to ensure information technology resources are effectively supporting the college mission and operations.
- Develop and maintain network system architecture, defining standards and protocols for data exchange, communications, software and interconnectivity of network information systems.

**1986 - 1991      Sorg Associates,      Research Associate**

- Designed, managed, analyzed and presented findings for special-request research projects.
- Developed information system software and user documentation, and provided support for customer base.
- Consulted on computer hardware/software needs, some of which led to the development of customized software.
- Designed and managed ongoing research projects with periodic reporting.
- Developed project proposals and prepared budget estimates.

**Connie G. Black**

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conniegblack@gmail.com

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**SUMMARY OF QUALIFICATIONS**

- Manager with over seventeen years experience in Higher Education student services.
- Skilled in maintaining student records with an extensive knowledge of academic policies and FERPA regulations.
- Excellent background in use and development of ERP system as a functional analyst.
- Experienced in state, federal and ad hoc reporting.
- Proven ability in supervising staff, communicating effectively and working on teams to meet goals and objectives.

**PROFESSIONAL EXPERIENCE**

**College of Western Idaho, Nampa, ID**

***Registrar – 2/2008 - Present***

- Oversee maintenance and ensure integrity of student record and transcripts.
- Adhere to and enforce FERPA guidelines and train faculty and staff.
- Collaborate with administrators, faculty and staff on student service issues, academic policies and procedures and questions.
- Provide data for IPEDS, State, Federal, institutional and ad hoc reporting requirements
- Hire, supervise and coordinate Registrar's Office staff.
- Manage office budget.
- Participate on college committees such as curriculum, commencement, academic calendar, and appeals.
- Develop and publish college catalog and class schedule.

**Larry Selland College of Applied Technology at Boise State University, Boise, ID**

***Student Records Manager – 7/2006 – 2/2008***

- Manage team responsible for admitting, registering and maintaining records for students in professional technical programs.
- Work with Enrollment Management and Student Success team to develop admission and student records policies and coordinate other activities to meet unit goals.
- Interpret, explain and apply academic policies to students, faculty and staff and enforce FERPA regulations.
- Prepare required state and federal reports for Idaho Division of Professional-Technical Education and coordinate with university on 10th day enrollment numbers.
- Report data internally for enrollment management and ad hoc purposes.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Implement new initiatives such as transfer evaluation for technical credits, communication flow to students, and degree completion tracking.
- Develop communications and publications for students, parents, faculty and staff.
- Coordinate with faculty to develop first semester schedules for incoming students, including checking for time conflicts and requisite issues.
- Support faculty advisors by providing training opportunities and assisting with registration and degree completion issues.
- Act as Applied Technology functional representative for ERP system, including assuming data steward responsibilities and system testing for patches and fixes.
- Represent Larry Selland College on various teams and committees.

• *Continued...*  
**(208) 761-6326**

**Connie G. Black, Page 2**

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**Boise State University, Boise, ID**

***Management Systems Coordinator – 1/2004 – 7/2006***

- Coordinated development, enhancement, and maintenance of the PeopleSoft Student Records Module.
- Processed grades and participated as member of online grading implementation team.
- Set up course locations in ERP system for class scheduling.
- Served as a liaison with OIT staff to trouble-shoot system problems and develop enhancements.
- Documented student records business processes and functionality.
- Trained faculty and staff on new processes.
- Provided 10th day and end of term reports and other queries and reports as needed.
- Coordinated projects with functional analysts from Admissions, Campus Community, and Financial Aid modules.

**Boise State University, Boise, ID**

***Transcript Evaluation Supervisor – 10/1999 – 1/2004***

- Managed graduation and transfer credit evaluation processes.
- Served on degree audit implementation team.
- Participated as member of Registrar's Office Leadership Team.
- Hired, trained and provided performance reviews for a staff of six evaluators.
- Developed and documented business processes.
- Planned for the university commencement ceremony and ordered diplomas and supplies.
- Created and maintained transfer equivalency database and monitored transfer articulation agreements.
- Maintained relationships with other Student Affairs offices, Extended Studies and Applied Technology.



**Boise State University, Boise, ID**

***Transcript Evaluator, Senior – 10/1992 – 10/1999***

- Processed graduation and transfer credit evaluations.
- Evaluated military, test and other experiential learning credit.
- Explained university requirements and policies to students, faculty and staff.

**EDUCATION**

Bachelor of Arts, Social Science, Liberal Arts; Boise State University (1996)

**COMPUTER SKILLS**

Job Specific	2006 Relational Database Design
Training:	2006 SQL: Fundamentals of Querying and Advanced Querying 2004 STAT End User Training
Software:	Jenzabar EX, Datatel Colleague, PeopleSoft HRLS 8.0, PeopleSoft Query Tool, PL/SQL Developer, Infomaker, Business Objects – InfoView, STAT 5.2, MS Access, MS Excel, MS Word, MS Publisher, GroupWise, Adobe Acrobat 7.0 Professional, SnagIt

Kim Channpraseut

Phone (208) 562-3289 • E-mail kimchannpraseut@cwidaho.cc

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## SKILLS

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- Information Technology Manager with 8 years of Higher Education experience.
- Excellent communication, multitasking, organizational, and time management skills.
- Experience managing a large-scale ERP software implementation.

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## EXPERIENCE

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2008–Present    College of Western Idaho  
Nampa, ID

Enterprise Application Services Manager

- Manage a team of technology professionals responsible for the implementation, development, enhancement, integration and support of CWI's Strategic Academic Enterprise system.
- Establish procedures and standards for software selection, development methodology, implementation, and utilization of enterprise application systems.
- Review system design and processing activities with end-users and administration to ensure business requirements are being met.
- Manage the integration of vendor software and consultant tasks in addition to tracking and reviewing vendor deliverables.
- Lead project teams to efficiently meet campus information technology needs.
- Prepare budget and control expenditures.

2002–2008    The College of Idaho  
Caldwell, ID

Systems Programmer Analyst III

- Lead projects involving the support of the college's Datatel ERP system.
- Administer the integrated information systems (Colleague and ancillary systems).
- Act as senior programmer/project leader, providing technical advice and consultation on complex analysis and programming applications.
- Provide application system support and training for Admissions, Advancement, Business Office, Financial Aid, Human Resources, Registrar, and other departments utilizing Datatel Colleague software.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

- Analyze, identify, evaluate, and develop/design processes that meet user's needs.
- Participate in software selection and implementation of 3rd party software.
- Monitor, download, and install system upgrades, updates, and fixes.
- Extract, analyze, and interpret data based on the organizations business rules.
- Create, modify, and analyze custom programs utilizing UniBasic and UniQuery.

2000–2002

Idaho Transportation Department

Boise, ID

Programmer Analyst/Intern

- Redesigned and maintained an Access database; developed structure, tables, queries, forms, and reports.
- Designed and maintained websites; developed site architecture, forms, graphics, and interactive content.

**EDUCATION**

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Boise State University

Boise, ID

*B.B.A., Computer Information Systems, May 2002*

Related Coursework

- Data Warehousing, Project Management, Advanced Data Management Topics, Information Resource Management, Electronic Commerce, Telecommunications, System Analysis and Design, and Database Design.

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PHONE (208) 769-7812 • E-MAIL ANN\_LEWIS@NIC.EDU

A N N S . L E W I S

EDUCATION

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UNIVERSITY OF IDAHO, 1984  
Bachelor of Science in Business, Finance

UNIVERSITY OF IDAHO, 2006  
Master's Degree in Adult and Organizational Learning

CURRENT EXPERIENCE

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**NORTH IDAHO COLLEGE, 2008-present**  
Office of Institutional Effectiveness

**Director of Institutional Effectiveness**

Coordinate, manage and conduct institutional research and assessment activities that support and enhance informed decision making, strategic planning, institutional assessment, and accreditation. Make recommendations based on statistical analysis of data and interpretation of results. Prepare and participate in the presentation of research reports to audiences internal and external to the college. Interact with state and regional agencies on matters related to institutional research, strategic planning and state performance measures. Act as the direct link and reporting agent to the college administration on matters related to data and research bearing on the college's overall effectiveness. Compile, analyze, interpret and disseminate quantitative and qualitative data. Ensure the integrity of institutional data and information produced and reported by the college. Acquire, manipulate, develop, and maintain longitudinal data sets, verifying accuracy and consistency over time, in the context of evolving requirements regarding reporting institutional facts. Develop, construct and maintain large, relational databases. Extract and analyze data from the college's databases and other databases external to the college. Coordinate with staff from other college offices to maintain, update and manage data definitions and databases.

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PRIOR EXPERIENCE

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**NORTH IDAHO COLLEGE, 2001-2008**  
Office of Planning, Assessment and Research

**Institutional Research Specialist**

Responsible for coordinating and conducting institutional research and assessment activities that provide data to support and enhance informed decision-making, strategic planning, outcomes assessment, and institutional accreditation. Maintain the integrity of institutional data and information produced and reported by the Office of Planning, Assessment and

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Research. Coordinate with other offices on what institutional data is available. Maintain databases for institutional research purposes.

Actively participate in a new student system implementation (Datatel Colleague). Play a key role in bringing DataMarts to the College. Manage Census DataMart to store point-in-time data. Participate in the administering of surveys. Collect, develop, analyze and report data and other information for college, state and federal reports.

#### **NORTH IDAHO AIDS COALITION, 2004**

##### **Database Administrator**

Responsible for donor database for the non-profit organization.

#### **NORTH IDAHO COLLEGE, 1994-2001**

Information Technology

##### **Network Systems Manager**

Responsible for new systems, maintenance and major enhancements of existing systems, budget and capacity planning. Systems include network servers, phone service, WAN connections, Internet connection, cable and network device infrastructure. Supervise four professionals. Manage multifaceted projects. Work closely with vendors for support, purchasing and consulting. Perform system administration tasks and provide leadership in campus computing decisions.

#### **UNIVERSITY OF IDAHO, 1985-94**

##### **Network Specialist, 1991-94**

Computer Services

##### **Records Manager, 1986-91**

Engineering Outreach

##### **Office Coordinator, 1985-86**

Civil Engineering

#### **PROFESSIONAL ORGANIZATIONS**

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Pacific Northwest Association for Institutional Research and Planning (PNAIRP)

Rocky Mountain Association for Institutional Research (RMAIR)

Association for Institutional Research (AIR)

#### **CONFERENCE PRESENTATIONS**

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(2007) **Using DataMarts as Part of Your Reporting Strategy**, PNAIRP 2007 Conference, Victoria, British Columbia, Canada.

(2006) **Unit Peer Comparators in Higher Education: A Case Study**, RMAIR 2006 Conference,

Park City, Utah.

Last updated: November 18, 2009

LISA K. CLARK

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Coeur d'Alene, ID 83814  
lkclark@nic.edu  
(208) 769-7867

## ACCOMPLISHMENTS

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Instrumental in designing and developing the data marts at North Idaho College. This involved research, analysis and design, training on ETL tools, database, table, and view creation in a Microsoft SQL Server environment utilizing Transact SQL, model development and deployment in Visual Studio to SQL Server Reporting Services, and SQL Server Integration Services package creation for daily schedule automation and summary table creation. Member of the Institutional Reporting Strategy Team and assisted in implementing the concept of Information Centers with designated report authors across campus.

Successfully converted from the legacy Student System to Datatel Colleague Student. The 24 month project entailed numerous project team meetings to define and build system codes, parameters, and rules, data conversion mapping, custom Envision code, application and technical trainings, project management, module implementation, standards documentation, and end user training. Presently lead the Datatel Systems Management Group which was created to address data integrity, consistency of use, and coordination efforts within the ERP.

Participated in two major system upgrades to the Datatel ERP environment. The migration to Release 17 entailed the loading of over 800 software updates and major system enhancements to the Human Resources and Payroll application modules; 18 months to migrate to Release 18, where I was responsible for converting several hundred custom computed fields in support of reporting, system rules, and communications management.

## SKILLS

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Software project management, organization, and communications; project lead, research, analysis and design, coding and testing, user instruction, documentation development; systems implementation, integration, and administration; user security and account administration; end user application support; Datatel Colleague, Envision, QueryBuilder, Uniquery, Unidata, ETL tools, Microsoft SQL Server 2005, Transact SQL, Visual Studio, Reporting Services, Integration Services; Microsoft Office Word, Excel, Project, Visio, SharePoint, Access, PowerPoint, Outlook.

## EXPERIENCE

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**Manager of Applications Development**  
**North Idaho College, Coeur d'Alene, Idaho**

July 2009 – Present

Responsible for recommending, acquiring, developing, interfacing, and maintaining automated information systems for integration into the college's business and instructional needs. Manage software service requests and their prioritization including proper scheduling of

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

information systems services provided by the IT Analysis and Programming staff. Manage major systems integration and implementation projects. Responsible for database administration for college wide databases and their metadata. Work with system users to maintain data integrity through proper security, proper data structures, proper input procedures, and training.

**Interim Manager of Applications Development**                      March 2009 – June 2009  
**North Idaho College, Coeur d'Alene, Idaho**

Interim manager of Analysis and Programming team, manage software service requests and scheduling, project prioritization, assignment, and communications to management, request process redefinition, initial planning and assessment of team's training needs, goals, service blocks, and roles.

**Sr. Systems Analyst/Programmer**    December 1998 – February 2009  
**North Idaho College, Coeur d'Alene, Idaho**

Project manager for major and minor systems implementation, integration, and reporting projects. Analysis, design, development, and administration of data mart reporting environment. Provide end user application support and training including user account creation, security rights, rule writing, data retrieval and analytics, business process and workflow definition, and standards documentation.

**Applications Analyst**    March 1993 – November 1998  
**Group Health Northwest, Spokane, Washington**

Gather and define user business requirements, perform analysis and design of Windows applications, develop logical data models, testing and QA, develop documentation, and provide user training of completed applications. Develop ad-hoc reports from data warehouse utilizing report query tools. Define project tasks, coordinate team resources, monitor time lines, facilitate meetings, and perform post-implementation reviews.

**Systems Consultant**    January 1991 – March 1993  
**Clark Data Services, Yakima, Washington**

Sole proprietor of Clark Data Services. Provide consulting and programming services to area clients, primarily in inventory, order entry, and accounting systems.

**Data Processing Manager**    September 1989 – July 1990  
**Yakima Herald-Republic, Yakima, Washington**

Systems Manager of an HP-3000, 28 user capacity. Oversee system operations. Provide user support for mainframe applications. Generate applications and ad-hoc reports using COGNOS software.

**Data Processing Manager**  
**Jack Frost Fruit Company, Yakima, Washington**

May 1987 – August 1989

Complete system generation and installation of DEC Micro PDP 11/73, RSTS/E, 8 user capacity. Manage system operations. Provide training and user support. Analysis and design of new systems development, programming in DIBOL. Payroll, Accounts Payable, Accounts Receivable, General Ledger, inventory, and order entry.

## **EDUCATION**

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**Business Administration, Bachelor of Science** August 1982 – June 1984  
**Central Washington State University, Ellensburg, Washington**  
GPA 3.78 Graduated Magna Cum Laude with a minor in Data Processing

**Business Administration** August 1980 – June 1982  
**Washington State University, Pullman, Washington**  
GPA 3.28



**DOUGLAS D. DePRIEST, PMP**

[douglas.depriest@my.eitc.edu](mailto:douglas.depriest@my.eitc.edu)

1600 South 25<sup>th</sup> East, Idaho Falls, Idaho 83404

Work: (208) 604-4795      Cell: (208) 604-4795

**PROFILE**

**Project Management Professional (PMP)**, with expertise in the following areas:

- IT Project Management, configuration management, and process improvement
- Network Administration, desktop/hardware support, software support
- Personnel Management, negotiation, problem-solving, and team building
- Resource Management, budgeting, contracting, and contract supervision
- Strong skills in problem resolution, communication, and staff development
- Self-motivated, resourceful, and calm under pressure
- Strong ability to make data-driven, strategic decisions on resource allocations across the entire spectrum of programs, projects, and initiatives

**EXPERIENCE**

**Director of Planning and Information Mgt**, Eastern Idaho Technical College, 2004 – Present

- Chief Information Officer & Chief Security Officer for the college and it's associated sites
- Project Manager for the campus Datatel Colleague ERP system implementation and Chairman of the on-going Colleague Oversight Committee
- Provided leadership and project management in the campus infrastructure conversion, moving from Novell services to a Microsoft Network environment
- Improved internal tracking of budgets, implemented cost-saving measures and consolidated IT-related spending in order to streamline cost centers and add efficiency
- Extensive review of program funds to determine cost-saving opportunities and areas of potential investment
- Implemented models to ensure appropriate evaluation of new products and services that assure effective use of state funds and address return on investment, cost balancing, etc
- Developed and implemented numerous policy, plans, and procedures documents ensuring compliance with applicable state and federal directives and embedding efficiency
- Determined appropriate staffing models and worked to adjust personnel accordingly
- Facilitate all campus long range and short term planning efforts
- Conduct data gathering, consolidation, evaluation and research efforts and compile and submit applicable reports across the campus spectrum

**Health Preparedness Planner**, Southeastern District Health Department, 2003- 2004

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**DECEMBER 10, 2009**

- Developed and reviewed district emergency response documentation ensuring compliance with Federal Emergency Management Agency (FEMA), Centers for Disease Control, FBI, and Homeland Security guidelines across an eight-county area
- Wrote and approved Memorandums of Understanding or Agreement with numerous community partners including elected, professional, and volunteer entities
- Coordinated community volunteer groups for activation during emergency situations
- Developed and published training outlines and documentation for professional and volunteer entities
- Deputy Incident Commander, planning and coordinating all response efforts for man-made and natural disasters encompassing an 8-county area

**Program Manager, Air Traffic Automation Systems, U.S. Air Force (USAF), 2000 – 2003**

- Managed annual operations, research, and maintenance budget exceeding \$10 million
- Directed over 30 personnel in various projects, including two Federal Government contractors
- Developed and maintained project plans, system documentation, and process documentation
- Led significant changes in organizational structure to improve efficiency and effectiveness
- Made key decisions on project and program commencement, continuation, modification, and/or termination

**DoD Lead, National Airspace System Automation and Training, Headquarters USAF, 1996-2000**

- Served as Department of Defense (DoD) Automation Lead and overall USAF lead during the most extensive overhaul of air traffic systems in USAF history
- Worked extensively with government contractors, military agencies, and the Federal Aviation Administration (FAA) to develop and implement the joint FAA/DoD air traffic control replacement system
- Coordinated and negotiated extensively with other services, major commands, and government contractors to ensure timelines and resource allocations were appropriate
- Provided product review and acceptance for the DoD on air traffic automated systems, and for the USAF on all materials, specifications, and documentation
- Developed, evaluated, and distributed all training products related to air traffic control automation systems, including paper-based and computer-based products
- Conducted numerous compliance audits at local, regional, and Air Force levels
- Developed and maintained USAF directives and policies affecting over 4,000 personnel

**EDUCATION, PROFESSIONAL CREDENTIALS & AFFILIATIONS**

**MBA, Project Mgt emphasis, American Graduate University, Covina, California, planned Jun 2010**

**Graduate Certificate in Management, American Graduate University, Covina, California, 2009**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**B.S., Management/Computer Information Systems**, Park University, Parkville, Missouri,  
2002

**Project Management Professional (PMP)**, 2003

**Configuration Management (CM) Certified** (CMII Methodology), Institute of CM, 2001

**Certified Software Test Professional (CSTP)**, International Institute for Software Testing,  
2001

**Software Lifecycle Management Certificate**, Air Force Institute of Technology, 2003

**Certificate of Course Completion CISSP**, 2006

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

650 West State Street    PHONE: (208) 332-6892  
PO Box 83720            FAX: (208) 334-2228  
Boise, Idaho 83720-    EMAIL:  
0027                      JCROMERO@SDE.IDAHO.GOV  
**JOHN ROMERO**

EXPERIENCE            1995–2000                      Boise State University                      Boise, ID  
Teacher Train the Trainer Program Faculty Member

- Taught teacher educational technology classes in the train the trainer program (Excel-Spreadsheet, Access - Database, PowerPoint - Multimedia Presentations and JavaScript Programming).
- Managed a state wide computer donation program.

2000–Current                      Idaho State Department of EducationBoise, ID  
Data Services Coordinator

- Started as purchasing manager for Albertson’s \$10 million technology grants for school districts.
- Assisted in managing web based data collections.
- Non- fiscal Federal and State reporting coordinator.
- Manage ad-hoc reporting request for Education staff
- Federal EDFacts/Consolidated State Performance Report (CSPR) coordinator.

EDUCATION            1993–1996                      Boise State University                      Boise, ID

- M.S., Educational Technology.

TECHNICAL SKILLS            SQL Query Language, Stored Procedures Microsoft’s SQL 2000/2005 server, Basic programming in Microsoft’s .asp language, Excel charting, data analytics.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009

(208) 332-6937  
JTAKATA@SDE.IDAHO.GOV

650 W State Street  
Kuna, Idaho 83720

J I M M Y T A K A T A

EXPERIENCE

2009 - Present Idaho State Department of Education  
Boise, ID

Educational Technology Coordinator

- Provides direction and guidance on the integration of educational technology into Idaho K-12 public schools to help build 21<sup>st</sup> century skills
- Title II-D Enhancing Education Through Technology program
- State Educational Technology funds for K-12 public schools
- Qwest Foundation for Education grant

2006 - 2009 Micron Technology, Inc.  
Boise, ID

Workforce Development Specialist

- Working in the fast-paced, and highly technical semiconductor industry with **agility and poise**.
- Effectively **leading and facilitating** a globally comprised Training team to address critical company goals.
- Well versed in **Instructional Design** with a passion for **e-Learning**.
- Experience with **Kepner-Tregoe Project Management and Problem-Solving** techniques.
- **Developing complete training packages and programs** for audiences with varying levels of skills and experience on a global stage.

2001 - 2006 Stoel Rives LLP  
Boise, ID

MIS Help Desk/Trainer

- **Developed and coordinated** employee software training.
- Provided **top-notch technical support** for an office of 42.
- Maintained 75 Windows-based user workstations, laptops, and peripherals.
- Extensive knowledge of Microsoft Office 2003 suite.

1999 - 2000 Boise State University  
Boise, ID

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Graduate Assistant

- Worked with Donna Vakili in support of the **BSU Technology Outreach Program**.
- Worked intensively with the **Wilder School District (K-12)** to improve student achievement as part of a **Goals 2000 technology grant**.
- **Taught 2 different workshops:**
  - Internet 1: Telecommunications for Educators
  - Beginning Web Page Design with Front Page 2000
- Interned with Dr. Connie Pollard in support of TE 208.

1997-1999                      La Grande Public Schools      La Grande, OR  
Title 1 Educational Assistant

- Worked closely with **K - 6 Title 1** students on reading and math.
- Followed teacher developed lesson plans and provided **prompt feedback** on student needs.

1993-1997                      Salem-Keizer School District      Salem, OR  
Instructional Assistant

- Worked with 25-32 students ranging from K - 5<sup>th</sup> grade in various subjects.
- Worked closely with staff to implement lesson plans and to **improve student achievement**.
- One year was spent working **1-on-1 with a Special Needs student**.

EDUCATION

1989-1993                      Willamette University                      Salem, OR

- **B.A., Psychology**

1999-2003    Boise State University  
Boise, ID

- **M.S., Educational Technology**

AWARDS AND  
NOMINATIONS

1999-2003

- Dean's List, Boise State University, Master's of Education, Educational Technology (4.0 GPA).

2000

- **National Dean's List** member.

**Carissa Moffat Miller**  
650 West State Street  
Boise, ID 83720-0027  
(208) 332-6901 (W)  
CMiller@sde.idaho.gov

**Education**

\*

**Doctor of Philosophy** University of Idaho,  
May 2009  
Major: Education  
Emphasis: Adult and Organizational Learning  
Dissertation: “*The Role of Adult Education Participation in Successful Aging*”

**Master of Arts** University of Wyoming,  
December 1999  
Major: Sociology  
Minor: Statistics  
Thesis: “*Battlement Mesa, Colorado: The Second Evolution*”

**Bachelor of Journalism** University of Nebraska-Lincoln, May  
1992  
Major: News Editorial  
Minors: English, Sociology, History

**Professional Experience**

\*

**Idaho State Department of Education** **Boise, Idaho**  
**Deputy Superintendent, Assessment Division** **(2009 – present)**

- Oversee the state assessments for Idaho including the National Assessment of Education Progress (NAEP), Idaho Standards Achievement Tests (ISAT), the alternate assessment for ISAT (ISAT-Alt), and the Idaho English Language Assessment (IELA).
- Responsible for an annual budget in excess of \$7.1M (\$2.7M in state funds and \$4.4M in federal funds).
- Supervise four full-time coordinators and one full-time program specialist.
- Additional budget oversight of Idaho’s portion of federally awarded assessment grants:
  - “Evaluating the Validity of the English Language Proficiency Assessments” (EVEA) – The US Department of Education awarded \$1.6M to Idaho, Montana, Washington, Indiana and Oregon with EdCounts, to study and construct validity frameworks for English language proficiency assessments. (October 2009 – March 2011)
  - “Alternate Assessment Design - Reading” (AAD-R) – A U.S. Department of Education grant for \$1.4M to Idaho, Utah, and Kansas with SRI International to design an on-demand performance task assessment for the most significantly cognitively disabled students in reading (October 2009 – March 2011)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- “Electronic Center for Alternate Assessment Scoring” (ECAAS) –A U.S. Department of Education grant of \$1.5M to Idaho to build an online scoring system for alternate assessments. (October 2007 – September 2010).
- “Alternate Assessment Design - Math” (AAD-M) – A U.S. Department of Education grant for \$1.4M to Idaho, Utah, and Florida with SRI International to design an on-demand performance task assessment for the most significantly cognitively disabled students in math (October 2008 – March 2010)
- Ensure state compliance to the Elementary and Secondary Education Act (ESEA) including submission of peer review documents, the Idaho Accountability Workbook, graduation rate calculations, and Adequate Yearly Progress (AYP) determinations and reporting.
- Analyze student achievement data for trends, improvements to the assessments, and policy implications.
- Serve as a representative of the State Department of Education to various stakeholders at the federal, state and local levels such as U.S. Department of Education personnel, superintendents, or in public meetings.

**Boise State University**

**Boise, Idaho**

**Research Associate, Center for the Study of Aging  
(2008 – 2009)**

- Primary Investigator (PI) for the Idaho Department of Health and Welfare Lifestyle Interventions for the Elderly (Project LIFE) Evaluation to support U.S. Administration on Aging grant “Empowering Older People to Take More Control of Their Health Through Evidenced-Based Prevention Programs: A Public/Private Collaboration.” Serve as the evaluator for the three-year grant to implement the Chronic Disease Self-Management Program (CDSMP) program. Administer pre- and post-surveys, analyze data, assess statistical change at one year, assess fidelity of program, and provide reports to fulfill federal requirements.
- Co-Primary Investigator (PI) for the Idaho Commission on Aging Needs Assessment. Survey created and administered to 3,000 Idahoans age 50 and older to provide information for future planning for the long-term care needs.

**Researcher, Center for the Study of Aging  
(2005 – 2008)**

- 40% appointment as a researcher funded by an Administration on Aging grant to study issues related to aging elders in Idaho.
- Co-PI for the Osher Lifelong Learning Institute at Boise State University Community Study project. Conducted community study survey of 3,000 individuals over age 50 in southeast and south central Idaho related to lifelong learning interests and volunteerism. Analyzed data for trends and opportunities for new membership. Created a new membership information form and tracking survey and data analysis.
- Co-PI for creating an online survey for the Idaho Society of Association Executives about Idaho executive characteristics and succession planning.
- Co-PI conducting analysis of Idaho conservatorship case data in six pilot counties for the Idaho Supreme Court



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

- Conducted analysis of focus groups and interview transcripts including coding and creating a schematic for long-term care needs, barriers and areas of success on a National Governor's Association grant awarded by Governor Dirk Kempthorne's office to study the supply and demand of long-term care services in Idaho.

**Researcher, Idaho Nursing Workforce Center (2005 – 2008)**

- 40% appointment as a researcher funded by an U.S. Department of Health and Human Services grant and the Idaho Department of Labor to study nursing workforce issues, shortages in Idaho.
- Co-PI in conducting a survey regarding nursing demand in a sample of community agencies and offices throughout Idaho. Analyzed results and wrote final report detailing projected nursing needs.
- Administered and analyzed survey on nursing workforce information for skilled nursing facilities in Idaho. Conducted field interviews to pilot the survey, organized survey mailing, and data cleaning and wrote final report.
- Created an Idaho nursing projection model by utilizing the Health Resources and Services Administration (HRSA) projection model software.

**Idaho State Board of Education Boise, Idaho  
Program Manager, Assessment and Accountability  
(2003 –2005)**

- Managed the \$7M K-12 assessment and accountability program for the State of Idaho in compliance with state and federal law (“No Child Left Behind”).
- Oversaw compliance for \$3.6M assessment (Idaho Standards Achievement Tests, ISAT) contract.
- Oversaw Request for Proposals (RFPs) process and selection.
- Monitored \$500,000 external review contract to ensure validity, reliability and alignment to state standards.
- Provided data analysis for bi-annual publication, board members, and various task forces.
- Evaluated program effectiveness, analyzed data, test results, and created reports.
- Conducted policy research on relevant literature and other states' practices, and presented findings.
- Coordinated assessment training, item writing and test development sessions.
- Implemented compliance by writing board rules and providing expert testimony to legislature.
- Provided technical assistance to school district personnel on regulatory assessment procedures.
- Communicated test results and programmatic changes to media and public.

**Name:** Christina P. Linder

**Job Title:** Director, Certification and Professional Standards

**Years with SDE:** 1.9

**Division:** School Support Services

**Supervisor's Name:** Nick Smith

**Supervisor's Job Title:** Deputy Superintendent

**Key Responsibilities:**

- Teacher Certification and Professional Development
- Oversight of Professional Standards and Teacher Quality
- Teacher Assignment Coordination
- Alternate Routes to Certification
- Title IIA Mandates Related to HQT and AYP
- Teacher Assignment/Endorsement Workshops
- Idaho School Human Resources Winter Conference
- Idaho Supply and Demand Survey
- Federal IHE Title II Reporting on Praxis/Program Completers

I work with the 115 school districts and 31 charter schools to ensure that we have accurate and complete assignments aligned with certificates and areas of endorsement, allowing School Finance to properly distribute the 1.3 billion dollar foundation payments. I provide technical support to the school districts and charter schools in the area of alternate routes to certification and endorsement, teacher quality, and appropriate assignment coding. I do the data analysis to ensure compliance with Supply and Demand reporting at both the state and federal level. I compile the report based on data from both HQT and AYP, which is used to follow through on NCLB 2141(c) reporting and technical assistance.

I also work with the nine Idaho universities and teacher preparation programs to ensure reporting accuracy of program completers and provide technical assistance in alignment of preparation standards.

**Other Tasks:**

- I prepare and do the yearly, regional IBEDS/HQT Workshops that train the district personnel in reporting teacher assignments and highly qualified teacher data, as well as the provide information and updates on the rules and laws governing assignments and highly qualified teacher reporting.
- I provide training to School Human Resources Managers through a yearly workshop.
- When requested, I compile and report on statistical data to the Department of Education, State Board of Education, Legislative Services, Office of Performance and Evaluation, and other stakeholders of educational interest.
- I provide training and assistance for the yearly Charter School Workshop.
- I help prepare and present information and provide training at the Post-Legislative Regional Workshops.

**Current Year Committee Work:**

- The Data Committee that is working on the software re-write.
- The Teacher Evaluation Task Force

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Myrna L. Holgate, CPA**

9685 W Brogan Drive

Boise, Idaho 83709

Work – (208) 332-6844

Cell – (208) 340-4202

Summarize the special skills and qualifications::

Idaho CPA (1982); BBA in Accounting, Over 14 years experience with the Idaho Department of Education, Public School Finance Division. Special emphasis on governmental accounting, Salary Based Apportionment and Benefit Apportionment, Public School Budget, IBEDS and IFARMS, Pupil Transportation related financial matters, Idaho Public School law, rules and regulations.

Summary of your educational background and training beginning with high school graduation:

Meridian High School, Spring 1965

Boise State University, Spring 1971, post-graduate classes 1983

Canyon County Clerk, Auditor, Recorder (Tax Roll Clerk, Computer Programmer, Chief Deputy ~1972-1974, 1976-1977)

Jackson, Messuri & Bates CPA's (Auditor ~1974-1976)

Coors Distributing Company (Office Manager ~ 1976-1977)

Blue Cross of Idaho (Auditor ~ 1977-1980)

Delotte-Touche International, formerly Touche Ross, CPA's ~ Bermuda office (Auditor ~ 1980-1983)

Myrna Holgate-Trumble, CPA (private practice – 1983-1987)

Weinberg & Green, Attorney's at Law ~ Baltimore (Accounts Receivables Manager ~ 1987-1988)

Cactus Pete's Resort (Assistant Controller, special projects during construction of 13 tower hotel/casino ~ 1988-1992)

Elko General Hospital (Controller ~ 1992-1993)

State of Idaho ~ PERSI (1994-1995)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

State of Idaho ~ Department of Education, Division of Public School Finance (Financial Specialist/Coordinator ~ 1995-present)

List all computer software you can successfully operate: Excel (including charts, graphs, macro's), Word, PowerPoint, Adobe Distiller, Database IV, WordPerfect, FoxPro, Programmer using RPGII, Logistic ~ some Visual Basic, MS-DOS and web-based applications, Outlook, GroupWise, PhotoShop, WinZip and others

Other Office Machines

IBM System 3, Wang, various personal computers, photocopiers, fax machines

Dates Employed: 1995 to present

Exact Title or Position: Financial Specialist/Coordinator

Name and Address of Employer: State of Idaho, Department of Education. P.O. Box 83720, Boise, Idaho 83720-0027

Name of Immediate Supervisor: Tim Hill

Phone: 208-322-6843

Description of Duties and Responsibilities: IBEDS, Salary Based Apportionment and Benefit Apportionment, Review of Public School Budgets, Common Code Data Non-Fiscal Data submission to the U.S. Census Bureau. School Statistics (including but not limited to graduates, drop-outs, staffing, fall enrollment, etc.). Publications include Idaho School District Profiles, Annual Statistical Report, Idaho Educational Directory, and Data Acquisition Calendar.

Dates Employed: 1994-1995

Exact Title or Position: Accountant

Name and Address of Employer: State of Idaho ~ PERSI, began as Kendall Temp

Name of Immediate Supervisor: Ron Crouch

Description of Duties and Responsibilities: Origin assignment was to balance general ledger (due to uniqueness of Investment accounting – STARS and the accounting software was significantly out of balance), Later responsible for daily cash flow/notifying investment manager of cash requirements or excess to invest. Reconciling investment/brokerage accounts.

Dates Employed: 1992-1993

Exact Title or Position: Controller

Name and Address of Employer: Elko General Hospital, Elko, NV

Name of Immediate Supervisor: Pam Chesher

Phone: 775-753-7639

Reason for Leaving: Health Reasons (Brain Tumor, after surgery mood-swings are erratic. In fairness to my staff and employer, I retired and came back to Boise. But I was bored and went back to work)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Description of Duties and Responsibilities: Hospital Accounting (50 bed-hospital) including general ledger, accounts payables, accounts receivables, payroll, computer services. Major conversion to a new hospital software.

Dates Employed: 1988-1992

Exact Title or Position: Assistant Controller, Special Projects of VP of Finance

Name and Address of Employer: Cactus Petes Resort Casino, Jackpot, NV

Name of Immediate Supervisor: Wayne Courtney

Description of Duties and Responsibilities: Resort and gaming accounting, for a period of time responsible for MIS department until a replacement could be hired. Construction accounting and auditing of contractors on 13-story Hotel/Casino addition.

Dates Employed: 1987-1988

Exact Title or Position: Accounts Receivable, Revenue Manager

Name and Address of Employer: Weinburg & Green (Law Firm), 100 St Charles, Baltimore

Name of Immediate Supervisor: Gary Chandler

Description of Duties and Responsibilities: Supervision of Monthly billing for a firm of over 60 Attorneys.

Dates Employed: 1983-1987

Exact Title or Position: Self-employed, CPA tax practice

Name and Address of Employer: Myrna Holgate-Trumble CPA, downtown Boise

Name of Immediate Supervisor: Self

Description of Duties and Responsibilities: Individual Income Taxes and accounting.

Dates Employed: 1980-1983

Exact Title or Position: Auditor

Name and Address of Employer: Touche Ross International (CPA's), Hamilton, Bermuda

Name of Immediate Supervisor: David Anfossi, CA

Description of Duties and Responsibilities: Auditor of international holding companies and captive insurance companies. Only American CPA on staff ~ converted financial statement opinion and notes to the financial statements from Canadian GAP to comply with US GAP for US clients.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Name:** Peter Kavouras

**Job Title:** Director, Content Areas and Instructional Services Team

**Years with SDE:** 4

**Division:** Innovation and Choice

**Supervisor's Name:** Rob Sauer, Deputy Superintendent

Director of Content Areas and Instructional Services has responsibilities which include supporting the Deputy Superintendent in his duties with the Division of Innovation and Choice; performing professional work related to all academic content areas and instructional support; exercising influence on decisions affecting the Idaho Content Standards; exercising influence over decisions affecting state-wide assessments including the Idaho Reading Indicator, Direct Math Assessment, and Direct Writing Assessment; facilitating communication with education constituency organizations and local school district personnel; providing excellent customer service and technical support to district personnel, colleges and universities, and patrons; staff supervision; creating and managing budgets; exercising fiscal responsibility; providing leadership; assuring the coordination of all programs within the Content Areas & Instructional Services Team; developing agendas and chairing meetings within the Department; representing the Deputy Superintendent and State Superintendent of Public Instruction on state and national committees and boards; and carrying out other duties as assigned.

Director of Content Areas and Instructional Services has extensive influence on decisions affecting curriculum, teaching strategies, evaluation strategies implementation of new programs, and may be called upon to assist in solving a variety of legal, educational and administrative problems relating to the operation of the public schools and to carry out other duties as assigned. The Director provides the leadership and general supervisory control to assure the coordination of all core content area programs and K-12 standards to maximize the services provided to Idaho school districts and to prepare students for post-secondary education and the workforce.

- Director: Manage five content area positions and three administrative staff
  - Content Standards and Instructional Curriculum (Content Specialists – English Language Arts, Reading, Mathematics, Science, Social Studies)
  - State-wide Assessments – IRI, DMA, DWA
- Curriculum Materials Adoption and PLATO Educational Technology
- Team Lead – CCSSO Surveys of Enacted Curriculum
- Member of the American Diploma Project State Leadership Team
- Member of the Response To Intervention State Leadership Team
- Represent the State Superintendent on the Idaho Financial Literacy Coalition
- President Idaho Council for the Social Studies
- Member of the 2007 Governor's Industry Award for Notable Teaching in Science Award State Selection Committee
- Member of the 2007 Milken Educator Awards State Selection Committee

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

**Appendix C**

<b>Required Data System Capabilities</b>	<b>Current Status</b>	<b>Relevant Outcomes</b>
Student progress and outcomes over time including preparation for postsecondary, workforce, and Armed Forces	Under Development: Portal, authentication and authorization framework, enrollment, attendance application and budgeting application, data governance and data policy plan	State-Funded
	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: Identify students P-20 to workforce using an Educational Unique ID (EDUID), provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, exchange data across agencies and states, establish Learning Management System (LMS), provide targeted information to stakeholders	2, 3, 5, 6, 8, 9
Exchange of data among agencies and institutions within and across states	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: Policies and governance structure to support system, identify students P-20 to workforce using an EDUID, provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, necessary updates to system currently under development, exchange data across agencies and states, appropriate information provided to stakeholders, multi-state data exchange	1, 2, 3, 4, 5, 8, 9
Link student data with teachers	Under Development: Enhance student ID system and create staff IDs, data collection and infrastructure at the state, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: EDUID links student data with teachers, create comprehensive dimensional data warehouse, necessary updates to system currently under development, exchange data across agencies and states, establish LMS, appropriate information provided to stakeholders	2, 3, 4, 5, 6, 8
Teacher certification and preparation information	Under Development: Teacher certification application rewrite to include unique IDs for teacher record and link teacher certification data into overall data structure	State-Funded
	Proposed: EDUID follows student through educational pipeline and into teacher preparation programs, create comprehensive dimensional data warehouse, exchange data across agencies and states, data training program	2, 3, 5, 7



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

Support continuous improvement and decision making including timely information to parents, teachers, and school leaders on student achievement	Under Development: State portal, authentication and authorization system, enhanced attendance and enrollment application	State-Funded
	Under Development: EDUID, data collection at state, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: EDUID follows student through educational pipeline, create comprehensive dimensional data warehouse, exchange data across agencies and states, establish LMS, data training program, appropriate information provided to stakeholders, multi-state data exchange	2, 3, 5, 6, 7, 8, 9
Data quality and integrity	Under Development: Data collection infrastructure at state includes data quality integrated into data transfer and loading processes. Includes validation rules and data checks with notification to application submitters of the data errors and required actions.	Funded by Existing Grant
	Proposed: Policies and governance structure to support system, identify students P-20 to workforce using an EDUID, provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, necessary updates to system currently under development, exchange data across agencies and states, establish LMS, data training program, appropriate information provided to stakeholders	1, 2, 3, 4, 5, 7, 8
Meet Federal reporting requirements	Under Development: Reporting and analysis system	Funded by Existing Grant
	Proposed: Policies and governance structure to support system, enhance current unique ID to EDUID, provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, exchange data across agencies and states,	1, 2, 3, 5

<b>Required Data System Elements</b>	<b>Current Status</b>	<b>Relevant Outcomes</b>
Unique Student ID, not personally identifiable	Under Development: Enhanced unique person IDs, authentication and authorization system	Funded by Existing Grant
	Proposed: EDUID incorporated into postsecondary ERP systems, provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, exchange data across agencies and states, data training program	2, 3, 5, 7
Student-level enrollment,	Under Development: Enhanced attendance and enrollment application	State-Funded

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

demographic, and program participation	Under Development: Enhanced unique person IDs, longitudinal data system, data collection at State, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: EDUID follows student through educational pipeline, create comprehensive dimensional data warehouse, exchange data across agencies and states, establish LMS, data training program, appropriate information provided to stakeholders, multi-state data exchange	2, 3, 5, 6, 7, 8, 9
Student-level information about points at which students exit, transfer, drop out, graduate P-16	Under Development: Data quality and data governance plan, enrollment, attendance and budgeting application rewrite	State-Funded
	Under Development: Enhanced unique person ID, longitudinal data system, data collection infrastructure at State level, district ETL support	Funded by Existing Grant
	Proposed: EDUID incorporated into postsecondary ERP systems, provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, exchange data across agencies and states, multi-state data exchange	2, 3, 5, 9
Capacity to communicate with higher education systems	Proposed: EDUID incorporated into postsecondary ERP systems, provide longitudinal tracking with a comprehensive P-20 and workforce dimensional data warehouse, necessary updates to system currently under development, exchange data across agencies and states	2, 3, 4, 5
Data audit system assessing quality, validity, reliability	Under Development: Data collection infrastructure at state includes data quality integrated into data transfer and loading processes. Includes validation rules and data checks with notification to application submitters of the data errors and required actions.	Funded by Existing Grant
	Proposed: Idaho-LEADS Advisory Group will develop and recommend sound data policy and technical aspects of data governance to assess and ensure quality, validity, reliability	1
Yearly test records per ESEA	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
Information on students not tested, by grade and subject	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
Teacher ID with ability to match teacher to student	Under Development: Data quality and data governance plan, , attendance and enrollment and budgeting application and teacher certification rewrites	State-Funded

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
Student-level transcripts, courses completed and grades	Under Development: Creating a system that sends and receives transcripts between LEAs and postsecondary institutions	Funded by Existing Grant
Student-level college readiness test scores	Under Development: Legislation has been passed requiring college readiness testing beginning 2012-2013 school year	State-Funded
	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
Student information regarding transition from secondary to postsecondary. Remedial coursework.	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: EDUID follows student through educational pipeline, create comprehensive dimensional data warehouse, necessary updates to system currently under development, exchange data across agencies and states, appropriate information provided to stakeholders, multi-state data exchange	2, 3, 4, 5, 7, 8, 9
Other information necessary to address alignment and preparation for success in postsecondary education.	Under Development: Portal, authentication and authorization framework, enrollment, attendance application and budgeting application, data governance and data policy plan	State-Funded
	Under Development: EDUID, longitudinal data system, data collection infrastructure, district ETL support, reporting and analysis system, transcript system	Funded by Existing Grant
	Proposed: Policies and governance structure to support system, EDUID follows student through educational pipeline, create comprehensive dimensional data warehouse, necessary updates to system currently under development, exchange data across agencies and states, establish LMS, data training program, appropriate information provided to stakeholders, multi-state data exchange	1, 2, 3, 4, 5, 6, 7, 8, 9

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009



C. L. "BUTCH" OTTER  
GOVERNOR

November 18, 2009

Dr. John Q. Easton  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, DC 20208

Dear Dr. Easton:

I am pleased to write in strong support of the State of Idaho's application to the Institute of Education Sciences for a grant to help fund continued development of a statewide longitudinal data system.

As Governor of Idaho and a former businessman, I am aware of the critical role that accurate data plays in all areas, including education. A longitudinal data system will support informed decision making throughout our K-20 education system and into the workforce. It will enable greater analysis and accountability in addressing the education needs of Idaho's students.

Idaho's future depends on education, and we are committed to developing an education system that meets the needs of today's workforce in this challenging world economy. Thank you in advance for your consideration of this grant application.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink that reads "C.L. 'Butch' Otter".

CLO/dk

C.L. "Butch" Otter  
Governor of Idaho

DECEMBER 10, 2009

JOHN W. GOEDDE  
DISTRICT 4  
KOOTENAI COUNTY



HOME ADDRESS  
1010 E. MULLAN AVENUE #203  
COEUR d'ALENE, IDAHO 83814  
(208) 660-7663  
EMAIL: jgoedde@senate.idaho.gov

**Idaho State Senate**

State Capitol  
P.O. Box 83720  
Boise, Idaho 83720-0081

RECEIVED  
OCT 26 2009  
OFFICE OF THE IDAHO  
STATE BOARD OF EDUCATION

10/22/09

Dr John Q. Easton  
Institute of Education Sciences  
US Dept of Education  
555 New Jersey Ave., NW  
Washington, DC 20208

Re: longitudinal data systems

Dear Dr. Easton

As I am sure you know, Idaho is struggling to get its longitudinal data system off the ground and has gained much in learning from successful systems in other states. The State Superintendent has received a state appropriation and a federal grant to bring the system along and is now requesting additional funds. We both know that a k-12 system is limited in its information and Idaho has started the process of integration of k-12 data into a k-20/workforce system. I have asked that information on where Idaho teachers received their education be included in the information gathering so we have a method of measuring the success of our teacher training programs.

A system is only as good as the information which can be mined from it. The Idaho effort will allow the responsible use of information by parents and students in addition to education professionals to better our overall education system. It will integrate college readiness tests and support decision making driven by data. Expenditures for a longitudinal data system will come, eventually, from state appropriations but an infusion of federal one time funds will certainly enhance the process. This letter is intended to show my support for that work and I urge funding from your department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Goedde".

John W Goedde

DECEMBER 10, 2009



**BOB NONINI**  
DISTRICT 5-A  
KOOTENAI COUNTY

HOME ADDRESS  
5875 W. HARBOR DRIVE  
COEUR D'ALENE, IDAHO 83814  
(208) 765-1904  
(208) 659-4643  
EMAIL: bnonini@house.idaho.gov

COMMITTEES

CHAIRMAN  
EDUCATION

TRANSPORTATION & DEFENSE

## House of Representatives State of Idaho

October 19, 2009

Dr. John Q. Easton, Director  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, D.C. 20208

Dear Dr. Easton,

I'm writing this letter on behalf of the State of Idaho to voice my strong support for the grant applied for by the State Board of Education for the continued work on implementing a state longitudinal data system. As you might be aware, Idaho is one of only a few states that does not have a system currently in place.

With all the new technology applied to public education it is imperative that Idaho's decision makers, teachers and students have all necessary tools to allow the students the most success possible. It is the longitudinal data system that will make that happen. A way of tracking students from K-20 grades will only benefit the entire system in Idaho.

Our goal as state lawmakers and particularly my goal as House Education Chairman are to provide the tools necessary to make our education system competitive. Please give Idaho's grant application your utmost and timely consideration.

Please feel free to contact me if there is any additional information I can provide you.

Sincerely,

A handwritten signature in black ink that reads "Bob Nonini".

Bob Nonini  
House Education Chairman



IDAHO STATE BOARD OF EDUCATION

650 W. State Street P.O. Box 83720 Boise, ID 83720-0037  
208/334-2270 FAX: 208/334-2632  
e-mail: [board@osbe.idaho.gov](mailto:board@osbe.idaho.gov)  
[www.boardofed.idaho.gov](http://www.boardofed.idaho.gov)

November 19, 2009

The Honorable Arne Duncan  
U.S. Secretary of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary Duncan:

As president of the Idaho State Board of Education, I respectfully submit the grant application that follows the guidelines set in the Request for Application released July 24, 2009. The State of Idaho has completed this grant application in an effort to secure funding to create a statewide longitudinal data system. We recognize the importance of developing such a system and the benefit it will be to our state's educational system. This is a critical step to fulfill accountability, reporting, and analysis obligations under the American Recovery and Reinvestment Act of 2009, and we are submitting this grant application to assist in supplementing efforts currently underway in our state.

The grant funding will be used to design a statewide longitudinal data system that will expand our current K-12 efforts into a P-20 and workforce data system. This statewide longitudinal data system is designed to increase our ability to improve student achievement, maximize stakeholder participation, develop reporting and analysis systems, and expand overall data system capabilities. We are confident our objectives will be met through the support of grant funding.

The Idaho State Board of Education values the dedication of the U.S. Department of Education to help states work to improve student achievement through funding for the development of statewide longitudinal data systems. I appreciate your serious consideration of this application. If I can be of assistance, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Agidius".

Paul Agidius  
President

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009



STATE OF IDAHO  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
Mr. Tom Luna

P.O. Box 83720  
Boise, ID 83720-0027

Phone (208) 332-6815  
Fax (208) 332-6836

November 10, 2009

Dr. John Q. Easton, Director  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, DC 20208

Dear Dr. Easton,

As Idaho Superintendent of Public Instruction, I am writing in strong support of the State of Idaho's application for the Statewide Longitudinal Data System Grant from the Institute of Education Sciences.

Current, accurate data is critical to keep Idaho students moving forward and to ensure they master the 21<sup>st</sup> century skills they will need to succeed in life after high school. Right now, far too many of our decisions are based on well-calculated estimates. Through our Statewide Longitudinal Data System, we will finally be able to give Idaho educators, parents, students, and policymakers the data they need to make more informed decisions about everything from a student's performance in the classroom to the future of public education programs.

Idaho has been working for the past two years to develop and implement a Statewide Longitudinal Data System to help us better meet the needs of all Idaho students. We have made a lot of progress. With initial funding from the State of Idaho and a federal grant awarded in March 2009, the Idaho State Department of Education has developed a Statewide Longitudinal Data System that we will begin to pilot in January 2010.

With the additional funding provided through this federal grant, we will have the resources to fully implement a Statewide Longitudinal Data System that meets the needs of students from pre-kindergarten to the workforce. We have already begun working closely with educational stakeholders and other state agencies, such as the Idaho Department of Labor, to ensure the success of the Statewide Longitudinal Data System.

Thank you in advance for your consideration of the State of Idaho's grant application. I appreciate the U.S. Department of Education's continued commitment to assisting states as they work to raise student achievement. I look forward to continuing our work with the Institute of Education Sciences in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Luna".

Tom Luna  
Superintendent of Public Instruction



RECEIVED

OCT 29 2009

OFFICE OF THE IDAHO  
STATE BOARD OF EDUCATION

October 25, 2009

Dr. John Q. Easton, Director  
 Institute of Education Sciences  
 U.S. Department of Education  
 555 New Jersey Ave., NW  
 Washington, DC 20208

Dear Dr. Easton:

I am writing this letter on behalf of the Idaho Higher Education Presidents' Council in support of the Idaho State Board Of Education's grant application for continuance of a State Longitudinal Data System. The Idaho Higher Education Presidents' Council is comprised of the presidents of Boise State University, Idaho State University, Lewis-Clark State College, University of Idaho, College of Southern Idaho, College of Western Idaho, Eastern Idaho Technical College, North Idaho College and the director of the Idaho Division of Professional-Technical Education.

The State Longitudinal Data System grant application is a needed continuance of the work on a longitudinal data system started by the State Department of Education. The initial effort was to create a unique identifier for K-12 students and teachers. This grant application requests funds to fine tune the collection of data based on a unique ID for K-12 and to develop a data warehouse at each of the higher education institutions that will support the data collection and integration necessary for a K-20/workforce longitudinal data system.

The continuance of a State Longitudinal Data System would support:

- Creation of a pipeline that integrates K-12 unique IDs with individual postsecondary and workforce data
- Development of a reporting engine that supports analysis tying educational efforts to student learning and workforce needs
- Development of an instructional management system that supports data driven decision making for continuous improvement
- Integration of college readiness tests
- Development of a system that has information accessibility for students, teachers, parents and various other stakeholders.

I strongly urge you to consider supporting this grant application, an application that will greatly enhance the delivery of education services for all of Idaho's citizens.

Sincerely,

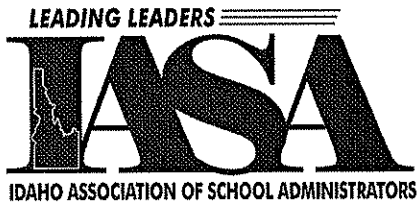


Dene K. Thomas  
 President

Office of the President

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009



**Dr. Wayne R. Davis, Executive Director**  
*Idaho Association of School Administrators*  
777 S. Latah St. Boise, ID 83705  
Phone: 208-345-1171  
Fax: 208-345-1172  
[www.idschadm.org](http://www.idschadm.org)  
Email: [wayne.davis@idschadm.org](mailto:wayne.davis@idschadm.org)

October 22, 2009

Dr. John Q. Easton, Director  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, D.C. 20208

Dear Dr. Easton,

This letter is in support of an application for the State of Idaho being presented to the Institute of Educational Services for the development of a statewide longitudinal data system including pre-school through post secondary education information.

School administrators across the state of Idaho recognize how critical it is for Idaho's colleges, teachers, principals, superintendents, and parents to have the current and accurate data they need to improve student achievement at every level. Our students are becoming more transient and changing communities and states. A system that can provide quick and current information will assist school districts direct funding and personnel to meet the most critical needs in times of economic distress. The articulation of P-12 information with post secondary systems provides the opportunity for continued collaboration and a continuum of instructional offerings and services for students.

The potential for a system that can provide a pre-school through post secondary data bank will help continue to increase the efficiency for all involved.

Thank you for your consideration of Idaho's grant application.

Sincerely,

A handwritten signature in black ink that reads "Wayne R. Davis".

Dr. Wayne R. Davis  
Executive Director  
Idaho Association of School Administrators

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009



C.L. "BUTCH" OTTER, GOVERNOR  
ROGER B. MADSEN, DIRECTOR

November 20, 2009

Dr. John Q. Easton, Director  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, DC 20208

Dear Dr. Easton,

Thank you for the opportunity to write a letter of commitment for the Idaho K-20 Longitudinal Database Project.

This project has tremendous implications for more than measuring the effectiveness and return on investment of the state's higher education programs. Idaho's citizens and its economic and work force development community will also benefit. Data produced by this project will tell us:

- Where Idaho's graduates are located, what industry they are working in and the wages they are earning;
- Where the state's work force training dollars should be invested; and
- Worker supply and demand, where students are in the education pipeline, what they are studying and how many students in a particular field will enter the work force in the next five to 10 years.

The Idaho Department of Labor's Communications & Research staff is committed to this project. We have provided input and support for the proposed governance structure and worked with the State Board of Education to identify variables that will take the reports to a level that goes beyond determining a return on investment for education. Several steps that will allow the agency to fully support the project from development to production include:

- A clear and well-established memorandum of understanding that defines micro data delivery methods and sets the parameters for data dissemination;
- An agreement for the disclosure of confidential information that includes provisions for complying with state and federal law, recovering costs of providing the data, an audit of the data use and specific guidelines that protects department-provided data from further disclosure;
- Access to student Social Security numbers necessary for matching unemployment insurance wage records with graduate data; and
- One full-time equivalent position funded to cover costs associated with in-house wage record matching for database development, file preparation, programming, governance and efforts toward the potential development of interstate record matching.

This project offers an opportunity to look toward the future, make the state economy stronger and provides a path that policy makers and citizens can follow to jobs that pay well, provide benefits and allow Idahoans to fully enjoy the state where we live.

Sincerely,

A handwritten signature in black ink that reads "Roger B. Madsen".

Roger B. Madsen, Director  
Idaho Department of Labor

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009

C.L. "BUTCH" OTTER  
GOVERNOR



Con P. Paulos  
*Chair*

B. J. Swanson  
*Vice Chair*

**WORKFORCE DEVELOPMENT COUNCIL**

317 West Main Street, Boise, Idaho 83735-0510

November 20, 2009

Dr. John Q. Easton, Director  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, DC 20208

Re: Longitudinal Data Project

Dear Dr. Easton:

The Idaho Workforce Development Council has been charged by Governor Otter to advise him and the State Board of Education on workforce related education and training policies and programs. The council has long supported a strong education system as the foundation for a quality workforce. The council views quality education and workforce data as an essential element in directing investments in the system and in ensuring that the system produces the results needed for Idaho students and businesses.

This project will provide the opportunity to substantially improve the data to determine where students are in the pipeline and how successful they are in obtaining employment as they complete their education. It will assist us in better identifying where we should invest our scarce resources to ensure that our investments yield students prepared to take advantage of employment opportunities offered by Idaho business and industry.

The project reflects the collaboration among Idaho's key workforce and education agencies that will bring initial success and yield sustainability in the future. On behalf of the council, I offer our continuing support for the project and look forward to the opportunities it presents.

Sincerely,

Con P. Paulos  
Chair

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009

WICHE



Western Interstate Commission for Higher Education

3035 Center Green Drive Suite 200 Boulder, CO 80301-2204 303.541.0200 (ph) 303.541.0291 (fax)

November 30, 2009

U.S. Department of Education  
National Center for Education Statistics  
1990 K Street, NW  
Washington, DC 20006-5651

To Whom It May Concern,

Please accept this letter from the Western Interstate Commission for Higher Education (WICHE) in support of the State of Idaho's proposal for an award through the Statewide Longitudinal Data Systems grant program funded by the American Recovery and Reinvestment Act of 2009 (CFDA number 84.384). Idaho's proposed project features its planned involvement in a pilot effort to share data among a collaboration of states. The multi-state data exchange will allow states to more completely analyze how their production of human capital is meeting state needs by enabling them to look beyond their borders at where they are getting – or losing – their students and labor force participants. At a time when most, if not all, states are working on developing data systems, the collaborative nature of this exchange will help participating states benefit from the experience of others, while also fostering greater compatibility and interoperability among participating states' data systems. A more intentional approach to interstate interoperability will better ensure that state systems can be stitched together more seamlessly in the longer term, especially as the pilot effort shows benefits and potentially attracts other states to the table. Additional major concerns to be addressed in this collaborative effort include how to ensure the protection of private data and how to develop a lasting governance arrangement among several states – and agencies within states.

WICHE plans to lead and facilitate the development of this pilot effort, and we have submitted a separate proposal to the Bill and Melinda Gates Foundation to fund our activities as well as to bear a share of the state costs of participating in this effort. The Gates Foundation has been a key supporter of building more robust data systems in education and, based upon our discussions with them, we are confident they will find this effort worthwhile. With the inclusion of this pilot effort for a multi-state collaboration, we believe Idaho's proposal stands out as meeting the goals of the SLDS grant program, and we strongly support its selection for an award.

Sincerely,

David A. Longanecker  
President

[www.wiche.edu](http://www.wiche.edu)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009

SUSAN CASTILLO  
State Superintendent of Public Instruction



OREGON DEPARTMENT OF EDUCATION  
Public Service Building, 255 Capitol Street NE, Salem, Oregon 97310  
Phone (503) 947-5600 • Fax (503) 378-5156 • www.ode.state.or.us

December 20, 2009

Dr. John Q. Easton, Director  
Institute of Education Sciences  
U.S. Department of Education  
555 New Jersey Ave., NW  
Washington, DC 20208

Dear Dr. Easton,

As the Assistant Superintendent of Assessment and Information Services, I am writing in strong support of the training outcome within the State of Idaho's application for the Statewide Longitudinal Data System Grant from the Institute of Education Sciences.

The State of Oregon is excited about the opportunity to share best practices and expertise we have acquired during development of the Oregon Data Project, which is part of our Longitudinal Data System, funded in part by the U.S. Department of Education under our 2009 grant (#R372A090048). As neighboring states Oregon and Idaho have similarities which will enhance our ability to collaborate on this project.

The Oregon Department of Education has reviewed Idaho's planned training outcome and believe Idaho has developed a well researched and comprehensive plan. The Oregon Department of Education is prepared to assist Idaho with the deployment of their planned training outcome.

Sincerely,

Doug Kosty  
Assistant Superintendent  
Oregon Department of Education

*Every Student, Every Day—A Success*

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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**SUBJECT**

Idaho State Board of Education 2011-2015 Strategic Plan

**REFERENCE**

March 27, 2008	Board reviewed initial Strategic Plan proposal
April 17, 2008	Board approved the 2009-2013 Strategic Plan and Planning Calendar
January 26, 2009	Board provided input on need for further in-depth planning
February 27, 2009	Board approved 2010-2014 Strategic Plan
November 9, 2009	Board met to develop 2011-2015 Strategic Plan

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.1. Section 67-1903, Idaho Code.

**BACKGROUND/ DISCUSSION**

Section 67-1903, Idaho Code requires each state agency to submit an updated strategic plan each year to the Department of Financial Management (DFM), including the general format in which it must be submitted. Once the Board has approved its strategic plan the agencies and institutions must then update/develop their individual strategic plans in alignment with the Board's plan.

On November 9<sup>th</sup>, 2009 the Board met with representatives from the institutions and agencies to begin the process of developing its 2011-2015 strategic plan. Presented today are the goals and objectives developed during that meeting. The next step in the strategic plan process for the Board will be to develop performance measures and benchmarks for the plan. Sample performance measures have been provided to help facilitate the discussion. The final performance measure will direct the Board staff, institutions, and agencies in future planning efforts as well as define the broader objectives proposed during the November 9<sup>th</sup> planning meeting. Final performance measures should be targeted toward specific outcomes that assess the progress that has been made in achieving its goals. Benchmarks will define the targets for each performance measure for at a minimum the next year.

**ATTACHMENTS**

Attachment 1 – 2011–2015 Board Strategic Plan draft

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

The Board can use the strategic plan to prioritize its direction for education in Idaho. It can also use the plan to determine how progress will be measured. By focusing on critical priorities, Board staff, institutions and agencies can direct resources to maximum effect. The Board needs to review the plan and provide any necessary modifications, including quantifiable performance measures and

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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benchmarks for those performance measures. Staff can then finalize for Board approval.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.





**IDAHO STATE BOARD OF EDUCATION**

**Draft Strategic Plan**

An Idaho Education: High Potential – High Achievement



**VISION**

The State Board of Education envisions an accessible, seamless public education system that results in a highly educated citizenry. Through innovation, the creation of new knowledge, and a sustainable seamless education system, the people of Idaho are afforded the opportunity to reach their full potential.

**MISSION**

To provide leadership, set policy, and advocate for transforming Idaho's educational system to improve the quality of life and enhance global competitiveness

**VALUES:**

**COMMUNICATION** – To ensure an effective and efficient education system, we encourage and support two-way communication with and among our stakeholders.

**LEADERSHIP/ADVOCACY** – We provide strategic leadership and advocate for the needs of the institutions and agencies under our purview.

**COOPERATION** – We conduct our work in the spirit of cooperation and the belief that the more we can work toward common goals, the greater the outcomes for the citizens of Idaho.

**INNOVATION** – As we continuously improve our education system, we do so with an eye toward innovation and strategic decision making. If there are better ways to do our work and improve education in Idaho, we seek those out.

**ACCOUNTABILITY** – We hold ourselves accountable for both the success of the education system and areas needing improvement.

**RESPONSIBILITY** – We take responsibility for our actions and work to improve education in Idaho.

**RESPECT** – We demonstrate respect for each other and those with whom we interact. Even if we disagree, we do so civilly and with a desire to reach mutually beneficial solutions.

**EFFICIENCY** – Our work is conducted efficiently and the decisions we make support that emphasis.

**Authority and Scope:**

The Idaho Constitution provides that the general supervision of the state educational institutions and public school system of the State of Idaho shall be vested in a state board of education. Pursuant to Idaho Code, the State Board of Education is charged to provide for the general

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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supervision, governance and control of all state educational institutions, and for the general supervision, governance and control of the public school systems, including public community colleges.

**State Board of Education Governed  
Agencies and Institutions:**

<b>Educational Institutions</b>	<b>Agencies</b>
Idaho Public School System	Office of the State Board of Education
Idaho State University	Division of Professional-Technical Education
University of Idaho	Division of Vocational Rehabilitation
Boise State University	Idaho Public Broadcasting System
Lewis-Clark State College	State Department of Education
Eastern Idaho Technical College	
College of Southern Idaho*	
North Idaho College*	
College of Western Idaho*	
*Have separate, locally elected oversight boards	

**GOAL 1: A QUALIFIED WORKFORCE**

*The educational system will provide quality graduates at every level (secondary and postsecondary), with the knowledge, skills, and desire for lifelong learning necessary to meet the workforce needs of today and tomorrow.*

**Objective A: Teacher Preparation**

- *Performance Measure:* Number of Idaho teachers who are certified each year by specialty and meet the Federal Highly Qualified Teacher definition.

**Objective B: Student Articulation and Transition**

- *Performance Measure:* Number of community college students who transfer from community college to a baccalaureate degree program.
- *Performance Measure:* Number of secondary graduates transitioning to postsecondary education within two years.
- *Performance Measure:* Number of high school students enrolled in postsecondary programs.

**Objective C: Adult Learner Re-Integration**

- *Performance Measure:* Number of Adults (ages 25-64) with an associate's degree or higher.
- *Performance Measure:* Number of Adults (ages 25-64) with a bachelor's degree or higher.
- *Performance Measure:* Number of GEDs awarded to 25-49 year olds with no high school diploma.
- *Performance Measure:* State educational attainment of population 25 years and older.

**Objective D: Relevant Education Programs**

- *Performance Measure:* Degree of alignment between programs offered and employment opportunities in Idaho.

**GOAL 2: A WELL EDUCATED CITIZENRY**

*The educational system will provide opportunities for individual advancement.*

**Objective A: Access**

- *Performance Measure:* Average loan amount that undergraduate students borrow each year.
- *Performance Measure:* Total enrollment in postsecondary programs by race/ethnicity.
- *Performance Measure:* Ratio of tuition and fees to median household income.
- *Performance Measure:* State appropriation to higher education, k-12 education, Medicaid, and corrections as percent of total appropriations.
- *Performance Measure:* Percent of change in state general fund appropriations to higher education, k-12 education, Medicaid, and corrections.
- *Performance Measure:* Numbers of recent high school graduates and first time freshmen.
- *Performance Measure:* Total scholarship dollars offered by institutions.
- *Performance Measure:* Number and proportion of enrollments in courses offered by non-traditional methods.

**Objective B: Quality Instruction and Learning**

- *Performance Measure:* Freshmen and sophomores who took remedial courses during the academic year.
- *Performance Measure:* High School Graduation rates as defined by the State Accountability Workbook.
- *Performance Measure:* Average scores for National Assessment of Education Progress – 8<sup>th</sup> Grade.
- *Performance Measure:* SAT and ACT average Scores and number of exam takers by race/ethnicity.
- *Performance Measure:* Number of National Merit Scholars awarded in the state.
- Percent of k-12 students meeting or exceeding statewide academic standards.

**Objective C: Relevant Content**

- *Performance Measure:* Number of high-demand job program graduates.
- *Performance Measure:* Licensure exam pass rates compared to other states.

**Objective D: Effective and Efficient Delivery Systems**

- *Performance Measure:* The cost per credit hour of the programs offered (cost of instruction and cost to student).
- *Performance Measure:* First-year retention rates, fall-to-spring retention rates, course completion rates.
- Primary reserve ratio comparable to the advisable level of reserves.

**Objective E: Higher Level of Educational Attainment**

- *Performance Measure:* 3-Year graduation rates and number of credits at graduation for transfer students with an associate degree from an Idaho community college.
- *Performance Measure:* Six-year postsecondary graduation rate (four-year institutions)
- *Performance Measure:* The number of students entering postsecondary education.
- *Performance Measure:* The number of postsecondary students receiving degrees or certificates.
- *Performance Measure:* Percent of Idaho residents 18-24 year olds enrolled in postsecondary education.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
DECEMBER 10, 2009**

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- *Performance Measure:* Percent of Idaho residents 25-49 year olds enrolled in any type of postsecondary education with no bachelor's degree or higher.
- *Performance Measure:* Number of certificates, degrees, diplomas at all colleges & universities per 100 undergraduate students
- *Performance Measure:* Number of degrees and certificates conferred.
- *Performance Measure:* Number of associate and Bachelor's degrees conferred in STEM fields.
- *Performance Measure:* Percent of freshmen graduated from HS the previous year requiring developmental education in math and language arts.

**GOAL 3: CREATIVITY AND INNOVATION**

*The educational system will provide fertile ground for the development of new ideas and knowledge – both practical and theoretical- and foster the development of individuals who are entrepreneurial, broadminded, critical, and creative.*

**Objective A: An Environment in Which Critical Thinking, Innovation and Creativity Can Thrive, Both at the Individual and System Level**

- *Performance Measure:* Total dollar amount of competitive, externally funded, grants in collaboration with state, federal, NGO, and private entities.
- *Performance Measure:* Total dollar value of advanced energy studies grant funding (external of state resources).
- *Performance Measure:* Competitive external funding for research per faculty FTE.
- *Performance Measure:* Statewide Higher Education research plan coordinated with economic develop within 1 yr.

**Objective B: Encouragement and Support for Students at All Levels to Be Innovative and Creative**

- *Performance Measure:* Number of students participating in service learning opportunities.
- *Performance Measure:* Number of students participating in research programs.

**GOAL 4: AN ATTRACTIVE PLACE TO LIVE AND WORK**

*Idaho's public institutions of higher education have a responsibility at a local and regional level to engage in the community and to make the community, region, and the state a better place to live and work.*

**Objective A: Community Engagement**

**Objective B: Quality Of Life**

**Objective C: Economic Development**

- *Performance Measure:* Total dollar amount of grants for research (funded externally).
- *Performance Measure:* Number of patents that result from university funding.
- *Performance Measure:* Number of startup/spin off companies per \$100M research expenditures per year.
- *Performance Measure:* Increase in the number of residencies available to Idaho residents graduating from a medical program.

**GOAL 5: TRANSPARENT ACCOUNTABILITY**

*Improve efficiency to accelerate progress towards transforming education. Develop tools to improve transparency and accountability in Idaho's public education system.*

**Objective A: Robust Metrics and Measurement System**

- *Performance Measure:* Development of a performance based budgeting system.
- *Performance Measure:* Development of program implementation, reduction and termination system.

**Objective B: State-Wide Data System**

- *Performance Measure:* Development of quality, timely and relevant data collection and reporting system.

**Objective C: Continuous Improvement**

- *Performance Measure:* Review of the college and university mission statements within 1yr.
- *Performance Measure:* Number of schools and districts meeting or exceeding Adequate Yearly Progress (AYP) standards each year.
- *Performance Measure:* Schools, institutions, and agencies accreditation results.

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>BOISE STATE UNIVERSITY – NEW GRADUATE PROGRAM – FULL PROPOSAL – MASTER IN CHEMISTRY</b>	Motion to Approve
2	<b>UNIVERSITY OF IDAHO – REPORT ON POSSIBLE RESEARCH &amp; EXTENSION BUDGETARY ACTIONS</b>	Information Item
3	<b>UNIVERSITY OF IDAHO – CONSOLIDATION &amp; RESTRUCTURE OF THE PARMA RESEARCH &amp; EXTENSION CENTER</b>	Motion to Approve
4	<b>UNIVERSITY OF IDAHO – RESTRUCTURE OF THE SANDPOINT RESEARCH &amp; EXTENSION CENTER</b>	Motion to Approve
5	<b>UNIVERSITY OF IDAHO – CONSOLIDATION &amp; RESTRUCTURE OF THE TETONIA RESEARCH &amp; EXTENSION CENTER</b>	Motion to Approve
6	<b>SECOND READING, AMENDMENT TO BOARD POLICY III.Y. ADVANCED OPPORTUNITIES, IDAHO STANDARDS</b>	Motion to Approve
7	<b>ESTABLISH AN ASSESSMENT OVERSIGHT COMMITTEE OF THE BOARD</b>	Motion to Approve

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

Boise State University – New Graduate Program – Full Proposal – Master in Chemistry

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.B.8. Section 33-3717, Idaho Code

**BACKGROUND**

In accordance with Board policy III.G.5.a.(2) and (3), The Chief Academic Officer shall forward program requests to the CAAP for its review and recommendation. If CAAP recommends approval, the proposal shall be forwarded to the Board for action. A request for a new graduate program requires a full proposal.

**DISCUSSION**

Boise State University proposes a new program leading to the degree of Master of Science in Chemistry. The proposed program will be offered through the Department of Chemistry and Biochemistry in the College of Arts and Sciences.

The MS Chemistry degree is designed to serve two types of students: (i) those interested in pursuing a research-based and/or academic career in chemistry and will be seeking preparation to pursue a doctoral degree at a major university and (ii) those interested in a career as a professional chemist and will be seeking appropriate applied coursework and practical research based experience. Note that the new program will provide an advanced degree option in chemistry to meet the needs of students who otherwise must relocate to pursue graduate education in chemistry.

The MS Chemistry degree will also provide a benefit to numerous companies, agencies, and school systems that need workers or teachers with an advanced degree in Chemistry. Several examples include the following:

- Local industry makes use of chemists in quality control, in environmental protection efforts, in research and development, and in product manufacture.
- Local medical research institutions, such as the VA Medical Center and the Mountain States Tumor Institute, hire chemists.
- Governmental agencies such as the Department of Environmental Quality (DEQ) and the Idaho State Police Forensics Lab, make use of chemists. Ensuring the environmental quality of the air, water, and land in Idaho requires chemists, especially those with analytical chemistry training. Forensics labs require chemists with expertise in analytical chemistry.
- Teachers at local schools must continue their education in their fields, and those who teach chemistry would benefit from the availability of graduate-level coursework.

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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The creation of a new MS Chemistry program will facilitate the research efforts of our faculty and our students.

- The presence of graduate students will enable faculty members and their graduate students to be more productive in their research and to pursue research projects of increased complexity. Present research projects include: (i) development of a vaccine for West Nile Virus, (ii) new materials for non-volatile memory devices for use in satellites and space vehicles, (iii) drugs for reducing the cardiotoxicity of chemotherapy drugs, (iv) compounds capable of binding to the DNA of tumor cells, (v) sensors for detecting uranium, plutonium, thorium, mercury, arsenic in ground water, and (vi) molecular tweezers for binding transition metal ions.
- The existence of a graduate program in Chemistry will enable the Department of Chemistry and Biochemistry to provide additional research opportunities for undergraduate students. Research experience has proved to be very valuable to those students in helping them to enter graduate and professional schools.

The need for a new program was made apparent by information from several sources: (i) there have been a number of direct inquiries to the department and faculty from students expressing their interest and desire to pursue graduate studies in the Boise area, (ii) student support for the program is indicated by a number of letters of support, and (iii) Private-sector companies in the Boise area that hire chemists were queried and are supportive of the program. The following are three quotes from letters of support:

*“A Master’s Program in Chemistry would produce scientists to populate the research laboratories throughout the Treasure Valley. As Chief of Cardiovascular Pharmacology at the Boise VA Medical Center, I know how large the impact would be on our research programs if we could hire scientists newly trained at the Masters level”,* Dr. Rick Olson, Associate Director MSTMRI and Chief of Cardiovascular Pharmacology at the Boise VA Medical Center.

*“A Master’s degree in chemistry can provide a strong general problem-solving background that would allow workers to easily adapt to the semiconductor field”,* Robert Beal, Operation Manager, Micron Business Unit, KLA-Tencor.

*“I am in favor of anything BSU is doing to provide graduate Chemistry programs. The better programs they have, the more opportunities we have for our employees and the more opportunities for Micron to hire the people”,* Lori Freeman, Micron Analytical Chemistry Lab Manager

Although the proposed program is similar in content to those offered by UI and ISU, the proposed program is designed to serve the southwest Idaho region. A

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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number of prospective students are tied to the area for reasons of employment and family, and cannot relocate to attend graduate school.

The proposed program fits well with the role and mission of Boise State as specified by the SBOE:

Boise State University ***“offers a variety of masters and select doctoral degrees” and “conducts coordinated and externally funded research studies.”***

*“Boise State University is a comprehensive, urban university serving a diverse population through undergraduate and graduate programs, research, and state and regional public service.”*

*“...Boise State University will give continuing emphasis in the areas of the health professions, the **physical** and biological **sciences**, and education...”*

The proposed program also contributes to the strategic plan for Boise State University, *Charting the Course*, which has a major focus on *“...graduate programs that have groundbreaking applications locally, regionally, and globally.”* Among the strategies that Boise State University will pursue to achieve its goals, also outlined in *Charting the Course*, are those that (i) “reward, promote, and publicize student and faculty success in research...,” (ii) “promote and reward research in and with the community,” and (iii) “secure funds for sponsored research activity.” Through the proposed program, faculty and students in the Department of Chemistry and Biochemistry will actively engage in all of these strategies.

**IMPACT**

	FY 2010	FY 2011	FY 2012
Expenditures			
A. Personnel	\$171,548	\$253,199	\$290,451
B. Operating Expenditures	\$13,000	\$6,000	\$6,000
C. Capital Outlay	\$339,975	\$27,975	\$27,975
D. Physical Facilities			\$10,000
E. Indirect Costs	\$0	\$0	\$0
Total Expenditures	\$524,523	\$287,174	\$324,426
Revenue			
A. Source of Funds			
1. Appropriated funds -- Reallocation	\$479,685	\$194,345	\$204,301
2. Appropriated funds -- New MCO	0	0	0
3. Federal funds	\$44,838	\$92,829	\$120,125
4. Other grants	0	0	0
5. Fees	0	0	0

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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6. Other:	0	0	0
Total Revenues	\$524,523	\$287,174	\$324,426
B. Nature of Funds			
1. Recurring*	\$205,523	\$287,174	\$324,426
2. Non-recurring**	\$319,000		
Total Revenues	\$524,523	\$287,174	\$324,426

The Department of Chemistry and Biochemistry has made numerous changes in the delivery of undergraduate curriculum to more efficiently and more effectively deliver courses, thereby freeing up resources to devote to this important new program.

Personnel costs include (i) reallocation of workload of existing faculty members and existing administrative personnel, (ii) the addition of a total of 7 new graduate assistantships, (iii) funds for a program director, and (iv) reallocation of faculty time to the new program. The implementation of the new program requires additional operating expenses in travel and miscellaneous.

The library costs assignable to the proposed program will require an additional \$29,975 annually to maintain an existing database at the new degree level. Capital outlay also includes funds for the startup of a new faculty member.

Funding will come from a number of sources, including tuition and enrollment workload adjustments associated with enrollment growth, private donations, and grants and contracts.

**ATTACHMENTS**

Attachment 1 – Full Proposal including letters of support

Page 5

**STAFF COMMENTS AND RECOMMENDATIONS**

BSU's request to offer a new Master of Science in Chemistry is consistent with their Statewide Mission and with their Eight-year Plan for Delivery of Academic Programs in the Southwest Region. IRSA, CAAP, and Board staff recommend approval as presented in Attachment 1.

**BOARD ACTION**

A motion to approve the request by Boise State University to offer a Master of Science in Chemistry.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

Institution Tracking No. 08-0002

IDAHO STATE BOARD OF EDUCATION

ACADEMIC/PROFESSIONAL-TECHNICAL EDUCATION

FULL PROPOSAL

to initiate a

NEW, EXPANDED, COOPERATIVE, DISCONTINUED, PROGRAM COMPONENT OR OFF-CAMPUS INSTRUCTIONAL PROGRAM OR ADMINISTRATIVE/RESEARCH UNIT

Submitted by:

Boise State University

Institution Submitting Proposal

College of Arts and Sciences

Department of Chemistry and Biochemistry

Name of College, School, or Division

Name of Department(s) or Area(s)

A New, Expanded, Cooperative, Contract, or Off-Campus Instructional Program Leading to:

Masters of Science in Chemistry 40.0501

Degree/Certificate & 2000 CIP

Program Change, Off-Campus Component

Spring 2010

Proposed Starting Date

This proposal has been approved by:

Stacy Pearson 9/15/09

Chief Fiscal Officer (Institution)

Date

Mark K. Andrews 9/11/09

Chief Academic Officer (Institution)

Date

Robert W. Kinn 9/22/09

President

Date

SBOE/OSBE Approval

Date

**1. Describe the nature of the request. For example, is this a request for a new on-campus program? Is this request for the expansion or extension of an existing program, or a new cooperative effort with another institution or business/industry or a contracted program? costing greater than \$150,000 per year? Is this program to be delivered off-campus or at a new branch campus? Attach any formal agreements established for cooperative efforts, including those with contracting party(ies). Is this request a substantive change as defined by the NWASC criteria?**

To contribute to the university's strategic vision to become a Metropolitan Research University of Distinction, the Department of Chemistry and Biochemistry proposes to implement a new on-campus graduate program leading to the degree of Master of Science in Chemistry as detailed below:

The specific academic aims of the new program will be:

1. Provide an advanced degree in chemistry for the Boise metropolitan area and Southwest Idaho to ensure a highly trained workforce.
2. Provide an advanced degree option in chemistry to meet the needs of students who otherwise must relocate to pursue graduate education in chemistry.
3. Provide a unified and predictable set of graduate course offerings in chemistry that will be of utility to our students, the department, and the rest of the university.

The specific research aims of this effort will be:

1. To increase the overall research profile in chemistry.
2. To specifically enhance the department's strength to support the study of materials science and of the chemical/biochemical processes of disease and disease treatment.
3. To establish a graduate culture within the department to ensure full and efficient participation of chemistry faculty in the university's planned PhD programs in science and engineering, and to contribute to the university's emphasis on interdisciplinary research.

The Department of Chemistry and Biochemistry has 12 tenured or tenure-track faculty members, ten of which are research-active and maintain externally-funded research programs. This makes the Department of Chemistry and Biochemistry the fourth largest research department at Boise State University. We currently have funded research grants with about \$700,000/year in direct and indirect costs and over \$800,000/year in pending grants. Consistent with this research activity, all undergraduate chemistry majors are required to take a minimum of one year of research with nearly all students electing to begin research in their sophomore or junior year.

The addition of a graduate program in chemistry is expected to have a synergetic effect on the total science and engineering research efforts of the university. Chemistry is often referred to as "the central science," so that having a strong research program in chemistry is essential in establishing overall excellence in research activities in science and technology.

**2. Quality– this section must clearly describe how this institution will ensure a high quality program. It is significant that the accrediting agencies and learned societies which would be concerned with the particular program herein proposed be named. Provide the basic criteria for accreditation and how your program has been developed in accordance with these criteria. Attach a copy of the current accreditation standards published by the accrediting agency.**

Regional Institutional Accreditation: Boise State University is regionally accredited by the Northwest Commission on Colleges and Universities (NWCCU). Regional accreditation of the university has been continuous since initial accreditation was conferred in 1941. Boise State University is currently accredited at all degree levels (A, B, M, D).

Specialized Accreditation: Although there is no discipline-specific accrediting body for graduate studies in chemistry, the Department of Chemistry and Biochemistry is accredited by the American Chemical Society for its undergraduate degree program. Those same high standards will be applied to the proposed graduate program.

Curriculum Design: The curriculum for the proposed program will be consistent with those found in similar chemistry programs throughout the nation. The program will require a total of 30 credits, including a thesis representing original research that is defended in a public setting before the members of the student's supervisory committee.

Program Review: Internal program evaluations will take place every five years as part of the normal departmental review process conducted by the Office of the Provost. This process requires a detailed self study (including outcome assessments) and a comprehensive review and site visit by external evaluators.

Graduate College: The proposed program will conform to all policies and procedures of the Graduate College, which is a member of the Council of Graduate Schools (Washington, D.C.), the leading authority on graduate education in the United States.

In addition to the formal manifestations of quality listed above, the departmental chairs of chemistry at Boise State University, Idaho State University, and the University of Idaho have indicated their willingness to collaborate (for example, a faculty member from outside a student's home university could serve as a member of a supervisory committee). This collaboration is endorsed by Boise State University as an excellent means for providing stronger ties among Idaho's three public universities offering programs in chemistry. Additionally, a senior member at Micron stated that a number of Micron scientists also would volunteer to serve as members of supervisory committees in those cases where Micron employees can supply appropriate expertise, thereby providing a strong tie to local industry.

**a. Curriculum – describe the listing of new course(s), current course(s), credit hours per semester, and total credits to be included in the proposed program.**

The Master of Science in Chemistry program is meant to provide students with advanced training in modern chemical research methods. The program also is designed to provide every student with a core chemistry foundation while maintaining course work flexibility. Table 1 lists the degree requirements. For the proposed two-year degree each student will be required to take 30 credits of course work and research. Every student will take Chem 500 Research Methods in Chemistry and Biochemistry during their first semester. They will then take three graduate chemistry courses, each from a different sub-discipline of chemistry (Analytical, Biochemistry, Inorganic, Organic, and Physical). One of these courses will be in their research area while the other two will be in other chemistry sub-disciplines of their choosing. Every student will also take a minimum of two additional elective graduate courses as well as participate in a weekly seminar course.

**Table 1: Degree Requirements for Master of Science in Chemistry**

<b>Master of Science in Chemistry</b>	
<b>Course Number and Title</b>	<b>Credits</b>
<b>Core Courses</b>	
Chem 500 Research Methods in Chemistry and Biochemistry	1
One course each from three different subdisciplines of Chemistry except for Chem 580-589 and Chem 597	9
Chem 598 Seminar	4
<b>Elective Courses</b>	
Additional coursework from the Department of Chemistry and Biochemistry	3
Any 500 or 600 Science, Math or Engineering electives as approved by the supervisory committee	3
<b>Preliminary Examination</b>	
Chem 600 (Thesis Proposal Defense)	1
<b>Culminating Activity</b>	
Chem 593 Thesis	9
<b>TOTAL</b>	<b>30</b>

**Graduate Chemistry Curriculum  
Chemistry Course Offerings**

**CHEM 500 RESEARCH METHODS IN CHEMISTRY AND BIOCHEMISTRY (1-0-1) (F)**

An introduction to project planning, literature assessment, report writing, and data management.

**CHEM 501 ADVANCED INORGANIC CHEMISTRY (3-0-3) (S)**

Atomic structure, molecular structure using valence bond and molecular orbital theories, elementary group theory, transition metal coordination chemistry, acids and bases, descriptive transition and non-transition metal chemistry. PREREQ: CHEM 322 or PERM/INST.

**CHEM 507 PHYSICAL ORGANIC CHEMISTRY (3-0-3) (S) (ALTERNATE YEARS)**

Mechanisms of organic chemical reactions, stereochemistry, and conformational analysis. The important types of organic reactions are discussed. Basic principles are emphasized; relatively little attention is paid to the scope and synthetic applications of the reactions. PREREQ CHEM 309 and CHEM 322 or PERM/INST.

**CHEM 508 SYNTHETIC ORGANIC CHEMISTRY (3-0-3) (F) (ODD YEARS)**

The scope and limitations of the more important synthetic reactions are discussed within the framework of multistep organic synthesis. PREREQ: CHEM 309 or PERM/INST.

**CHEM 509 INTRODUCTION TO POLYMER CHEMISTRY (3-0-3) (F) (EVEN YEARS)**

An introduction to the concepts of polymer synthesis, characterization, structure, properties, and basic fabrication processes. Emphasis is on practical polymer preparation, on the fundamental kinetics and mechanisms of polymerization, and on structure-property relationship. PREREQ: CHEM 309 or PERM/INST.

**CHEM 510 ORGANIC POLYMER SYNTHESIS (3-0-3) (S) (ALTERNATE YEARS)**

A study of the synthesis and reactions of polymers. Emphasis is on practical polymer preparation and on the fundamental kinetics and mechanisms of polymerization reactions. Topics include: relationship of synthesis and structure, characterization of polymer structure, step-growth polymerization, chain-growth polymerization via radical, ionic and coordination intermediates, copolymerization. PREREQ: CHEM 309 or PERM/INST.

**CHEM 511 ADVANCED ANALYTICAL CHEMISTRY (3-0-3) (F).**

Stoichiometry involved in separations and instrumental methods of analysis. The course will be flexible in nature to adapt to the varied background of the expected students. PREREQ: CHEM 322 and CHEM 212.

**CHEM 521 QUANTUM CHEMISTRY (3-0-3) (F) (ODD YEARS)**

Formal introduction to quantum mechanics, Dirac notation, angular momentum and operator algebra. Emphasis will be placed on electronic structure theory, reaction mechanisms and the use of modern quantum chemistry theoretical packages. PREREQ: CHEM 322 or PHYS 309 or PERM/INST.

**CHEM 522 SPECTROSCOPY (3-0-3) (DEMAND)**

Concepts and practical usage of modern chemical spectroscopic techniques, including electronic absorption, infrared/Raman, X-Ray/EXAFS, magnetic resonance and magnetic circular dichroism. Emphasis will be placed on the application of these techniques to the structure/function characterization of chemical and biochemical systems. PREREQ: CHEM 521 or PERM/INST.

**CHEM 523 CHEMICAL KINETICS (3-0-3) (F) (EVEN YEARS)**

A comprehensive study of the role of quantum chemistry and thermodynamics in chemical reactions. Emphasis will be placed on determining reaction coordinates and transition states. Extensive use will be made of modern computational chemical computer programs for calculating potential energy surfaces and transition states. PREREQ: CHEM 322 or PERM/INST.

**CHEM 551 BIOINORGANIC CHEMISTRY (3-0-3) (S) (EVEN YEARS).**

Exploration of the vital roles that metals play in biochemical systems. Emphasis is on transition metals in biology. Course will focus on structural, regulatory, catalytic, transport and redox functions of bioinorganic systems. PREREQ: CHEM 322 or PERM/INST.

**CHEM 560 INTRODUCTION TO NMR SPECTROSCOPY (1-3-2) (DEMAND).** This course will instruct students on the theory and practice of one- and two-dimensional NMR spectroscopy. Emphasis will be placed on using the NMR spectrometer to solve a variety of chemical and biological problems. PREREQ: CHEM 322 or PERM/INST.



**CHEM 561 INTRODUCTION TO MOLECULAR MODELING AND COMPUTATIONAL CHEMISTRY (1-3-2) (DEMAND).** Overview of modern computational chemistry. Use of computational chemistry tools and their application to problems of chemical and biological interest. PREREQ: CHEM 322 or PERM/INST.

### **Biochemistry Course Offerings**

#### **BCHM 510 ADVANCED PROTEIN CHEMISTRY (3-0-3) (S) (EVEN YEARS).**

An in-depth study of proteins that focuses on amino acid chemistry, protein structure, protein folding, and protein function. This course will discuss modern methods of protein characterization and the use of bioinformatics in understanding the chemistry/function of proteins. Given the recent developments in the proteomics, several of the high-throughput approaches to identifying proteins assessing function will also be investigated. Extensive use of primary literature is expected. PREREQ: CHEM 433 and CHEM 322 OR PERM/INST.

#### **BCHM 511 NUCLEIC ACID METABOLISM (3-0-3) (DEMAND).**

An in-depth study of the metabolism of both DNA and RNA at the molecular/mechanistic level. This course will cover the mechanisms DNA replication, transcription, translation, transposition and repair, as well as those for RNA splicing, catalysis, silencing and interference RNA. Bioinformatics approaches and modern techniques for studying DNA/RNA and their interactions with proteins will be discussed. Extensive use of primary literature is expected. PREREQ: CHEM 433 or PERM/INST.

#### **BCHM 512 INTERMEDIARY METABOLISM (3-0-3) (DEMAND).**

An investigation into several anabolic, catabolic, and signaling processes in the cell. Special attention will be given to molecular mechanisms and regulation. Extensive use of primary literature is expected. PREREQ: CHEM 433 or PERM/INST.

#### **BCHM 513 ADVANCED ENZYMOLOGY (3-0-3) (S) (ODD YEARS).**

A deeper look into the catalytic and kinetic mechanisms of enzymes. Modern methods for studying enzymes will be included as well as learning strategies for studying steady state and transient enzyme kinetics. Extensive use of primary literature is expected. PREREQ: CHEM 433 and CHEM 322 or PERM/INST.

**b. Faculty – include the names of full-time faculty as well as adjunct/affiliate faculty involved in the program. Also, give the highest degree, rank and specialty. In addition, indicate what percent of an FTE position each faculty will be assigned to the program. Are new faculty required? If so, explain the rationale including qualifications.**

Ten official faculty members (tenured and tenure-track) from the Department of Chemistry and Biochemistry will participate in the program. All ten faculty members are active researchers, have published extensively in national and international journals, and have received funding of their research through grants and contracts. The official faculty participants are as follows:

**Clifford LeMaster, Ph.D.**, University of California, Davis, 1988, Professor. Physical Chemistry, Gas-phase nuclear magnetic resonance spectroscopy and the verification of ab initio calculations using experimental data.

**Dale Russell, Ph.D.**, University of Arizona, Tucson, 1985, Professor. Analytical Chemistry, Analytical electrochemistry; electrokinetic methods and environmental analysis.

**Don Warner, Ph.D.**, University of Michigan, Ann Arbor, 2002, Assistant Professor. Organic Chemistry, Organic synthetic methodology; synthesis of biologically active natural products, Synthesis and study of DNA crosslinking agents.

**Eric Brown, Ph.D.**, Oregon State University, Corvallis, 2002, Assistant Professor. Inorganic Chemistry, Bioinorganic chemistry; synthetic modeling of metalloprotein active sites.

**Henry Charlier, Ph.D.**, Medical College of Wisconsin, 1997, Associate Professor. Biochemistry, Protein chemistry, enzymology, and drug design/development. Research pertaining to cancer chemotherapy and chemical weapons decontamination.

**Kenneth Cornell Ph.D.**, Oregon Health Sciences University, Portland, 1997, Assistant Professor. Biochemistry, Sulfur biochemistry of microbes and plants, Molecular vaccines for infectious disease, Development of forensic reagents, Development of antimicrobials/ herbicides targeting quorum sensing / methionine salvage pathways,

Development of antimicrobial impregnated medical devices, Metabolism of farnesol and farnesal in human and microbial cells.

**Jeunhoon Lee, Ph.D.**, University of Connecticut, 2005. Assistant Professor, Organic Chemistry. Synthesis and fabrication of nanoparticles, investigation of fundamental physical and optical properties of nanoparticles, and methodologies of assembly of nanoparticles into functional structures.

**Owen McDougal, Ph.D.**, University of Utah, Salt Lake City, 1998. Assistant Professor, Organic Chemistry, Biomedical research of neurotoxins; biomass fuel briquettes; chemical education through spectroscopy and green chemistry.

**Biochemistry Position**, currently in the hiring process with an expected start date of Fall 2009

**Physical Chemistry Position**, currently in the hiring process with an expected start date of Fall 2010

The addition of a full-time Assistant Professor specializing in biochemistry will assist in teaching two graduate/undergraduate courses per semester. In addition, this research position will increase the opportunities for students requesting studies in the biochemistry/biomolecular area. Over half of the students in the chemistry department at the undergraduate level seek research in biochemistry and we would expect this same trend in a graduate program. This new position will also support the eventual development of an interdisciplinary doctoral program in biomolecular science.

The FTE assignments of the official faculty are given in the following table:

Regular Faculty	Expertise	Teaching Responsibility in Graduate Program
Owen McDougal	Organic Chemistry	0.07 FTE
New Hire	Physical Chemistry	0.18 FTE
Eric Brown	Inorganic Chemistry	0.10 FTE
Don Warner	Organic Chemistry	0.18 FTE
New Hire	Biochemistry	0.18 FTE
Henry Charlier	Biochemistry	0.08 FTE
Ken Cornell	Biochemistry	0.08 FTE
Jeunhoon Lee	Organic	0.08 FTE

**c. Student – briefly describe the students who would be matriculating into this program.**

Students matriculating into the proposed programs will primarily be of two types. Those interested in pursuing a research-based and/or academic career in chemistry will be seeking preparation to pursue a doctoral degree at a major university. Those interested in a career as a professional chemist will be seeking appropriate applied coursework and practical research based experience. Students who matriculate will have undergraduate degrees in chemistry.

**d. Infrastructure support – clearly document the staff support, teaching assistance, graduate students, library, equipment and instruments employed to ensure program success.**

Personnel

Two full-time administrative assistants, two stockroom personnel, Computer Learning Center Coordinator, full-time department accountant, and work-study staff provide support to the department and the faculty. The creation of the proposed graduate program will increase the responsibilities of the staff, but the recent addition of the second administrative assistant will make it possible for the staff to accomplish the extra work. Because of the department's long history of grant and contract activity, the department is competent in grants accounting. Recent additions of support staff at the department and college levels also should help the department meet any additional accounting needs. Assistance to faculty members will be provided by the addition of graduate teaching assistants and also through graduate research assistants funded through grants and contracts. Teaching assistants will provide assistance to Faculty in the lecture courses by grading assignments/examinations and will provide students with additional office hours. Teaching assistants will also teach undergraduate laboratory courses enabling Faculty to teach graduate class. Organic course capacity will be increased with the help received from teaching assistants and allow the use of the single large lecture format.

Facilities

Computer Learning Center - The Chemistry Department possesses a networked laboratory that is dedicated for use by students enrolled in chemistry courses. This computer lab contains 48 workstations for general student and research use, as well as several servers assigned to computational chemistry, spectral analysis, web services and e-mail services.

General Laboratories - The Chemistry Department's laboratories are located primarily on the third floor of the Science and Nursing building. There are four 24-student general chemistry laboratories, two 18-student organic chemistry laboratories, one 18-student analytical chemistry laboratory, two laboratories dedicated to upper division and research, and numerous other research laboratories.

Research Laboratories – Each faculty member conducting research has dedicated laboratory space with appropriate facilities to conduct research in their discipline.

Other Resources - The College of Arts and Sciences maintains an instrument repair/machine shop. The Simplot-Micron Instructional Technology Center provides media support including film production and satellite television. Other Boise State University departments conducting research relating to Chemistry include Biology, Engineering, Geosciences, Math and Computer Science, and Physics. Federal and state government laboratories in Boise and vicinity conducting research or work relating to Chemistry include the Veterans Affairs Hospital and Research Center, State of Idaho Laboratories, including the Agriculture Department's labs, the Health and Welfare Department lab, the Transportation Department's Material Testing lab, and the State Police Crime lab. MSTI (Mountain States Tumor Institute) is a privately endowed institution supporting basic and applied research. Private industries in Boise and vicinity conducting research or work relating to chemistry include the many branches of Micron, and Hewlett-Packard. There are also machine shops, glass blowing shops, and analytical laboratories in the Boise area.

Instrumentation and Equipment

In addition to the computer equipment mentioned above, virtually all departmental instruments are interfaced to modern computers and associated software. A summary of departmental instrumentation follows. Numbers in parenthesis (#) indicate more than one instrument exists.

Instrument	Models/Descriptions
Atomic Absorption Spectrometer	Thermo Elemental Solar AAS with graphite furnace and cold vapor capabilities
Autoclave	Harvey Sterile Max Steam Sterilizer
Bomb Calorimeter	Parr plain jacket oxygen
BSLII Cell Culture Hoods	Nuare Cell Culture Hood (2)
Capacitance Manometers	MSK 127A-head PDR-C-2C, digital readout (2)
Cell disrupters	1. Misonix Sonicator 3000 2. Heat Systems Sonicator Ultrasonic Processor
Chromatography Refrigerators	Fisher Isotemp (2)
CO <sub>2</sub> Incubator	Nuare DHD Autoflow CO <sub>2</sub> Air-Jacketed Incubator
Electron Paramagnetic Spectrometer	Bruker ESP 380E CW Pulsed Electron Paramagnetic Spectrometer
Field Flow Fractionation	Flow, Thermal, and Electrical
Gas Chromatographs	1. Hewlett-Packard 5890 (3) 2. Hewlett-Packard 5730A
Glove Box	Mbraun Unilab Glove Box
Imaging System	UVP Multidocit Imaging System
Incubator Shakers	1. New Brunswick Scientific C24 Incubator Shaker 2. Lab-Line Orbit Environ-Shaker

IR Spectrometers	<ol style="list-style-type: none"> <li>Galaxy series model 6020 FTIR</li> <li>Thermo Nicolet Nexus 670 FTIR E.S.P.</li> </ol>
IR Spectrometer Modules for the Thermo Nicolet Nexus 670 FTIR	<ol style="list-style-type: none"> <li>Thermo Nicolet FT-RAMAN Module</li> <li>Thermo Spectro-Tech Continumm IR Microscope</li> </ol>
Lasers	<ol style="list-style-type: none"> <li>Spectra Physics femtosecond system</li> <li>Nitrogen PTI PPL 2300 and dye PTI PL201 with A/D interface</li> <li>Optic tables</li> <li>Calibration peripherals</li> </ol>
Light Scattering	<ol style="list-style-type: none"> <li>Wyatt Dawn DSP Multi-Angle Light Scattering</li> <li>Precision Dynamic Light Scattering</li> <li>Wyatt MiniDawn</li> </ol>
Liquid Chromatographs	<ol style="list-style-type: none"> <li>Agilent 1100 Series with auto-sampler, quad-gradient elution pump, degas module fluorescence and UV/Vis photodiode array detectors</li> <li>Dionex Ion Chromatograph with Dionex gradient elution pumps (2), Dionex SRS controllers (2), Dionex Conductivity detectors (2), and an eluent degas module</li> </ol>
Mass Spectrometers	<ol style="list-style-type: none"> <li>Hewlett-Packard Model G1800A GCD system</li> </ol>
Microcalorimeter:	Microcal VP-ITC Microcalorimeter
Microplate Readers:	<ol style="list-style-type: none"> <li>Varian Cary 50 MPR</li> <li>Millipore Cytofluor 2350</li> <li>BioTek Synergy HT</li> </ol>
Nuclear Magnetic Resonance Spectrometer	Varian Mercury 300, coupled with a Sun Blade 1500 workstation, broadband probe, and pulsed field gradients
Polarographic Analyzer	<ol style="list-style-type: none"> <li>EG&amp;G Princeton Applied Research Model 384D</li> <li>ECO Inc. components</li> </ol>
Polarimeter	Jasco P-2000
Potentiostats/Galvanostats	<ol style="list-style-type: none"> <li>Solartron 1280B Electrochemical Workstation</li> <li>EG&amp;G PAR model 263</li> <li>EG&amp;G PAR model 273A</li> </ol>
Refrigerated Centrifuges	<ol style="list-style-type: none"> <li>Sorvall Evolution RC with SLA-3000 &amp; SS34 rotors</li> <li>Beckman L8-70M Ultracentrifuge with Type 45 Ti and SW 28 rotors</li> </ol>
Solvent purification system	Custom built in-house and is used for CH <sub>3</sub> CN, THF, CH <sub>2</sub> Cl <sub>2</sub> , and ether
Spectrofluorometer	<ol style="list-style-type: none"> <li>Varian Cary Eclipse with PCB 150 water Peltier system</li> <li>Olis DM 45 with UV/Vis Capability</li> </ol>
Speed-vac Concentrator/Vacuum System	Savant SC110A/UVS400
Stopped-Flow Mixer	Olis USA Stopped-Flow
Surface analyzer	TMA QuikScan multiangle laser light scattering (MALLS)
Thermocycler	MJ Research Minicycler
Ultra-low Freezers	<ol style="list-style-type: none"> <li>Isotemp Basic -80°C Ultra-low</li> <li>Revco Ultima II -80oC</li> </ol>
UV/VIS Spectrophotometers	<ol style="list-style-type: none"> <li>Hewlett-Packard Model 8453 diode array</li> <li>Varian Cary 100 Bio (2)</li> <li>Varian Cary 50 Bio (2)</li> <li>Perkin Elmer Lambda 35</li> </ol>
Vacuum vapor deposition	Pelco model PAC-1 Advanced Coater

Library

The current library holdings and remote services with the additional SciFinder Scholar license will provide for the basic needs of the proposed program.

**e. Future plans – discuss future plans for the expansion or off-campus delivery of the proposed program.**

There are at the present time no plans to expand the program off campus.

**3. Duplication – if this program is unique to the state system of higher education, a statement to that fact is needed. However, if the program is a duplication of an existing program in the system, documentation supporting the initiation of such a program must be clearly stated along with evidence of the reason(s) for the necessary duplication. Describe the extent to which similar programs are offered in Idaho, the Pacific Northwest and states bordering Idaho. How similar or dissimilar are these programs to the program herein proposed?**

The University of Idaho offers MS and PhD programs in chemistry, chemical engineering, and molecular biology and biochemistry. Idaho State University offers a five-year combined BS/MS program in chemistry. While similar in content to those offered by UI and ISU, the proposed program is designed to serve the southwest Idaho region. The proposed program is important to the Treasure Valley because a number of prospective students are tied to the area for reasons of employment and family, and cannot relocate to attend graduate school. The departmental chairs at both UI and ISU support the development of a master's program in chemistry at Boise State University. The proposed program will provide a qualified pool of students to participate in doctoral chemistry programs at the UI or elsewhere. Graduates of the program could also enter the workforce directly upon completion of their master's degree. Two nearby institutions, Albertson College of Idaho and Northwest Nazarene University, do not have graduate programs in chemistry, and the proposed program would provide their chemistry majors with the opportunity to receive graduate training without relocation.

**4. Centrality – documentation ensuring that program is consistent with the Board's policy on role and mission is required. In addition, describe how the proposed program relates to the Board's current Statewide Plan for Higher Education as well as the institution's long-range plan.**

The following excerpts are from the current role and mission statement formulated by the State Board of Education (SBOE). The excerpts indicate that the proposed program is consistent with SBOE intentions for Boise State University.

Boise State University “*offers a variety of masters and select doctoral degrees*” and “*conducts coordinated and externally funded research studies.*”

“Boise State University is a comprehensive, urban university serving a diverse population through undergraduate and *graduate programs, research*, and state and regional public service.”

“Boise State University will formulate its academic plan and generate programs with primary emphasis on business and economics, engineering, the social sciences, public affairs, the performing arts, and teacher preparation. Boise State University will give continuing emphasis in the areas of the health professions, the *physical* and biological *sciences*, and education and will maintain basic strengths in the liberal arts and sciences, which provide the core curriculum or general education portion of the curriculum.”

The proposed program is also consistent with the strategic plan for Boise State University, *Charting the Course*, which has a major focus on “...graduate programs that have groundbreaking applications locally, regionally, and globally.” Among the strategies that Boise State University will pursue to achieve its goals, also outlined in *Charting the Course*, are those that 1) “reward, promote, and publicize student and faculty success in research...,” 2) “promote and reward research in and with the community,” and 3) “secure funds for sponsored research activity.” Through the proposed program, faculty and students in the Department of Chemistry and Biochemistry will actively engage in all of these strategies.

**5. Demand – address student, regional and statewide needs.**

- a. Summarize the needs assessment that was conducted to justify the proposal. The needs assessment should address the following: statement of the problem/concern; the assessment team/the assessment plan (goals, strategies, timelines); planning data collection; implementing data collection; dissemination of assessment results; program design and on-going assessment. (See the Board's policy on outcome assessment.)

The needs assessment that led to the proposal of a new Masters program in Chemistry was derived from information gathered from a number of sources over the last three years. Direct inquiries to the department and faculty from students expressing their interest and desire to pursue graduate studies in the Boise area was one of the primary motivations for proposing the new program. Student support for the program is indicated in Appendix A. In addition, 25 students signed a letter of support. Additional inquiries were solicited from private-sector companies in the Boise area that hire chemists. Letters of support from these employers, and most notably from Idaho's largest employer Micron, are attached. Additional support was supplied from the Veteran's Administration research facility and the Mountain States Tumor and Medical Research Institute.

*"A Master's Program in Chemistry would produce scientists to populate the research laboratories throughout the Treasure Valley. As Chief of Cardiovascular Pharmacology at the Boise VA Medical Center, I know how large the impact would be on our research programs if we could hire scientists newly trained at the Masters level",* Dr. Rick Olson, Associate Director MSTMRI and Chief of Cardiovascular Pharmacology at the Boise VA Medical Center.

*"A Master's degree in chemistry can provide a strong general problem-solving background that would allow workers to easily adapt to the semiconductor field",* Robert Beal, Operation Manager, Micron Business Unit, KLA-Tencor.

*"I am in favor of anything BSU is doing to provide graduate Chemistry programs. The better programs they have, the more opportunities we have for our employees and the more opportunities for Micron to hire they people",* Lori Freeman, Micron Analytical Chemistry Lab Manager

**A. The Need for a Graduate Program by Communities and Agencies both Locally and Statewide**

We readily stipulate to the fact that there is no true chemical or biochemical industrial base in southwest Idaho. However there are numerous companies, agencies and school systems that would directly benefit from access to workers or teachers with an advanced degree in Chemistry.

1. Micron Technology employs over 176 chemists and is the largest employer of chemists in the Boise area. Of these chemists around 50 employees have BS degrees in chemistry and acquisition of a MS in Chemistry would help with their career advancement. Because of the cyclical nature of the industry it is difficult to predict how many of our graduates Micron would hire annually but in past years they have had openings for up to five chemists. While chemists at Micron are not directly involved in actual manufacturing of Micron's memory products, they do play a critical off-line analytical role in:
  - a. Ensuring that the chemicals used in the processing meet production requirements.
  - b. Ensuring that waste streams are not contaminated with unwanted chemicals and that these streams are properly treated for release to the city sewers.
  - c. Performing quality control tests on control wafers to determine the chemical composition.
  - d. Many of the people who work in their Research and Development Fabrication facility have PhD degrees in chemistry. These individuals help develop new fabrication processes for wet and dry etching, deposition, and sputtering. Because these processes require an in depth knowledge of the chemicals being used, chemists are chosen to be the lead scientists on these projects. While students with a Master's degree would not be a lead scientist, they would highly desirable members of the research team.
  - e. While Micron has an active Research and Development program, there are many specialized projects that cannot be done by their employees because the short-term benefit to production improvement does not warrant the dedication of time. However, these projects would be ideal for a Master's student thesis. Because these projects tend to become available with short notice, access to graduate students with training in chemistry is essential. One recent example is Micron approached a faculty member to develop a process for measuring the stress in silicon devices with a spatial resolution less than 1 micron using a common chemical spectroscopic technique. While Micron was capable of acquiring the equipment to perform the work, they were not able to dedicate an employee to develop the process. However, lack of immediate access to a graduate student prevented the faculty member from pursuing the project.

## 2. Boise VA Medical/Mountain States Tumor and Medical Research Institute

While not a large organization, the Mountain States Tumor and Medical Research Institute conducts ongoing and federally funded biomedical research and numerous members of the Department of Chemistry are affiliate members of the institute. While it is not possible to say how many of our graduates would find employment at MSTMRI or the VA Medical Center, they have indicated that our graduates would be actively recruited.

## 3. Local State Agencies

## a. Department of Environment Quality

The DEQ is charged with ensuring the air, water and land of Idaho remains uncontaminated and polluted. This mission necessarily requires the need for employees with degrees in chemistry, especially analytical chemistry. At any given time, the DEQ is seeking to fill 2 to 5 positions that require a degree in chemistry. While only mid-level and senior level positions would require a graduate degree, it is safe to say any applicant with a graduate chemistry degree would highly competitive for the entry level positions. Even these entry level positions can pay up to \$20/hour.

## b. Idaho State Police Forensic Labs

The analysis of trace evidence from a crime scene requires a great deal of analytical chemistry skill. While forensic lab openings are not a common occurrence, current employees will always be looking for advance technique training and graduate degrees for promotion and advancement.

## 4. Local Schools

In order to remain certified, local teachers need to take continuing education credits in their field. While many of these teachers will not necessarily seek to pursue a thesis based research degree they would directly benefit from access to the graduate courses we plan to offer. It has become common practice at Boise State to offer a graduate course of interest to non-degree seeking students only two days a week in the late afternoon or early evening to better suit the needs of working students.

B. The Need for Research by our Faculty and Students

## 1. University as a whole

Boise State University has begun the process of transforming itself into a Metropolitan Research University of Distinction. In order for the university to be successful in this endeavor it is the responsibility of all departments at the university to contribute in both a directed and sustainable manner. The proposed MS in Chemistry program represents our department's contribution to this endeavor.

## 2. Interdisciplinary Degree Programs

Boise State University has begun the planning of a number of interdisciplinary degree programs (e.g. PhD in Biomolecular Sciences) and these degree programs necessarily require both curriculum and research commitments from the Department of Chemistry and Biochemistry. However since the department is currently without a graduate program, we are unable to provide these resources in a predictable manner and as a result there is no clear process for our faculty to develop research programs that could contribute to the proposed interdisciplinary degree programs. Without an existing MS in Chemistry program, any PhD program that requires participation of the Department of Chemistry and Biochemistry would be flawed from its inception and would most likely be unsustainable.

## 3. Undergraduate Research

The department has always prided itself on the quality of our undergraduates and their ability to conduct research under the direction of a faculty advisor. Currently most of our faculty direct research groups with 5 or more students and consequently spend a large portion of their time training these students in their research efforts and ensuring they follow safe laboratory practices. The creation of a graduate program will provide all faculty members with access to graduate students who can aid the faculty member in the training and mentoring of the undergraduate students. The increased access to expert help will greatly enhance the research experience of the undergraduate student.

## 4. Increased complexity of research efforts

All the faculty in the department have been successful in acquiring external funding for the research projects. With every passing year, the sophistication of the research projects has increased which in turn requires access to a more highly trained set of students. While the current undergraduate researchers are quite excellent, their primary focus during the academic year is their course work. The ability to have graduate students will greatly increase our faculty member's ability to compete for new grants and acquire renewals of existing grants. Examples of existing research projects are:

- Vaccine for West Nile Virus
- New materials for non-volatile memory devices for use in satellites and space vehicles
- Drugs for reducing the cardiotoxicity of chemotherapy drugs
- Compounds capable of binding to the DNA of tumor cells
- Drugs to treat Parkinson's or Alzheimer's disease
- Sensors for detecting uranium, plutonium, thorium, mercury, arsenic in ground water
- Molecular tweezers for binding transition metal ions

**b. Students – explain the most likely source of students who will be expected to enroll (full-time, part-time, outreach, etc.). Document student demand by providing information you have about student interest in the proposed program from inside and outside the institution.**

During the first five years of the program we expect that most (85%) of prospective students to be fulltime students who graduated with an undergraduate degree from Boise State University. The remaining 15% of students are expected to be part time students employed in the local workforce at companies such as Micron seeking a graduate degree for career advancement. Documentation on student interest is provided in the supporting material showing that more than sufficient demand for the proposed program. By the end of the fifth year we expect that approximately half of the students in the program will be recruited from out of state. We also expect numerous students from other degree programs will make use of the courses we plan to offer. The following table details the number and source of students we expect to take at least one chemistry course every year. The numbers are projections for five years after the program has been implemented. In summary, we expect to provide educational opportunities for over 30 students every year.

Student Type	Students per year
MS in Chemistry (Full Time)	10 - 15
MS in Chemistry (Part Time)	1-5
PhD in Biomolecular Studies (program in planning stage)	5-10
MS in Biology	3-5
MS in Materials Science	3-5
PhD in Materials Science (program in planning stage)	5-10
PhD in Electrical Engineering	0-1
MS/PhD in Geophysics/Geoscience	0-3
Non-degree seeking students or High School teachers	0-5

**Differentiate between the projected enrollment of new students and those expected to shift from other program(s) within the institution.**

Projected enrollment is expected to be entirely based on new students to the program as the requisites to the graduate courses would effectively require a BS/BA in chemistry. Any shifting from other programs in the institution would be from past chemistry students who would have entered into the Masters of Chemistry program had one been available. Based on the number of our past graduates in other programs and their time to graduation, it is unlikely that any students would shift programs.

**c. Expansion or extension – if the program is an expansion or extension of an existing program, describe the nature of that expansion or extension. If the program is to be delivered off-campus, summarize the rationale and needs assessment.**

The proposed master's program is a new program that will be delivered on the Boise State University main campus.



## 6. Resources – fiscal impact and budget

On this form, indicate the planned FTE enrollment, estimated expenditures, and projected revenues for the first three fiscal years (FY) of the program. Include both the reallocation of existing resources and anticipated or requested new resources. Second and third year estimates should be in constant dollars. Amounts should reflect explanations of subsequent pages. If the program is a contract related, explain the fiscal sources and the year-to-year commitment from the contracting agency(ies) or party(ies).

## I. PLANNED STUDENT ENROLLMENT

	FY 10		FY 11		FY 12	
	FTE	Headcount	FTE	Headcount	FTE	Headcount
A. New enrollments	5.00	9.00	8.63	11.00	10.00	13.00
B. Shifting enrollments	0	0	0	0	0	0

## II. EXPENDITURES

	FY 10		FY 11		FY 12	
	FTE	Cost	FTE	Cost	FTE	Cost
A. Personnel Costs (Note 1)						
1. Faculty	0.92	\$50,733	1.24	\$71,940	1.37	\$76,188
2. Administrators	0.10	\$8,172	0.10	\$8,172	0.10	\$8,172
3. Adjunct faculty	0.00	0	0.00	0	0.00	0
4. Graduate instructional assts. (Note 2)	4.00	\$64,000	6.00	\$98,880	7.00	\$118,821
5. Research personnel	0.00		0.00		0.00	
6. Support personnel	0.10	\$2,912	0.10	\$2,912	0.10	\$2,912
7. Fringe benefits	NA	\$23,813	NA	\$33,527	NA	\$36,451
8. Other: Student Fees and Tuition	NA	\$23,117	NA	\$36,409	NA	\$44,601
<b>Total FTE Personnel and Costs</b>	<b>7.12</b>	<b>\$171,548</b>	<b>8.44</b>	<b>\$253,199</b>	<b>9.57</b>	<b>\$290,451</b>

Note 1: Salaries for faculty, administrators, and support personnel are not adjusted for an annual increase.

Note 2: Graduate assistants will be supported by appropriated funds (2.00FTE) and by grants and contracts (2.00 FTE) in FY10, (4.00 FTE) in FY11, (5.00 FTE) in FY12. The stipend amount for each GA is \$18,000 per year in the first year, and increments at 3% per year. Tuition waiver is \$5,779/student for year 1 with a 5% increase per year.

Note 3: Graduate assistants are an important part of an initiative, by the Dept of Chemistry and Biochemistry, to substantially increase enrollment in key undergraduate chemistry courses.

	FY <u>10</u>	FY <u>11</u>	FY <u>12</u>
B. Operating expenditures			
1. Travel	<u>\$3,000</u>	<u>\$3,000</u>	<u>\$3,000</u>
2. Professional services	<u>                    </u>	<u>                    </u>	<u>                    </u>
3. Other services	<u>                    </u>	<u>                    </u>	<u>                    </u>
4. Communications	<u>                    </u>	<u>                    </u>	<u>                    </u>
5. Utilities	<u>                    </u>	<u>                    </u>	<u>                    </u>
6. Materials & supplies	<u>\$3,000</u>	<u>\$3,000</u>	<u>\$3,000</u>
7. Rentals	<u>                    </u>	<u>                    </u>	<u>                    </u>
8. Repairs & maintenance	<u>                    </u>	<u>                    </u>	<u>                    </u>
9. Materials & goods for manufacture & resale	<u>                    </u>	<u>                    </u>	<u>                    </u>
10.a. Miscellaneous	<u>\$7,000</u>	<u>                    </u>	<u>                    </u>
<b>Total Operating Expenditures:</b>	<u>\$13,000</u>	<u>\$6,000</u>	<u>\$6,000</u>
	FY <u>10</u>	FY <u>11</u>	FY <u>12</u>
C. Capital Outlay			
1. Library resources	<u>\$27,975</u>	<u>\$27,975</u>	<u>\$27,975</u>
2.a. Equipment	<u>\$12,000</u>	<u>                    </u>	<u>                    </u>
2.b. Startup for new faculty	<u>\$300,000</u>	<u>                    </u>	<u>                    </u>
<b>Total Capital Outlay:</b>	<u>\$339,975</u>	<u>\$27,975</u>	<u>\$27,975</u>
D. Physical facilities Construction or major Renovation			
	<u>                    </u>	<u>                    </u>	<u>                    </u>
E. Indirect costs (overhead)			
	<u>                    </u>	<u>                    </u>	<u>                    </u>
<b>GRAND TOTAL EXPENDITURES:</b>	<u>\$524,523</u>	<u>\$287,174</u>	<u>\$324,426</u>

III. REVENUES

	FY <u>10</u>	FY <u>11</u>	FY <u>12</u>
A. Source of funds			
1. Appropriated funds -- Reallocation – MCO	\$479,685	\$194,345	\$204,301
2. Appropriated funds -- New – MCO			
3. Federal funds	\$44,838	\$92,829	\$120,125
4. Other grants			
5. Fees			
6. Other:			
<b>GRANT TOTAL REVENUES:</b>	<b>\$524,523</b>	<b>\$287,174</b>	<b>\$324,426</b>
	FY <u>10</u>	FY <u>11</u>	FY <u>12</u>

B. Nature of Funds

1. Recurring*	\$205,523	\$287,174	\$324,426
2. Non-recurring**	\$319,000		
<b>GRANT TOTAL REVENUES:</b>	<b>\$524,523</b>	<b>\$287,174</b>	<b>\$324,426</b>

\* Recurring is defined as ongoing operating budget for the program which will become part of the base.

\*\* Non-recurring is defined as one-time funding in a fiscal year and not part of the base.

a. Faculty and Staff Expenditures

Project for the first three years of the program, the credit hours to be generated by each faculty member (full-time and part-time), graduate assistant, and other instructional personnel. Also indicate salaries. After total student credit hours, convert to an FTE student basis. Please provide totals for each of the three years presented. Salaries and FTE students should reflect amounts shown on budget schedule.

Name, Position, And Rank	Annual Salary Rate	FTE Assignment to this Program	Program Salary Dollars	Projected Student Credit Hours	FTE Students
<u>Year 1 FY10</u>					
Brown, Faculty, Assistant Prof	\$51,418	0.10	\$5,142	18	0.75
Charlier, Faculty, Associate Prof	\$58,261	0.08	\$4,370	6	0.25
Cornell, Faculty, Assistant Prof	\$51,418	0.08	\$3,856	6	0.25
LeMaster, Chair, Prof	\$81,723	0.00	\$0	0	0.00
McDougal, Faculty, Assistant Prof	\$53,622	0.07	\$3,575	12	0.50
New Faculty line, to be named	\$55,000	0.18	\$9,625	24	1.00
Lee, Jeunhoon, Assistant Prof	\$52,000	0.08	\$3,900	6	0.25
Physical Chemist, to be named	\$52,333	0.18	\$9,158	24	1.00
Russell, Faculty, Prof	\$66,560	0.00	\$0	0	0.00
Warner, Faculty, Associate Prof	\$56,618	0.18	\$9,908	24	1.00
Total	\$567,663	0.92	\$49,534	120	5.00

Year 2 FY11

Brown, Faculty, Assistant Prof	\$52,960	0.08	\$3,972	6	0.25
Charlier, Faculty, Associate Prof	\$60,009	0.08	\$4,501	6	0.25
Cornell, Faculty, Assistant Prof	\$52,960	0.08	\$3,972	6	0.25
LeMaster, Chair, Professor	\$84,175	0.10	\$8,417	27	1.13
McDougal, Faculty, Assistant Prof	\$55,231	0.08	\$4,142	6	0.25
New Faculty Line, to be named	\$56,650	0.18	\$9,914	33	1.38
Lee, Jeunhoon, Assistant Prof	\$53,560	0.18	\$9,373	33	1.38
Physical Chemist, to be named	\$53,903	0.14	\$7,636	24	1.00
Russell, Faculty, Professor	\$68,557	0.18	\$11,997	33	1.38
Warner, Faculty, Associate Prof	\$58,316	0.18	\$10,205	33	1.38
<b>Total</b>	<b>\$584,693</b>	<b>1.24</b>	<b>\$72,967</b>	<b>207</b>	<b>8.63</b>

Year 3 FY12

Brown, Faculty, Assistant Prof	\$54,549	0.18	\$9,546	42	1.75
Charlier, Faculty, Associate Prof	\$61,809	0.14	\$8,756	30	1.25
Cornell, Faculty, Assistant Prof	\$54,549	0.15	\$8,182	12	0.50
LeMaster, Chair, Professor	\$86,700	0.00	\$0	0	0.00
McDougal, Faculty, Assistant Prof	\$56,888	0.18	\$9,955	42	1.75
New Faculty Line, to be named	\$58,350	0.25	\$14,587	48	2.00
Lee, Jeunhoon, Assistant Prof	\$55,167	0.15	\$8,275	12	0.50
Physical Chemist, to be named	\$55,520	0.18	\$9,716	42	1.75
Russell, Faculty, Professor	\$70,614	0.08	\$5,296	6	0.25
Warner, Faculty, Associate Prof	\$60,066	0.08	\$4,505	6	0.25
<b>Total</b>	<b>\$602,233</b>	<b>1.37</b>	<b>\$78,819</b>	<b>240</b>	<b>10.00</b>

Project the need and cost for support personnel and any other personnel expenditures for the first three years of the program.

Name, Position, And Rank	Annual Salary Rate	Assignment to this Program	Program Salary Dollars	Salary Dollars to Program
<u>Year 1 FY10</u>				
Weaver, Staff, Admin II	\$29,120	0.10	\$2,912	10%
<b>Total</b>	<b>\$29,120</b>	<b>0.10</b>	<b>\$2,912</b>	<b>10%</b>
<u>Year 2 FY11</u>				
Weaver, Staff, Admin II	\$29,993	0.10	\$2,999	10%
<b>Total</b>	<b>\$29,993</b>	<b>0.10</b>	<b>\$2,999</b>	<b>10%</b>
<u>Year 3 FY12</u>				
Weaver, Staff, Admin II	\$30,892	0.10	\$3,089	10%
<b>Total</b>	<b>\$30,892</b>	<b>0.10</b>	<b>\$3,089</b>	<b>10%</b>

b. Administrative Expenditures

Describe the proposed administrative structure necessary to ensure program success and the cost of that support. Include a statement concerning the involvement of other departments, colleges, or other institutions and the estimated cost of their involvement in the proposed program.

The program will be administered by the department chair who will function as the coordinator of the graduate program for the initial three years. The administrative structure will then be examined for possible changes.

Name, Position, And Rank	Annual Salary Rate	FTE Assignment to this Program	Program Salary Dollars	Percent of Salary Dollars to Program
<u>Year 1 FY10</u>				
LeMaster, Chair, Professor	\$81,723	0.10	\$8,172	10%
Total	\$81,723	0.10	\$8,172	
<u>Year 2 FY11</u>				
LeMaster, Chair, Professor	\$84,174	0.10	\$8,417	10%
Total	\$84,174	0.10	\$8,417	
<u>Year 3 FY12</u>				
LeMaster, Chair, Professor	\$86,700	0.10	\$8,670	10%
Total	\$86,700	0.10	\$8,670	

- c. Operating Expenditures (travel, professional services, etc.) Briefly explain the need and cost for operating expenditures.

Travel (\$3,000) is associated with the new faculty line, and miscellaneous expense (\$7,000) is associated with the new faculty line and the replacement hire in organic chemistry. Materials and supplies (\$3,000) will help to cover recruitment and educational expenses of graduate students.

- d. Capital Outlay

(1) Library resources

- (a) Evaluate library resources, including personnel and space. Are they adequate for the operation of the present program? If not, explain the action necessary to ensure program success.

The current library holdings and remote services with an additional SciFinder Scholar license for literature searches (\$27,975) will provide the basic needs of the proposed program

- (b) Indicate the costs for the proposed program including personnel, space, equipment, monographs, journals, and materials required for the program.

The only essential additional library resource is an additional SciFinder Scholar license (\$27,975).

- (c) For off-campus programs, clearly indicate how the library resources are to be provided.  
NA

(2) Equipment/Instruments

Describe the need for any laboratory instruments, computer(s), or other equipment. List equipment which is presently available and any equipment (and cost) which must be obtained to support the proposed program.

Current research equipment is available to support the program and is listed in section 2.d above (Infrastructure support). A one-time equipment expenditure of approximately \$12,000 is needed for computational chemistry (server and workstations, software, peripherals).

Startup funding for one new faculty line is included.

- e. Revenue Sources

- (1) If funding is to come from the reallocation of existing state appropriated funds, please indicate the sources of the reallocation. What impact will the reallocation of funds in support of the program have on other programs?

## ATTACHMENT 1

Funds for the program will come from a combination of (i) reallocation of department and college funds, (ii) reallocation of university funds, (iii) new funds from enrollment workload adjustments, and (iv) tuition revenues. Those reallocations will be done in such a way as to protect the quality of the existing baccalaureate program.

- (2) If an above Maintenance of Current Operations (MCO) appropriation is required to fund the program, indicate when the institution plans to include the program in the legislative budget request.

N/A

- (3) Describe the federal grant, other grant(s), special fee arrangements, or contract(s) to fund the program. What does the institution propose to do with the program upon termination of those funds?

Federal funding listed in line A.3 of Table III (Revenues) is derived from federal grants and contracts for the support of graduate research assistantships, and is expected to be an ongoing revenue source to the extent that faculty members are successful with grant and contract proposals. Recent grant and contract revenue for the Department of Chemistry is consistent with this expectation.

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**UNIVERSITY OF IDAHO**

**SUBJECT**

University of Idaho Supplemental Report on Research and Extension Centers

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Code Section 33-2904

**BACKGROUND/DISCUSSION**

The university has negotiated proposed terms with J.R. Simplot Company for a Collaborative Research Facility Agreement and License which will provide annual funding in the amount of \$300,000 for 2010 through 2014 for the Parma Research and Extension Center. In exchange, the university will provide the company with access to up to 50 acres of land at the center and share center research facilities with Simplot researchers engaged in field crop research and development. The funds will be used to pay the university's labor, materials and other operating costs directly applicable to management and operation of the land and facilities provided by the university under this agreement, and to contribute to costs associated with the university's overall maintenance of the Parma center.

The terms of the proposed collaborative research agreement are in Attachment 1 to these materials. The purpose of the agreement is two-fold – first the agreement will provide private industry funding for core operations of the Parma center to ensure economic viability for the center as a whole, while providing the company with research land and facilities along with the university's operational and technical expertise – second, the agreement forms the platform for a public-private research collaboration through company and university researchers working in close proximity with one another on both company projects as well as existing funded research through the university. The company has a long history of supporting education in Idaho and funding university research; the extent and value of which will be enhanced through the collaborative use of the Parma center.

In exchange for the \$300,000 annual payment, the agreement grants the company a license for use of up to 50 acres of the total of 100 acres of crop land at the Parma center for company research. Attachment 2 hereto is an aerial photo of the Parma center with the approximate location of the dedicated 50 acres outlined in red and the full facility outlined in yellow. The license also includes sharing of the research labs and other facilities at the center. To coordinate this, a group of company and university representatives, who work at the center, will meet each year to map out the land and facility needs for the ensuing year and ensure coordination in the utilization of center facilities. As part of the services from the university to the company, funded by the agreement, the university will dedicate 50% of one research faculty for coordination, oversight,

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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and operation scheduling for company research. The university will also provide the tillage and cultural operations and irrigation for the company's research at the Parma center as well as an additional company site in the Parma area. The university's obligation to expend funds is capped to ensure that funds expended by the university will not exceed the funds provided by the company under the agreement.

**IMPACT**

If approved, the collaborative agreement will be sufficient to maintain operations at the Parma center in the field crop area. The university will report at the board meeting on other funding being negotiated to provide support for other research areas at the Parma center as well as research at the Tetonia and Sandpoint Research and Extension Center. These other funding arrangements do not rise to the level necessary to require approval of the Regents.

**ATTACHMENTS**

Attachment 1 – Proposed Contract	Page 3
Attachment 2 – Aerial Photo of Parma Center	Page 15

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff has been made aware of the University of Idaho regarding their efforts to secure external funding.

**BOARD ACTION**

A motion to approve the request by the University of Idaho for approval of the Collaborative Research Facility Agreement and License in substantial conformance to the draft submitted to the Board in Attachment 1; and to authorize the President or the President's designee to execute the same and any collateral documents necessary to bring the agreement into effect.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



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**COLLABORATIVE RESEARCH FACILITY AGREEMENT AND LICENSE**

THIS AGREEMENT is made and entered into by and between The Regents of the University of Idaho (UNIVERSITY), a public corporation, state educational institution, and a body politic and corporate organized and existing under the Constitution and laws of the state of Idaho, and J.R. SIMPLOT COMPANY, a Nevada corporation (COMPANY). In this Agreement, the above entities are jointly referred to as PARTIES.

**1. COLLABORATION GOALS:**

1.1. UNIVERSITY and COMPANY desire to create a mutual collaboration for research which will maximize the utilization of UNIVERSITY'S crop research facilities at Parma Idaho as well as COMPANY'S crop research facilities, including but not limited to COMPANY facilities located in the Arena Valley area of Canyon County, Idaho, and which will also create intellectual synergy among COMPANY and UNIVERSITY researchers to engage in both independent and collaborative research for the betterment of the State of Idaho. COMPANY will provide financial support for the collaboration in return for which the COMPANY will receive rights to conduct its independent research at the identified facilities with technical and operational support from the UNIVERSITY.

1.2. The purpose of this Agreement is to establish parameters and rights of the parties with respect to utilization of UNIVERSITY land, facilities, resources and personnel and the compensation to be paid by COMPANY for use of the identified land, facilities, resources and personnel.

1.3. UNIVERSITY and COMPANY anticipate that, in addition to this Agreement, both parties may enter into mutually beneficial joint research projects and the COMPANY may also elect to sponsor UNIVERSITY research projects in areas of interest to the COMPANY. Each such project shall be separately documented between the parties.

1.4 The collaboration will further the instructional, research and public service missions of the UNIVERSITY consistent with its status as a nonprofit, tax exempt, educational institution, and may derive benefits for both COMPANY and the UNIVERSITY.

**2. PERSONNEL & FACILITIES.** In consideration of the annual payment by COMPANY to the UNIVERSITY, as set forth in Section 4 below, UNIVERSITY shall provide facilities and personnel under the direction of the UNIVERSITY Principal Collaborator as follows:

2.1. Facilities:

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2.1.1. Research Lands: Exclusive access to 30-50 acres of research land annually in the area identified in Exhibit A hereto; COMPANY's principal need will be approximately 30 acres annually, with a minimum of 10 acres of the principal research land reserved for crop rotation. The additional land may or may not be needed each year, but would be negotiated and made available based on COMPANY's research needs and any additional requirements of COMPANY to rotate crops. It is understood that particular soil conditions/types are desired and UNIVERSITY will work with COMPANY personnel to meet the soil properties needed.

2.1.2. Access to UNIVERSITY facilities for meeting space and on-site laboratory space - Access to infrastructure at the research site includes , but is not limited to, use of the meeting/conference room, office space, and access to on-site laboratory space as well as access to the preparation and storage facilities.

2.2 Personnel and Support:

2.2.1 UNIVERSITY field personnel will provide needed tillage and cultural operations (weed and pest control, fertilizer application, specific desired tillage, crop rotation, etc), and irrigation scheduling for COMPANY experiments at the Parma facility and the COMPANY facility. These operations would be provided as planned and requested to meet COMPANY needs (Key research objectives would focus on crop fertility, variety/crop performance, new technologies and variety development associated with potatoes, corn, cereals and forages.)

2.2.2 UNIVERSITY field personnel will assist with plot layout, statistical design and analysis, possibly some crop measurements, but not field data collection unless otherwise negotiated. UNIVERSITY equipment used on COMPANY'S plots shall be sanitized and disinfected with appropriate agents to remove soil and plant debris before use to avoid contamination from nematodes and other fauna, flora and materials from non-COMPANY experiments conducted at the Parma Research Center.

2.2.3 UNIVERSITY Oversight - UNIVERSITY and COMPANY Liaison: A UNIVERSITY faculty member agreed upon by UNIVERSITY AND COMPANY (initially Professor Michael Thornton) will provide coordination and oversight and operation scheduling for on-site COMPANY research/plot experiments. This individual will be the UNIVERSITY's primary liaison with COMPANY personnel to plan and schedule UNIVERSITY support activities and to consult with COMPANY on desired research and field experiments. It is anticipated that up to 50% of the UNIVERSITY faculty member's time will be devoted to the COMPANY'S research and field experiments. COMPANY

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employees from each COMPANY business unit involved in research and field experiments at the research facility, shall be designated by COMPANY as its primary liaisons with the University to work with the UNIVERSITY liaison on matters pertaining to this Agreement.

2.2.4 UNIVERSITY retains title to the equipment purchased with annual license funds provided by COMPANY in accordance with Section 4 below. COMPANY retains title to equipment purchased with COMPANY operating funds which are not part of the financial support component of this Agreement.

3. TERM: This Agreement shall terminate on December 31, 2014 or upon mutual consent of the Parties, whichever date comes first, provided however, that if the UNIVERSITY fails to maintain the level of funding from the State of Idaho as set for the calendar year 2010 (not including funding provided from the State of Idaho for the University's vineyard and tree fruit orchard operation), COMPANY may, in its sole discretion, terminate this Agreement upon sixty (60) days written notice. This Agreement will be renewable for additional periods of time upon the mutual consent of the parties by either a new agreement or by the amendment hereto expressed in writing. The parties acknowledge that the UNIVERSITY cannot obligate appropriated funds of the State of Idaho beyond the term of any appropriation, and in the event funding from the State of Idaho is reduced and the UNIVERSITY is unable to maintain funding for the Parma Research Center as described above, the sole remedy shall be termination of this Agreement by COMPANY. During the term or any extension thereof, should Professor Michael Thornton cease to be the UNIVERSITY's primary liaison, and the COMPANY and UNIVERSITY cannot agree as to his replacement, COMPANY may, in its sole discretion, terminate this Agreement upon sixty (60) days written notice.

4. FINANCIAL SUPPORT

4.1 COMPANY will make an annual payment, in advance, for the license granted hereunder and for the expertise, land, equipment, tillage/cultural operation, and research needs supplied by UNIVERSITY under this agreement. The UNIVERSITY will deposit the financial support payment into a dedicated UNIVERSITY account to be used first for payment of the costs, including personnel costs, associated with the UNIVERSITY's maintenance of the property licensed to COMPANY, second to for payment of costs, including personnel costs associated with the UNIVERSITY's overall maintenance of the Parma Research Facility and third to support any joint research projects among COMPANY and the UNIVERSITY.

4.2 The first annual payment, to be made within 30 days of the date of this agreement shall be in the sum of \$300,000. Thereafter, the annual payment shall be made on or before January 15 of each calendar year and shall be adjusted by an inflation factor by multiplying the sum of \$300,000 by a fraction the numerator of which is the most recently

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published Inflation Index prior to December 15 of the immediately preceding calendar year and the Denominator of which is the most recently published Inflation Index prior to December 15, 2009. The Inflation Index shall be the non-seasonally adjusted U.S. City Average All Items Consumer Price Index for All Urban Consumers (Base Period: 1982-84=100), published monthly by the Bureau of Labor Statistics of the United States Department of Labor. If, at any time during the term of this agreement, the Inflation Index is no longer available, the parties will choose a new Inflation Index based upon comparable information.

5. PAYMENT

Make checks payable to the University of Idaho and mail to \_\_\_\_\_.

6. LICENSE:

6.1 Grant of License.

6.1.1 To effect the UNIVERSITY's provision of facilities to COMPANY as described in 2.1.1 above, the UNIVERSITY hereby grants to COMPANY, subject to all the terms and conditions contained herein, an exclusive license to utilize specific parcels of land for specific periods of time as determined between the UNIVERSITY and COMPANY from time to time and a non-exclusive license to utilize laboratory, office and meeting facilities for the purpose of conducting research under the terms of this agreement. Such land and facilities subject to this license are hereinafter referred to as the Licensed Premises. COMPANY shall have the right to assign or sublicense, from time to time, portions of the land and facilities to its key suppliers and/or customers for the purpose of enhancing their agronomic or research efforts, provided COMPANY receives the prior written consent of UNIVERSITY (which consent shall not be unreasonably withheld) and provided each such assignee or sublicensee shall agree to be bound by the terms of this license.

6.1.2 COMPANY and UNIVERSITY Liaisons shall meet as soon as is practicable after execution of this agreement and thereafter each calendar year in August to establish the specific parcels of land and identify the facilities to be available to COMPANY under this license for the ensuing crop season and shall prepare a signed written description adequate to identify the lands and facilities and any specific terms of use for the ensuing crop season, consistent with the terms of this license, such writing to include an agreed upon allocation of UNIVERSITY facilities to accommodate both COMPANY'S research and UNIVERSITY'S research, as well as an operating budget showing estimated labor, materials and other operating costs directly applicable to the services provided COMPANY by the UNIVERSITY under this agreement, which sum shall not exceed the sum paid by COMPANY under Section 4 of this Agreement, unless otherwise mutually agreed to by the parties. To the extent necessary for continuity of

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COMPANY's research projects, lands and facilities may be identified for periods longer than a year.

6.2 Terms of License.

6.2.1 The License herein granted is subject to all easements and encumbrances and is exclusive with respect to the identified lands and non-exclusive with respect to the identified facilities;

6.2.2 All crops, materials, equipment, and their related components temporarily placed within the Licensed Premises by COMPANY, or COMPANY's agents or contractors pursuant to this instrument ("COMPANY's Property") shall remain the property of the COMPANY during the term of this License; and

6.2.3 UNIVERSITY and its successors and assigns shall retain the right to full use of the surface and subsurface of the Licensed Premises except to the extent it precludes the uses authorized by this License; and

6.2.4 COMPANY shall at all times safely utilize and maintain COMPANY's Property within the Licensed Premises and shall promptly repair and restore to its prior condition any real property or improvements existing within the Licensed Premises which are disturbed by the construction, maintenance, or removal of COMPANY's Property by COMPANY or COMPANY's agents or contractors; and

6.3. INDEMNITY:

6.3.1 Each party assumes all risks of personal injury, bodily injury including death, and property damage caused by the negligent acts or omissions of that party.

6.3.2 Except as provided in 6.3.1 above, COMPANY shall, to the fullest extent permitted by law, indemnify, defend and save UNIVERSITY, its successors, assigns, and agents harmless from any and all claims, liabilities, losses, costs, charges, or expenses which UNIVERSITY may incur as a result of any act or omission of the COMPANY in its use of the Licensed Premises under this Grant. If any action, claim or demand is made against UNIVERSITY for any act or omission of the COMPANY, the COMPANY agrees to assume the expense and shall pay all costs, charges, attorneys' fees, settlements, judgments or other expenses incurred by or obtained against UNIVERSITY, and also, including all attorneys' fees and costs associated with any appeal proceeding. This indemnification shall survive the termination of this License for claims, liabilities, losses, costs, charges, or expenses occurring after termination but attributable to the uses authorized by this License.

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6.3.3 Except as provided in 6.3.1 above, and Subject to the limits of liability specified in Idaho Code 6-901 through 6-929, known as the Idaho Tort Claims Act, UNIVERSITY hereby agrees to indemnify, defend and hold the COMPANY harmless from any loss, costs and damages suffered by COMPANY, its agents, employees or contractors, as a result of any act or omission of the UNIVERSITY in its ownership and operation of the Parma facility. If any action, claim or demand is made against COMPANY for any act or omission of the UNIVERSITY, the UNIVERSITY agrees to assume the expense and shall pay all costs, charges, attorneys' fees, settlements, judgments or other expenses incurred by or obtained against COMPANY, and also, including all attorneys' fees and costs associated with any appeal proceeding. This indemnification shall survive the termination of this License for claims, liabilities, losses, costs, charges, or expenses occurring after termination but attributable to the uses authorized by this License.

6.4 **INSURANCE:** COMPANY and COMPANY's contractors and subcontractors are required to carry the types and limits of insurance shown in this Section 6, and provide UNIVERSITY with a Certificate of Insurance executed by a duly authorized representative of each insurer, showing compliance with these insurance requirements. Certificates from COMPANY and COMPANY's contractor and subcontractors shall be provided prior to COMPANY's use of UNIVERSITY's property. All insurers shall have a Best's rating of "AV" or better and be licensed and admitted in Idaho. All policies required shall be written as primary policies and not contributing to nor in excess of any coverage UNIVERSITY may choose to maintain. All certificates shall provide for thirty (30) days' written notice to UNIVERSITY prior to cancellation or material change of any insurance referred to therein. All policies shall name State of Idaho and the Regents of the University of Idaho as an additional insured. Certificates shall be mailed to: P.O. Box 443162, Moscow, ID 83844-3162, Attn: Risk Management. All policies shall contain waiver of subrogation coverage or endorsements. Failure of UNIVERSITY to demand such certificate or other evidence of full compliance with these insurance requirements or failure of UNIVERSITY to identify a deficiency from evidence that is provided shall not be construed as a waiver of COMPANY's obligation to maintain such insurance. Failure to maintain the required insurance may result in termination of this Agreement at UNIVERSITY's option. By requiring insurance herein, UNIVERSITY does not represent that coverage and limits will necessarily be adequate to protect COMPANY, and such coverage and limits shall not be deemed as a limitation on COMPANY's liability under the indemnities granted to UNIVERSITY in this License.

6.5 **REQUIRED INSURANCE COVERAGE:** COMPANY and COMPANY's contractors and subcontractors shall obtain insurance of the types and in the amounts described below:

6.5.1 **Commercial General and Umbrella Liability Insurance:** COMPANY shall

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maintain commercial general liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than **\$1,000,000** each occurrence and in the aggregate. If such CGL insurance contains a general aggregate limit, it shall apply separately per location and shall not be less than **\$1,000,000**. CGL insurance shall be written on standard ISO occurrence form (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, sudden and accidental pollution for third parties, and liability assumed under an insured contract including the tort liability of another assumed in a business contract.

6.5.2 Commercial Auto Insurance: COMPANY shall maintain a Commercial Auto policy with a Combined Single Limit of \$1,000,000; Underinsured and Uninsured Motorists limit of \$1,000,000; Comprehensive; Collision; and a Medical Payments limit of \$10,000. Coverage shall include Non-Owned and Hired Car coverage.

6.5.3 Personal property: COMPANY shall purchase insurance to cover COMPANY's personal property. In no event shall UNIVERSITY be liable for any damage to or loss of personal property sustained by UNIVERSITY, whether or not insured, even if such loss is caused by the negligence of UNIVERSITY, its employees, officers or agents.

6.5.4 Workers' Compensation: Where required by law, UNIVERSITY shall maintain all statutorily required coverages including Employer's Liability.

6.6. CONDITION OF LICENSED PREMISES: Upon completion of activities permitted by this License, COMPANY shall restore and return the Licensed Premises, to the extent reasonably practical, to the same condition as the Licensed Premises was in prior to COMPANY's use of the Licensed Premises. COMPANY shall take measures necessary to eliminate noxious weeds resulting from, but occurring after the soil disturbances caused by COMPANY's activities. In the event that COMPANY fails to restore and return the Licensed Premises to the same condition, then the UNIVERSITY, at its sole discretion, may restore the Licensed Premises, or any portion thereof, and COMPANY shall reimburse UNIVERSITY for all reasonable costs associated therewith within thirty (30) days from receipt of an invoice therefore. The obligations of the COMPANY to restore the condition of the Licensed Premises, take measures necessary to eliminate noxious weeds resulting from soil disturbances caused by COMPANY, or reimburse UNIVERSITY for all reasonable costs shall survive the termination of this License.

6.7 COMPLIANCE WITH ALL LAWS AND INDUSTRY STANDARDS: COMPANY hereby agrees to comply in all respects with any and all, federal, state and local statutes, laws, ordinances, codes, regulations, and rules in connection with the use of the Licensed Premises. In addition, with respect to the activities permitted by this Agreement, COMPANY agrees to comply with all applicable industry standards pertaining thereto and COMPANY agrees to

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enforce such standards on its contractors and subcontractors performing in regard to License.

6.8 HAZARDOUS WASTE: COMPANY and COMPANY's contractors or subcontractors will not cause nor permit any activities on the Licensed Premises which directly or indirectly result in the Licensed Premises, or any other property, becoming contaminated with dangerous, hazardous or toxic waste or substances. The foregoing substances shall be stored and disposed of in accordance with all applicable federal, state and local regulations. For purposes of this License, the term "dangerous, hazardous or toxic waste or substances" means any substance or material defined or designated as a dangerous, hazardous or toxic waste, a dangerous, hazardous or toxic material, a dangerous, hazardous, toxic or radioactive substance, or other similar term by any applicable federal, state or local statute, regulation or ordinance now or hereafter in effect, including, without limitation, a dangerous, hazardous or toxic substance or waste, as defined under Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601 et seq.; Superfund Amendments and Reauthorization Act, 42 U.S.C. Section 9601 et seq.; Hazardous Materials Transportation Act, 49 U.S.C. Section 1802; and Resource Conservation and Recovery Act, 42 U.S.C. Section 9601 et seq.; and the regulations promulgated thereunder. COMPANY shall indemnify and hold UNIVERSITY harmless from and against any and all claims, demands, damages, costs, expenses, losses, liens, liabilities, penalties, fines and lawsuits and other proceedings (including attorneys' fees) arising directly or indirectly from or out of, or in any way connected with any activities by COMPANY, its agents, customers, purveyors, contractors, subcontractors, or concessionaires on the Licensed Premises during COMPANY's use of the Licensed Premises which result directly or indirectly in the Licensed Premises, or any other property, becoming contaminated with dangerous, hazardous or toxic waste or substances or the clean-up of dangerous, hazardous or toxic waste or substances from the Licensed Premises. COMPANY shall be solely responsible for all costs and expenses relating to the clean-up of dangerous, hazardous or toxic waste or substances from the Licensed Premises or from any other properties which become contaminated with dangerous, hazardous or toxic waste or substances as a result of COMPANY's or COMPANY's contractor's or subcontractor's activities on the Licensed Premises. COMPANY shall promptly supply UNIVERSITY with copies of any notices, reports, correspondence and submissions made by UNIVERSITY to the EPA, Idaho DEQ, the United States Occupational Safety and Health Administration or any other local, state or federal authority which requires submission of any information concerning environmental matters or hazardous or toxic wastes or substances pursuant to any applicable federal, state or local laws. COMPANY's indemnification of UNIVERSITY and COMPANY's financial responsibility for any costs and expenses required to clean-up dangerous, hazardous, or toxic waste or substance contamination of the Licensed Premises (if such contamination is caused by the COMPANY or COMPANY's contractors or subcontractors), shall survive the termination of this License.

6.9 TERMINATION/ABANDONMENT. Prior to or upon termination or abandonment, COMPANY shall remove its property and return the Licensed Premises to its pre-license



**ATTORNEY-CLIENT PRIVILEGE – ATTORNEY WORK PRODUCT**

**ATTORNEY-CLIENT COMMUNICATION – CONFIDENTIAL AND PRIVILEGED – Rule 502(b)(3)**

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condition at COMPANY's expense. COMPANY's obligations in sections 6.6 and 6.8 of this License shall survive termination of the License in the manner described in those sections.

7. **GOVERNING LAW, FORUM AND ATTORNEY'S FEES.** Any legal proceeding instituted between the parties shall be in the courts of the County of Canyon, state of Idaho, and each of the parties agrees to submit to the jurisdiction of such courts. It is further agreed that this Agreement shall be governed by the laws of the State of Idaho as an agreement to be performed within the State of Idaho. In the event of any controversy, claim or action being filed or instituted between the parties to this Agreement to enforce the terms and conditions of this Agreement or arising from the breach of any provision hereof, the prevailing party will be entitled to receive from the other party all costs, damages, and expenses, including reasonable attorneys' fees, incurred by the prevailing party, whether or not such controversy or claim is litigated or prosecuted to judgment. The prevailing party will be that party who was awarded judgment as a result of trial or who receives a payment of money from the other party in settlement of claims asserted by that party.

8. **INTELLECTUAL PROPERTY – PUBLICATION RIGHTS - COMPANY RECORDS**

8.1 Independent Research by COMPANY. The independent research conducted by COMPANY utilizing the Licensed Premises under this Agreement shall be the separate property of COMPANY. All intellectual property rights therein remain with COMPANY. All records thereof remain property of COMPANY and UNIVERSITY shall have no claim in them. COMPANY will separately maintain all records of its independent research under its separate control and such records shall not be accessible to UNIVERSITY except as may be required for performance of this Agreement.

8.2 Collaborative Research and Sponsored Projects. Any collaborative research projects between COMPANY and UNIVERSITY, and any UNIVERSITY research projects sponsored by COMPANY shall be separately documented and the rights and responsibilities of the parties with respect to intellectual property, publication rights and confidential information shall be determined by the separately documented terms of each project.

9. **NON-USE OF NAMES AND TRADEMARKS.** Neither UNIVERSITY nor COMPANY shall not use the name, trade name, trademark, or other designation of the other, or any contraction, abbreviation, or simulation of any of the foregoing, in any advertisement, for any commercial or promotional purpose, or for any other purpose (other than in performing under this License) without the other's prior written consent in each case.

10. **PUBLICITY.** Neither party shall use the name of the other party, nor any member of the other party's employees, nor either party's Trademarks in any publicity, advertising, sales promotion, news release, nor other publicity matter without the prior written approval of an

**ATTORNEY-CLIENT PRIVILEGE – ATTORNEY WORK PRODUCT**

**ATTORNEY-CLIENT COMMUNICATION – CONFIDENTIAL AND PRIVILEGED – Rule 502(b)(3)**

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authorized representative of that party. The authorized representative shall be person signing this agreement by the party, unless another individual is otherwise designated in writing.

**11. NONDISCRIMINATION AND AFFIRMAIVE ACTION.**

11.1 COMPANY shall not discriminate against any employee or applicant for employment in the performance of this Agreement, with respect to tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, sex, color, religion, age, status as disabled or a veteran, or physical or mental handicaps, national origin or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement. COMPANY certifies that it does not, and will not maintain segregated facilities or accommodations on the basis of race, color, religion or national origin. Regarding any position for which an employee or an applicant is qualified, the COMPANY agrees to take affirmative action to employ, train, advance in employment, and retain individuals in accordance with applicable laws and regulations including:

11.1.1 For nondiscrimination based on race, color, religion, sex or national origin, this includes, but is not limited to, the U.S. Constitution, and Parts II and IV of Executive Order 11246, September 24, 1965 (30 FR 12319). COMPANY disputes related to compliance with its obligations shall be handled according to the rules, regulations, and relevant orders of the Secretary of Labor (See 41 CFR 60-1.1).

11.1.2 For nondiscrimination based on Disabled or Vietnam Veterans this includes, but is not limited to, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended (38 U.S.C. 4012)(the Act); Executive Order 11701, January 24, 1973 (38 CFR 2675, January 29, 1973); and the regulations of the Secretary of Labor (41 CFR Part 60-250).

11.1.3 For nondiscrimination based on the Handicapped this includes, but is not limited to, Section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793)(the Act); Executive Order 11758, January 15, 1974; and the regulations of the Secretary of Labor (41 FR Part 60- 741).

11.1.4 For nondiscrimination based on Age this includes, but is not limited to, Executive Order 11141, February 12, 1964 (29 CFR 2477).

11.2 COMPANY shall include the terms of this clause in every subcontract or purchase order exceeding \$50,000 and shall act as specified by the Department of Labor to enforce the terms and implement remedies.

**ATTORNEY-CLIENT PRIVILEGE – ATTORNEY WORK PRODUCT**

**ATTORNEY-CLIENT COMMUNICATION – CONFIDENTIAL AND PRIVILEGED – Rule 502(b)(3)**

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12. REPRESENTATIONS AND WARRANTIES. COMPANY represents and warrants the following: (a) that it (and its contractors or subcontractors) is financially solvent, able to pay its debts as they mature, and possessed of sufficient working capital to perform its obligations hereunder; (b) that it may legally conduct business in Idaho, that is properly licensed by all necessary governmental and public and quasi-public authorities having jurisdiction over it and the services, equipment, and goods required hereunder, and that it has or will obtain all licenses and permits required by law; (c) that in performing the services called for hereunder COMPANY will not be in breach of any agreement with a third party; and (d) that it has inspected the Licensed Premises and that the same are suitable and adequate in all respects for COMPANY's operations under this Agreement.

13. BINDING EFFECT. This Agreement is for the benefit only of the parties hereto and is not assignable by either party without the prior written consent of the other, except as set forth in Section 6.1.1 above. This agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.

14. TIME OF ESSENCE. All times provided for in this Agreement, or in any other document executed hereunder, for the performance of any act will be strictly construed, time being of the essence.

15. NO JOINT VENTURE. Nothing contained in this Agreement shall be construed as creating a joint venture, partnership, or agency relationship between the parties.

16. NON-WAIVER. The delay or failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights, nor shall the same be deemed to be a waiver of any subsequent breach, either of the same provision or otherwise.

17. ENTIRE AUTHORITY. Each individual executing this Agreement on behalf of an entity represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said entity in accordance with duly adopted organizational documents or agreements and if appropriate a resolution of the entity, and that this Agreement is binding upon said entity in accordance with its terms.

18. ENTIRE AGREEMENT; MODIFICATION. This Agreement (and its attachments, if any) constitutes the entire understanding between the parties with respect to the subject matter hereof and may not be amended except by an agreement signed by an authorized representative of COMPANY and an authorized representative of UNIVERSITY.

19. PARAGRAPH HEADINGS. The paragraph headings in this Agreement are inserted for convenience only and shall not be construed to limit or modify the scope of any provision of

**ATTORNEY-CLIENT PRIVILEGE – ATTORNEY WORK PRODUCT**  
**ATTORNEY-CLIENT COMMUNICATION – CONFIDENTIAL AND PRIVILEGED – Rule 502(b)(3)**  
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this Agreement.

UNIVERSITY and COMPANY have executed this Agreement, in duplicate originals, by their respective officers hereunto duly authorized, on the day and year hereinafter written.

**UNIVERSITY OF IDAHO**

**J.R. SIMPLOT COMPANY**

\_\_\_\_\_  
Name: M. Duane Nellis  
Title: President  
Date: \_\_\_\_\_

\_\_\_\_\_  
Name: William J. Whitacre  
Title: President & CEO  
Date: \_\_\_\_\_

\_\_\_\_\_  
Name: John Hammel  
Title: Dean, College of Agriculture and  
Life Sciences  
Date: \_\_\_\_\_



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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

Consolidation/restructure of the Parma Research and Extension Center with the Caldwell complex

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section III.G. 4, Program Approval and Discontinuance  
Sections 33-107 (7), 33-2811, Idaho Code.

**BACKGROUND**

In accordance with Board Policy III.G.4.b.(1), Board approval is required prior to implementation of any changes, additions, expansions, and consolidations to existing instructional programs, majors, minors, options, emphases, or instructional units with financial impact of \$250,000 or more per year.

**DISCUSSION**

The University of Idaho proposes the consolidation of the Parma Research and Extension Center with the Caldwell Complex in concert with the consolidation and restructuring of the Sandpoint Research and Extension Center and the Teton Research and Extension Center. These moves are a result of the recommendations of the Research and Extension Center Review Task Force and are motivated by the need to meet the 11.5% reduction of the Agricultural Research and Extension Service (ARES) appropriation in the FY10 base budget, which is a permanent reduction of \$3.26 million.

The mandate includes a 5% reduction in personnel costs, which can be met in a number of ways including eliminating vacant positions, holding vacant positions open, or voluntary reduction in hours worked. The remaining 7% reduction must be met through a combination of other sources. Since personnel costs make up approximately 90% of the ARES appropriated budget, the remaining 10% or approximately \$3 million is the operating budget comprised of maintenance, travel, and capital outlay. The proposal is an effort to balance reductions strategically across all ARES budget categories to assure adequate funding for Research and Extension Center operations, infrastructure maintenance, and equipment replacement in future years. Closure, consolidation, and restructuring of the center is based on the capability to relocate or otherwise restructure using a different model to achieve, if possible, needed expertise and programs in a region but at significant reduced costs to meet the ARES base budget.

In particular, the eastern area of the Treasure Valley has experienced marked residential and industrial encroachment, while the western area is still primarily agriculture production. However, this area will also experience increased urbanization during the coming decades. Due to its close proximity to Caldwell, the closure and consolidation of the Parma Research and Extension Center with the Caldwell Complex offers the best opportunity for developing a new model for the Treasure Valley region at a considerable savings in ARES costs. The

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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recommendation is that the Parma Research and Extension Center including crop land operations and facilities be closed, but the orchard and vineyard, located on BLM land, should be kept operational with greater industry support.

**Fiscal Impact**

Estimated Fiscal Impact	FY 2010	FY _____	FY _____	Total
<b>A. Expenditures</b>	<b>ARES Base Reduction</b>			
1. Personnel	\$395,247			
2. Operating	\$138,705			
3. Capital Outlay				
4. Facilities				
<b>TOTAL:</b>	<b>\$533,952</b>			
<b>B. Source of Funds</b>				
1. Appropriated-reallocation	\$533,952			
2. Appropriated – New				
3. Federal				
4. Other:				
<b>TOTAL:</b>	<b>\$533,952</b>			
<b>B. Nature of Funds</b>				
1. Recurring *	\$533,952			
2. Non-recurring **				
<b>TOTAL:</b>	<b>\$533,952</b>			

**IMPACT**

If Board approved, the institution will implement the consolidation/restructure.

**ATTACHMENTS**

Attachment 1 – Parma R&E Center Notice of Intent

Page 5



**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff has been in discussion with the administration of the University of Idaho regarding this Notice of Intent to restructure its Parma Research and Extension Center in response to the base budget reduction. IRSA, CAAP, and Board staff concurs with the University of Idaho proposal to close/restructure the Parma Research and Extension Center and relocate faculty expertise to another appropriate location as requested.

**BOARD ACTION**

A motion to approve the University of Idaho's request to consolidate the Parma Research and Extension Center with the Caldwell Complex.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**IDAHO STATE BOARD OF EDUCATION  
ACADEMIC/PROFESSIONAL-TECHNICAL EDUCATION**

**NOTICE OF INTENT**

To initiate a

**New, Expanded, Cooperative, Discontinued, program component or Off-Campus Instructional Program or Instructional/Research Unit**

Institution Submitting Proposal: University of Idaho  
 Name of College, School, or Division: College of Agricultural and Life Sciences  
 Name of Department(s) or Area(s): Agricultural Research and Extension Service

Indicate if this Notice of Intent (NOI) is for an Academic or Professional Technical Program  
 Academic X Professional - Technical \_\_\_\_\_

A New, Expanded, Cooperative, Contract, or Off-Campus Instructional Program or Administrative/Research Unit (circle one) leading to:

Parma Research & Extension Center

(Degree or Certificate)

Proposed Starting Date: January 1, 2010

**For New Programs:**

**For Other Activity:**

Program (i.e., degree) Title & CIP 2000

- Program Component (major/minor/option/emphasis)
- Off-Campus Activity/Resident Center
- Instructional/Research Unit
- Addition/Expansion
- Discontinuance/consolidation
- Contract Program
- Other

John Hammel 11/3/09  
 College Dean (Institution) Date

[Signature] 11/3/09  
 Chief Fiscal Officer (Institution) Date

[Signature] 3/10/09  
 Chief Academic Officer (Institution) Date

[Signature]  
 President Date

VP Research & Graduate Studies Date

State Administrator, SDPTE Date

Chief Academic Officer, OSBE Date

SBOE/OSBE Approval Date

Revised 8/9/06

**Before completing this form, refer to Board Policy Section III.G. Program Approval and Discontinuance.**

1. Briefly describe the nature of the request e.g., is this a new program (degree, program, or certificate) or program component (e.g., new, discontinued, modified, addition to an existing program or option).

The base budget of the FY09 Agricultural Research and Extension Service (ARES) appropriation prior to the FY09 rescission was \$28,249,200. An 11.5% reduction in the FY10 base budget of the ARES appropriation was imposed, which is a permanent funding reduction of \$3.26 million. This reduction includes:

- a mandated 5% reduction or \$1,162,900 in personnel costs (4.5% reduction in overall appropriation) which can be met in various ways, e.g. eliminating vacant positions, holding vacant positions open, or through voluntary reduction in hours worked by employees, and,
- The remaining 7%, or \$2,096,400, must be met through a combination of other sources (personnel, operating expense, maintenance, travel, capital outlay) with decisions made strategically to position the ARES to adequately support infrastructure and programmatic needs in the future.
- Personnel costs comprise about 90% of the ARES appropriated budget. The ARES operational allocation to support research and extension programs, infrastructure maintenance, travel, and capital outlay is only 10% or ~\$3 million. Currently, the ARES has insufficient funds annually to meet all deferred maintenance needs for infrastructure, R&E Center operational budget requirements, and to adequately support or enhance programming. Thus, a reduction of expenditures must be balanced strategically across all ARES budget categories to assure adequate funding for R&E Center operations, infrastructure maintenance, and equipment replacement in future years. Therefore, **approximately \$1 million of the total reduction in base budget (\$3.26 million) must be attained through reductions in operational expenses and elimination of staff positions through consolidation and restructuring of the Research and Extension Centers.** Closure, consolidation, and restructuring of a particular center(s) is based on the capability to relocate or otherwise restructure using a different model to achieve, if possible, needed expertise and programs in a region but at significant reduced costs to meet the reduction in the ARES base budget.

In March 2009, a broad constituency task force comprised of federal and state agency representatives, Idaho legislators, agribusiness leaders, U of I alumni, and representatives from the Idaho agricultural industry was established; all individuals selected were involved in agriculture and had an understanding of Idaho agriculture statewide, and the purpose and importance of the U of I CALS. The R&E Center Review Task Force recommended the Parma R&E Center for closure, consolidation and restructuring, based on the criteria that the programming needs for the Treasure Valley region could be achieved using an alternative model with a realized significant savings, i.e. transfer faculty to Caldwell R&E with closure of the Parma R&E Center site.

2. Provide a statement of need for program or a program modification. Include student and state need, demand, and employment potential. **Attach a Scope and Sequence, SDPTE Form Attachment B, for professional-technical education requests.** (Use additional sheets if necessary.).

The eastern area of the Treasure Valley has experienced marked residential and industrial encroachment. The western area of the Treasure Valley is still primarily agriculture production. This region is important agriculturally to Idaho, primarily for the seed crop industry (e.g. alfalfa and vegetable seed), the wine industry, and the growing table grape industry. It is also the important onion production area in Idaho. However, this region will also experience increased urbanization during the next several decades. Due to the close proximity to Caldwell (20 miles), the closure and consolidation of the Parma R&E Center with the Caldwell Complex provides the best opportunity for developing a new model for the Treasure Valley region at a considerable savings in ARES costs. It is recommended that the Parma R&E Center, i.e., crop land operations and facilities, be closed, but the orchard and vineyard, located on BLM land, should be kept operational with greater industry support.

3. Briefly describe how the institution will ensure the quality of the program (e.g., accreditation, professional societies, licensing boards, etc.).

N/A

4. Identify similar programs offered within the state of Idaho or in the region by other colleges/universities. If the proposed request is similar to another program, provide a rationale for the duplication. This may not apply to PTE programs if workforce needs within the respective region have been established.

None

Enrollment and Graduates (i.e., number of majors or other relevant data)  
 By Institution for the Proposed Program  
 Last three years beginning with the current year and the 2 previous years

Institution	Relevant Enrollment Data			Number of Graduates		
	Current	Previous Year	Previous Year	Current	Previous Year	Previous Year
BSU						
CSI						
CWI						
EITC						
ISU						
LCSC						
NIC						
UI						

Degrees offered by school/college or program(s) within disciplinary area under review

Institution and Degree name	Level	Specializations within the discipline (to reflect a national perspective)	Specializations offered within the degree at the institution
BSU			
CSI			
CWI			
EITC			
ISU			
LCSC			
NIC			
UI			

5. Describe how this request is consistent with the State Board of Education's policy or role and mission of the institution. (i.e., centrality).

The University of Idaho is the primary land-grant and research university in the State of Idaho. As the land-grant institution, the University of Idaho has the *sole responsibility for statewide agricultural education, research and extension/outreach programming*. The Research & Extension Center system is central to this mission and funded through the ARES appropriation which supports the Idaho Agricultural Experiment Station.

6. Is the proposed program in the 8-year Plan? Indicate below.

Yes  X  No  \_\_\_\_\_

If not on 8-year plan, provide a justification for adding the program.

8. Resources--Faculty/Staff/Space Needs/Capital Outlay. (Use additional sheets if necessary.):

Estimated Fiscal Impact	FY 2010	FY _____	FY _____	Total
<b>A. Expenditures</b>	<b>ARES Base Reduction</b>			
1. Personnel	\$395,247			
2. Operating	\$138,705			
3. Capital Outlay				
4. Facilities				
<b>TOTAL:</b>	<b>\$533,952</b>			
<b>B. Source of Funds</b>				
1. Appropriated-reallocation	\$533,952			
2. Appropriated – New				
3. Federal				
4. Other:				
<b>TOTAL:</b>	<b>\$533,952</b>			
<b>B. Nature of Funds</b>				
1. Recurring *	\$533,952			
2. Non-recurring **				
<b>TOTAL:</b>	<b>\$533,952</b>			

\* Recurring is defined as ongoing operating budget for the program, which will become of the base.

\*\* Non-recurring is defined as one-time funding in a fiscal year and not part of the base.

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

Restructuring of the Sandpoint Research and Extension Center and relocation of faculty expertise to the Bonner County Extension Office or another appropriate location in Sandpoint

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section III.G. 4, Program Approval and Discontinuance  
Sections 33-107 (7), 33-2811, Idaho Code.

**BACKGROUND**

In accordance with Board Policy III.G.4.b.(1), Board approval is required prior to implementation of any changes, additions, expansions, and consolidations to existing instructional programs, majors, minors, options, emphases, or instructional units with financial impact of \$250,000 or more per year.

**DISCUSSION**

The University of Idaho proposes the closure/restructuring of the Sandpoint Research and Extension Center and relocation of faculty expertise to another appropriate location in Sandpoint in concert with the Parma Research and Extension Center and its consolidation with the Caldwell Complex and the closure, consolidation and restructuring of the Tetonia Research and Extension Center. These moves are a result of the recommendations of the Research and Extension Center Review Task Force and are motivated by the need to meet the 11.5% reduction of the Agricultural Research and Extension Service (ARES) appropriation in the FY10 base budget, which is a permanent reduction of \$3.26 million.

The mandate includes a 5% reduction in personnel costs, which can be met in a number of ways including eliminating vacant positions, holding vacant positions open, or voluntary reduction in hours worked. The remaining 7% reduction must be met through a combination of other sources. Since personnel costs make up approximately 90% of the ARES appropriated budget, the remaining 10% or approximately \$3 million is the operating budget comprised of maintenance, travel, and capital outlay. The proposal is an effort to balance reductions strategically across all ARES budget categories to assure adequate funding for Research and Extension Center operations, infrastructure maintenance, and equipment replacement in future years. Closure, consolidation, and restructuring of the center is based on the capability to relocate or otherwise restructure using a different model to achieve, if possible, needed expertise and programs in a region but at significant reduced costs to meet the ARES base budget.

The nursery/horticultural industry is growing and is currently ranked as the 7<sup>th</sup> largest commodity (all combined) in Idaho. The organic component of the industry is becoming increasingly important in the region. The research to support the industry could be done on either private or commercial nursery

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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facilities eliminating the costs associated with current center facilities and personnel. Based on these factors, it is recommended that the present Center be closed and the faculty expertise be relocated to either the Bonner County Extension Office or another appropriate location in Sandpoint.

**Fiscal Impact**

Estimated Fiscal Impact	FY <u>2010</u>	FY _____	FY _____	Total
<b>A. Expenditures</b>	<b>ARES Base Reduction</b>			
1. Personnel	\$104,557			
2. Operating	\$ 27,796			
3. Capital Outlay				
4. Facilities				
<b>TOTAL:</b>	<b>\$132,353</b>			
<b>B. Source of Funds</b>				
1. Appropriated-reallocation	\$132,353			
2. Appropriated – New				
3. Federal				
4. Other:				
<b>Total:</b>	<b>\$132,353</b>			
<b>B. Nature of Funds</b>				
1. Recurring *	\$132,353			
2. Non-recurring **				
<b>Total:</b>	<b>\$132,353</b>			

**IMPACT**

If Board approved, the institution will implement the restructure.

**ATTACHMENTS**

Attachment 1 – Sandpoint R&E Center Notice of Intent

Page 5

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff has been in discussion with the administration of the University of Idaho regarding this Notice of Intent to restructure its Sandpoint Research and Extension Center in response to the base budget reduction. IRSA, CAAP, and Board staff concurs with the University of Idaho proposal to close/restructure the Sandpoint Research and Extension Center and relocate faculty expertise to another appropriate location as requested.

**BOARD ACTION**

A motion to approve the University of Idaho's request to restructure the Sandpoint Research and Extension Center and relocate faculty expertise to Bonner County Extension Office or another appropriate location in Sandpoint.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_ No \_\_\_

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**IDAHO STATE BOARD OF EDUCATION  
ACADEMIC/PROFESSIONAL-TECHNICAL EDUCATION**

**NOTICE OF INTENT**

To initiate a

**New, Expanded, Cooperative, Discontinued, program component or Off-Campus Instructional Program or Instructional/Research Unit**

Institution Submitting Proposal: University of Idaho  
Name of College, School, or Division: College of Agricultural and Life Sciences  
Name of Department(s) or Area(s): Agricultural Research and Extension Service

Indicate if this Notice of Intent (NOI) is for an Academic or Professional Technical Program  
Academic X Professional - Technical \_\_\_\_\_

A New, Expanded, Cooperative, Contract, or Off-Campus Instructional Program or Administrative/Research Unit (circle one) leading to:

Sandpoint Research & Extension Center

(Degree or Certificate)

Proposed Starting Date: January 1, 2010

**For New Programs:**

**For Other Activity:**

Program (i.e., degree) Title & CIP 2000

- Program Component (major/minor/option/emphasis)
- Off-Campus Activity/Resident Center
- Instructional/Research Unit
- Addition/Expansion
- Discontinuance/consolidation
- Contract Program
- Other

John Hammel 11/3/09  
College Dean (Institution) Date

[Signature] 3/10/09  
Chief Fiscal Officer (Institution) Date

[Signature] 11/3/09  
Chief Academic Officer (Institution) Date

M. Quane Pellis  
President Date

VP Research & Graduate Studies Date

State Administrator, SDPTE Date

Chief Academic Officer, OSBE Date

SBOE/OSBE Approval Date

**Before completing this form, refer to Board Policy Section III.G. Program Approval and Discontinuance.**

1. Briefly describe the nature of the request e.g., is this a new program (degree, program, or certificate) or program component (e.g., new, discontinued, modified, addition to an existing program or option).

The base budget of the FY09 Agricultural Research and Extension Service (ARES) appropriation prior to the FY09 rescission was \$28,249,200. An 11.5% reduction in the FY10 base budget of the ARES appropriation was imposed, which is a permanent funding reduction of \$3.26 million. This reduction includes:

- a mandated 5% reduction or \$1,162,900 in personnel costs (4.5% reduction in overall appropriation) which can be met in various ways, e.g. eliminating vacant positions, holding vacant positions open, or through voluntary reduction in hours worked by employees, and,
- The remaining 7%, or \$2,096,400, must be met through a combination of other sources (personnel, operating expense, maintenance, travel, capital outlay) with decisions made strategically to position the ARES to adequately support infrastructure and programmatic needs in the future.
- Personnel costs comprise about 90% of the ARES appropriated budget. The ARES operational allocation to support research and extension programs, infrastructure maintenance, travel, and capital outlay is only 10% or ~\$3 million. Currently, the ARES has insufficient funds annually to meet all deferred maintenance needs for infrastructure, R&E Center operational budget requirements, and to adequately support or enhance programming. Thus, a reduction of expenditures must be balanced strategically across all ARES budget categories to assure adequate funding for R&E Center operations, infrastructure maintenance, and equipment replacement in future years. Therefore, **approximately \$1 million of the total reduction in base budget (\$3.26 million) must be attained through reductions in operational expenses and elimination of staff positions through consolidation and restructuring of the Research and Extension Centers.** Closure, consolidation, and restructuring of a particular center(s) is based on the capability to relocate or otherwise restructure using a different model to achieve, if possible, needed expertise and programs in a region but at significant reduced costs to meet the reduction in the ARES base budget.

In March 2009, a broad constituency task force comprised of federal and state agency representatives, Idaho legislators, agribusiness leaders, U of I alumni, and representatives from the Idaho agricultural industry was established; all individuals selected were involved in agriculture and had an understanding of Idaho agriculture statewide, and the purpose and importance of the U of I CALS. The R&E Center Review Task Force recommended the Sandpoint R&E Center for closure, consolidation and restructuring, based on the criteria that the programming needs for the north Idaho region could be achieved using an alternative model with a realized significant savings.

2. Provide a statement of need for program or a program modification. Include student and state need, demand, and employment potential. **Attach a Scope and Sequence, SDPTE Form Attachment B, for professional-technical education requests.** (Use additional sheets if necessary.).

The nursery/horticultural industry is growing and is currently ranked as the 7<sup>th</sup> largest commodity (all combined) in Idaho. The organic component of the industry is also becoming increasingly important to the region. The research to support the industry could be accomplished on either private or commercial nursery facilities eliminating the costs associated with operation of the current center facilities and personnel. Therefore, the present Center should be closed and the faculty expertise relocated to either Bonner County Extension Office or another appropriate location in Sandpoint.

3. Briefly describe how the institution will ensure the quality of the program (e.g., accreditation, professional societies, licensing boards, etc.).

N/A

4. Identify similar programs offered within the state of Idaho or in the region by other colleges/universities. If the proposed request is similar to another program, provide a rationale for the duplication. This may not apply to PTE programs if workforce needs within the respective region have been established.

None

Enrollment and Graduates (i.e., number of majors or other relevant data)  
 By Institution for the Proposed Program  
 Last three years beginning with the current year and the 2 previous years

Institution	Relevant Enrollment Data			Number of Graduates		
	Current	Previous Year	Previous Year	Current	Previous Year	Previous Year
BSU						
CSI						
CWI						
EITC						
ISU						
LCSC						
NIC						
UI						

Degrees offered by school/college or program(s) within disciplinary area under review

Institution and Degree name	Level	Specializations within the discipline (to reflect a national perspective)	Specializations offered within the degree at the institution
BSU			
CSI			
CWI			
EITC			
ISU			
LCSC			
NIC			
UI			

5. Describe how this request is consistent with the State Board of Education's policy or role and mission of the institution. (i.e., centrality).

The University of Idaho is the primary land-grant and research university in the State of Idaho. As the land-grant institution, the University of Idaho has the *sole responsibility for statewide agricultural education, research and extension/outreach programming*. The Research & Extension Center system is central to this mission and funded through the ARES appropriation which supports the Idaho Agricultural Experiment Station.

6. Is the proposed program in the 8-year Plan? Indicate below.

Yes  X  No \_\_\_\_\_

If not on 8-year plan, provide a justification for adding the program.



8. Resources--Faculty/Staff/Space Needs/Capital Outlay. (Use additional sheets if necessary.):

Estimated Fiscal Impact	FY 2010	FY _____	FY _____	Total
<b>A. Expenditures</b>	<b>ARES Base Reduction</b>			
1. Personnel	\$104,557			
2. Operating	\$27,796			
3. Capital Outlay				
4. Facilities				
<b>TOTAL:</b>	<b>\$132,353</b>			
<b>B. Source of Funds</b>				
1. Appropriated-reallocation	\$132,353			
2. Appropriated – New				
3. Federal				
4. Other:				
<b>TOTAL:</b>	<b>\$132,353</b>			
<b>B. Nature of Funds</b>				
1. Recurring *	\$132,353			
2. Non-recurring **				
<b>TOTAL:</b>	<b>\$132,353</b>			

\* Recurring is defined as ongoing operating budget for the program, which will become of the base.

\*\* Non-recurring is defined as one-time funding in a fiscal year and not part of the base.

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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**SUBJECT**

Consolidation/restructure of the Tetonia Research and Extension Center with research and a variety of development functions being performed at Aberdeen or other locations, or contracted with grower/producers or seed companies

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section III.G. 4, Program Approval and Discontinuance  
Sections 33-107 (7), 33-2811, Idaho Code.

**BACKGROUND**

In accordance with Board Policy III.G.4.b.(1), Board approval is required prior to implementation of any changes, additions, expansions, and consolidations to existing instructional programs, majors, minors, options, emphases, or instructional units with financial impact of \$250,000 or more per year.

**DISCUSSION**

The University of Idaho proposes the consolidation/restructuring of the Tetonia Research and Extension Center with relocation of research and a variety of development functions in concert with the Parma Research and Extension Center and its consolidation with the Caldwell Complex and the closure, consolidation and restructuring of the Sandpoint Research and Extension Center. These moves are a result of the recommendations of the Research and Extension Center Review Task Force and are motivated by the need to meet the 11.5% reduction of the Agricultural Research and Extension Service (ARES) appropriation in the FY10 base budget, which is a permanent reduction of \$3.26 million.

The mandate includes a 5% reduction in personnel costs, which can be met in a number of ways including eliminating vacant positions, holding vacant positions open, or voluntary reduction in hours worked. The remaining 7% reduction must be met through a combination of other sources. Since personnel costs make up approximately 90% of the ARES appropriated budget, the remaining 10% or approximately \$3 million is the operating budget comprised of maintenance, travel, and capital outlay. The proposal is an effort to balance reductions strategically across all ARES budget categories to assure adequate funding for Research and Extension Center operations, infrastructure maintenance, and equipment replacement in future years. Closure, consolidation, and restructuring of the center is based on the capability to relocate or otherwise restructure using a different model to achieve, if possible, needed expertise and programs in a region but at significant reduced costs to meet the ARES base budget.

The Tetonia Research and Extension Center is important to potato and cereal variety development and to the Foundation Seed program because it provides a high elevation location with low disease pressures. While the Center has historically been critical to the variety development programs and seed industry,

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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the industry is moving toward pre-nuclear and nuclear seed sources. Many of the research and variety development functions could be performed at other locations, such as Aberdeen or contracted with grower/producers or seed companies, at significant savings to the ARES/Idaho Agricultural Experiment Station.

**Fiscal Impact**

Estimated Fiscal Impact	FY 2010	FY _____	FY _____	Total
<b>A. Expenditures</b>	<b>ARES Base Reduction</b>			
1. Personnel	\$233,519			
2. Operating	\$ 53,974			
3. Capital Outlay				
4. Facilities				
<b>TOTAL:</b>	<b>\$277,493</b>			
<b>B. Source of Funds</b>				
1. Appropriated-reallocation	\$277,493			
2. Appropriated – New				
3. Federal				
4. Other:				
<b>Total:</b>	<b>\$277,493</b>			
<b>B. Nature of Funds</b>				
1. Recurring *	\$277,493			
2. Non-recurring **				
<b>Total:</b>	<b>\$277,493</b>			

**IMPACT**

If Board approved, the institution will implement the consolidation/restructure.

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**ATTACHMENTS**

Attachment 1 – Tetonia R&E Center Notice of Intent

Page 5

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff has been in discussion with the administration of the University of Idaho regarding this Notice of Intent to restructure its Tetonia Research and Extension Center in response to the base budget reduction. IRSA, CAAP, and Board staff concurs with the University of Idaho proposal to close/restructure the Tetonia Research and Extension Center and relocate faculty expertise to another appropriate location as requested.

**BOARD ACTION**

A motion to approve the University of Idaho's request to consolidate/restructure the Tetonia Research and Extension Center and move the research and variety development to other locations or contracts.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_ No \_\_\_

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**IDAHO STATE BOARD OF EDUCATION  
ACADEMIC/PROFESSIONAL-TECHNICAL EDUCATION**

**NOTICE OF INTENT**

To initiate a

**New, Expanded, Cooperative, Discontinued, program component or Off-Campus Instructional Program or Instructional/Research Unit**

Institution Submitting Proposal: University of Idaho  
 Name of College, School, or Division: College of Agricultural and Life Sciences  
 Name of Department(s) or Area(s): Agricultural Research and Extension Service

Indicate if this Notice of Intent (NOI) is for an Academic or Professional Technical Program  
 Academic X Professional - Technical \_\_\_\_\_

A New, Expanded, Cooperative, Contract, or Off-Campus Instructional Program or Administrative/Research Unit (circle one) leading to:

Tetonia Research & Extension Center

(Degree or Certificate)

Proposed Starting Date: January 1, 2010

**For New Programs:**

**For Other Activity:**

Program (i.e., degree) Title & CIP 2000

- Program Component (major/minor/option/emphasis)
- Off-Campus Activity/Resident Center
- Instructional/Research Unit
- Addition/Expansion
- Discontinuance/consolidation
- Contract Program
- Other

John Hammel 11/3/09  
 College Dean (Institution) Date

[Signature] 3 Nov 09  
 Chief Fiscal Officer (Institution) Date

[Signature] Nov 3 / 09  
 Chief Academic Officer (Institution) Date

[Signature]  
 President Date

VP Research & Graduate Studies Date

State Administrator, SDPTE Date

Chief Academic Officer, OSBE Date

SBOE/OSBE Approval Date

Revised 8/9/06

**Before completing this form, refer to Board Policy Section III.G. Program Approval and Discontinuance.**

1. Briefly describe the nature of the request e.g., is this a new program (degree, program, or certificate) or program component (e.g., new, discontinued, modified, addition to an existing program or option).

The base budget of the FY09 Agricultural Research and Extension Service (ARES) appropriation prior to the FY09 rescission was \$28,249,200. An 11.5% reduction in the FY10 base budget of the ARES appropriation was imposed, which is a permanent funding reduction of \$3.26 million. This reduction includes:

- a mandated 5% reduction or \$1,162,900 in personnel costs (4.5% reduction in overall appropriation) which can be met in various ways, e.g. eliminating vacant positions, holding vacant positions open, or through voluntary reduction in hours worked by employees, and,
- The remaining 7%, or \$2,096,400, must be met through a combination of other sources (personnel, operating expense, maintenance, travel, capital outlay) with decisions made strategically to position the ARES to adequately support infrastructure and programmatic needs in the future.
- Personnel costs comprise about 90% of the ARES appropriated budget. The ARES operational allocation to support research and extension programs, infrastructure maintenance, travel, and capital outlay is only 10% or ~\$3 million. Currently, the ARES has insufficient funds annually to meet all deferred maintenance needs for infrastructure, R&E Center operational budget requirements, and to adequately support or enhance programming. Thus, a reduction of expenditures must be balanced strategically across all ARES budget categories to assure adequate funding for R&E Center operations, infrastructure maintenance, and equipment replacement in future years. Therefore, **approximately \$1 million of the total reduction in base budget (\$3.26 million) must be attained through reductions in operational expenses and elimination of staff positions through consolidation and restructuring of the Research and Extension Centers.** Closure, consolidation, and restructuring of a particular center(s) is based on the capability to relocate or otherwise restructure using a different model to achieve, if possible, needed expertise and programs in a region but at significant reduced costs to meet the reduction in the ARES base budget.

In March 2009, a broad constituency task force comprised of federal and state agency representatives, Idaho legislators, agribusiness leaders, U of I alumni, and representatives from the Idaho agricultural industry was established; all individuals selected were involved in agriculture and had an understanding of Idaho agriculture statewide, and the purpose and importance of the U of I CALS. The R&E Center Review Task Force recommended the Tetonia R&E Center for closure, consolidation and restructuring, based on the criteria that the programming needs for the north Idaho region could be achieved using an alternative model with a realized significant savings.

2. Provide a statement of need for program or a program modification. Include student and state need, demand, and employment potential. **Attach a Scope and Sequence, SDPTE Form Attachment B, for professional-technical education requests.** (Use additional sheets if necessary.).

The Tetonia R&E Center is important to potato and cereal variety development and to the Foundation Seed program because it provides a high elevation location with low disease pressures. While the Center has historically been critical to the variety development programs and seed industry, the industry is moving toward pre-nuclear and nuclear seed sources. Many of the research and variety development functions could be performed at other locations, e.g. Aberdeen, or contracted with grower/producers or seed companies, at a significant annual savings to the ARES/Idaho Agricultural Experiment Station.

3. Briefly describe how the institution will ensure the quality of the program (e.g., accreditation, professional societies, licensing boards, etc.).

N/A



4. Identify similar programs offered within the state of Idaho or in the region by other colleges/universities. If the proposed request is similar to another program, provide a rationale for the duplication. This may not apply to PTE programs if workforce needs within the respective region have been established.

None

Enrollment and Graduates (i.e., number of majors or other relevant data)  
 By Institution for the Proposed Program  
 Last three years beginning with the current year and the 2 previous years

Institution	Relevant Enrollment Data			Number of Graduates		
	Current	Previous Year	Previous Year	Current	Previous Year	Previous Year
BSU						
CSI						
CWI						
EITC						
ISU						
LCSC						
NIC						
UI						

Degrees offered by school/college or program(s) within disciplinary area under review

Institution and Degree name	Level	Specializations within the discipline (to reflect a national perspective)	Specializations offered within the degree at the institution
BSU			
CSI			
CWI			
EITC			
ISU			
LCSC			
NIC			
UI			

5. Describe how this request is consistent with the State Board of Education's policy or role and mission of the institution. (i.e., centrality).

The University of Idaho is the primary land-grant and research university in the State of Idaho. As the land-grant institution, the University of Idaho has the *sole responsibility for statewide agricultural education, research and extension/outreach programming*. The Research & Extension Center system is central to this mission and funded through the ARES appropriation which supports the Idaho Agricultural Experiment Station.

6. Is the proposed program in the 8-year Plan? Indicate below.

Yes  X  No  \_\_\_\_\_

If not on 8-year plan, provide a justification for adding the program.

8. Resources--Faculty/Staff/Space Needs/Capital Outlay. (Use additional sheets if necessary.):

Estimated Fiscal Impact	FY 2010	FY _____	FY _____	Total
<b>A. Expenditures</b>	<b>ARES Base Reduction</b>			
1. Personnel	\$233,519			
2. Operating	\$53,974			
3. Capital Outlay				
4. Facilities				
<b>TOTAL:</b>	<b>\$277,493</b>			
<b>B. Source of Funds</b>				
1. Appropriated-reallocation	\$277,493			
2. Appropriated – New				
3. Federal				
4. Other:				
<b>TOTAL:</b>	<b>\$277,493</b>			
<b>B. Nature of Funds</b>				
1. Recurring *	\$277,493			
2. Non-recurring **				
<b>TOTAL:</b>	<b>\$277,493</b>			

\* Recurring is defined as ongoing operating budget for the program, which will become of the base.

\*\* Non-recurring is defined as one-time funding in a fiscal year and not part of the base.

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**SUBJECT**

Second Reading - Amendment to Board Policy III.Y. Advanced Opportunities, Idaho Standards

**REFERENCE**

December 2008

The Board approved the Second Reading to Section III.P. changing the definition of full-time student.

June 18, 2009

The Board approved the First Reading of Section III.Y. Advanced Opportunities, Idaho Standards

**BACKGROUND/DISCUSSION**

In December 2008, the Board approved amendments to Section III.P., Students. The amendments included revising the definition of a full-time student to "any undergraduate student carrying twelve (12) or more credits (or equivalent in audit and zero-credit registrations)."

A recent review of Board Policy III.Y., Advanced Opportunities, Idaho Standards, revealed that the standards contained the former definition of a full-time student. To minimize the need for potential amendments to the standards should the definition change in future, staff incorporated nonspecific language to direct individuals to reference Board policy III.P for the definition of full-time student. Additionally, the standards were incorporated by reference to an external document; they have now been merged into the policy itself in order to eliminate confusion that has been caused by referencing the external document.

There have been no changes between the first and second readings.

**ATTACHMENTS**

Attachment 1 – Board Policy III.Y. Advanced Opportunities

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends approval of the proposed changes as presented.

**BOARD ACTION**

A motion to approve the second reading of the proposed amendments to Board Policy III.Y. Advanced Opportunities.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**Idaho State Board of Education  
GOVERNING POLICIES AND PROCEDURES  
SECTION: III. POSTSECONDARY AFFAIRS  
SUBSECTION: Y. Advanced Opportunities**

**December 2005**

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1. Coverage

Boise State University, Idaho State University, Lewis-Clark State College, the University of Idaho, ~~Eastern Idaho Technical College~~, are covered by these policies. North Idaho College, the College of Southern Idaho and the College of Western Idaho ~~Eastern Idaho Technical College~~ are also covered since postsecondary programs intended for transfer come under the purview of the Board by this policy.

2. Purpose

The State Board of Education has made a commitment to improve the educational opportunities to Idaho citizens by creating a seamless system. To this end, the Board has instructed its postsecondary institutions to provide educational programs and training to their respective service regions, support and enhance regional and statewide economic development, and to collaborate with the public elementary and secondary schools. In addition to the Board's desire to prepare secondary graduates for postsecondary programs, the Board is also addressing advanced opportunities programs for qualified secondary students. These programs have the potential for reducing the overall costs of secondary and postsecondary programs to the students and institutions.

The primary intent of the Board is to develop a policy for advanced opportunities programs for secondary students, which would:

- a. Enhance their postsecondary goals;
- b. Reduce duplication and provide for an easy transition between secondary and postsecondary education; and
- c. Reduce the overall cost of educational services and training.

3. Definitions

There are ~~many different~~ various advanced opportunities programs students may access to receive post-secondary credit for education completed while enrolled in the secondary system. Examples include Advanced Placement® (AP), dual credit courses that are taken either in the high school or on the college campus, Tech Prep, ~~ete~~and International Baccalaureate programs. For the purpose of this policy the State Board of Education recognizes four different types of advanced opportunities programs depending upon the delivery site and faculty. They are: Advanced Placement®, dual credit, Tech Prep, and the International Baccalaureate program.

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**DECEMBER 10, 2009**

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a. Advanced Placement® (AP)

The Advanced Placement® Program is administered by the College Board. AP students may take one or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students may earn college credit by scoring well on the national exams. It is up to the discretion of the individual colleges to accept the scores from the AP exams to award college credit or advanced standing.

b. Dual Credit

Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student's permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus.

c. Tech Prep

Tech Prep is a sequenced program of study that combines at least two years of secondary and two years of postsecondary education. It is designed to help students gain academic knowledge and technical skills, and often earn college credit for their secondary coursework. Programs are intended to lead to an associate's degree or a certificate in a specific career field, and ultimately, to high wage, high skill employment or advanced postsecondary training.

d. International Baccalaureate (IB)

Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college-credit. Successful completion of the full course of study leads to an IB diploma.

4. Idaho Programs Standards for Advanced Opportunities Programs

~~The standards were designed as a resource to help school districts, colleges and universities plan, implement, and evaluate high quality advanced opportunities programs for high school students prior to graduation. The standards ensure acceptance of college credit among the post secondary institutions in Idaho and out-of-state institutions accredited by one of the six regional associations.~~

~~The standards were developed by the Advanced Opportunities Subcommittee, which was one of two subcommittees organized under the auspices of the Accelerated~~



**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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Learning and Preparation for Postsecondary Education Task Force appointed by the Idaho State Board of Education in January 2005.

All advanced opportunities programs in the state of Idaho shall be developed and managed in accordance with these standards, which will be in effect until revisions are instituted and approved by the Board. The Idaho Standards for Advanced Opportunities Programs are available from the Idaho State Board of Education or by going to [www.boardofed.idaho.gov/policies/iii/index.asp](http://www.boardofed.idaho.gov/policies/iii/index.asp). Information about the International Baccalaureate program is available at their website. were designed to help school districts, colleges and universities plan, implement, and evaluate high quality advanced opportunities programs offered to high school students before they graduate.

a. Dual Credit Standards for Students Enrolled in Courses Taught at the High School

**Curriculum**

<u>Curriculum 1 (C1)</u>	<u>Courses administered through a dual credit program are catalogued courses and approved through the regular course approval process of the postsecondary institution. These courses have the same departmental designation, number, title, and credits; additionally these courses adhere to the same course description and course content as the postsecondary course</u>
<u>Curriculum 2 (C2)</u>	<u>Postsecondary courses administered through a dual credit program are recorded on students' official academic record of the postsecondary institution.</u>
<u>Curriculum 3 (C3)</u>	<u>Postsecondary courses administered through a dual credit program reflect the pedagogical, theoretical and philosophical orientation of the sponsoring faculty and/or academic department at the postsecondary institution</u>

**Faculty**

<u>Faculty 1 (F1)</u>	<u>Instructors teaching college or university courses through dual credit meet the academic requirements for faculty and instructors teaching in postsecondary or provisions are made to ensure instructors are capable of providing quality college-level instruction through ongoing support and professional development.</u>
<u>Faculty 2 (F2)</u>	<u>The postsecondary institution provides high school instructors with training and orientation in course curriculum, student assessment criteria, course philosophy, and dual credit administrative requirements before certifying the instructors to teach the college/university's courses.</u>
<u>Faculty 3 (F3)</u>	<u>Instructors teaching dual credit courses are part of a continuing collegial interaction, through professional development, such as seminars, site visits, and ongoing communication with the postsecondary institutions' faculty and dual credit administration. This interaction addresses issues such as course content, course delivery, assessment, evaluation, and professional development in the field of study.</u>
<u>Faculty 4 (F4)</u>	<u>High school faculty are evaluated by using the same classroom performance standards and processes used to evaluate college faculty.</u>

**Students**

<u>Students 1 (S1)</u>	<u>High school students enrolled in courses administered through a dual credit are officially registered or admitted as degree-seeking, non-degree or non-matriculated students of the sponsoring post-secondary institution.</u>
<u>Students 2 (S2)</u>	<u>High school students are provided with a student guide that outlines their responsibilities as well as guidelines for the transfer of credit.</u>

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

<u>Students 3 (S3)</u>	<u>Students and their parents receive information about dual credit programs. Information is posted on the high school's website regarding enrollment, costs, contact information at the high school and the postsecondary institution, grading, expectations of student conduct, and other pertinent information to help the parents and students understand the nature of a dual credit course.</u>
<u>Students 4 (S4)</u>	<u>Admission requirements have been established for dual credit courses and criteria have been established to define "student ability to benefit" from a dual credit program such as having junior standing or other criteria that are established by the school district, the institution, and State Board Policy.</u>
<u>Students 5 (S5)</u>	<u>Prior to enrolling in a dual credit course, provisions are set up for awarding high school credit, college credit or dual credit. During enrollment, the student declares what type of credit they are seeking (high school only, college only or both high school and college credit). Students are awarded academic credit if they successfully complete all of the course requirements.</u>

**Assessment**

<u>Assessment 1 (A1)</u>	<u>Dual credit students are held to the same course content standards and standards of achievement as those expected of students in postsecondary courses.</u>
<u>Assessment 2 (A2)</u>	<u>Every course offered through a dual credit program is annually reviewed by postsecondary faculty from that discipline and dual credit teachers/staff to assure that grading standards meet those in on-campus sections.</u>
<u>Assessment 3 (A3)</u>	<u>Dual credit students are assessed using the same methods (e.g. papers, portfolios, quizzes, labs, etc.) as their on-campus counterparts.</u>

**Program Administration and Evaluation**

<u>Admin &amp; Evaluation 1 (AE1)</u>	<u>The dual credit program practices are assessed and evaluated based on criteria established by the school, institution and State Board to include at least the following: course evaluations by dual credit students, follow-up of the dual credit graduates who are college or university freshmen, and a review of instructional practices at the high school to ensure program quality.</u>
<u>Admin &amp; Evaluation 2 (AE2)</u>	<u>Every course offered through a dual credit program is annually reviewed by faculty from that discipline and dual credit staff to assure that grading standards meet those in postsecondary sections.</u>
<u>Admin &amp; Evaluation 3 (AE3)</u>	<u>Dual credit students are assessed using the same methods (e.g. papers, portfolios, quizzes, labs, etc.) as their on-campus counterparts.</u>
<u>Admin &amp; Evaluation 4 (AE4)</u>	<u>A data collection system has been established based on criteria established by the high school, institution and State Board to track dual credit students to provide data regarding the impact of dual credit programs in relation to college entrance, retention, matriculation from high school and college, impact on college entrance tests, etc. A study is conducted every 5 years on dual credit graduates who are freshmen and sophomores in a college or university.</u>
<u>Admin &amp; Evaluation 5 (AE5)</u>	<u>Costs for high school students have been established and this information is provided to students before they enroll in a dual credit course. Students pay a reduced cost per credit that is reviewed annually by the Council on Academic Affairs and Programs (CAAP) at their April meeting to ensure the rate is comparable among institutions within the state and in comparison to adjacent states.</u>
<u>Admin &amp; Evaluation 6 (AE6)</u>	<u>Agreements have been established between the high school and the postsecondary institution to ensure instructional quality. Teacher qualifications are reviewed, professional development is provided as needed, course content and assessment expectations are reviewed, faculty assessment is discussed, student's costs are established, compensation for the teacher is identified, etc.</u>
<u>Admin &amp;</u>	<u>Postsecondary institutions have carefully evaluated how to provide services to all</u>

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

<u>Evaluation 7 (AE 7)</u>	<u>students regardless of where a student is located.</u>
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**b. Dual Credit Standards for Students Enrolled in Courses at the College/University Campus**

<u>A.</u>	<u>The student is admitted by the postsecondary institution as a non-matriculating student.</u>
<u>B.</u>	<u>The student is charged the part-time credit hour fee or tuition and additional fees as established by the institution.</u>
<u>C.</u>	<u>Instructional costs are borne by the postsecondary institution.</u>
<u>D.</u>	<u>Four (4) semester college credits are typically equivalent to at least one (1) full year of high school credit in that subject.</u>
<u>E.</u>	<u>In compliance with Idaho Code 33-5104, prior to enrolling, the student and the student's parent/guardian must sign and submit a counseling form, provided by the school district, that outlines the provisions of the section of this Code. The counseling form includes written permission from the student's parent/guardian, and principal or counselor.</u>
<u>F.</u>	<p><u>Any high school student may make application to one of the public postsecondary institutions provided all of the following requirements are met:</u></p> <p><u>In compliance with Idaho Code 33-202, the student has reached the minimum age of 16 years or has successfully completed at least one-half of the high school graduation requirements as certified by the high school.</u></p> <p><u>Submission of the appropriate institutional application material for admission. Written notification of acceptance to the institution will be provided to the student after he or she submits the appropriate application</u></p> <p><u>If required by institutional policy, a student must obtain approval of the college or university instructor to enroll in a course.</u></p> <p><u>Those high school students meeting the above requirements will be permitted to enroll on a part-time basis for a maximum of 7 credits or two courses per semester or on a full-time basis taking at least 8 credits per semester, or full-time basis as defined in Board policy.</u></p>
<u>G.</u>	<u>Students seeking admission who do not meet the above requirements may petition the institution's admission committee for consideration. Students enrolled in a public school may seek admission to enroll by submitting a petition to the high school principal's office and to the admission's office of the postsecondary institution.</u>

**c. Advanced Placement Standards**

Advanced Placement (AP) courses are taught by high school teachers following the curricular goals administered by The College Board. These college level courses are academically rigorous and conclude with the optional comprehensive AP exam in May. Students taking AP courses accept the challenge of a rigorous academic curriculum, with the expectation of completing the complex assignments associated with the course and challenging the comprehensive AP exam. The AP Examination is a national assessment, based on the AP curriculum, given in each subject area on a specified day at a specified time, as outlined by the College Board. Students and parents are responsible for researching the AP policy of the postsecondary institution the student may wish

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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to attend. College/university credit is based on the successful completion of the AP exam, and dependent upon institutional AP credit acceptance policy.

**Curriculum**

<u>Curriculum 1 (C1)</u>	<u>Postsecondary institutions evaluate AP scores and award credit reflecting the pedagogical, theoretical, and philosophical orientation of the sponsoring faculty and/or academic department at the institution.</u>
<u>Curriculum 2 (C2)</u>	<u>High school credit is given for enrollment and successful completion of an AP class.</u>

**Faculty**

<u>Faculty 1 (F1)</u>	<u>AP teachers shall follow the curricular materials and goals outlined by The College Board.</u>
<u>Faculty 2 (F2)</u>	<u>The AP teacher may attend an AP Institute before teaching the course.</u>

**Students/Parents**

<u>Students 1 (S1)</u>	<u>A fee schedule has been established for the AP exam. Students and their parents pay the fee unless other arrangements have been made by the high school.</u>
<u>Students 2 (S2)</u>	<u>Information must be available from the high school counselor, AP coordinator or other faculty members regarding admission, course content, costs, high school credit offered and student responsibility.</u>

**Assessment**

<u>Assessment 1 (A1)</u>	<u>Students are assessed for high school credit according to the requirements determined by the high school.</u>
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**Program Administration and Evaluation**

<u>Admin &amp; Evaluation 1 (AE1)</u>	<u>To evaluate the success of the programs and to improve services, the school district must annually review the data provided by The College Board.</u>
<u>Admin &amp; Evaluation 2 (AE2)</u>	<u>The school district must carefully evaluate how to provide services to all students, regardless of family income, ethnicity, disability, or location of educational setting.</u>

d. Tech Prep Standards

Professional-Technical Education in Idaho is delivered through comprehensive high schools, professional-technical schools, and the technical college system. An approved articulation agreement allows the student to earn postsecondary credit while in a secondary school that leads to a specific postsecondary two-year certificate, degree, or apprenticeship.

**Curriculum**

<u>Curriculum 1 (C1)</u>	<u>Articulated agreements must include a curriculum outline that lists at least two years of secondary and two or more years of postsecondary professional-technical courses in an unduplicated sequence with a common core of required proficiency.</u>
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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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<u>Curriculum 2 (C2)</u>	<u>The curriculum must identify student competencies in math, science, and communication including applied academics and work-site learning experiences in a coherent sequence of courses.</u>
<u>Curriculum 3 (C3)</u>	<u>Secondary and postsecondary educators must agree on the common core of required proficiency and agree to meet that proficiency in the program.</u>
<u>Curriculum 4 (C4)</u>	<u>Tech Prep program proposals must provide equal access to members of special populations.</u>

**Faculty**

<u>Faculty 1 (F1)</u>	<u>Secondary and postsecondary educators must hold appropriate certification in the program area for which articulated credit is to be awarded.</u>
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**Students/Parents**

<u>Students 1 (S1)</u>	<u>To receive articulated credit, students must apply for and must be accepted into the program.</u>
<u>Students 2 (S2)</u>	<u>Information must be available from the high school counselor, Tech Prep Coordinator or other faculty members regarding admission, course content, costs, credit offered and student responsibility.</u>
<u>Students 3 (S3)</u>	<u>The students are assessed for high school and postsecondary credit according to the requirements of the articulation agreement determined by the high school and the articulated institution.</u>

**Assessment**

<u>Assessment 1 (A1)</u>	<u>Approved end-of-course assessments must be administered to senior students enrolled in a Professional-Technical School who have completed the required sequence of instruction.</u>
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**Program Administration and Evaluation**

<u>Admin &amp; Evaluation 1 (AE1)</u>	<u>School districts and postsecondary technical colleges make up the Tech Prep Consortia. Each consortium elects an Executive Council. The Tech Prep program is administered through six consortia and each of the technical colleges serves as the fiscal agent.</u>
<u>Admin &amp; Evaluation 2 (AE2)</u>	<u>Each Tech Prep articulated agreement must be reviewed annually.</u>

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**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS  
DECEMBER 10, 2009**

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**SUBJECT**

Establish an Assessment Oversight Committee of the Board

**BACKGROUND/DISCUSSION**

The Board is responsible for establishing statewide policy on all assessment and accountability issues. The Board provides overall guidance on all areas connected with these issues through the issuance of policy and rules. This governance is essential for ensuring proper checks and balances between those administering the tests and others overseeing this essential work.

This subcommittee will report directly to the Board. The committee will provide oversight of the statewide assessment system, to include recommendations to the Board on the effectiveness of the statewide system and recommend improvement or changes needed.

The committee will consist of:

- the Superintendent of Public Instruction
- two Board members
- four members appointed by the Governor, one of which will chair the committee

**IMPACT**

The oversight committee will function as an ad hoc committee to the Board of Education staffed by the Board's Accountability Program Manager.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends the approval of an assessment oversight committee.

**BOARD ACTION**

A motion to approve establishing a committee to provide oversight of the statewide assessment system consisting of:

the Superintendent of Public Instruction, two Board members appointed by the Board chair and \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, of whom \_\_\_\_\_ will serve as chair.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**AUDIT COMMITTEE  
DECEMBER 10, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>PRESENTATION OF FY 2009 AUDITED FINANCIAL STATEMENTS BY MOSS ADAMS</b>	Motion to approve

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**AUDIT COMMITTEE  
DECEMBER 10, 2009**

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**SUBJECT**

Presentation of annual financial audit of the Colleges and Universities by the Board's external auditor

**APPLICABLE STATUTE, RULE OR POLICY**

Idaho State Board of Education Bylaws, Section H.4.c.4.

**BACKGROUND/DISCUSSION**

The Board contracted with Moss Adams LLP, an independent certified public accounting firm, to conduct the annual financial audits of Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College. FY 2009 is the fifth year that Moss Adams has conducted audits of the financial statements for the college and universities.

The audits are conducted in accordance with Generally Accepted Government Auditing Standards and include an auditor's opinion on the basic financial statements.

Along with this agenda item, Board members will receive for each institution the Independent Auditor's Report and Financial Statements for the Year Ended June 30, which also contains the Management's Discussion and Analysis.

**IMPACT**

The State Board of Education will be informed, via published documents and the Moss Adams presentation, of the financial report regarding the five noted institutions for state Fiscal Year 2009. Institutions that have been audited will also be made aware of their particular financial condition, and recommended changes to procedures regarding financial matters.

**STAFF COMMENTS AND RECOMMENDATIONS**

In September, Moss Adams conducted a preliminary review of the financial statements with members of the Audit Committee, institution representatives, and Board staff.

The audited financial statements present the financial activity at each audited institution and include the following reports:

- Management's Discussion and Analysis
- Statement of Net Assets
- Statement of Revenues, Expenses and Changes in Net Assets
- Statement of Cash Flows
- Notes to the Financial Statements

**AUDIT COMMITTEE  
DECEMBER 10, 2009**

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**BOARD ACTION**

A motion to accept from the Audit Committee the Fiscal Year 2009 financial audit reports for Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College, as presented by Moss Adams LLP.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**BUSINESS AFFAIRS AND HUMAN RESOURCES  
DECEMBER 10, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>PROPOSED AMENDMENTS TO BOARD POLICY</b> Sections II.B.2; II.F.1-2; II.G.1; II.N. – 1st Reading	Motion to approve

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**SUBJECT**

First Reading – Amendment to Board Policy Sections II.B.2; II.F.1-2; II.G.1; II.N.

**BACKGROUND/DISCUSSION**

The proposed changes to Board policy accomplish the following:

1. Clarify the broad authority of the institution chief executive officers for personnel matters affecting the institutions. Section II.B.2.b.
2. Clarify specific authority in the chief executive officers to make institutional or unit-wide personnel adjustments, including furloughs and reductions in force, to respond to financial challenges. Sections II.B.2.b
3. Incorporate notice and due process procedures for affected employees. Sections II.B.2.c.
4. Clarify that contract salary is subject to adjustment year to year based on budgets and subject to interim adjustments as part of institutional or unit-wide personnel adjustments made by the CEO's to respond to financial challenges. Sections II.F.1. & 2. (non-faculty exempt) & II.G.1. (Faculty)
5. Clean-up Financial Exigency Policy – remove references to actions that can be taken without a declaration of exigency. Sections II. N.1.; 2.d.; 2.e.; & 7.

The revisions to Section II.B.2. are intended first to add clarity to the scope of authority delegated by the Board to the chief executive officers of each institution. New subsection II.B.2.b further outlines the breadth of the Board's delegation to the chief executive officers. In recognition of the broad delegation of authority, new subsection II.B.2.c. specifically addresses the authority in the chief executive officers to take actions to reduce personnel costs across the entire institution or across budgetary units within the institution when necessary to respond to financial challenges (without a financial exigency declaration by the Board) and to maintain sound fiscal management at the institution. New subsection II.B.2.d. also adds limited due process procedures for affected employees to require at least 21 days opportunity for input by faculty and staff, 30 days notice to affected employees, and an appeal process to ensure that the exercise of the powers described in subsection II.B.2.c by the chief executive officer does not bring about a result that violates Board or institutional policy, or constitutional or statutory protections for the employees.

The revisions to Sections II.F. and II.G. clarify that the Board's policies on annual contracts and renewal of those contracts is not a guaranty of a particular salary from one contract period to the next. The institutions have the ability to offer a renewed contract at a different (including lower) annual salary and, in addition, the revisions reference to the institution's right to adjust salary during the contract term due to financial exigency or institution action to reduce budgetary expenditures pursuant to Section II.B.2.c. These provisions apply to exempt staff (Section II.F.2) as well as tenured and non-tenured faculty (Section II.G.2).

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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Lastly, the revisions to Section II.N clean up the Board's policy on financial exigency to remove references to actions that the institutions can take without a declaration of exigency. The revisions to subsection II.N.1. recognize that the scope of Section II.N is financial exigency and that there are other budgetary actions that the institutions can take without the need for a declaration of exigency (although these actions can also be part of a response to financial exigency). The revisions also remove subsections II.N.2.d and II.N.7 which dealt with personnel actions other than layoff. These actions are now incorporated into the revised policies under Section II.B.2. and are not necessary in Section II.N.

**IMPACT**

There is no immediate financial impact on the institutions from these policy changes, rather the changes clarify the various tools available to the chief executive officers of the institutions to address budget challenges caused by such things as general fund gubernatorial hold-backs (pursuant to Idaho Code § 67-3512A) and legislative budget cuts (either current year or out-year). The ability of an institution to take quick initial action to balance its books is a key element in the ability to bridge to a new budget reality.

**ATTACHMENTS**

Attachment 1 – Proposed Revised Policy, Section II B	Page 3
Attachment 2 – Proposed Revised Policy, Section II F	Page 7
Attachment 3 – Proposed Revised Policy, Section II G	Page 13
Attachment 4 – Proposed Revised Policy, Section II N	Page 23
Attachment 5 – Summary of Comments	Page 35

**STAFF COMMENTS AND RECOMMENDATIONS**

These policy revisions clarify the authority and budgeting tools the institutional CEOs have to manage budget holdbacks and reductions. In addition, the revisions clean up Board policy so powers and procedures are more logically placed and easier to find.

Staff recommends approval.

**BOARD ACTION**

A motion to approve the first reading of the proposed amendments to Board Policies II.B.2; II.F.1 & 2., II.G.1; and II.N. as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: B. Appointment Authority and Procedures January 2005-February 2010**

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**B. Appointment Authority and Procedures**

1. Nothing herein may be construed to be in limitation of the powers of the Board as defined by Sections 33-3006, 33-3104, 33-2806, and 33-4005, Idaho Code, or as otherwise defined in the Idaho Constitution or Code.
2. Delegation of Authority
  - a. The Board delegates all authority for personnel management not specifically retained to the executive director and the chief executive officers consistent with the personnel policies and procedures adopted by the Board. In fulfilling this responsibility, the executive director and chief executive officers, or their designees, may exercise their authority consistent with these policies and procedures. Provided, however, that the Board retains the authority for taking final action on any matter so identified anywhere in these policies and procedures.
  - b. Within the general delegation of authority in the preceding paragraph a. above, the chief executive officers shall have the authority to manage, supervise and control the personnel and human resources of the institutions and agencies. Organizational structure, duty assignments, FTE count, place of work, shift placement, salaries, work hour adjustments, benefit determinations, reductions in force and all similar and related work place decisions are the prerogative of the chief executive officers except or unless as limited by other applicable provisions of Board or institutional policy.
  - c. Without limiting the general description of b. above, the authority delegated to each chief executive officer includes the authority, in the chief executive officer's discretion, to reduce expenditures to respond to financial challenges (without a financial exigency declaration by the Board) and to maintain sound fiscal management. In such cases, the chief executive officer may take employment actions, as provided in applicable institutional policy, which are uniform across the entire institution, or uniform across institution budgetary units, but may not include actions requiring a financial exigency declaration by the Board. Such actions may include work hour adjustments such as furloughs or other unpaid leave as long as such are uniform across budgetary units or uniformly tiered as applied to certain salary levels or classifications. Work hour adjustments may be pro-rated based on annual salary levels to equitably reduce the financial hardship of the adjustments on lower level employees. Such actions may include reductions in force (not including tenured faculty members) when such reductions can be accomplished without shortening the term of an existing annual employment contract.

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: B. Appointment Authority and Procedures January 2005-February 2010**

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d. In implementing any such actions described in the preceding paragraph c. above, the institution shall seek the input from the faculty, non-classified staff and classified staff employee groups. Such groups will be given at least twenty-one (21) calendar days to provide their input on the proposed actions as provided for in the policies of the institution. The institution shall, once such input is taken and considered by the chief executive officer, establish procedures that provide for at least thirty (30) days written notice prior to the effective date of the action and an opportunity for an affected employee to be heard. The notice must include the effective date of the employment action, a statement of the basis for the employment action, and a description of the process to be heard. Such process must be prompt, expeditious, and fair. The employee may contest the action only based on whether the action, with respect to that employee, violates the procedural requirements of this policy, applicable institutional policy or constitutional or statutory protections for that employee. The employee may not challenge the chief executive officer's determination that a reduction in budgetary expenditures is necessary, nor contest the chief executive officer's chosen means of addressing the reduction need, unless such means violate constitutional or statutory protections for the employee.

**3. Specifically Reserved Board Authority**

(Note: This is not an exclusive or exhaustive list and other reservations of Board authority may be found in other areas of these policies and procedures.) Board approval is required for the following:

**a. Position Authorizations**

(1) Any permanent new position (including any reactivated position that requires a new "set-up" action); regardless of funding source, requires Board approval.

Agenda Item Format: Requests for new position authorizations must include the following information:

- (a) position title;
- (b) type of position;
- (c) FTE;
- (d) Term of appointment;
- (e) Effective date;
- (f) approximate salary range;
- (g) funding source;
- (h) area or department of assignment;
- (i) a description of the duties and responsibilities of the position; and
- (j) a complete justification for the position.

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES**

**Subsection: B. Appointment Authority and Procedures ~~January 2005-February 2010~~**

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- (2) Any permanent position being deleted. The affected position should be identified by type, title, salary, area or department of assignment, and funding source.
- b. The initial appointment of all employees to any type of position at a salary that is equal to or higher than 75% of the chief executive officer's annual salary.
  - c. The employment agreement of any head coach or athletic director (at the institutions only) longer than one year, and all amendments thereto.
  - d. The criteria established by the institutions for initial appointment to faculty rank and for promotion in rank, as well as any additional faculty ranks and criteria as may be established by an institution other than those provided for in these policies (see subsection II. G.) Any exceptions to the approved criteria also require Board approval.

For the procedures established for periodic performance review of tenured faculty members see subsection II. G.

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: B. Appointment Authority and Procedures ~~January 2005-February 2010~~

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## F. Policies Regarding Non-classified Employees

### 1. Employment Terms

- a. All non-classified employees, except those set forth in Section II.F.1.b. below, serve at the pleasure of the chief executive officer, and may be dismissed at any time, with or without cause, and without notice, at the discretion of the chief executive officer.

- b. Employment Contracts

- (1) An institution may provide employment contracts to its non-classified employees. If an institution chooses to offer employment contracts to its non-classified employees, the employment contract must include the period of the appointment, salary, pay periods, position title, employment status and such other information as the institution may elect to include in order to define the contract of employment. Non-classified employees have no continued expectation of employment beyond their current contract of employment.

- (2) Non-classified employees, who serve pursuant to contracts of employment containing a stated salary are not guaranteed such salary in subsequent contracts or appointments, and such salary is subject to adjustment during the contract period due to financial exigency (as provided for in Section II.N of Board Policy) or as provided for in section II.B.2.c of Board Policy.

- ~~(2)~~(3) Each employee must acknowledge receipt and acceptance of the terms of the employment contract by signing and returning a copy to the institution initiating the offer of appointment. Failure or refusal of the employee to sign and return a copy of the employment contract within the time specified in the contract is deemed to be a rejection of the offer of employment unless the parties have mutually agreed in writing to extend the time. Nothing in this paragraph prohibits the institution from extending another offer to the employee in the event the initial offer was not signed and returned in a timely manner. Any alteration by the employee of the offer is deemed a counter-offer requiring an affirmative act of acceptance by an officer authorized to enter into contracts of employment binding the institution.

- ~~(3)~~(4) Each contract of employment shall include a statement to the following effect and intent: "The terms of employment set forth in this contract of employment are also subject to the Governing Policies and Procedures of the State Board of Education (or the Board of Regents of the University of Idaho, in the case of University of Idaho), and the policies and procedures of the institution." The contract shall also state that it may be terminated at any time

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: F. Policies Regarding Non-classified Employees**August 2009 February 2010

---

for adequate cause, as defined in Section II.L. of Board Policy, or when the Board declares a state of financial exigency, as defined in Section II.N. of Board Policy. The contract shall also state that it may be non-renewed pursuant to Section II.F.5. of Board Policy.

~~(4)~~(5) No contract of employment with such an employee may exceed one (1) year without the prior express approval of the Board. Employment beyond the contract period may not be legally presumed. Renewal of an employment contract is subject solely to the discretion of the chief executive officer of the institution, and, where applicable, of the Board.

**2. Compensation**

- a. Salary – All non-classified employees shall receive a fixed salary. Payment in addition to the fixed salary may be authorized by the chief executive officer and reported to the Board. All initial salaries for non-classified employees are established by the chief executive officer, subject to approval by the Board where applicable. The Board may make subsequent changes for any non-classified employee salary or may set annual salary guidelines and delegates to its executive director authority to review compliance with its annual guidelines. Any annual salary increase outside Board guidelines requires specific and prior Board approval before such increase may be effective or paid to the non-classified employee. With the exception of the chief executive officers, and other positions whose appointment is a reserved Board authority, approval of salaries shall be effective concurrently with Board approval of annual operating budgets for that fiscal year.
- b. Salaries, Salary Increases and other Compensation related items
  - (1) Salaries for new appointments to dean, associate/assistant dean, vice president, and president/vice president direct-report positions may not exceed the median rate for such position established by the College and University Professional Association for Human Resources (CUPA), or its equivalent, without prior Board approval.
  - (2) Appointments to acting or interim positions shall be at base salary rates no greater than ten percent (10%) more than the appointees' salary rate immediately prior to accepting the interim appointment or ninety-five percent (95%) of the prior incumbent's rate, whichever is greater.
  - (3) Overtime Compensation – Non-classified employees earning annual leave at the equivalent rate of two (2) days for each month or major fraction thereof of credited state service are not eligible for either cash compensation or compensatory time off for overtime work. Non-classified employees in

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: F. Policies Regarding Non-classified Employees**August 2009 February 2010

---

positions that are defined as “non-exempt” under the Fair Labor Standards Act earn overtime at a rate of one and one-half (1½) hours for each overtime hour worked. Other non-classified employees may earn compensatory time off at the discretion of the chief executive officer at a rate not to exceed one (1) hour of compensatory time for each hour of overtime worked.

- (4) Credited State Service - The basis for earning credited state service will be the actual hours paid not to exceed forty (40) per week.
- (5) Pay Periods - All non-classified employees are paid in accordance with a schedule established by the state controller.
- (6) Automobile Exclusion - Unless expressly authorized by the Board, no non-classified employee will receive an automobile or automobile allowance as part of his or her compensation.

**3. Annual Leave**

- a. Non-classified employees at the institutions, agencies earn annual leave at the equivalent rate of two (2) days per month or major fraction thereof of credited state service. Twelve-month employees employed at the entities named above may accrue leave up to a maximum of 240 hours. An employee who has accrued the maximum will not earn further leave until the employee's use of annual leave reduces the accrual below the maximum.

Non-classified employees in positions which are covered under the Fair Labor Standards Act earn annual leave according to § 67-5334 and are subject to the maximum leave accruals in § 67-5335(2).

- b. Non-classified employees appointed to less than full-time positions earn annual leave on a proportional basis dependent upon the terms and conditions of employment.
- c. Professional Leave - At the discretion of the chief executive officer, non-classified employees may be granted professional leave with or without compensation under conditions and terms as established by the chief executive officer.

**4. Performance Evaluation**

Each institution or agency must establish policies and procedures for the performance evaluation of non-classified employees, and are responsible for implementing those policies in evaluating the work performance of employees. The purposes of employee evaluations are to identify areas of strength and weakness, to improve employee work performance, and to provide a basis on which the chief

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: F. Policies Regarding Non-classified Employees**August 2009 February 2010

---

executive officers and the Board may make decisions concerning retention, promotion, and merit salary increases. All non-classified employees must be evaluated annually. Any written recommendations that result from a performance evaluation must be signed by the appropriate supervisor, a copy provided to the employee and a copy placed in the official personnel file of the employee. Evaluation ratings that result in findings of inadequate performance of duties or failure to perform duties constitute adequate cause as set forth in Section II.L. of Board Policy.

**5. Non-Renewal of Non-classified Contract Employees**

- a. Notice of the decision of the chief executive officer to not renew a contract of employment must be given in writing to the non-classified employee at least sixty (60) calendar days before the end of the existing period of appointment for annual appointments. For appointments of less than one year, the written notice must be at least thirty (30) days prior to the end of the existing period of appointment. Reasons for non-renewal need not be stated. Non-renewal without cause is the legal right of the Board. If any reasons for non-renewal are provided to the employee for information, it does not convert the non-renewal to dismissal for cause and does not establish or shift any burden of proof. Failure to give timely notice of non-renewal because of mechanical, clerical, mailing, or similar error is not deemed to renew the contract of employment for another full term, but the existing term of employment must be extended to the number of days necessary to allow sixty (60) (or thirty days where applicable) calendar days notice to the employee.
- b. Except as set forth in this paragraph, non-renewal is not grievable within the institution nor is it appealable to the Board. However, if an employee presents bona fide allegations and evidence to the chief executive officer of the institution that the non-renewal of the contract of employment was the result of discrimination prohibited by applicable law, the employee is entitled to use the internal discrimination grievance procedure to test the allegation. If the chief executive officer is the subject of the allegations, the employee may present the bona fide allegations and evidence to the Executive Director. The normal internal grievance procedure for discrimination must be used unless changed by mutual consent of the parties. The ultimate burden of proof rests with the employee. The institution is required to offer evidence of its reasons for non-renewal only if the employee has made a prima facie showing that the recommendation of non-renewal was made for reasons prohibited by applicable law. Unless mutually agreed to by the parties in writing, the use of the discrimination grievance procedure will not delay the effective date of non-renewal. Following the discrimination grievance procedures, if any, the decision of the institution, is final, subject to Section II.F.5.c., below.



**GOVERNING POLICIES AND PROCEDURES**

**SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES**

**Subsection: F. Policies Regarding Non-classified Employees**

~~August 2009~~ February 2010

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- c. The non-classified contract employee may petition the Board to review the final action of the institution. Any petition for review must be filed at the Office of the State Board of Education within fifteen (15) calendar days after the employee receives notice of final action. The Board may agree to review the final action, setting out whatever procedure and conditions for review it deems appropriate, or it may choose not to review the final action. The fact that a review petition has been filed will not stay the effectiveness of the final action, nor will the grant of a petition for review, unless specifically provided by the Board. Board review is not a matter of right. An employee need not petition for Board review in order to have exhausted administrative remedies for purposes of judicial review. Nothing in this section should be construed as any prohibition against filing a complaint with any appropriate state or federal entity, including but not limited to the Equal Employment Opportunity Commission (EEOC) or the Idaho Human Rights Commission (IHRC).

6. Tenure

Non-classified employees are generally not entitled to tenure. Certain, very limited, exceptions to this general rule are found in Subsection G.6 of these personnel policies and procedures.

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: F. Policies Regarding Non-classified Employees

August 2009 February 2010

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**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES**

**Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

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**G. Policies Regarding Faculty (Institutional Faculty Only)**

## 1. Letters of Employment

- a. All faculty employees serve pursuant to employment contracts. The employment contract must include the period of the appointment, salary, pay periods, position title, employment status and such other information as the institution may elect to include in order to define the contract of employment. Non-tenured faculty employees have no continued expectation of employment beyond their current contract of employment. Each faculty employee must acknowledge receipt and acceptance of the terms of the employment contract by signing and returning a copy to the institution initiating the offer of appointment. Failure or refusal of the faculty employee to sign and return a copy of the employment contract within the time specified in the contract is deemed to be a rejection of the offer of employment unless the parties have mutually agreed in writing to extend the time. Nothing in this paragraph prohibits the institution from extending another offer to the employee in the event the initial offer was not signed and returned in a timely manner. Any alteration by the employee of the offer is deemed a counter-offer requiring an affirmative act of acceptance by an officer authorized to enter into contracts of employment binding the institution. Each contract of employment must include a statement to the following effect and intent: "The terms of employment set forth in this letter (contract) of employment are also subject to the Governing Policies and Procedures of the State Board of Education (or the Board of Regents of the University of Idaho, in the case of the University of Idaho), and the policies and procedures of (the institution)."
- b. Term of Appointment - All non-tenured faculty employees have fixed terms of employment. No contract of employment with such an employee may exceed one (1) year without the prior approval of the Board. Employment beyond the contract period may not be legally presumed. Reappointment of a faculty employment contract is subject solely to the discretion of the chief executive officer of the institution, and, where applicable, of the Board.
- c. Non-tenured faculty and tenured faculty, who serve pursuant to contracts of employment or notices (letters) of appointment containing a stated salary are not guaranteed such salary in subsequent contracts or appointments, and such salary is subject to adjustment during the contract period due to financial exigency (as provided for in Section II.N of Board Policy) or as provided for in section II.B.2.c of Board Policy.

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

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**ed. Faculty Rank and Promotion**

- (1) There are four (4) primary faculty ranks at each institution: (a) professor, (b) associate professor, (c) assistant professor, and (d) instructor. Each institution may establish additional faculty ranks, specify the title of each rank, and delineate the requirements for each faculty rank so established. Recommendations for additional faculty ranks must be submitted by the chief executive officer to the Board for approval.
- (2) Faculty rank, including initial appointment to faculty rank and any promotion to a higher rank at an institution, is located in a department or equivalent unit.
- (3) Each institution must establish criteria for initial appointment to faculty rank and for promotion in rank at the institution. Such criteria must be submitted to the Board for approval, and upon approval must be published and made available to the faculty.
- (4) Persons who have made substantial contributions to their fields of specialization or who have demonstrated exceptional scholarship and competence or appropriate creative accomplishment of recognized outstanding quality may be appointed to faculty rank without satisfying established institutional criteria for initial appointment or promotion, provided that the qualifications of such individuals have been reviewed in accordance with institutional procedures and the appointment is recommended by the chief executive officer and approved by the Board.
- (5) A non-classified employee may hold faculty rank in a department or equivalent unit in which rank has previously been established by the institution. A non-classified employee may be granted rank at the time of appointment or subsequent thereto, or may be promoted in rank, if such employee meets the criteria for rank as established by the institution and approved by the Board.

**2. Compensation****a. Salary**

All initial salaries for faculty employees are established by the chief executive officer, subject to approval by the Board where applicable. Payment in addition to regular salaries must be authorized by the chief executive officer and reported to the Board. The Board may make subsequent changes for faculty employee positions or may set annual salary guidelines and delegate to its executive director authority to review compliance with its annual guidelines. Any annual salary increase outside Board guidelines requires specific and prior Board

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

approval before such increase may be effective and paid to the employee. With the exception of the chief executive officers, and other positions whose appointment is a reserved Board Authority, approval of salaries shall be effective concurrently with Board approval of annual operating budgets for that fiscal year.

**b. Salaries, Increases and other Compensation related items**

(1) For purposes of categorizing faculty employees for salary and reporting purposes, the following definition applies: Faculty includes all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold the following academic rank or titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any of these academic ranks. Report in this category deans, directors, or the equivalents, as well as associate deans, assistant deans, and executive officers of academic departments (chairpersons, heads, or the equivalent) if their principal activity is instructional. Do not include student teaching or research assistants or medical interns or residents. (For reporting purposes, deans, associate deans, and assistant deans are included in the executive/administrative category.)

(2) Credited State Service/Full Time Status - A faculty member employed for an academic year and paid over a twelve-month period will be credited with twelve (12) months of state service. For all benefit status determinations and calculations, faculty members shall be considered full time, year round employees of the employing institution as long as the employee's teaching, research and service duties are commensurate with the full time faculty work load assignment as defined by the employing institution.

(3) Pay Periods - All faculty employees, including those on academic-year appointments, are paid in accordance with a schedule established by the state controller.

(4) Automobile Exclusion - Unless expressly authorized by Board policy, no faculty employee will receive an automobile or automobile allowance as part of his/her compensation.

**3. Annual Leave**

a. Only faculty members serving twelve (12) month appointments earn annual leave. Such annual leave shall be earned in the same manner as for non-classified employees.

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

---

## b. Sabbatical Leave

## (1) Eligibility

A sabbatical leave may be granted at the discretion of the chief executive officer to a tenured faculty member (or a professional-technical faculty member) who has completed at least six (6) years of full-time service at an institution. A sabbatical leave may not be awarded to the same faculty member more than once in any six (6) academic years and sabbatical leave time is not cumulative. Sabbatical leave proposals must be submitted, reviewed, and processed according to policies and procedures established at each institution. A sabbatical leave may be used for the purpose of acquiring new professional skills and updating professional skills or conducting research. Sabbatical leave awards are fully dependent on the availability of appropriate funding.

## (2) Term

The term of a sabbatical leave is either one (1) academic semester at full pay or two (2) semesters at half pay.

## (3) Condition

Each faculty member who is granted a sabbatical leave must serve at the institution for at least one (1) academic year after completion of the sabbatical unless the chief executive officer approves a waiver of the requirement.

## (4) Report on Sabbatical Leave

By the end of the first semester following return to the institution from a sabbatical leave, the faculty member must submit a written account of sabbatical activities and accomplishments to the academic vice president.

## (5) Report to the Board

The chief executive officer must report the names of faculty members awarded sabbatical leaves and a brief statement of the purposes of each sabbatical in their semi-annual report to the Board

## 4. Performance Evaluation

- a. Annual Evaluation - Each year the chair of a department must submit to the dean of the chair's college an evaluation of each faculty member in the department. This evaluation, together with the input of higher administrators, will be used as (1) basis for the final recommendation relative to reappointment, non-

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

---

reappointment, acquisition of tenure, or other personnel action, whichever is appropriate. The chairman must communicate an assessment of strengths and weaknesses to each faculty member evaluated.

- b. Evaluation Criteria - Evaluation of faculty should be made in terms of the individual's effectiveness. Each institution shall publish its criteria for annual evaluation and ensure that all members of the faculty have access to the criteria.
- c. Any written recommendations that result from evaluation of a faculty employee will be given to the employee and a copy will be placed in the employee's file.
- d. Each institution must develop policies, procedures, and measurement instruments to be used in the evaluation by students of faculty teaching effectiveness.

**5. Non-renewal of Non-tenured Faculty Members**

- a. Notice of non-renewal must be given in writing and in accordance with the following standards:
  - (1) First Year Of Service - Not later than March 1 of the first full academic year of service if the appointment is not to be renewed at the end of the academic year; or if a one-year appointment terminates during an academic year and is not to be renewed, at least three (3) months in advance of its termination.
  - (2) Second Year of Service - Not later than December 15 of the second full academic year of service if the appointment is not to be renewed at the end of the academic year; or, if the appointment terminates during an academic year and is not to be renewed, at least six (6) months in advance of its termination.
  - (3) Three (3) Or More Years Of Service – Not later than July 15 preceding the academic year at the end of which the appointment is to be terminated; or, if the appointment terminates during an academic year and is not to be renewed, at least twelve (12) months in advance of its termination.
  - (4) Failure to provide timely notice of non-renewal because of mechanical, clerical, or mailing error does not extend or renew the letter or contract of employment for another term, but the existing term of employment will be extended to provide the employee with a timely notice of non-renewal.
  - (5) Financial Exigency - Notice of non-renewal is not required when the Board has authorized a reduction in force resulting from a declaration of financial exigency and a non-tenured faculty member is to be laid off. In that event, notice of layoff must be given as provided under the policies for reduction in force.

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

---

## b. Request For Review

(1) Non-renewal is not subject to investigation or review except that the employee may request an investigation or review to establish that written notice was or was not received in accordance with the time requirements set forth in this section. In such cases, the investigation or review will be concerned only with manner and date of notification of non-renewal. The employee must request such investigation or review in writing of the chief executive officer within fifteen (15) days of receipt of the written notice of non-renewal.

(2) Provided, however, that if the non-tenured faculty member presents bona fide allegations and evidence in writing to the chief executive officer of the institution that the non-reappointment was the result of discrimination prohibited by applicable law, the non-tenured faculty member is entitled to use the internal discrimination grievance procedure to test the allegation. In such cases, the same procedures, burden of proof, time limits etc. as set forth for the grievance of non-renewal by non-classified employees shall be used (see subsection F).

c. Non-tenured faculty members who are notified that they will not be reappointed or that the succeeding academic year will be the terminal year of appointment are not entitled to a statement of reasons upon which the decision for such action is based. No hearing to review such a decision will be held.

## 6. Tenure

a. Tenure Defined - Tenure is a condition of presumed continuous employment following the expiration of a probationary period and after meeting the appropriate criteria. After tenure has been awarded, the faculty member's service may be terminated only for adequate cause; except in the case of retirement or financial exigency as declared by the Board; in situations where extreme shifts of enrollment have eliminated the justification for a position; or where the Board has authorized elimination or substantial reduction in a program. Tenure status is available only to eligible, full-time institutional faculty members, as defined by the institution. All faculty appointments are subject to the approvals as required in Board policy. Nontenured members of the faculty are appointed to term appointments pursuant to subsection G1. Any commitment to employ a nontenured member of the faculty beyond the period of his or her current term of appointment is wholly ineffective.



**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

---

## b. Acquisition of Tenure

(1) Professional-Technical Faculty hired under the division of professional-technical education prior to July 1, 1993 who were granted tenure may retain tenure in accordance with these policies. Individuals hired under the Division of Professional-Technical education subsequent to July 1, 1993 are hired and employed as nontenure track faculty and will:

- (a) be afforded the right to pursue promotion; and
- (b) be considered and granted an employment contract in accordance with these policies and be subject to continued acceptable performance and/or the needs of the institution; and
- (c) be afforded on opportunity to serve on institutional committees.

(2) Academic faculty members, after meeting certain requirements, established by the employing institution, may acquire tenure. Each institution shall develop policies for the acquisition of tenure that are consistent with this general philosophy and policy statement of the Board. Acquisition of tenure is not automatic, by default or defacto, but requires an explicit judgment, decision, and approval. A faculty member is eligible to be evaluated for the acquisition of tenure after having completed four (4) full years of academic employment at the institution, although tenure may be awarded prior to completion of this initial eligibility period in certain exceptional cases as provided in Board Policy II.G.6.d.4.a). In addition, an academic faculty member must be evaluated for the acquisition of tenure not later than the faculty member's sixth (6th) full academic year of employment at the institution. In certain exceptional cases a faculty member may petition for extension of the timeline for tenure due to extenuating circumstances as provided in Board Policy II.g.6.d.4.b).

c. Notification - An individual eligible for tenure must be informed, by proffered written contract, of appointment or nonappointment to tenure not later than June 30 after the academic year during which the decision is made. In case of denial of tenure, the faculty member must be given a written notice that tenure was denied.

## d. Standards of Eligibility for Tenure

(1) Annual Appointments - Until the acquisition of tenure, all appointments are made for a period not to exceed one (1) year. Prior to the award of tenure, employment beyond the annual term of appointment may not be legally presumed.

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

---

- (2) Service in Professional Rank - All satisfactory service in any professorial rank may be used to fulfill the time requirement for acquiring tenure. Each institution must develop criteria and rules by which prior service may be evaluated for inclusion in experience necessary for acquiring tenure.
- (3) Service in Instructor Rank - A maximum of two (2) years satisfactory service in the rank of instructor at the institution will be allowed in partial fulfillment of the time requirement in the professorial ranks. Faculty members who hold the rank of instructor may be eligible for tenure status if provided for by the institution even though they teach in fields that have established professorial ranks.
- (4) Exceptional Cases
  - (a) Tenure may be awarded prior to completion of the usual eligibility period in certain exceptional cases. In such cases, the burden of proof rests with the individual.
  - (b) Extension of the tenure review period may be granted in certain exceptional cases. In such cases the faculty member must formally request such an extension and indicate the reason for the request. An institution that permits an extension of the tenure review period must include in its policies the procedure a faculty member must follow to request such an extension, and the basis for determining the modified timeline for review.
- e. Evaluation For Tenure - It is expected that the chief executive officer, in granting tenure, will have sought and considered evaluations of each candidate by a committee appointed for the purpose of annual evaluations or tenure status. Such committee must consist of tenured and non-tenured faculty; student representation; and one (1) or more representatives from outside the department. Each member of the committee has an equal vote on all matters. The committee must give proper credence and weight to collective student evaluations of faculty members, as evidenced by an auditing procedure approved by the chief executive officer. The recommendation of the committee will be forwarded in writing through appropriate channels, along with written recommendations of the department chairperson or unit head, dean, and appropriate vice president, to the chief executive officer, who is responsible for making the final decision.
- f. Award of Tenure - The awarding of tenure to an eligible faculty member is made only by a positive action of the chief executive officer of the institution. The president must give notice in writing to the faculty member of the approval or denial of tenure. Notwithstanding any provisions in these policies to the contrary, no person will be deemed to have been awarded tenure because notice is not given

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

- g. Periodic Performance Review of Tenured Faculty Members - It is the policy of the Board that at intervals not to exceed five (5) years following the award of tenure to faculty members, the performance of tenured faculty must be reviewed by members of the department or unit and the department chairperson or unit head. The review must be conducted in terms of the tenured faculty member's continuing performance in the following general categories: teaching effectiveness, research or creative activities, professional related services, other assigned responsibilities, and overall contributions to the department.
- (1) Procedures for periodic review - Each institution must establish procedures for the performance review of tenured faculty members at the institution. Such procedures are subject to the review and approval of the Board. Each year the academic vice president or designee is responsible for designating in writing those tenured faculty members whose performance is subject to review during the year.
- (2) Review standards - Each institution may establish its own internal review standards subject to approval by the Board. Absent such institutional standards, the institution must use the following standards.

If during the periodic review, the performance of a tenured faculty member is questioned in writing by a majority of members of the department or unit, the department chairperson or unit head, the appropriate dean, the appropriate vice president, or the chief executive officer, then the appropriate vice president or equivalent administrator must decide whether a full and complete review must be conducted in accordance with the procedures established for the initial evaluation for tenure at the institution. If during the periodic review, the performance of a tenured faculty member is not questioned in writing, members of the department or unit and the department chairperson or unit head must prepare a written review statement that the performance review has been conducted and that a full and complete review is not required.

- (3) Exception for Associate Professors in the Promotion Process - Generally, the promotion from the rank of associate professor to full professor is considered no earlier than the fifth full year after attaining the rank of associate professor, which is generally contemporaneous with the granting of tenure. In such cases, if review for promotion to full professor is scheduled during the fifth, sixth or seventh full year after the award of tenure then the promotion review may, if it meets substantially similar criteria and goals of the post tenure review, take the place of the periodic performance review described here.
- (4) Termination of employment - If, following a full and complete review, a tenured faculty member's performance is judged to have been

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

---

unsatisfactory or less than adequate during the period under review, the chief executive officer may initiate termination of employment procedures for the faculty member. In other words, an unsatisfactory or less than adequate performance rating shall constitute adequate cause for dismissal.

- h. Dismissal for Adequate Cause - Tenured faculty members may be dismissed for adequate cause as provided for in Subsection L of this Section.
- i. Tenure for Academic Administrators
  - (1) "Academic administrators," for purposes of this topic, means the chief academic officers of the Office of the State Board of Education and the institutions and the deans and department chairs and their associates/assistants of the academic units of the institutions, and shall not include persons occupying other administrative positions.
  - (2) An employee with tenure in an academic department or equivalent unit who is appointed to an academic administrator position retains tenure in that department or equivalent unit
  - (3) An individual hired for or promoted to an academic administrator may be considered for a tenured faculty rank in the appropriate department or equivalent unit. Such consideration is contingent upon approval by the institution's president.
  - (4) Upon termination of employment as an academic administrator, an employee with tenure may, at his or her option, return to employment in the department or equivalent unit in which he or she holds tenure unless such employee resigns, retires, or is terminated for adequate cause.
  - (5) An individual hired for a non-academic administrator position from outside the institution will not be considered for tenured faculty rank in conjunction with such appointment. However, he or she may be granted an adjunct faculty appointment, upon the recommendation of the appropriate department and dean and with the approval of the provost or chief academic officer and president, if the individual will teach and otherwise contribute to that department.
  - (6) Notwithstanding the above, each administrative employee who is granted tenure shall be reviewed in the same manner as tenured faculty
- j. Terminal Contract of Employment - If a faculty member is not awarded tenure, the chief executive officer must notify the faculty member of the decision not to recommend tenure and may, at his or her discretion, either issue to the

**GOVERNING POLICIES AND PROCEDURES****SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES****Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010**

- 
- faculty member a contract for a terminal year of employment, or, at the sole discretion of the chief executive officer, issue to the faculty member contracts of employment for successive periods of one (1) year each. Such appointment for faculty members not awarded tenure must be on an annual basis, and such temporary appointments do not vest in the faculty member any of the rights inherent in tenure and there shall be no continued expectation of employment beyond the annual appointment.
- k. When authorized by the chief executive officer, or his or her designee, the year in which the tenure decision is made may be the terminal year of employment.
- l. Effect of lapse in service, transfer, reassignment, reorganization, and administrative responsibilities.
- (1) A non-tenured faculty member who has left the institution and is subsequently reappointed after a lapse of not more than three (3) years may have his or her prior service counted toward eligibility for the award of tenure. Eligibility for the award of tenure must be clarified in writing before reappointment. A tenured faculty member who has left the institution and is subsequently reappointed after a lapse of not more than three (3) years must have tenure status clarified in writing by the president or his designee before appointment. The faculty member may be reappointed with tenure, or may be required to serve additional years before being reviewed for tenure status.
- (2) Before a non-tenured faculty member holding academic rank is moved from one position in the institution to another, the member must be informed in writing by the academic vice president, after consultation with the receiving department, as to the extent to which prior service may count toward eligibility for tenure status.
- (3) No faculty member's tenure in a discipline may be adversely affected by the reorganization of the administrative structure. A faculty member's tenure is not affected by reassignment of administrative responsibilities.
- (4) When a tenured faculty member is serving as department chairman, college dean, or in some other administrative or service capacity, retention of membership, academic rank, and tenure in the subject-matter department or similar unit is maintained. Should the administrative or service responsibilities terminate, the member takes up regular duties in the discipline within which membership, academic rank, and tenure was retained.

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) ~~October 2009~~  
February 2010

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**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees August 2009-February 2010**N. Financial Exigency Procedures – All Employees**

## 1. Financial Exigency

The Board recognizes that in order to discharge its responsibilities for the agencies or institutions under its governance, it may become necessary to curtail, modify, or eliminate some of the programs of the agencies or institutions due to unfavorable economic conditions. The Board further recognizes that it must dedicate its resources to the achievement of the purposes and goals of its agencies or institutions. As used here, “financial exigency” means a demonstrably bona fide financial crisis that adversely affects an agency or institution as a whole, or one (1) or more programs, or other distinct units. A financial exigency exists only upon Board declaration, and the responsibility and authority to make such a declaration rests solely with the Board. The realities of the legislative appropriation process, the state revenue collection process, the possibility of budget hold-backs via executive order and the subsequent analysis needed before the Board declares a financial exigency may allow little time for official notice of a declaration of a financial exigency and may require that the decision to declare a financial exigency be based on estimated revenues, rather than on actual revenues. The Board must take action by written resolution setting forth the basis for its decision to declare a financial exigency, after notice and hearing, at a regular or special meeting of the Board.

This subsection N ~~is designed to authorize~~ addresses potential responses to a declared financial exigency including: (1) the layoff of non-classified contract employees, tenured faculty, and non-tenured faculty, and classified employees during the term of their contract of employment; (2) ~~employment actions other than layoffs that are designed to reduce budgetary expenditures;~~ (3) the closure, relocation, or discontinuance of any programs, units, or activities; or (4) ~~any combination thereof.~~

This subsection N does not apply to the organization or reorganization of the institutions or agencies under the governance of the Board, nor does it limit the authority delegated by the Board to the chief executive officers to organize and reorganize the institutions or agencies, including the authority to take certain employment actions, as provided in section II.B.2.b. of the Board’s Governing Policies and Procedures, either independently or, in response to, a declared financial exigency. ~~Organizational structure, duty assignments, FTE count, place of work, shift placement, salaries, work hours, benefit determination and reductions in force and all similar and related work place decisions are the prerogative of the chief executive officers, subject to the reserved authority of the Board where applicable.~~ In addition, this subsection N is not applicable to the following situations:

- a. When a reduction in force occurs pursuant to, and for those employees subject to, the State Board for Professional-Technical Education’s administrative rules

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees August 2009-February 2010

governing post-secondary reduction or termination (IDAPA 55.01.02), which excludes community colleges.

- b. When a reduction in force occurs where the reductions are made via the non-renewal process for non-classified contract staff and non-tenured faculty.
  - c. When a reduction in force occurs pursuant to Board policies (Section III. G.) for program consolidation, relocation or discontinuance not resulting from financial exigency. Program closure, relocation, reduction, or discontinuance pursuant to Section III.G shall not be implemented utilizing any policy or procedure in this Section II. N.
  - d. When a reduction in force affects State of Idaho classified employees using the procedures of the State Division of Human Resources or classified employees of the University of Idaho using the policies of the University of Idaho.
  - e. When a reduction in force affects non-classified at-will employees.
2. Response by an Institution or Agency to a Declared Financial Exigency
- a. After active consultation with employees, including faculty, professional staffs, and classified personnel, the Chief Executive Officer of each agency or institution must prepare a plan (the "Plan") in response to the declaration of financial exigency. When developing this Plan, consideration must be given to the necessity and manner of reducing the employment force, the appropriate units or subunits to be affected, and the criteria for identifying the employees who are affected by the Plan. Once completed, the Plan must be approved by the Board. Provided, however, that implementation of the Plan and notices required to be given in the Plan may begin prior to Board approval, which approval shall then also include ratification of such actions.
  - b. Each of the institutions shall seek advice from a committee, which may include representatives of the administration, faculty, staff or students, on the state of the financial exigency and possible responses thereto.
  - c. Notwithstanding any other Board policy, order or rule, or the policies of any institution or agency, all categories of employees may be laid off as a result of a Board declared financial exigency. The process used to layoff employees must be done equitably (but not necessarily uniformly), in good faith, and in a systematic manner directly related to the financial exigency.
  - d. ~~Employment Actions Other than Layoffs. In any situation where a layoff may be made under this subsection N, an employment action other than a layoff (including but not limited to a salary reduction, a work hour reduction, a demotion, and/or administrative leave without pay) may also be instituted. Such~~



**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees ~~August 2009~~ February 2010

~~employment action need not be uniformly applied, it need only meet the requirements of this topic 2 and topic 7 below. In determining how to implement employment actions other than a layoff, the institution shall use the same policies that apply to a financial exigency layoff. However, employees who are affected by employment actions other than layoff do not have layoff reinstatement rights.~~

e.d.        Program Closure, Relocation and Discontinuance. When the Plan for responding to a declared financial exigency includes the closure, relocation or discontinuance of a program, such program closure, relocation or discontinuance shall be subject only to the requirements of this subsection N and not to any other Board policy, including specifically, but not limited to, section III.G, and its related guidelines. However, arrangements should be made for enrolled students to complete affected programs in a timely manner and with minimum interruptions.

f.e. A financial exigency layoff, ~~employment actions other than a layoff, and~~ or program closure, relocation or discontinuance resulting from financial exigency may occur in the following manner and may be the same or may differ from one (1) agency or institution to another:

(1) By entire entity or across an entire agency or institution; or

(2) By subunit within an agency or institution, such as, but not limited to, a college, school, academic department, administrative department, division, office, bureau, discipline, or specialty within a discipline, and such actions may also differ between subunits of the same agency or institution; or

(3) by any combination of the aforementioned.

### 3. Classified Employees

When a financial exigency results in a layoff that affects classified employees, the following shall apply:

#### a. State of Idaho Classified Employees

A layoff affecting employees subject to the Idaho classified personnel system will be made pursuant to the Rules of the Division of Human Resources.

#### b. University of Idaho Classified Employees

A layoff affecting University of Idaho classified employees will be made pursuant to the policies of the University of Idaho. Provided, however, that University of

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees August 2009-February 2010

Idaho classified employees do not have a right of appeal to the Idaho Personnel Commission nor to the Board.

## 4. At-Will Employees.

This section II.N does not apply to the termination of at-will employees at the institutions or agencies. Such employees have no layoff rights and no right to notice, a hearing or reinstatement following termination of employment.

## 5. Layoff Criteria – All non-classified contract employees, non-tenured faculty and tenured faculty.

a. In developing the Plan, the chief executive officer must utilize as the first criterion the preservation of the overall quality and effectiveness of the programs of the agency or institution. Consequently, those employees who are deemed to be of key importance will be retained in preference to other employees, whatever their status, at the discretion of the Chief Executive Officer. Programs, for purposes of a financial exigency layoff, include, but are not limited to, academic, non-instructional, maintenance, administrative, and other support areas. Other criteria that must be considered include, but are not limited to, tenure, rank, time in rank, length of service, field of specialization, maintenance of necessary programs or services, maintenance of affirmative action programs, and quality of service and work.

## b. Notice of Financial Exigency Layoffs

(1) Form of Notice. The Board recognizes that any layoff may be a severe economic and personal loss to an employee. Therefore, and within the time frame provided in this policy, the Chief Executive Officer must give notice in writing to employees who are affected by a financial exigency layoff, which notice must include the effective date of the layoff; a statement of the basis for the Board's declaration of a financial exigency; a statement of the basis, the procedures, and the criteria used to layoff an employee; any opportunity for reconsideration or appeal, including access to appropriate documentation, and the issues that may and may not be considered; and the reinstatement rights of the employee.

(2) Time. Each agency or institution should make every reasonable effort to give as much notice as is practical, in light of the financial exigency, to each employee in advance of the effective date of the layoff. The Board requires each agency or institution under its governance to the following minimum time for written notice of layoff:

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES**

**Subsection: N. Staff Reduction Procedures – All Employees ~~August 2009-February 2010~~**

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- (a) Non-classified Contract Employees And Non-tenured Faculty - Not less than sixty (60) calendar days before the effective date of the layoff. Provided, however, that if under the express terms of the employee's contract the employment may be terminated on less notice, then the shorter notice provided in the contract shall apply.
  - (b) Tenured Faculty - To tenured faculty members occupying faculty positions, a notice of layoff with the effective date of layoff being at the end of the first full semester (Fall or Spring) after the financial exigency is declared.
- c. Hearing Procedures
- (1) All employees of the institutions or agencies who receive a notice of a financial exigency layoff have the right to appear before the Board at the meeting of the Board where the Board will take action on the Plan. Such appearance shall be governed by the Board's policies, procedures and guidelines regarding testimony before the Board. In addition, categories of employees shall have hearing rights as set forth below in this subtopic c.
  - (2) Non Tenured Faculty and Non-classified Contract Employees' Hearing Rights
    - (a) In most instances, a layoff of non-tenured faculty and non-classified employees serving under a contract of employment for a fixed term may be accomplished by non-renewal of the contract of employment rather than by layoff during the term of employment. Non-renewal after a Board declared financial exigency does not require a hearing nor is the non-renewal appeal able at the agency or institution, nor is it appeal able to the Board.
    - (b) If a non-tenured faculty member occupying a permanent faculty position or a non-classified employee serving under a contract of employment for a fixed term is laid off during the term of employment due to a financial exigency, the faculty member or employee is entitled to the pre-layoff hearing procedures set forth in paragraph (4) below.
  - (3) Tenured Faculty Hearing Rights. All Tenured faculty members occupying permanent faculty positions who are laid off due to a financial exigency are entitled to the pre-layoff hearing procedures set forth in paragraph (4) below.
  - (4) Financial Exigency Layoff Hearing Procedures
    - (a) The financial exigency layoff hearing procedures at the institutions or agencies must ensure a prompt and expeditious hearing that is fair and

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees ~~August 2009~~ February 2010

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unbiased, but the hearing shall be informal. The application of evidentiary rules, questioning of witnesses (including cross-examination), rules concerning burden of proof, the participation of legal counsel, and similar and related attributes of more formal adjudication shall not be required. The final written recommendation of the hearing body or officer must be conveyed to the Chief Executive Officer of the institution or agency who shall make a final decision. An employee may ask the Chief Executive Officer to reconsider the decision. Such a request must be filed in writing with the Chief Executive Officer within fifteen (15) days of the notice of the final decision of the institution or agency. The decision of the Chief Executive Officer in response to the reconsideration request is final except as modified by the Board pursuant to an appeal under Section II.M. Use of these hearing procedures does not delay the effective date of the layoff.

- (b) Grounds to Contest. The employee may contest the layoff on the following grounds:
- (i) Whether the agency or institution followed the appropriate policies and procedures and the terms of the Plan;
  - (ii) Whether the layoff was made for constitutionally impermissible reasons; or
  - (iii) Whether any other improper criteria were applied.
- (c) Limitations Upon Review. The hearing body or officer will not review the Board's decision to declare a financial exigency or the funding distribution among and within the institutions or agencies. The decision of the Board to declare a financial exigency is at the Board's sole discretion and may not be contested by any employee in any type of hearing or appeal procedure.
- (d) Employees may request that the Board hear an appeal of the final decision of the chief executive officer as provided in Board policy section II.M.2.b. Such a request does not delay the effective date of the layoff.

**6. Reinstatement Rights****a. Tenured Faculty**

In cases of a financial exigency layoff of tenured faculty members occupying permanent faculty positions, the position concerned may not be filled by replacement within a period of three (3) years from the effective date of the layoff unless the tenured faculty member has been offered a return to employment in

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees ~~August 2009~~ February 2010

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that position and has not accepted the offer within thirty (30) calendar days after the offer is extended.

- (1) Refusal Of Reinstatement Offer. If an offer of reinstatement is not accepted, the tenured faculty member's name may be deleted from the reinstatement list, and, if so deleted, the Board has no further obligation to the faculty member.
- (2) Benefits During Layoff. A tenured faculty member who is laid off may continue to contribute toward and receive the benefits of any applicable state or University of Idaho insurance program if the laws, rules, regulations, policies, and procedures governing the administration of such insurance program so permit.
- (3) Leave Credit. A tenured member of the faculty who has been laid off and who accepts reemployment at the institution will resume tenure and the rank held at the time of layoff, be credited with any sick leave accrued as of the date of layoff, be paid a salary commensurate with the rank and length of previous service, and be credited with any annual leave (if applicable) which the employee has accrued as of the date of layoff and for which the employee has not received payment.

b. Non Tenured Faculty and Non-classified Contract Employees

In cases of a financial exigency layoff of non-tenured faculty members occupying permanent faculty positions, and non-classified contract employees occupying permanent positions, the position concerned may not be filled by replacement within a period of one (1) year from the effective date of the layoff unless the employee has been offered a return to employment in that position and the employee has not accepted the offer within thirty (30) calendar days after the offer is extended.

- (1) If an offer of reinstatement is not accepted, the employee's name may be deleted from the reinstatement list, and if so deleted, the Board has no further obligation to the employee.
- (2) A non-tenured faculty member or a non-classified contract employee who is laid off may continue to contribute toward and receive the benefits of any applicable state or University of Idaho insurance program if the laws, rules, regulations, policies, and procedures governing the administration of such insurance program so permit.
- (3) A non-tenured member of the faculty who has been laid off and who accepts reemployment at the institution will resume the rank held at the time of layoff,

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees August 2009-February 2010

- be credited with any sick leave accrued as of the date of layoff, be paid a salary commensurate with the rank and length of previous service, and will be credited with any annual leave (if applicable) which the employee had accrued as of the date of layoff and for which the employee has not received payment.
- (4) A non-classified contract employee who has been laid off and who accepts reemployment at the institution will be credited with any sick leave the employee had accrued as of the date of layoff, paid a salary commensurate with the length of previous service, and credited with any annual leave which the employee had accrued as of the date of layoff and for which the employee has not received payment.
- ~~7. Employment Actions Other than a Layoff. The implementation of personnel actions other than a layoff shall follow the requirements of this topic 7.~~
- ~~a. If the Plan for addressing the financial exigency includes employment actions other than, or in addition to, a layoff, the employees affected by such actions shall be entitled solely to such procedures as are set forth in this topic and those that may be set forth in the Plan, if any. Such procedures must include at least thirty (30) days written notice prior to the effective date of the action and an informal opportunity for the employee to be heard. The notice must include the effective date of the employment action; a statement of the basis for the Board's action to declare a financial exigency; a statement of the basis for the employment action and a description of the process for the opportunity to be heard. Such process must be prompt, expeditious and fair, but shall be informal. The application of evidentiary rules, questioning of witnesses (including cross-examination), rules concerning burden of proof, the participation of legal counsel, and similar and related attributes of more formal adjudication shall not be required. The employee may contest the action based on whether the agency, institution or school followed the appropriate policies and procedures and the terms of the Plan; whether the action was made for constitutionally impermissible reasons; or whether any other improper criteria were applied. The hearing will not review the Board's decision to declare a financial exigency or the funding distribution among and within the institutions, agencies, or school. The decision of the Board to declare a financial exigency is at the Board's sole discretion, and may not be contested by any employee in any type of hearing or appeal procedure. The written recommendation of the hearing officer or body must be conveyed to the chief executive officer who shall make a final decision. There is no right of appeal to the Board.~~
- ~~b. There are no reinstatement rights with respect to employment actions other than a layoff. Remedies, if any, to which employees are entitled, shall be set forth in the Plan.~~

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES**

**Subsection: N. Staff Reduction Procedures – All Employees ~~August 2009-February 2010~~**

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**87. Financial Exigency Program Closure, Relocation or Discontinuance.**

- a. Faculty or staff being laid off as a result of a program closure, relocation or discontinuance pursuant to a financial exigency Plan shall be entitled to the same procedural rights as any other layoff pursuant to a financial exigency. Provided, however, the reinstatement rights only exist if the program is reinstated by the institution, not merely if the position is filled.
  
- b. Students enrolled in a program that is closed, relocated or discontinued pursuant to a financial exigency Plan should be given notice of the closure as soon as is practical. Notwithstanding any other provision of Board policy, institutional policy, or institutional catalog statements to the contrary, arrangements should be made for enrolled students to complete affected programs in a timely manner and with minimum interruptions. When there is a similar program within the institutions governed by the Board, an affected student will be provided with information on transferring to that program, although admission to any such program is contingent upon the availability of a position and the student's meeting any applicable admission requirements. If there is no similar program available within the institutions governed by the Board or the student is not able to gain admission to a similar program, the institution will make reasonable efforts to place the student in a related or comparable program within the institution. If none is available, the institution will make reasonable efforts to assist the student in locating to another program at the institution or elsewhere for which he or she is qualified.

**GOVERNING POLICIES AND PROCEDURES**

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

Subsection: N. Staff Reduction Procedures – All Employees ~~August 2009~~ February 2010

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**SUMMARY OF COMMENTS**

**ATTACHMENT 5**

1. The following summarizes changes suggested by the University of Idaho Faculty Senate:

Under II.B.2, all references to salary reductions were removed. Language was added which provides that institutions shall establish internal procedures for implementation of work hour adjustments (with the advice and consent of faculty and staff).

The proposed language under II.F. and II.G. was removed in its entirety.

The Senate requested that the Board provide additional time before the first reading of this policy change to allow university faculties to find consensus.

2. The following summarizes comments made by the Lewis-Clark State College Faculty Senate:

The changes give the administrations the power to operate their institutions as though they were in a state of financial exigency without a declaration of one. The processes afforded higher education employees under the existing policy (II.N) suffice.

The authority granted to administrations under the existing policy II.B for personnel management is a general statement that invokes the requisite knowledge and training of administrators to run their institutions within well-established leadership norms. The proposed revisions give administrations carte blanche to administer without accountability to the employees or the people of the state.

Policy II.G, which currently defines the contracts of employment for institutional faculty, provides sufficient protections for the faculty and the state board to ensure that faculty carries out their work as educators. The language as proposed essentially allows the state to dishonor its contracts with the faculty, relegating them to at-will status. The same argument can be made with respect to Policy II.F, which pertains to non-classified staff.

3. Rep. Tom Trail (R-Moscow) submitted the following comments:
  - There has been limited involvement by faculty and staff in the crafting of these proposed policies.
  - The proposed policies could have a chilling effect on retention and recruitment.
  - Current policies are adequate to address the current fiscal crisis.

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**BUSINESS AFFAIRS AND HUMAN RESOURCES  
DECEMBER 10, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>AMENDMENT TO BOARD POLICY SECTION I.N.1. – 1<sup>ST</sup> READING</b>	Motion to approve
2	<b>FY 2010 SOURCES &amp; USES REPORT</b>	Information item
3	<b>AMENDMENT TO BOARD POLICY SECTION V.W. – 1<sup>ST</sup> READING</b>	Motion to approve
4	<b>UNIVERSITY OF IDAHO</b> Wallace Residence Center Fire Detection, Alarm and Suppressions System Improvements	Motion to approve
5	<b>BOISE STATE UNIVERSITY</b> Multi-Media and Marketing Rights Agreement - Learfield Sports Marketing	Motion to approve
6	<b>STUDENT TUITION AND FEES</b>	Motion to approve

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**SUBJECT**

First Reading – Board Policy Section I.N.1.

**APPLICABLE STATUTES, RULE OR POLICY**

Idaho Code §33-104

Idaho Code §33-5213(6)

Idaho Code §59-509(h)

State Travel Policy and Procedures (SBEX Policy No. 442-50)

**BACKGROUND / DISCUSSION**

Pursuant to Idaho Code, members of the State Board of Education and Charter School Commission are entitled to honorarium for each day spent in the actual performance of duties and reimbursement for actual and necessary expenses.

State Board and Charter School Commission staff are also entitled to reimbursement for travel, lodging and per diem related to authorized official state travel pursuant to the State Travel Policy and Procedures.

The Legislative Audits Division of the Legislative Services Office has found in the past that “Idaho Code, Title 67, Chapters 35 and 36, define the purposes and periods of availability of legislative appropriations and spending authority. In general, appropriated funds are available for specific periods identified in the legislation and are ‘fixed amounts beyond which state officers, departments, bureaus, and institutions may not expend.’”

Board staff believes it would be useful to have Board policy which clearly requires all claims be submitted and corresponding liabilities be satisfied in the same fiscal year in which the service was performed and budgeted.

**IMPACT**

Approval of this proposed policy would ensure that honorariums and reimbursements are submitted and paid in a timely manner in accordance with Idaho Code.

**ATTACHMENTS**

Attachment 1 – Policies & Procedures, Section I.N.1.

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of Board policy, Section I. N.1.

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**BOARD ACTION**

A motion to approve the first reading of the Idaho State Board of Education Governing Policies & Procedures, Section I.N.1. as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**Idaho State Board of Education**

**GOVERNING POLICIES AND PROCEDURES**

**Section: I. GENERAL GOVERNING POLICIES AND PROCEDURES**

**Subsection: N. Miscellaneous Provisions**

December 2009

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[Add new section 1, below]

1. Honorarium and Reimbursement for Actual and Necessary Expenses

State Board members, Charter School commissioners, and staff of either entity shall submit claims for honoraria and reimbursement for actual and necessary expenses in the fiscal year in which they were incurred. Likewise, all liabilities relating to said claims shall be satisfied in the fiscal year in which they were incurred. Claims which are not submitted in accordance with this policy will be denied.

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**SUBJECT**

FY 2010 College and University "Summary of Sources and Uses of Funds"

**APPLICABLE STATUTES, RULE OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Sections V.B.4.b.(1), V.B.5.c. and V.B.6.b.

**BACKGROUND/DISCUSSION**

Idaho's public higher education institutions receive funding from a variety of sources. General Fund and Endowment funds and student fees are appropriated annually by the Legislature. In addition, the College and Universities receive student activity fees, federal, state, and private grant funds, receipts from sales of products and services, and funds from other sources.

Most revenues are used for instruction, research, public service, academic support, libraries, student services, institutional support, physical plant, scholarships and fellowships, and auxiliary enterprises.

The operating budgets are listed for the years 2005 through 2010 excluding any mid-year adjustments (i.e. holdbacks).

Revenue types include:

Approp: General Funds – State appropriation of state funds

Approp: Federal Stimulus – American Recovery and Reinvestment Act of 2009

Approp: Endowment Funds – ISU, UI and LCSC are the beneficiaries of income from state endowment lands

Approp: Student Fees – Tuition and Fees approved by the Board; Legislature provides spending authority

Institutional Student Fees – Fees approved by the institution presidents

Federal Grants & Contracts – Grants and contracts awarded by the Federal government

State Grants & Contracts – Grants and contracts awarded by the State

Private Gifts, Grants & Contracts – Other non-governmental gifts, grants and contracts

Sales & Services of Educational Activities – Includes: (i) revenues that are related incidentally to the conduct of instruction, research, and public service and (ii) revenues of activities that exist to provide instructional and laboratory experience for students and that incidentally create goods and services that may be sold to students, faculty, staff, and the general public. Examples would include sales of scientific and literary publications, testing services, etc.

Sales & Services of Auxiliary Enterprises – An institutional an entity that exists predominantly to furnish goods or services to students, faculty, or staff, and that charges a fee directly related to the cost of the goods or services. Examples include residence halls, food services, student unions, bookstores, copy centers, health centers, etc.

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

---

Indirect Costs/Other – Also known as Facilities and Administrative (F&A) Cost recovery, on many grants an institution may charge a grantor for indirect costs. The expense to the grant is not a specifically identifiable cash outlay but a “recovery” of general overhead costs.

Expenditure functional categories include:

Instruction -- expenses for all activities that are part of an institution’s instruction program (credit and noncredit courses; academic, vocational, and technical instruction; remedial and tutorial instruction; etc.)

Research -- all expenses for individual and/or project research as well as that of institutes and research centers

Public Service -- expenses for activities established primarily to provide non-instructional services beneficial to individuals and groups external to the institution (e.g. conferences, institutes, radio and television, consulting, etc.)

Library – expenses for retention, preservation, and display of educational materials and organized activities that directly support the operation of a catalogued or otherwise classified collection

Student Services – expenses incurred for offices of admissions, registrar and financial aid, student activities, cultural events, student newspapers, intramural athletics, student organizations, etc.

Physical Plant -- all expenses for the administration, supervision, operation, maintenance, preservation, and protection of the institution’s physical plant.

Institutional Support -- expenses for central, executive-level activities concerned with management and long-range planning for the entire institution, such as planning and programming operations and legal services; fiscal operations; activities concerned with community and alumni relations, including development and fund raising; etc.

Academic Support -- expenses incurred to provide support services for the institution’s primary missions: instruction, research, and public service (includes academic administration, museums, galleries, A-V services, etc.)

Athletics – expenses for intercollegiate sports programs are a separately budgeted auxiliary enterprise

Auxiliary Enterprises -- an enterprise which exists to furnish goods or services to students, faculty, staff, other institutional departments, or incidentally to the general public, and charges a fee directly related to, although not necessarily equal to, the cost of the goods or services. The distinguishing characteristic of an auxiliary enterprise is that it is managed to operate as a self-supporting activity. Examples include residence halls, food services, student unions, bookstores, copy centers, health centers, etc.

Scholarships/Fellowships -- includes expenses for scholarships and fellowships—from restricted or unrestricted funds—in the form of grants to students.

**BUSINESS AFFAIRS AND HUMAN RESOURCES  
DECEMBER 10, 2009**

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**IMPACT**

These worksheets provide a high level overview of the institutions' sources of funding and expenditures by standard functional classification. A trend analysis was included this year to show how the allocation of revenues and expenditures has changed since fiscal year 2005.

**STAFF COMMENTS AND RECOMMENDATIONS**

Institutional staff will be available to answer questions from the Board. Highlights from the summary report show state appropriations have increased but not to the extent of student fees. Federal grants have increased 42% at the same time state grants have decreased 41%. For expenditures, the cost of instruction has gone up 12% at the same time as increases for the following:

Research	7%
Public Service	43%
Student Services	26%
Physical Plant	46%
Institutional Support	53%
Academic Support	13%
Athletics	69%
Auxiliary Enterprises (other than Athletics)	3%
Scholarships	53%

**ATTACHMENTS**

Attachment 1 – Summary Report	Page 5
Attachment 2 – Boise State University	Page 6
Attachment 3 – Idaho State University	Page 7
Attachment 4 – University of Idaho	Page 8
Attachment 5 – Lewis-Clark State College	Page 9

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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College and Universities  
Sources and Uses of Funds

a	b 2005	c 2006	d 2007	e 2008	f 2009	g 2010	g vs b	
	Amount	Amount	Amount	Amount	Amount	Amount	% Change	
<b>Revenues by Source:</b>								
1	Approp: General Funds	\$272,448,581	\$279,478,229	\$296,920,896	\$314,296,445	\$334,513,827	\$299,109,226	10%
2	Approp: Federal Stimulus	\$0	\$0	\$0	\$0	\$0	\$15,140,600	100%
3	Approp: Endowment Funds	10,020,500	9,519,600	7,624,800	7,851,500	8,595,000	9,616,400	-4%
4	Approp: Student Fees	108,825,988	119,816,276	125,321,912	127,109,732	133,817,937	147,923,452	36%
5	Institutional Student Fees	52,006,853	49,669,497	60,248,455	53,727,411	68,778,167	70,354,988	35%
6	Federal Grants & Contracts	233,298,750	239,722,559	238,265,986	253,035,778	292,749,636	331,450,919	42%
7	State Grants & Contracts	33,309,177	26,981,445	28,005,013	29,078,797	22,579,764	19,547,568	-41%
8	Private Gifts, Grants & Contr	35,258,587	41,039,617	42,875,928	43,797,552	51,434,827	59,712,799	69%
9	Sales & Serv of Educ Act	40,369,744	41,522,693	41,496,881	53,922,434	37,816,556	36,919,925	-9%
10	Sales & Serv of Aux Ent	89,412,979	95,170,625	94,717,922	100,955,358	115,589,376	106,988,207	20%
11	Indirect Costs/Other	25,993,662	24,137,408	36,981,057	35,718,609	48,810,956	47,808,142	84%
12	<b>Total Revenues</b>	<b>\$900,944,821</b>	<b>\$927,057,949</b>	<b>\$972,458,849</b>	<b>\$1,019,493,616</b>	<b>\$1,114,686,046</b>	<b>\$1,144,572,226</b>	<b>27%</b>
13								
<b>Expenditures by Function</b>								
15	Instruction	\$260,771,739	\$266,669,177	\$287,421,566	\$295,923,196	\$307,151,714	\$291,089,441	12%
16	Research	116,516,484	121,991,399	120,728,803	129,378,452	127,785,344	125,105,050	7%
17	Public Service	34,587,177	36,561,461	40,459,200	47,059,968	47,662,734	49,488,730	43%
18	Library	19,466,184	20,092,873	20,792,704	21,454,773	23,459,250	21,374,490	10%
19	Student Services	25,932,656	28,582,295	29,736,732	32,972,253	30,472,367	32,633,863	26%
20	Physical Plant	46,553,292	49,227,111	66,870,061	65,154,483	64,470,077	67,829,615	46%
21	Institutional Support	61,335,256	69,124,860	79,086,293	82,296,849	90,102,914	93,823,821	53%
22	Academic Support	45,847,818	38,197,897	40,115,889	45,332,876	51,544,254	51,721,310	13%
23	Athletics	28,520,021	30,367,783	36,593,287	40,657,009	47,590,708	48,275,554	69%
24	Auxiliary Enterprises	95,502,346	93,922,882	87,275,677	114,701,463	125,380,599	98,016,135	3%
25	Scholarships/Fellowships	164,407,479	170,763,376	163,651,500	169,710,847	218,966,700	251,478,277	53%
26	Other	0	0	0	0	0	13,334,237	100%
27								
28	<b>Total Bdgt by Function</b>	<b>\$899,440,452</b>	<b>\$925,501,114</b>	<b>\$972,731,712</b>	<b>\$1,044,642,169</b>	<b>\$1,134,586,661</b>	<b>\$1,144,170,523</b>	<b>27%</b>

**Boise State University  
Sources and Uses of Funds**

a	b 2005	c 2006	d 2007	e 2008	f 2009	g 2010	g vs b	
	Amount	Amount	Amount	Amount	Amount	Amount	% Change	
<b>Revenues by Source:</b>								
1	Approp: General Funds	\$74,953,295	\$77,159,390	\$82,700,657	\$87,917,018	\$95,700,847	\$78,835,980	5%
2	Approp: Federal Stimulus	\$0	\$0	\$0	\$0	\$0	\$4,856,400	100%
3	Approp: Endowment Funds	0	0	0	0	0	0	0%
4	Approp: Student Fees	36,546,100	41,320,900	44,221,300	46,870,800	50,322,017	55,165,000	51%
5	Institutional Student Fees	21,969,390	19,080,195	26,231,241	18,728,250	30,380,097	29,373,721	34%
6	Federal Grants & Contracts	52,019,563	55,016,949	58,133,999	59,296,679	84,068,486	89,641,739	72%
7	State Grants & Contracts	7,108,132	7,883,212	7,647,024	7,799,964	3,246,324	2,840,328	-60%
8	Private Gifts, Grants & Contr	8,199,105	5,596,314	7,378,471	10,021,346	13,309,333	22,489,477	174%
9	Sales & Serv of Educ Act	3,395,575	4,257,000	1,800,000	1,108,983	0	0	-100%
10	Sales & Serv of Aux Ent	39,704,308	40,977,493	40,194,638	42,643,084	56,966,521	49,268,011	24%
11	Indirect Costs/Other	7,052,582	5,391,625	16,049,705	14,466,121	18,679,149	18,356,568	160%
12	<b>Total Revenues</b>	<b>\$250,948,050</b>	<b>\$256,683,078</b>	<b>\$284,357,034</b>	<b>\$288,852,245</b>	<b>\$352,672,774</b>	<b>\$350,827,224</b>	<b>40%</b>
13								
<b>Expenditures by Function</b>								
15	Instruction	\$80,525,521	\$82,157,835	\$87,296,917	\$89,639,975	\$95,003,418	\$86,989,423	8%
16	Research	8,866,706	11,655,171	11,740,987	13,413,787	17,891,374	18,088,831	104%
17	Public Service	7,775,245	10,225,134	10,229,817	10,884,802	13,130,655	12,534,632	61%
18	Library	6,422,078	6,625,894	6,968,244	7,135,544	7,407,503	7,160,147	11%
19	Student Services	7,131,625	7,084,052	7,427,013	9,166,797	10,269,955	13,195,914	85%
20	Physical Plant	11,876,716	12,381,078	23,045,219	14,597,502	17,037,209	18,189,410	53%
21	Institutional Support	14,056,505	19,040,763	23,277,272	22,961,137	30,496,067	33,745,968	140%
22	Academic Support	19,848,699	13,584,601	14,300,067	14,708,294	18,854,391	22,050,035	11%
23	Athletics	13,969,848	14,934,908	16,889,631	19,719,525	25,584,503	26,312,240	88%
24	Auxiliary Enterprises	36,119,667	33,136,189	34,750,662	58,090,714	67,963,096	38,904,476	8%
25	Scholarships/Fellowships	42,907,184	45,635,561	49,034,486	50,787,808	68,285,664	72,646,006	69%
26	Other	0	0	0	0	0	800,000	100%
27								
28	<b>Total Bdgt by Function</b>	<b>\$249,499,794</b>	<b>\$256,461,186</b>	<b>\$284,960,315</b>	<b>\$311,105,885</b>	<b>\$371,923,835</b>	<b>\$350,617,082</b>	<b>41%</b>

**Idaho State University  
Sources and Uses of Funds**

a	b 2005	c 2006	d 2007	e 2008	f 2009	g 2010	g vs b	
	Amount	Amount	Amount	Amount	Amount	Amount	% Change	
<b>Revenues by Source:</b>								
1	Approp: General Funds	\$70,887,006	\$73,388,911	\$77,670,511	\$82,812,633	\$87,622,446	\$78,598,679	11%
2	Approp: Federal Stimulus	\$0	\$0	\$0	\$0	\$0	\$4,126,300	100%
3	Approp: Endowment Funds	2,121,200	1,602,800	1,697,400	1,843,500	2,020,700	2,121,300	0%
4	Approp: Student Fees	29,382,188	32,442,976	32,294,712	32,365,532	34,013,220	37,588,552	28%
5	Institutional Student Fees	14,920,315	14,414,106	16,071,314	17,184,861	18,281,770	19,699,467	32%
6	Federal Grants & Contracts	80,065,987	81,665,610	80,075,287	85,056,199	89,146,950	103,935,280	30%
7	State Grants & Contracts	8,934,945	7,389,933	7,174,189	7,229,833	7,560,240	8,034,740	-10%
8	Private Gifts, Grants & Contr	10,355,432	12,623,178	11,726,432	10,911,881	12,012,194	13,366,222	29%
9	Sales & Serv of Educ Act	1,605,669	3,324,093	3,779,481	4,462,051	4,930,056	5,146,525	221%
10	Sales & Serv of Aux Ent	17,110,969	20,061,353	21,152,209	21,976,328	22,222,614	20,371,796	19%
11	Indirect Costs/Other	5,080,880	5,709,483	7,785,852	8,405,673	9,560,307	8,728,874	72%
12	<b>Total Revenues</b>	<b>\$240,464,591</b>	<b>\$252,622,443</b>	<b>\$259,427,387</b>	<b>\$272,248,491</b>	<b>\$287,370,497</b>	<b>\$301,717,735</b>	<b>25%</b>
13								
<b>Expenditures by Function</b>								
15	Instruction	\$76,601,885	\$80,248,202	\$85,772,004	\$88,505,670	\$92,765,539	\$89,304,998	17%
16	Research	21,526,358	23,988,606	25,473,180	26,517,682	29,973,932	30,392,481	41%
17	Public Service	4,764,332	4,219,670	4,024,912	4,512,895	4,826,166	3,851,861	-19%
18	Library	4,671,191	4,892,400	5,111,275	5,372,714	5,390,026	4,939,251	6%
19	Student Services	7,133,083	8,158,477	7,985,965	8,144,786	8,455,009	7,804,741	9%
20	Physical Plant	12,041,190	13,648,045	14,192,706	15,045,944	15,576,677	18,031,943	50%
21	Institutional Support	14,464,158	15,539,433	17,009,000	16,998,353	18,575,992	18,432,015	27%
22	Academic Support	9,806,524	9,757,741	10,216,285	11,792,910	13,319,827	12,668,776	29%
23	Athletics	4,753,597	4,239,977	7,800,380	7,935,703	8,019,039	7,949,803	67%
24	Auxiliary Enterprises	17,023,428	17,939,811	16,061,787	18,208,958	17,470,121	16,583,859	-3%
25	Scholarships/Fellowships	68,144,732	69,206,302	66,368,825	71,621,259	74,518,868	89,821,109	32%
26	Other	0	0	0	0	0	2,534,237	100%
27								
28	<b>Total Bdgt by Function</b>	<b>\$240,930,478</b>	<b>\$251,838,664</b>	<b>\$260,016,319</b>	<b>\$274,656,874</b>	<b>\$288,891,196</b>	<b>\$302,315,074</b>	<b>25%</b>

**University of Idaho**  
**Sources and Uses of Funds**

a	b 2005	c 2006	d 2007	e 2008	f 2009	g 2010	g vs b	
	Amount	Amount	Amount	Amount	Amount	Amount	% Change	
<b>Revenues by Source:</b>								
1	Approp: General Funds	\$111,820,100	\$114,000,200	\$120,350,000	\$126,053,100	\$130,916,100	\$124,207,900	11%
2	Approp: Federal Stimulus	\$0	\$0	\$0	\$0	\$0	\$5,320,600	100%
3	Approp: Endowment Funds	6,528,600	6,314,000	4,859,600	4,853,000	5,307,300	6,164,400	-6%
4	Approp: Student Fees	36,454,400	38,737,000	40,956,300	39,755,400	40,948,900	45,653,000	25%
5	Institutional Student Fees	11,248,048	12,241,396	12,938,400	12,851,500	15,100,300	16,279,600	45%
6	Federal Grants & Contracts	98,200,400	99,966,700	98,064,100	106,582,900	117,534,200	131,373,900	34%
7	State Grants & Contracts	15,199,400	9,600,000	10,445,700	11,649,000	9,373,200	5,672,500	-63%
8	Private Gifts, Grants & Contr	15,391,850	21,481,525	23,131,525	22,364,325	25,713,300	23,757,100	54%
9	Sales & Serv of Educ Act	34,072,500	32,619,500	33,733,400	46,151,400	30,586,500	30,473,400	-11%
10	Sales & Serv of Aux Ent	31,364,902	32,911,179	32,578,575	34,080,385	34,199,300	34,999,600	12%
11	Indirect Costs/Other	12,074,600	11,239,800	10,577,100	10,695,690	18,569,800	18,762,300	55%
12	<b>Total Revenues</b>	<b>\$372,354,800</b>	<b>\$379,111,300</b>	<b>\$387,634,700</b>	<b>\$415,036,700</b>	<b>\$428,248,900</b>	<b>\$442,664,300</b>	<b>19%</b>
13								
<b>Expenditures by Function</b>								
15	Instruction	\$87,665,978	\$87,769,191	\$96,354,214	\$99,357,680	\$99,274,538	\$94,752,796	8%
16	Research	85,765,685	85,945,821	83,192,118	89,093,982	79,583,577	76,425,138	-11%
17	Public Service	20,860,200	20,923,357	23,473,500	29,259,100	27,589,351	31,426,724	51%
18	Library	7,303,216	7,455,866	7,750,978	7,940,553	8,267,702	8,220,580	13%
19	Student Services	9,111,614	10,806,744	11,418,175	12,519,033	9,371,106	8,647,739	-5%
20	Physical Plant	19,952,438	20,458,277	26,534,082	31,917,175	28,670,636	27,406,419	37%
21	Institutional Support	29,492,620	30,792,442	34,455,803	37,728,185	35,397,800	36,563,262	24%
22	Academic Support	13,673,289	12,094,574	12,868,570	15,972,232	16,833,129	14,393,349	5%
23	Athletics	9,116,746	10,504,469	11,102,793	12,144,504	13,086,274	13,213,731	45%
24	Auxiliary Enterprises	39,056,051	39,544,882	32,002,928	33,099,076	34,460,919	37,284,100	-5%
25	Scholarships/Fellowships	49,988,863	52,538,013	48,193,989	47,203,780	76,068,868	83,854,362	68%
26	Other	0	0	0	0	0	10,000,000	100%
27								
28	<b>Total Bdgt by Function</b>	<b>\$371,986,700</b>	<b>\$378,833,636</b>	<b>\$387,347,150</b>	<b>\$416,235,300</b>	<b>\$428,603,900</b>	<b>\$442,188,200</b>	<b>19%</b>



Lewis-Clark State College  
Sources and Uses of Funds

a	b	c	d	e	f	g	g vs b	
	2005	2006	2007	2008	2009	2010		
	Amount	Amount	Amount	Amount	Amount	Amount	% Change	
<b>Revenues by Source:</b>								
1	Approp: General Funds	\$14,788,180	\$14,929,728	\$16,199,728	\$17,513,694	\$20,274,434	\$17,466,667	18%
2	Approp: Federal Stimulus	\$0	\$0	\$0	\$0	\$0	\$837,300	100%
3	Approp: Endowment Funds	1,370,700	1,602,800	1,067,800	1,155,000	1,267,000	1,330,700	-3%
4	Approp: Student Fees	6,443,300	7,315,400	7,849,600	8,118,000	8,533,800	9,516,900	48%
5	Institutional Student Fees	3,869,100	3,933,800	5,007,500	4,962,800	5,016,000	5,002,200	29%
6	Federal Grants & Contracts	3,012,800	3,073,300	1,992,600	2,100,000	2,000,000	6,500,000	116%
7	State Grants & Contracts	2,066,700	2,108,300	2,738,100	2,400,000	2,400,000	3,000,000	45%
8	Private Gifts, Grants & Contr	1,312,200	1,338,600	639,500	500,000	400,000	100,000	-92%
9	Sales & Serv of Educ Act	1,296,000	1,322,100	2,184,000	2,200,000	2,300,000	1,300,000	0%
10	Sales & Serv of Aux Ent	1,232,800	1,220,600	792,500	2,255,561	2,200,941	2,348,800	91%
11	Indirect Costs/Other	1,785,600	1,796,500	2,568,400	2,151,125	2,001,700	1,960,400	10%
12	<b>Total Revenues</b>	<b>\$37,177,380</b>	<b>\$38,641,128</b>	<b>\$41,039,728</b>	<b>\$43,356,180</b>	<b>\$46,393,875</b>	<b>\$49,362,967</b>	<b>33%</b>
13								
14	<b>Expenditures by Function</b>							
15	Instruction	\$15,978,355	\$16,493,949	\$17,998,431	\$18,419,871	\$20,108,219	\$20,042,224	25%
16	Research	357,735	401,801	322,518	353,001	336,461	198,600	-44%
17	Public Service	1,187,400	1,193,300	2,730,971	2,403,171	2,116,562	1,675,513	41%
18	Library	1,069,699	1,118,713	962,207	1,005,962	2,394,019	1,054,512	-1%
19	Student Services	2,556,334	2,533,022	2,905,579	3,141,637	2,376,297	2,985,469	17%
20	Physical Plant	2,682,948	2,739,711	3,098,054	3,593,862	3,185,555	4,201,843	57%
21	Institutional Support	3,321,973	3,752,222	4,344,218	4,609,174	5,633,055	5,082,576	53%
22	Academic Support	2,519,306	2,760,981	2,730,967	2,859,440	2,536,907	2,609,150	4%
23	Athletics	679,830	688,429	800,483	857,277	900,892	799,780	18%
24	Auxiliary Enterprises	3,303,200	3,302,000	4,460,300	5,302,715	5,486,463	5,243,700	59%
25	Scholarships/Fellowships	3,366,700	3,383,500	54,200	98,000	93,300	5,156,800	53%
26	Other	0	0	0	0	0	0	0%
27								
28	<b>Total Bdgt by Function</b>	<b>\$37,023,480</b>	<b>\$38,367,628</b>	<b>\$40,407,928</b>	<b>\$42,644,110</b>	<b>\$45,167,730</b>	<b>\$49,050,167</b>	<b>32%</b>

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**SUBJECT**

First reading Board Policy V.W. Litigation

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.I.7.

**BACKGROUND / DISCUSSION**

Periodically the institutions are required to initiate litigation, and to settle claims or matters already in litigation. Current policy only allows the chief executive officer of each institution or agency to negotiate settlements or claims up to \$50,000.

The proposed revision to the litigation policy would delegate authority to the chief executive officer to initiate litigation where the amount in controversy does not exceed \$100,000, and up to \$200,000 with the prior approval of the Executive Director. Any litigation with an amount in controversy over \$200,000 would need the prior approval of the Board. The policy would also delegate authority to the chief executive officer to settle claims/litigation where the payment or receipt does not exceed \$100,000, and up to \$200,000 with the prior approval of the Executive Director.

An additional proposed revision to the litigation policy authorizes designated individuals to accept service of process and other legal notice documents on behalf of the Board.

**IMPACT**

The attached policy will document service of process procedures, increase the threshold for Chief Executive Officer approval for settlements, allow for Executive Director approval up to \$200,000 and increase the threshold requiring Board approval to amounts over \$200,000. This should decrease the number of agenda items submitted to the Board for action, allowing for more expedient resolution for the institutions. It also would permit the institution to initiate litigation without prior Board approval up to these thresholds.

**ATTACHMENTS**

Attachment 1 - Governing Policy Section V.W

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

The revised policies will assist the Board and Executive Director in maintaining their level of oversight while reducing the number of approvals, and permit the institutions the opportunity to act in a more timely fashion on certain matters.

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**BOARD ACTION**

A motion to approve the first reading of Board Policy V.W. – Litigation as submitted.

Moved \_\_\_\_\_ Seconded \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**Idaho State Board of Education**  
**GOVERNING POLICIES AND PROCEDURES**

**SECTION: V. FINANCIAL AFFAIRS**  
**Subsection: W. Litigation**

**December 2008**

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1. General

When a lawsuit, legal document, or other official notice is instituted against an institution and/or the Board, an institution's president or its general counsel, or the executive director of the Board, is authorized to accept service of process of such matter on behalf of the institution and/or Board. This authority to accept service pertains only to attempted service upon the institution and/or Board, and not to any attempt to serve the Idaho secretary of state or the Idaho attorney general. An institution president or general counsel who accepts service of any matter on behalf of such institution and/or the Board pursuant to this authority must promptly forward a copy of any such matter to the Board office, and in appropriate circumstances, should also forward a copy of such matter to the State of Idaho Department of Administration, Division of Internal Management Systems, Risk Management Program.

42. Initiation of Litigation

An institution or agency under the governance of the Board may initiate a legal action with respect to any matter in which the amount in controversy does not exceed fifty one hundred thousand dollars (\$5100,000). ~~Any initiation of litigation of a legal matter that is in excess of fifty thousand dollars (\$50,000) must be approved by the Board prior to such initiation of litigation.~~ With the prior approval of the executive director, an institution, agency, or school under the governance of the Board may initiate a legal action with respect to any matter in which the amount in controversy does not exceed two hundred thousand dollars (\$200,000). Any other proposed legal action may not be instituted without the prior approval and authorization of the Board.

- a. Notwithstanding the authority to initiate litigation provided above, any legal action involving the exercise of the right of eminent domain must have the prior approval of the Board.
- b. Pursuant to Idaho Code §33-3804, an institution is permitted to initiate legal action in its own name.

23. Settlement of Litigation

The chief executive officer has authority to settle a legal matter involving the payment or receipt of up to fifty one hundred thousand dollars (\$5100,000) of institution or agency funds. The executive director may authorize the settlement of a

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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legal matter involving the payment or receipt of up to two hundred thousand dollars (\$200,000) of institution, agency, or school funds. Any settlement of a legal matter that is in excess of  ~~fifty~~ two hundred thousand dollars (~~\$5~~200,000) in institution or agency funds must be approved by the Board prior to any binding settlement commitment.

**34. Litigation Reporting by Institutions**

Legal counsel for the institutions shall provide monthly attorney – client privileged litigation reports to the members of the Board, with a copy to the Board office (to the attention of the Board’s legal counsel). Such reports should include a description of all claims and legal actions filed against the institution since the date of the last report (and identify legal counsel for the parties involved, for conflict analysis purposes); a summary of the current status of all claims and pending litigation; risk analysis pertaining to all such claims and pending litigation; and the settlement of any legal claims or actions since the date of the last report, including settlements of matters handled by the State of Idaho Department of Administration, Division of Internal Management Systems, Risk Management Program. With respect to the reporting of a legal settlement, such report shall describe the amount of institution funds that were used, and the amount and source of any other funds that were provided in connection with such settlement, including funds from the Office of Insurance Management or from any other parties. Legal counsel for the institutions should also include in the report any significant incident occurring since the last report that is reasonably expected to give rise to a claim, as well as probable claims or legal actions the institution is aware of which have been threatened but not yet instituted.

**BUSINESS AFFAIRS AND STUDENT RESOURCES**  
**DECEMBER 10, 2009**

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**UNIVERSITY OF IDAHO**

**SUBJECT**

Capital Project Authorization Increase Request, Wallace Residence Center Fire Detection, Alarm and Suppressions System Improvements

**REFERENCE**

June 2009 Initial Capital Project Authorization Request for Planning and Design. Regular Board Meeting June 2009. Approved as noted in item 8, page 18 of the official meeting minutes.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedure, Section, V.K.1 & V.K.2.

**BACKGROUND/DISCUSSION**

In June 2009, the University of Idaho, requested authorization to Plan and Design the Wallace Residence Center Fire Detection, Alarm and Suppression System Improvements.

The Initial Regent's Authorization level was set at \$75,000 for the Project Planning and Design Phase work, during the June 2009 Regular Board Meeting.

The Design Phase for the project is scheduled for completion in February 2010.

The University's Wallace Residence Center (WRC) was completed and occupied in 1964. The Fire Detection, Alarm and Suppressions Systems in the WRC are old, out-dated and many necessary replacement parts are no longer available.

The existing conditions are similar to those which the University experienced at Theophilus Tower. A highly successful retrofit and improvement to the systems in the Theophilus Tower was initiated in 2006 and completed in 2007. The University expects to pattern the anticipated improvements in the Wallace Residence Center after the work accomplished in Theophilus Tower.

At this time the University is requesting authorization to proceed with the Construction Phase for these improvements. Current Construction Costs and Design Costs in total are estimated to be \$1,540,000.

The estimate for the Construction Phase is based upon the cost information developed through fifty percent completion of the Planning and Design Phase.

The Construction Phase is scheduled for the end of summer 2010.

**BUSINESS AFFAIRS AND STUDENT RESOURCES  
DECEMBER 10, 2009**

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As the construction phase moves forward, the University will report any significant variations or deviations from this project cost estimate, if any, in accordance with Board policy.

The project is fully consistent with the university's strategic plan, and the university's Long Range Capital Development Plan (LRCDP).

**IMPACT**

The fiscal impact, of the total project is projected to be \$1,540,000. The project fund source is University Housing Reserves, set aside for this purpose. All project funding is in place.

**Capital Project Authorization History**

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June 2009	Original Project Authorization	\$ 75,000
Dec 2009	Additional Authorization Request	\$ 1,465,000
Total Authorization Request		<b>\$ 1,540,000</b>

**Funding**

**Estimate Budget**

State	\$ 0	Construction	\$ 1,186,710
Federal (Grant):	0	A/E & Consultant Fees	216,000
Other (State & UI)	<u>1,540,000</u>	Contingency	<u>137,290</u>
Total	<u>\$ 1,540,000</u>	Total	<u>\$ 1,540,000</u>

**ATTACHMENTS**

Attachment 1 – Capital Project Tracking Sheet

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the University of Idaho's request to proceed with construction of the Wallace Residence Center Fire Detection, Alarm and Suppressions System Improvements, and to authorize the University to execute all of the necessary contracts to implement the construction phase of the project, for a total project budget not to exceed \$1,540,000.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



**Office of the Idaho State Board of Education  
Capital Project Tracking Sheet  
As of December, 2009**

**History Narrative**

**1 Institution/Agency:** University of Idaho      **Project:** Wallace Residence Center Fire Detection, Alarm and Suppressions System Improvements, University of Idaho, Moscow, Idaho

**2 Project Description:** Design and Construction Phase work towards an eventual series of improvements to the Fire Detection, Alarm and Suppressions Systems of the Wallace Residence Center located on the main campus of the University of Idaho, Moscow,

**3 Project Use:** Project will improve and upgrade the Fire Detection, Alarm and Suppressions Systems of the Wallace Residence Center, University of Idaho, Moscow, Idaho. The Additional Project Authorization request is for the Construction Phase. Total Project Cost including the Planning, Design and the Construction Phase is estimated to be \$1,540,000

**4 Project Size:** N/A

	Sources of Funds				Use of Funds			
	PBF	ISBA	Other	Total Sources	Planning	Use of Funds Const	Other**	Total Uses
<b>Initial Cost of Project</b>	\$ -	\$ -	\$ 75,000	\$ 75,000	\$ 70,000	\$ -	\$ 5,000	\$ 75,000
<b>History of Revisions:</b>								
Additional Auth Request, December 09			\$ 1,465,000	\$ 1,465,000	\$ 146,000	\$ 1,186,710	\$ 132,290	\$ 1,465,000
<b>Total Project Costs</b>	\$ -	\$ -	\$ 1,540,000	\$ 1,540,000	\$ 216,000	\$ 1,186,710	\$ 137,290	\$ 1,540,000

History of Funding:	PBF	ISBA	* Other Sources of Funds				Total Other	Total Funding
			Institutional Funds (Gifts/Grants)	Student Revenue	Other			
Original Authorization Request, Design Phase Only,			\$ 75,000				\$ 75,000	\$ 75,000
Additional Auth Request, December 09			\$ 1,465,000				\$ 1,465,000	\$ 1,465,000
							-	-
<b>Total</b>	\$ -	\$ -	\$ 1,540,000	\$ -	\$ -	\$ -	\$ 1,540,000	\$ 1,540,000

27 \* University of Idaho Housing reserve and maintenance funds set aside for this purpose. UI will report back to the Board of Regents any resulting revisions to the project estimate resulting from the bid process and seek additional project authorization as may be required.

28 \*\* Project Contingency

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**BOISE STATE UNIVERSITY**

**SUBJECT**

Revisions to Multi-Media and Marketing Rights for Boise State University Athletics

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures Section V.I.6.b.

**BACKGROUND/DISCUSSION**

Following approval by the State Board of Education (SBOE) on October 15, 2009 of the Multi-media and Marketing Rights Agreement between Learfield Sports Marketing and Boise State, a few minor changes were made to the agreement in the final discussions before signature.

**IMPACT**

The attachment sets out the changes made. The most significant is that, as allowed by the SBOE approved contracts with certain head coaches, some of the compensation for such coaches may come from the University's designated media outlets. The change makes the Learfield agreement consistent with the SBOE approved employment contracts and ensures that such is allowed only at the direction of the University.

**ATTACHMENTS**

Attachment 1 – Summary of changes made to Agreement

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

A motion to approve the request by Boise State University to revise the previously approved multi-media and marketing rights agreement with Learfield Sports Marketing as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**Multi-media and Marketing Rights Agreement between Learfield Sports Marketing / Bronco Sports Properties and Boise State University**

Following approval of the contract at the State Board of Education Meeting on October 15, 2009, the following changes were made to the Agreement with Learfield Sports regarding the outsourcing of the Media and Marketing Rights relating to the Athletics' Department

1. **Section 2.3B and Section 2.5B (Radio and TV Coaches' Shows):** Addition of a provision allowing Learfield, only at the request and direction of the University, to pay coaches' directly, in respect of their appearance on radio and/or TV coaches' shows.  
"Any compensation of the coaches in respect of such shows shall be in the sole discretion of the University but in no event shall Learfield be responsible for a coach's compensation. Notwithstanding the provisions of the preceding sentence to the contrary, if University wishes that Learfield pay part or all of a coach's compensation, it shall notify Learfield in writing of the amount of a coach's compensation that it wishes Learfield to pay ("Coach's Compensation Amount") and Learfield shall pay the Coach's Compensation Amount in two equal payments at the times that Learfield pays the University its Guaranteed Royalty Fee (December 31 and June 30). Learfield shall then deduct from the Guaranteed Royalty Fee the Coach's Compensation Amount which will be a credit against the Guaranteed Royalty Fee then owed by Learfield to the University."
2. **Section 2.6A and B (Television Broadcast Rights):** These provisions relating to local TV coverage of games were in the incorrect section and so were moved from Section 2.5 (relating to Coaches Shows) to Section 2.6 (relating to other Third Tier Television Rights)<sup>1</sup>. The wording was not changed.
3. **Section 2.9A (Athletics Internet Site and Internet Video Streaming and e-Commerce):** Clarification of language to provide that that University may consult with Learfield but shall in its sole discretion chose the company to whom it may contract the hosting services of the Official Athletics Website (OAS). The previous draft was not clear and implied that Learfield had a right to be involved in the decision.
4. **Section 2.10.2:** Clarification of number of gratis Game programs and other publications that Learfield is contractually obliged to provide to University.  
"Learfield will provide University with a mutually agreeable reasonable number of complimentary Game Publications, to be no less than five hundred (500) copies in respect of football Game Publications and one hundred (100) in respect of the other Game Publications"
5. **Schedule 2.12.5:** Insertion of the trademarks the University licenses to Learfield under this contract
6. **Schedule 3.1.** Insertion of the number of game tickets provided by University to sponsors during the Athletic Year 2008-09, the same number of which shall be provided to Learfield under this contract for distribution to sponsors.

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<sup>1</sup> For clarification – Third Tier Rights are television broadcast rights not granted by NCAA to a national broadcaster (e.g ESPN - First tier) or to the Western Athletic Conference (Second Tier).

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**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**SUBJECT**

2010-2011 (Fiscal Year 2011) Student Tuition & Fees

**APPLICABLE STATUTES, RULE OR POLICY**

State Board of Education Governing Policies & Procedures, Section V.R.1.

**BACKGROUND / DISCUSSION**

The economic trauma that has swept across the country over the past 18 months has resulted in unprecedented budget cuts to higher education in Idaho at a time when enrollment is burgeoning in typical countercyclical fashion. From FY 2009 to FY 2010, the year-over-year original General Fund appropriation for the college and universities is down 11.2% or \$31,873,400 (this number is actually artificially low because of a transfer of \$10 million from the Permanent Building Fund to the General Fund for the University of Idaho's Center for Livestock and Environmental Studies). Add on top of that a current year holdback of 6% or \$15,196,700, which brings the percent change from the FY 2009 original appropriation to -16.5%. While the budget cuts have been partially mitigated in the current year by federal stimulus funds in the amount of \$15,313,800, the funding available for FY 2011 will drop by a factor of over 3½ to \$4,305,900 for FY 2011. This two-year stop gap measure has softened the effects of the recession, but it could also bring higher education to the brink of a funding cliff when stimulus money runs out beginning in FY 2012.

Current revenue projections anticipate that state funding will continue to be severely challenged to just maintain current operations at the institutions, let alone provide any increases for projected funding needs. As a result, the institutions must look to expenditure controls and efficiencies as well as a diversity of funding resources to meet their ongoing budget needs. Student fee revenues represent one part of the institutions' diversified funding portfolio. The Board's policy on student tuition and fees provides that "[a]n institution cannot request more than a ten percent (10%) increase in the total full-time student fee unless otherwise authorized by the Board."

**IMPACT**

Approval of this request would allow the institutions to begin discussions and hearings on their campuses of a range of fee increases.

**STAFF COMMENTS AND RECOMMENDATIONS**

The current financial crisis creates many budgeting uncertainties for the institutions. A second mid-year holdback, for example, could be a significant determining factor as the institutions contemplate fee increases for FY 2011. As a result, the institutions are undecided in how much they may request. Therefore, the Board may like to provide the institutions flexibility to consider a range of fee increase options.

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
**DECEMBER 10, 2009**

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**BOARD ACTION**

A motion to waive Board Policy Section V.R.1., only as it relates to requesting prior Board authorization for student fee increase requests in excess of 10%, for fiscal year 2011.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>SUPERINTENDENT'S UPDATE</b>	Information Item
<b>2</b>	<b>IDAHO MATH INITIATIVE PRESENTATION</b>	Information Item
<b>3</b>	<b>ACCOUNTABILITY WORKBOOK</b>	Motion to Approve
<b>4</b>	<b>IDAHO SPECIAL EDUCATION MANUAL</b>	Motion to Approve

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**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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**SUBJECT**

Superintendent of Public Instruction Update to the State Board of Education

**BACKGROUND/DISCUSSION**

Superintendent of Public Instruction, Tom Luna, will provide an update on the State Department of Education.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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**SUBJECT**

Idaho Math Initiative Update

**REFERENCE**

December 4-5, 2008	Math Initiative Update
December 6, 2007	Math Initiative Presentation

**BACKGROUND/DISCUSSION**

This update is being given as general information regarding the Mathematical Thinking for Instruction Class, Apangea Intervention Program, and other efforts regarding the math initiative. This will include an update on the areas of student achievement, teacher education, and public awareness.

**IMPACT**

Continued funding for \$3.9 million is being requested from the Idaho Legislature.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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**SUBJECT**

Accountability Workbook

**APPLICABLE STATUTE, RULE, OR POLICY**

Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110)

34 C.F.R. § 200.19(b)

High School Graduation Rate, Non-Regulatory Guidance, December 22, 2008

**BACKGROUND/DISCUSSION**

The accountability workbook governs Idaho's participation in the NCLB Adequate Yearly Progress (AYP) process of tracking student achievement. Periodic changes to the Idaho Accountability Workbook are necessary to ensure that all policies and procedures in Idaho's assessment system are correct, fair and valid.

The amendments, most of them minor, are (1) clarification of when students exited from an Limited English Proficiency program can become part of the LEP subgroup, (2) updates to the section on alignment studies that have been completed, (3) clarification of definitions of continuous enrollment and exiting of students, (4) clarification of the date when 100% proficiency is expected in Math and Reading, (5) revision of the proficiency matrix for Annual Measurable Objective (AMO) proficiency targets, and (6) updates to how the required state, district and school report cards are created and disseminated.

(1) Students who have exited the LEP program will only be counted in the AYP calculations if there were 34 or more regular LEP student in the school or district. The proposed changes in this area merely clarify the expected calculation practice as allowed by federal flexibility sent out in May 2007 which can be found at <http://www.ed.gov/policy/elsec/guid/lepguidance.doc>.

(2) The existing section on alignment studies was written before the ISAT alignment studies were completed in 2007 and 2008. The proposed changes in this area clarify that these studies have been done and that all content areas were found to be clearly aligned with Idaho standards. The link to the studies was updated due to the migration of data from Office of the State Board of Education (OSBE) to State Department of Education (SDE) websites. The section also clarifies the changes of the alternate assessment to a portfolio-based system.

(3) The change made in the accountability workbook regarding when expelled students are counted in AYP proficiency determinations is simply to further clarify the AYP determination. An expulsion has been added as a form of withdrawal or exit from school, and expulsion is further acknowledged to create a break in continuous enrollment at the school and district level. These proposed changes do not cover temporary suspensions as noted in IDAPA 08.02.03 subsection 112(03)(a)(i). In the case of a suspension, schools are still responsible for all AYP accountability measures. The distinctions between temporary suspension and full expulsion are detailed in Idaho Code, §33-205. It should also be noted that students who do return to

**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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any school after an expulsion are required to take the ISAT, if they are present during the testing window and be counted in the school's participation rate. They would not be counted in the proficiency rate because of the break in continuous enrollment.

(4) Under Board Information in February 2008, the Board changed the final year of the AYP target of 100% proficiency from 2012-2013 to 2013-2014 as allowed by NCLB. This change was made in the Annual Measurable Objectives (AMOs) matrix in Section 3.1 and 3.2b but was missed in various places in the text of the full Accountability Workbook. These edits have been made to ensure consistency between the text and aforementioned tables.

(5) A previous change to the Idaho Accountability Workbook, approved in July 2009, changed Idaho's system to use an "indexing" system, which gives partial credit for students who move from below basic to basic when calculating AYP. Since the approval, the SDE staff has implemented the changes approved in the workbook and had an opportunity to examine the full impact of the changes. One change that was a result of the implementation of the indexing system was to reset the annual measurable objectives (AMOs) (Principle 3.2b). The change submitted is to leave the current AYP target in place for 2009-2010 before resuming the incremental increases in targets, culminating in all students being 100% proficient in 2013-2014.

This change does not lower standards but simply spaces out additional increases more incrementally, as allowed by the U.S. Department of Education, to help sustain and continue the movement toward full proficiency for all Idaho students.

To illustrate: In reading, the goal this year (2008-2009) was 85.6% proficiency. Next year it is set to go up to 90.4%. The gains to be reached in the final 10% of students are immensely harder to achieve. It should also be noted that the statewide levels of proficiency [86% in reading, 82% in Math] reached by Idaho students to date are still challenging.

The included table illustrates the substantial increase in the targets when the index system was put into place.

**Prior System before Indexing**

	2002-2003	2004-2005	2006-2007	2009-10	2011-12	2013-14
	2003-2004	2005-2006	2007-2008	2010-11	2012-13	
			2008-2009			
<b>Reading</b>	66%	72%	78%	85%	92%	100%
<b>Mathematics</b>	51%	60%	70%	80%	90%	100%
<b>Language Arts</b>	66%	72%	78%	85%	92%	100%



**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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**Current Indexing System**

			2008-09	2009-10	2011-12	2013-14
				2010-11	2012-13	
<b>Reading</b>			85.6	90.4	95.2	100.0
<b>Mathematics</b>			83.0	88.7	94.3	100.0
<b>Language Arts</b>			75.1	83.4	91.7	100.0

**Proposed Indexing System**

			2008-09	2010-11	2012-13	2013-14
			2009-10	2011-12		
<b>Reading</b>			85.6	90.4	95.2	100.0
<b>Mathematics</b>			83.0	88.7	94.3	100.0
<b>Language Arts</b>			75.1	83.4	91.7	100.0

(6) The existing section on report cards was written before SDE deployed the new state, district and school report cards. The proposed changes in Principle 1.5 provides the current improved practice to offer the same report card format with all required information for each school and district.

Additionally, the State Department is informing the Board as to two potential future changes to the Accountability Workbook. These changes have not yet been officially submitted as changes to the Accountability Workbook.

In October 2008, Federal Regulations were released indicating that the U.S. Department of Education would be requiring a method not currently used in Idaho to calculate graduation rate. In the non-regulatory guidance released in December 2008, it was noted that state not able to calculate the graduation rate by 2010-2011 should request a waiver by March 2, 2009. The letter attached for information is Idaho's request for a waiver passed the deadline. The State Department of Education could potentially face the U.S. Department of Education "placing a condition on a State's Title I, Part A grant award; requiring the State to enter into a compliance agreement with the (U.S) Department; or withholding Title I, Part A State administrative funds" without the request for an extension of the timeline to report the four-year adjusted cohort graduation rate.

Nearly a year ago Idaho was notified that the alternate assessment system in place needed to be revised to meet the U.S. Department of Education requirements. Science was revised in time for the 2008-2009 assessment. Math, reading and language arts have been revised for the 2009-2010 assessment. Due to the short timeline to roll out the new assessment and because of the need to set new standards

**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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for this new assessment, a request was submitted to the U.S. Department of Education to request additional time to complete the scoring, range finding and standards setting for the new format of the assessment. The extension to report the ISAT-Alt data and corresponding AYP designations later allows for a more thorough and accurate system to be carried out. This additional time will also allow for a complete process of standards setting to be completed, thus meeting the quality measures for the alternate assessments. The request is to report Adequate Yearly Progress (AYP) designations only for the schools that would have an AYP designation changed by their alternate assessment data in early November rather than late July. All other AYP reporting will proceed as usual. The letter attached for information provides a more detailed timeline.

**IMPACT**

There is no fiscal impact with the changes to the Accountability Workbook. The impact of making the changes would be the assurance that Idaho's policies surrounding AYP designations and appeals are streamlined and consistent.

(1) The impact of not clarifying when Limited English Proficient (LEP) students who have exited an LEP program are included in AYP calculations would mean that the Idaho Accountability Workbook is not consistent with federal guidance on this flexibility as cited in NCLB non-regulatory guidance of May 2007. Guidance on including exited LEP students in proficiency calculations is found in sections c3, c6, c7 and c8. This guidance permits inclusion of exited LEP student in proficiency calculations for AYP purposes only.

(2) The impact of not clarifying that alignment studies have been completed and that all content areas on the ISAT were deemed aligned with Idaho standards would mean that there is outdated information in the Accountability Workbook.

(3) The impact of not clarifying that expulsion breaks enrollment and severs ties with schools would be increased potential for confusion in this area especially during the AYP appeals process.

(4) The impact of not approving the edits of the year (2013-2014) when the 100% proficiency targets must be met means that there will be inconsistencies in the Accountability Workbook and potential confusion about the end target. The edits are consistent with the changes approved by the State Board in 2008 and with Sections 3.1 and 3.2b of the workbook, but were not applied uniformly throughout the document.

(5) The impact of not holding the AMOs [proficiency targets] stable for one additional year will likely result in an increase in the number of schools failing to meet AYP due to the steep increase in targets.

(6) The impact of not updating the Report Card information would leave a section with outdated and inaccurate information in the Accountability Workbook.

**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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**ATTACHMENTS**

Attachment 1 – Consolidated State Application Accountability Workbook	Page 7
Attachment 2 – Graduation Rate Extension Letter	Page 85
Attachment 3 – ISAT- Alternate Extension Request Letter	Page 91

**BOARD ACTION**

A motion to adopt the Idaho Consolidated State Application Accountability Workbook as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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# State of Idaho

## ***Consolidated State Application Accountability Workbook***

For State Grants under Title IX, Part C, Section 9302 of the Elementary and  
Secondary Education Act (Public Law 107-110)

U. S. Department of Education  
Office of Elementary and Secondary Education  
Washington, D.C. 20202



**Idaho State Board and Department of Education**  
**650 West State Street**  
**Boise, Idaho 83720-0037**  
**Approved in ~~June 2009~~ December 2009**

## PART I: Summary of Required Elements for the State Accountability Systems

### Summary of Implementation Status for Required Elements of State Accountability Systems

Status	Idaho Statewide Assessment and Accountability Plan Element	Page
<b><u>Principle 1: All Schools</u></b>		
F	1.1 Accountability system includes <i>all schools and districts in the state</i> .	1
F	1.2 Accountability system holds <i>all schools to the same criteria</i> .	2
P	1.3 Accountability system incorporates the <i>academic achievement standards</i> .	4
F	1.4 Accountability system provides <i>information in a timely manner</i> .	7
P	1.5 Accountability system includes <i>report cards</i> .	8
F	1.6 Accountability system includes <i>rewards and sanctions</i> .	13
<b><u>Principle 2: All Students</u></b>		
P	2.1 The accountability system includes <i>all students</i> .	16
P	2.2 The accountability system has a consistent definition of full academic year.	18
P	2.3 The accountability system properly includes <i>mobile students</i> .	19
<b><u>Principle 3: Method of AYP Determinations</u></b>		
P	3.1 Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .	20
P	3.2 Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made Adequate Yearly Progress</i> .	23
F	3.2a Accountability system establishes a <i>starting point</i> .	25
P	3.2b Accountability system establishes <i>statewide annual measurable objectives</i> .	27
F	3.2c Accountability system establishes <i>intermediate goals</i> .	28
<b><u>Principle 4: Annual Decisions</u></b>		
P	4.1 The accountability system <i>determines annually the progress</i> of schools and districts.	29

**STATUS Legend**

F – Final state policy

P – Proposed policy, awaiting Idaho State Board of Education approval

W – Working to formulate policy

Status	State Accountability System Element	Page
<b><u>Principle 5: Subgroup Accountability</u></b>		<b>I.</b>
P	5.1 The accountability system <i>includes all the required student subgroups.</i>	31
F	5.2 The accountability system <i>holds schools and LEAs accountable for the progress of student subgroups.</i>	33
F	5.3 The accountability system <i>includes students with disabilities.</i>	34
P	5.4 The accountability system <i>includes limited English proficient students.</i>	35
P	5.5 The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.	37
F	5.6 The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.	39
<b><u>Principle 6: Based on Academic Assessments</u></b>		
P	6.1 Accountability Plan is based primarily on academic assessments.	40
<b><u>Principle 7: Additional Indicators</u></b>		
F	7.1 Accountability system includes <i>graduation rate for high schools.</i>	42
P	7.2 Accountability system includes an <i>additional academic indicator for elementary and middle schools.</i>	45
P	7.3 Additional indicators are valid and reliable.	47
<b><u>Principle 8: Separate Decisions for Reading and Mathematics</u></b>		
F	8.1 Accountability system holds students, schools and districts separately accountable for <i>reading and mathematics.</i>	48
<b><u>Principle 9 Plan Validity and Reliability</u></b>		
P	9.1 Accountability system produces <i>reliable decisions.</i>	49
F	9.2 Accountability system produces <i>valid decisions.</i>	50
P	9.3 State has a plan for addressing changes in assessment and student population.	51
<b><u>Principle 10: Participation Rate</u></b>		
F	10.1 Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.	52
F	10.2 Accountability system has a means for <i>applying the 95% assessment criteria to student subgroups and small schools.</i>	53
<b><u>Appendix A: Adequate Yearly Progress Accountability Procedures</u></b>		<b>54</b>

**STATUS Legend**

F – Final policy

P – Proposed Policy, awaiting Idaho State Board of Education approval

W – Working to formulate policy

**A. LEGEND**

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Assessment	Reference to both the Idaho Standards Achievement Tests and the Idaho Alternative Assessment Test
ADA	Average Daily Attendance
AYP	Adequate Yearly Progress
Board	Idaho State Board of Education
ELP	Education Learning Plan (for LEP students)
FERPA	Family Educational Rights and Privacy Act
IDAPA	Rules adopted under the Idaho Administrative Procedures Act; rules are enforceable as law in the state.
Indicators	Assessment, participation rate, graduation rate, proficiency rate, additional academic indicator
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan (for special education students)
ISDE	Idaho State Department of Education
LEA	Local Education Agency (local school district)
LEP	Limited English Proficiency
NCES	National Center for Educational Statistics
NCLB	No Child Left Behind Act of 2001
NWEA	Northwest Evaluation Association
NWREL	Northwest Regional Education Laboratory
Plan	Idaho Statewide Assessment and Accountability Plan
SEA	State Education Agency



**PART II: State Response and activities for Meeting State Accountability System Requirements**

**PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.**

**1.1 How does the State Accountability System include every public school and LEA in the State?**

Each Idaho public school and Local Education Agency (LEA) is required to make Adequate Yearly Progress (AYP) and is included in the Idaho Statewide Assessment and Accountability Plan (Plan). The requirement to participate is specified in the Board approved Plan incorporated into Idaho Administrative Code (IDAPA) 08.02.03. AYP determinations for all public schools and districts have been made since summer 2003 based on the spring Idaho Standards Achievement Tests (ISAT) test scores.

For the purpose of determining AYP, Idaho public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula described in Idaho Code §33-1002 and governed by the Idaho State Board of Education described in Idaho Code §33-116. Schools will receive an AYP determination. Programs not accredited will be included with the sponsoring accredited school. For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the local school district or a public charter school designated as an LEA.

The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended the associated feeder school.

Within Idaho there are approximately 51 small schools that do not have a total of 34 students in the tested class levels. For those small schools, the Board and the Idaho State Department of Education (ISDE) will determine AYP using the total subgroup only and averaging the current year's Idaho State Achievement Test (ISAT) test scores plus scores from the previous two years and comparing the results to the current year's scores. The highest score will be used to determine the school's AYP. This approach rewards schools and districts for efforts that result in strong single year achievement gains and minimizes the potential for inaccurately inferring that a school or district has failed to make standards.

**Evidence:**

Idaho Code §§33-116 and 33-1002  
Idaho Administrative Code (IDAPA) 08.02.03

- **1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?**

The baseline for AYP was calculated using scores from the spring 2003 administration of the ISAT. Achievement tests for reading/language arts and mathematics for grades 4, 8, and 10 were introduced in Spring 2003. Achievement tests for grades 3 and 7 were added in 2004. Tests for grades 5 and 6 followed in 2005. The system of assessment is defined in IDAPA 08.02.03.111, Rules Governing Thoroughness, State Board of Education.

The rule includes the state content assessments in the required subjects, participation rate requirements, a graduation rate for high schools, and a third indicator for elementary and middle schools. Under direction of the Board, ISDE uses the Plan to identify schools in need of improvement. In terms of accountability, the Board-approved Plan leads to AYP determination based on:

- An incremental increase of students in the aggregate and each subgroup scoring at proficiency. Scores from the spring 2003 ISAT test determined the baseline.
- A minimum of ninety-five percent (95%) of all students and each subgroup at the time of test-taking participating in the statewide assessment (ISAT and the Alternate Assessment or a three-year average of rates of participation.)
- A student performance rate for elementary and middle schools determined by the Board that indicates improvement by students over the rate from the preceding year or meeting the annual target on the state language usage test. See Section 7.2.
- The Board has adopted a student graduation rate target of 90% by 2012-13 for high schools with an annual rate improvement from present through 2013.

All Idaho public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.

For the purpose of determining AYP, Idaho public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula described in Idaho Code §33-1002 and governed by the Idaho State Board of Education (Idaho Code §33-116). For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the local school district or public charter school designated as an LEA.

The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school.

All students with disabilities in Idaho public schools as defined under Section 602(3) of the Individuals with Disabilities Education Act (IDEA) will participate in the Plan. The Individualized Education Program (IEP) team will determine how students with disabilities will participate in the Plan. The Idaho Alternate Assessment yields reading and mathematics assessment results for inclusion in AYP determination.

Students' scores from the Idaho Alternate Assessment are aggregated with those from the ISAT for all students and each subgroup. See Section 5.3 for a description of the process that was developed to aggregate the scores from the Idaho Alternate Assessment with those from the ISAT for the school, LEA, and state results.

Idaho has identified four performance levels (See Section 1.3) for the ISAT. ISAT is comprised of custom-developed, computer-adaptive assessments that include multiple measures in the areas of reading and mathematics. The ISAT tests were first administered in grades 4, 8, and 10 in 2003. By the 2004-2005 school year Idaho was testing in grades 3 through 8 and in grade 10. For purposes of determining AYP, only the grade-level tests are used.

All of the required subgroups, including students with disabilities and LEP students, who are enrolled in a public school for a full academic year will be included in the performance measures that determine AYP status of schools. LEP students who are enrolled in their first 12 months of school in the United States may take the English Proficiency test in lieu of the reading/language arts ISAT but will be required to take the math, and science in grades offered, ISAT with accommodations or adaptations as determined by their English Learning Plan (ELP). These students are included in the participation rates but not in the proficiency calculations for their first administration of the ISAT as allowed by federal flexibility.

**Evidence:**

Idaho Code §§33-116 and 33-1002  
IDAPA 08.02.03

**1.3 Does the State have, at a minimum, a definition of *basic, proficient, and advanced* student achievement levels in reading/language arts and mathematics?**

(a) Idaho has defined four levels of student achievement for the ISAT: Advanced, Proficient\*\*, Basic, and Below Basic. A general description of each of the levels is listed below:

- **Advanced** Student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his/her current educational level.
- **Proficient** Student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently on all major concepts and skills at his/her educational level.
- **Basic** Student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to complete tasks without significant errors.
- **Below Basic** Student demonstrates a significant lack of knowledge and skills and is unable to complete basic skills or knowledge sets without significant remediation.

All of the ISAT assessments are aligned to the content standards for the content standards in reading, mathematics, and science performance level descriptors by subject by grade have been developed to describe what students know and are able to do at each of the four proficiency levels in each subject in each grade. Reading and mathematics tests are given in grades 3-8 and 10. Science is tested in grades 5, 7, and 10. The science test was piloted in 2005 and 2006; the test was delivered in 2007, and cut scores were set based on that administration. The science test is fully a part of the ISAT for 2007 going forward, but science scores are not a factor in AYP determinations.

Achievement standards (cut scores) for each performance level at each grade level have been set and approved by the Board. These scores are applied uniformly for all students in all public schools. Complete language of the performance level descriptors can be found at <http://www.boardofed.idaho.gov/saa/achievement.asp> <http://www.sde.idaho.gov/site/assessment/ISAT/achievement.htm>.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

**Approved by the State Board of Education May 30, 2007**

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10
<b>Reading</b>								
Advanced	208 and up	214 and up	219 and up	223 and up	227 and up	229 and up	232 and up	235 and up
Proficient	192-207	198-213	204-218	208-222	212-226	214-228	217-231	220-234
Basic	187-191	193-197	197-203	201-207	204-211	207-213	209-216	211-219
Below Basic	186 and below	192 and below	196 and below	200 and below	203 and below	206 and below	208 and below	210 and below
<b>Math</b>								
Advanced	204 and up	216 and up	224 and up	231 and up	237 and up	243 and up	247 and up	251 and up
Proficient	190-203	201-215	211-223	218-230	223-236	229-242	233-246	238-250
Basic	181-189	193-200	202-210	209-217	215-222	220-228	226-232	230-237
Below Basic	180 and below	192 and below	201 and below	208 and below	214 and below	219 and below	225 and below	229 and below
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10
<b>Language Usage</b>								
Advanced	207 and up	216 and up	222 and up	227 and up	232 and up	236 and up	239 and up	242 and up
Proficient	196-206	203-215	209-221	214-226	218-231	221-235	224-238	226-241
Basic	188-195	195-202	201-208	206-213	209-217	213-220	216-223	218-225
Below Basic	187 and below	194 and below	200 and below	205 and below	208 and below	212 and below	215 and below	217 and below
<b>Science</b>								
Advanced			216 and up		219 and up			230 and up
Proficient			206-215		213-218			219-229
Basic			194-205		206-212			213-218
Below Basic			193 and below		205 and below			212 and below

\*\*Idaho has set the proficient level to meet the proficient level specified in *No Child Left Behind*.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009  
State of Idaho  
Consolidated State Application – Accountability Workbook

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**Evidence:**

Idaho State Board of Education action May 2007  
IDAPA 08.02.03.111

Board action, December 10, 2009

**1.4 How does the State provide accountability and adequate yearly decisions and information in a timely manner?**

Idaho will provide decisions about AYP in time for LEAs to implement the required provisions of *No Child Left Behind* before the beginning of the subsequent academic year.

For the purpose of determining AYP, the State Board will ensure that results of the state academic assessment will be available to the LEAs in a timely manner. (See Chart 1)

**Chart 1. Timeline**

Timeline	Activity
Mid-April to Mid-May Test Administration Window (annually)	Statewide assessment administration
Throughout the testing window (annually)	Collection of information on students enrolled for full academic year
Approximately one month from Assessment Administration	Assessment vendor required to provide assessment results to the Board
June (annually)	Schools receive aggregate assessment results
Late June-early July (annually)	Schools are notified of preliminary AYP status
14 days prior to the first day of school	LEA notification to parents regarding school choice and supplemental services
No later than thirty days after preliminary identification of schools/LEAs not meeting AYP (annually)	School/LEA appeals process ends Challenged agency renders final determination in response to appeal

AYP determinations are final at the close of the appeals window. When schools and districts receive preliminary determinations and make the decision they will not be challenging the determination, they then know what the final determination will be and can immediately prepare and issue the required notifications.

**Evidence:**

IDAPA 08.02.03.112



**1.5 Does the Idaho State Accountability System produce an annual State Report Card?**

Yes. The Idaho State ~~Board~~ Department of Education produces an annual School Report Card that includes the required state information and also information on every LEA and school. LEAs are required to ~~complete~~ disseminate LEA report cards and ensure school-level report cards are produced. ~~To aid LEAs and schools, the Board provides templates to assist in meeting the required report card elements.~~

The state releases accountability reports, assessment data, graduation, and other information as it becomes available for the state, districts, and schools ~~and then incorporates that information into the single State Report Card format in the fall of each year.~~

The State and LEA School Report Cards include the required assessment, accountability, and teacher quality data as outlined below:

**Assessment Data**

The State School Report Card includes detailed assessment reports for the state, all LEAs, and all schools from the Idaho Standards Achievement Tests (ISAT) in reading, math, and language taken by students each spring.

The state phased in its assessments required under the Elementary and Secondary Education Act (ESEA) over a three year period. The 2004-05 Report Cards includes the full range of assessments in grades 3-8 and 10<sup>th</sup> grade. The ~~2007-08~~ 2008-09 Report Card ~~will~~ includes results from the science assessment.

The assessment reports are different from the accountability reports in several ways:

1. The minimum “n” for reporting results is 10 for all students and subgroups.
2. The reports are by grade level.
3. The reports include all students tested, not just those enrolled for a full academic year.

For each grade and subject tested, the State School Report Card includes --

1. Information on the percentage of students tested. This information is disaggregated by the following subgroups:

- All Students
- Major Racial & Ethnic groups
- Students with Disabilities
- Limited English Proficient
- Economically Disadvantaged

Migrant  
Gender

2. Information on student achievement at each proficiency level. In Idaho, the proficiency levels are: advanced, proficient, basic, below basic; the data is disaggregated by the following subgroups:

All Students  
Major Racial & Ethnic groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged  
Migrant  
Gender

3. The assessment data include the most recent 2-year trend data in student achievement for each subject and for each grade it is available.

## **II. Accountability Data**

The state Report Card includes required accountability data for the state, its LEAs, and all schools, including a comparison between student achievement levels and the state's annual measurable objectives in reading and math, and data on student performance on the state's additional academic indicators used in making adequate yearly progress (AYP) determinations, and information on districts and schools making AYP.

Specifically, the State Report Card includes:

1. A comparison between the actual achievement levels and the State's annual measurable objectives in reading and mathematics for the following subgroups:

All Students  
Major Racial & Ethnic Groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged

2. A comparison between the actual participation rate and the State's annual measurable objective of 95 percent tested for the following subgroups:

All Students  
Major Racial & Ethnic Groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged

3. Information on the third academic indicator used by the State for AYP determinations. (See Sections 7.1 and 7.2 for descriptions.) The information is disaggregated for the following groups:

- All Students
- Major Racial & Ethnic Groups
- Students with Disabilities
- Limited English Proficient
- Economically Disadvantaged

The state reports aggregate graduation and drop out rates for the State, its LEAs that graduate students, and all high schools. Beginning with the 2006-2007 school year the department reports disaggregated information for the following groups:

- All Students
- Major Racial & Ethnic Groups
- Students with Disabilities
- Limited English Proficient
- Economically Disadvantaged

4. The State Report Card also includes the following accountability information:
  - Adequate Yearly Progress determinations for each LEA and school.
  - A list of schools identified for improvement and the sanctions each faces
  - A list of LEAs identified for improvement and the sanctions each faces
5. The state Report Card goes beyond the federal requirements and includes important student safety information for the state, its LEAs and all schools. Those indicators include the number of incidents of:
  - Substance (Tobacco, Alcohol, Other Drugs) Distribution, Use, and Possession on campuses
  - In-School and Out-of-School Suspensions
  - Truancies, Expulsions, and Fights on campuses
  - Insubordination, Harassment, Bullying, and Vandalism on campuses
  - Weapons, and non-firearm weapons on campuses
  - Data on violent crimes that committed on their campuses used to identify “persistently dangerous” schools.

### **III. Teacher Quality Data**

The Idaho State Report Card includes Teacher Quality Data in three areas:

1. The professional qualifications of all public elementary and secondary school teachers in the State, as defined by the State;

2. The percentage of all public elementary and secondary school teachers teaching with emergency or provisional credentials; and
3. The percentage of classes in the State taught by highly qualified teachers (as the term is defined in Section 9101(23) of the ESEA), percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

### **Dissemination**

<https://www.sde.idaho.gov/reportcard/>

### **State dissemination**

The ~~SBOE~~ ISDE produces its State School Report Card as an interactive web-based version, which is posted on the ISDE website. Results from the National Assessment of Educational Progress (NAEP) are reported to reflect results from Idaho participation in NAEP administrations.

The State School Report Card web version is available in Spanish.

### **LEA dissemination**

The ~~State Board of Education~~ ISDE publishes web-based ~~assessment and accountability reports~~ Report Cards for each LEA and every school and ~~also provides templates to assist districts in meeting the federal reporting requirements.~~

The ~~templates available for LEA and school use are available at:~~  
<http://www.sde.idaho.gov/AYP/default.asp> and include:

### **~~District Report Card Templates~~**

~~Cover Page (Word)  
AYP Indicator Report (WORD)  
AYP Assessment Report (EXCEL)~~

### **~~Elementary Report Card Templates~~**

~~Cover Page (Word)  
AYP Indicator Report (WORD)  
AYP Assessment Report (EXCEL)~~

### **~~Middle/Junior High Report Card Templates~~**

~~Cover Page (Word)  
AYP Indicator Report (WORD)  
AYP Assessment Report (EXCEL)~~

**High School Report Card Templates**

Cover Page (WORD)

AYP Indicator Report (WORD)

AYP Assessment Report (EXCEL)

~~The report card requirement for LEAs and schools also has been incorporated into the state's accreditation system and is monitored through that program starting with the 2004-05 data.~~

**Evidence:** The Idaho State Report Card with accountability and assessment information for the state, its LEAs, and all schools is available at <http://www.sde.idaho.gov/ipd/reportcard/SchoolReportCard.asp>.  
<https://www.sde.idaho.gov/reportcard/>.

~~The requirement for LEA and school report cards is identified in the accreditation procedures provided to districts and schools in Fall 2005 and available at: <http://www.sde.idaho.gov/accreditation/docs/Comparison.pdf>~~

Board action, December 10, 2009

**1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?**

Idaho developed annual measurable objectives determined by the computations for AYP during the transition period of 2002-03. Beginning in 2002-2003, Idaho administered the ISAT assessments to determine AYP for Idaho school systems. The system of assessment is defined in IDAPA 08.02.03.111, Rules Governing Thoroughness, State Board of Education.

Idaho's current Statewide Assessment and Accountability Plan is reflected in a state accountability system that includes rewards and sanctions for public schools and LEAs. The Board approved the plan in 2003 and the State Legislature approved it in 2004. The plan prescribes consequences for schools/LEAs that do not meet accreditation standards. These consequences range from development of a School Improvement Plan to possible state takeover of the school or LEA. In addition, all Idaho Title I public schools and Idaho Title 1 districts are subject to the requirements of Section 1116 of NCLB. (See Chart 2: Idaho School and LEA Sanctions)

All Idaho schools will follow the State Department of Education Procedures for School Improvement

**Chart 2: Idaho School and LEA Sanctions**

Not Meeting AYP	Schools	LEAs
Year 1 & 2	Identified as not achieving AYP	Identified as not achieving AYP
Year 3	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Develop and Implement an Intervention School Improvement Plan</li> <li>• Supplemental Services for eligible students in reading and math if choice not available</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Develop and implement an Intervention Improvement Plan</li> </ul>
Year 4	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Implement Intervention School Improvement Plan</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement the Intervention Improvement Plan</li> </ul>
Year 5	Corrective Action <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Technical Assistance from LEA</li> <li>• Implement Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective Action</li> <li>• Technical Assistance from SDE</li> <li>• Implement Corrective Action</li> </ul>
Year 6	School Improvement <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Develop a Restructuring Plan</li> </ul>	Corrective Action <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement Corrective Action</li> </ul>
Year 7	School Improvement <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Implement Alternative Governance</li> </ul>	

Title I schools and non- Title I schools are served under the Idaho State Department of Education Procedures for Schools in Improvement. (Appendix A) The plan requires a differentiated level of participation based on the year. The plan requires that schools offer tutoring services to student in underperforming subpopulations, school improvement planning and implementation, participation in SDE training and professional development and reporting.

Note: For non-Title 1 schools identified for School Improvement (year 3, 4, 5, 6 & 7), see page 11 of Appendix A for alternate options for offering Supplemental Services.

**Rewards**

**Distinguished Schools.** The State Board of Education may recognize as “Distinguished Schools,” the top five percent (5%) of schools exceeding the Idaho Adequate Yearly Progress (AYP) intermediate targets listed in Subsection 112.02 and significantly reducing the gaps between subgroups listed in Subsection 112.03.d.

**Additional Yearly Growth (AYG) Award.** Schools demonstrating improved proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) will be considered to have achieved AYG. The school must have achieved Adequate Yearly Progress (AYP) to be eligible for this award.

**EVIDENCE:**

IDAPA 08.02.03, Section 113

Board action, revised January 2008

Idaho Request for Proposal for Supplemental Services Providers

State of Idaho - Approved List of Supplemental Services Providers

State Board approved Accountability Procedures



**PRINCIPLE 2. All students are included in the State Accountability System.**

**2.1 How does the State Accountability System include all students in the State?**

All Idaho public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination using data collected through the test enrollment process by the technical vendor overseen by ISBE.

The state contractor will use a web-based data collection system to collect data for all subpopulations included in NCLB requirements. This data will be included in reports prepared by the current vendor, Data Recognition Corporation, and the Bureau of Technology Services, to create reports for the schools, LEAs, and state for AYP determination.

For the purpose of determining AYP, Idaho public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula outlined in Idaho Code §33-1002 and governed by the Idaho State Board of Education (Idaho Code §33-116). For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the local school district or a public charter school designated as an LEA.

The accountability of public schools without grades assessed (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended the associated feeder school.

All Idaho school students with disabilities as defined under section 602(3) of the Individuals with Disabilities Education Act (IDEA) amendments of 1997 and Board policy will participate in the Plan. The Individualized Education Program (IEP) team will determine how students with disabilities will participate in the Plan (i.e., ISAT or Idaho Alternate Assessment Program) as defined in Board policy. For testing purposes, those students who have been exited from a special education program will be coded SPEX1 and SPEX2 for first and second year of exited status. The Idaho Alternate Assessment will yield reading and mathematics assessment results for inclusion in AYP determination.

Idaho's assessment window includes five calendar weeks. The first four weeks of the testing window are considered the test administration window and the fifth week is considered the make-up window.

All LEP students in Idaho public schools are required to participate in the Plan. LEP, when used with reference to individuals, denotes:

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009  
State of Idaho  
Consolidated State Application - Accountability Workbook

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- Individuals whose native language is a language other than English.
- Individuals who come from environments where a language other than English is dominant.
- Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

For accountability purposes, all LEP students are included. LEP students, who receive a score in the low range on the State Board of Education approved language acquisition proficiency test and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. For AYP purposes students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. However, exited LEP students are not included in the LEP subgroup ~~when~~ unless the number of LEP students in the subgroup already meets the minimum “n” size of 34. For testing purposes, exited LEP students will be coded LEPX1 and LEPX2 for first and second year of exited and monitored status. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the English Proficiency test in lieu of the reading/language usage ISAT but will still be required to take the math, and science in grades offered, ISAT with accommodations or adaptations as determined by the ELP and language proficiency score. Their participation will count positively in the 95% participation requirement for both the reading and math assessment. However, neither the math nor reading scores will be counted in the proficiency calculations. For testing purposes, first year LEP students will be coded as LEP1.

All of the required subgroups, including students with disabilities and LEP students within the flexibility parameters allowed by the US Education Department, who are enrolled in an Idaho public school for a full academic year, will be included in the performance level measures that determine AYP and accountability status of schools.

**Evidence:**

Idaho Code §§33-116 and 33-1002

IDAPA 08.02.03

Board action, December 10, 2009

**2.2 How does the State define “full academic year” for identifying students in AYP decisions?**

As defined in Board Rule, the following students are to be included in the Plan through the completion of a full academic year.

- a. For inclusion in AYP determination

A student is continuously enrolled if s/he has not transferred or dropped-out or been expelled from a of public school. Students who are serving suspensions are still considered to be enrolled students. Expulsion policies in Idaho are used at the district level; students expelled at one school do not typically re-enroll at another school within the same district. A student who is enrolled continuously in the LEA from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included when determining if the LEA has achieved AYP. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period, excluding the make up portion of the test window, will be included when determining if the state has achieved AYP.

**Evidence:**

IDAPA 08.02.03, Section 112.03  
Board action December 10, 2009

**2.3 How does the State determine which students have attended the same public school and/or LEA for a full academic year?**

The following definition of students to be included in the Plan through the completion of a full academic year has been developed by a statewide citizen committee appointed by the Board and will be included in the Plan.

- b. For inclusion in AYP determination

All of the following student subgroups are held accountable to the AYP indicators:

- A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out or been expelled from ~~of a~~ the public school. Students who are serving suspensions are still considered to be enrolled students. ~~Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP.~~
- A student who is enrolled continuously in the LEA from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the LEA achieved AYP.
- A student who is enrolled continuously in the state from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the state achieved AYP.

**Evidence:**

IDAPA 08.02.03  
Board action, December 10, 2009

**PRINCIPLE 3. State definition of Adequate Yearly Progress (AYP) is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading and mathematics by no later than 2013-2014.**

**3.1 How does the state's definition of AYP require all students to be proficient in reading and mathematics by the 2013-2014 school year?**

Idaho's definition of AYP requires all students to be proficient in reading and mathematics by the end of the 2013-2014 school year. It also requires all students and each subgroup to be held accountable to meet all of the academic indicators used to measure AYP (percent proficient in reading and mathematics; percent of participation in the assessments). Graduation rate for secondary schools and an additional academic indicator for elementary and middle schools will also be used to determine if a school has made AYP. See Chart 3 for 2007-2008 disaggregation of high school graduation rate that will be available for use in safe harbor calculations.

High school students take the ISAT in grade 10. The online test is presented multiple times each year for the purpose of meeting the graduation requirements. If a student meets the proficiency requirement in an administration prior to the spring assessment, that student will be counted as meeting standard for purposes of calculating AYP. Idaho will include retesting 11<sup>th</sup> grade students in 2009 and 11<sup>th</sup> and 12<sup>th</sup> grade student retesters in 2010 for high school proficiency calculations for AYP.

Idaho's Technical Advisory Committee recommended a validation of the Achievement Standards and Proficiency Level Descriptors (PLDs) after the 2007 ISAT was operational in 2007. The PLDs were reviewed and revised by 25-30 teachers per content area in March 2007. Academic Achievement Standards were validated using the Modified Bookmarking method immediately following the first administration of the ISAT (May 2007) after changing vendors in 2006. Statewide teams of 25-30 teachers in each content area reviewed student achievement using ordered item booklets and PLDs.

Idaho PLDs define proficiency in terms of general understanding of grade level content and skills. Students at the Basic level are expected to demonstrate limited (partial) proficiency of grade level content and skills. The lower end scale scores for basic leave a wide range for the Below Basic category.

Applying a weighted average value to Basic scale scores will support the PLDs and give partial credit for student achievement. Idaho Standard Achievement Tests scale scores are set on a vertical scale of 0 – 300. Idaho chose to keep the same scale when the test was revised in 2007 to maintain continuity for schools and districts data files. Student achievement in every grade level ranges from 160-300, further compressing the spread of students' scale scores. This issue does not allow breaking Basic proficiency band without jeopardizing the validity when some bands are as narrow as five scale score points with a standard error of three.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

Reviewing Idaho student data from 2008 administration and the range of scale scores for each proficiency band, we have adapted the weighted model to create an equitable and fair assignment of partial credit.

Table I: Weighted Average in Proficiency Bands

Proficiency Level		Index Points
Level 1: Below Basic	1	0
Level 2: Basic	2	50
Level 3: Proficient Level 4: Advanced		100

Table I.a: AYP Calculation Table by Weighted Average in Proficiency Bands

<b>Idaho Adequate Yearly Progress - Status</b>							
		<i>District:</i>					
<b>School Index Report</b>		<i>School:</i> ELEMENTARY					
		<i>School ID:</i>					
		<i>Grade:</i>					
<b>Performance Index Points Earned</b>							
<b>Group</b>	<b>N</b> - (Total Number of Students in this group) NOTE: AYP proficiency not determined with 33 or less students	<b>Below Basic</b> <u>Level 1</u> Number of Students Scoring at Scaled Score Range 1	<b>Basic</b> <u>Level 2</u> Number of Students Scoring at Scaled Score Range 2	<b>Proficient</b> <u>Level 3</u> Number of Students Scoring at Scaled Score Range 3	<b>Advanced</b> <u>Level 4</u> Number of Students Scoring at Scaled Score Range 4	<b>Calculation</b>	
		$n1 \times 0 +$	$n2 \times 50 +$	$n3 \times 100 +$	$n4 \times 100 =$	Sum of totals Across row	<b>Group Performance Index Score</b>
						Sum	Divide Sum by N count Rounded to Tenth

All subgroups will be held accountable for the academic indicators of reading and mathematics participation rate. Disaggregation of the graduation rate for 2006-2007 will be available for AYP determination in the 2007-2008 school year.

In the 2009 amendment to the Accountability Workbook, Idaho used spring 2007-2008 ISAT scores as the baseline for calculating the weighted average index model for AYP determinations. A timeline was established for public schools to reach the goal of 100% of students proficient in reading and mathematics by the end of the 2013-14 school year. Annual intermediate goals were established beginning in the 2008–09 school year with subsequent goals in 2010-11, 2012-13 and 2013-14 to assure increases in the percent of students proficient in reading and mathematics.

Table II: Percent "Proficient or Higher" Required to Meet AYP  
Idaho Partial Proficiency Weighted Model

-	2008-09 2009-10	<del>2009-10</del> 2010-11 2011-12	<del>2011-12</del> 2012-13	2013-14
Reading	85.6	90.4	95.2	100
Mathematics	83.0	88.7	94.3	100
Language Arts	75.1	83.4	91.7	100

Table II displays the Annual Measurable Objectives that plot growth toward 100% by 2014. This table replaces the previous version that was based on a status model that did not award partial proficiency for students scoring in the Basic range on the Idaho Achievement Standards.

GROWTH OBJECTIVE ("Safe Harbor" Provision)

If any student subgroups do not meet or exceed the Idaho's annual measurable objectives, the public school or LEA may be considered to have achieved AYP if the percent of students in the non-proficient subgroup:

1. Decreased by 10% from the preceding school year on the reading and mathematics indicators, as applicable,
2. Made progress on one or more of the other indicators, or is at/above the target goal for that indicator, and
3. Attained a 95% participation rate

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

EVIDENCE:

Board action August 2006

Board Information February 28, 2008

Board action, December 10, 2009



### **3.2 How does the State Accountability System determine whether each student subgroup, public school, and LEA achieves AYP?**

The Plan bases the annual determination of whether each subgroup, public school, and LEA achieves AYP on the achievement of all students, including the following subgroups:

1. Economically disadvantaged
2. Racial/ethnic
3. Students with disabilities
4. Limited English Proficient

Idaho's AYP calculation also incorporates additional academic indicators of graduation rate (for secondary schools) and language usage for elementary and middle schools beginning in the 2004-2005 school year. Use of the third indicator is described in Section 7.2. Disaggregation of the 2006-2007 graduation rate will be available for AYP determinations in 2007-2008. (See Chart 3.)

(NOTE: For accountability purposes, the requirement to disaggregate graduation rate and growth index data into the subgroups is effective on when the public school or LEA must use the "Safe Harbor" provision to achieve AYP.)

Idaho will use a decreasing trend calculation under the "Safe Harbor" provision to identify schools that failed to achieve AYP by the method outlined in Chart 3. An Idaho public school or LEA may be considered to have achieved AYP if the percent of students in the non-proficient subgroup:

- Part 1: Decreased by 10% from the preceding school year,
- Part 2: Made progress on the additional academic indicators, or is at/above the target for that academic indicator, and
- Part 3: Attained a 95% participation rate

An LEA is identified for improvement when it misses AYP in the same subject and same grade span for two consecutive years, or misses the other academic indicator in the same grade span for two consecutive years.

Beginning in 2002-2003 Idaho introduced the ISAT in grades 4, 8, and 10. With this phased-in introduction, many subgroups did not appear to have missed a target in reading or math because there were less than 34 students (see section 5.5). With the introduction of more grades, more subgroups now have 34 or more students. To avoid the over-identification of schools and districts in "need of improvement," Idaho will apply safe harbor (the reduction of not proficient students by 10%) to subgroups' results from 2003 even when the "n" is less than 34.

- The safe harbor formula used is
-

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

% of not proficient students, year 1 - % of not proficient students, year 2  
% of not proficient students, year 1

- Idaho will use the % of not proficient students in year 1 even when “n” is less than 34
- The “n” for year 2 data must be equal to or greater than 34

Completion of the introduction of the ISAT in grades 3-8 and 10 significantly reduced the use of data from groups less than 34 to apply Part 1 of safe harbor.

**Chart 3. “Safe Harbor” Provision for AYP Determination with Accountability**

Subgroups and Indicators

	Academic Indicators		Participation Rate		Graduation / Additional Academic Indicator*
	Reading % Meeting Standard	Mathematics % Meeting Standard	Reading	Mathematics	
	Decrease by 10% that percent of students not proficient from the preceding year in the school	Decrease by 10% that percent of students not proficient from the preceding year in the school	Attained a 95% Participation Rate	Attained a 95% Participation Rate	Meets or shows progress toward this indicator by that subgroup
All Students					
Economically Disadvantaged					
American Indian/Alaskan Native					
Asian					
Black/African American					
Native Hawaiian/Other Pacific Islander					
White					
Hispanic or Latino Ethnicity					
Students with Disabilities					
LEP Students					

\* The requirement to disaggregate graduation rate and additional academic indicator data into the subgroups for accountability is effective only when the public school and LEA must use the “Safe Harbor” provision to achieve AYP.

The state contractor, now Data Recognition Corporation, will employ its current web-based system to collect and report data for all subgroups.

**Evidence:**

Board action August 15, 2003

IDAPA 08.02.03, §114.07

Board action, December 10, 2009

### **3.2a What is the State's starting point for calculating Adequate Yearly Progress?**

In 2009, Idaho amended the accountability workbook to implement an indexing model requiring recalculation of the starting point. Idaho used student scores from the Spring 2007-2008 school year ISAT test for the starting point to calculate AYP. Based on those scores, Idaho set separate starting points for reading and mathematics for public schools with the goal of having a common starting point statewide for all public schools with similar grade configurations based on the ISAT. These averages were used to determine intermediate goals and annual measurable objectives.

The vendor assigns proficiency levels based on achievement standards approved by the State Board (see section 1.3). The State Board contracts with the vendor to report proficiency levels on individual student, school, district, and state reports.

#### **(1) Calculating the Starting Point for AYP**

Because it provided the higher starting point of two options, the following method was used for establishing the starting point for AYP.

- Rank all Idaho public schools in order according to the percent of students who scored at the proficient level or above in reading in Spring 2008. The same process was used to calculate the starting point for mathematics. (In Steps 1 through 5, references are made to Chart 4, Example A, found on the following page.)
  1. In a chart similar to Example A, record the total students in the enrollment records for each school after they have been ordered based on the percent of students who scored at the proficient level or above.
  2. Beginning with the school with the smallest percent of proficient students in reading, calculate the cumulative enrollment. Referring to Example A, the cumulative enrollment for School X is 397 {200 (School Z) + 65 (School Y) + 132 (School X)}.
  3. Multiply the total student enrollment for Idaho public schools (top cumulative enrollment number) by 20 percent (.20) to find 20 percent of the total student enrollment. In the example, 20 percent of 1619 is 323.8. Rounding yields 324.
  4. Count up from the school with the smallest percent of students proficient in reading to identify the public schools whose combined school populations represent 20 percent of the total student enrollment (cumulative enrollment). From Example A, 20 percent of the total student enrollment is 324. To reach this number, the student populations from School X, School Y, and School Z are combined.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009  
State of Idaho  
Consolidated State Application – Accountability Workbook

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5. Use the percent of students who scored at the proficient level in reading and mathematics from the public schools identified in Step 4. This percent is the minimum starting point for reading and mathematics. In Chart 4, Example A, the minimum starting point is 30 percent (the percent of proficient students at School X).

**Chart 4. Example**

School Name	Percent of Students Proficient in Reading and Math	Total students in enrollment records	Cumulative enrollment
School A	54 %	235	1619 (1384 + 235)
School B	40 %	400	1384 (984 + 400)
School W	38 %	587	984 (397 + 587)
School X	30 %	132	397 (265 + 132)
School Y	29 %	65	265 (200 + 65)
School Z	20 %	200	200

**Evidence:**

IDAPA 08.02.03, Section 112

Board action, August 15, 2003

Board action, May 30, 2007

**3.2b What are the State’s annual measurable objectives for determining Adequate Yearly Progress?**

Idaho reset starting points in 2009 based on 2007-2008 student achievement data. Idaho has established annual measurable objectives/intermediate goals for reading and mathematics. These goals/objectives will identify a single percent of students who must meet or exceed the proficient level of performance on the ISAT and the Idaho Alternate Assessment.

Idaho has set annual measurable objectives/intermediate goals separately for reading and mathematics. Beginning in 2007-2008 the annual intermediate goals/objectives will be used to determine AYP and serve as a guide to public schools in reaching the target goal by the end of the 2013-14 school year. The goals/objectives are the same for all public schools and LEAs for each grade configuration. The goals/objectives may be the same for more than one year. Idaho has set the goals/objectives and will use them to determine AYP for each public school and LEA by each student subgroup through 2013-14. (Refer to Section 3.1.)

Table II: Percent "Proficient or Higher" Required to Meet AYP  
Idaho Partial Proficiency Weighted Model

-	2008-09 2009-10	<del>2009-10</del> 2010-11 2011-12	<del>2011-12</del> 2012-13	2013-14
Reading	85.6	90.4	95.2	100
Mathematics	83.0	88.7	94.3	100
Language Arts	75.1	83.4	91.7	100

**Evidence:**

- Board action, August 15, 2003
- Board Information, February 21, 2008
- Board action December 10, 2009

**3.2c What are the State's intermediate goals for determining Adequate Yearly Progress?**

Idaho has set intermediate goals that will be applied to all school configurations (elementary, middle, and high school) by allowing multiple years at a specific target level. These targets lead to the ultimate goal of having 100% of students proficient in 2013-14. See chart in Section 3.2b.

Idaho Peer Review for 2006 required significant changes in the ISAT. As such, revised proficiency level descriptors were developed in March 2007. Based on revised PLDs and Spring 07 student data, performance standards were reset in May 2007.

**Evidence:**

Board action, August 2006  
Board Information, 2006

**PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.**

4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State makes AYP?

Idaho makes annual determinations of AYP for all public schools and LEAs. Idaho Code requires that ISDE publish an annual report of school, LEA, and state performance. Idaho Code § 33-4502 and IDAPA 08.02.03, Section 112, require annual decisions before the beginning of each school year regarding school performance.

Information used for AYP determination includes:

- The proficiency status of each student tested in the state based on the assessment results for the student. (Each student will have a total mathematics and a reading score and students' proficiency will be determined for each test as provided by the testing company contracted to score and report test results.)
- Whether each student has completed a full academic year at the school, LEA, or state level as determined by a comparison of the roster of students enrolled from the end of the first eight weeks or fifty-six (56) calendar days of the school year who were continuously enrolled through the spring testing window. A student is continuously enrolled if he/she has not transferred or dropped-out or been expelled from a ~~of~~ the public school. Students who are serving suspensions are still considered to be enrolled students. Expulsion policies in Idaho are used at the district level; students expelled at one school do not typically re-enroll at another school within the same district.
- The number of students enrolled for a full academic year determined by comparing the number of continuously enrolled students with the number of tested students.
- The percent of students enrolled for a full academic year.
- The graduation rate for public high schools as determined by the formula indicated in Section 7.1 with information coming from the current Tenth Month Enrollment Report (June) and prior year dropout reports (by student)
- Performance on the additional academic indicators: See Section 7.2 for description of the third academic indicator for public elementary and middle schools.

Disaggregated test results, percent tested, and a third academic indicator and for elementary and middle schools the academic indicator described in Section 7.2 across all required subgroups. Disaggregation of the 2006-2007 graduation rate will be available for AYP determinations in 2007-2008.

All required subgroups are identified based on subgroup membership indicated in the March testing collection. Idaho will notify schools and LEAs of any subgroup that initially does not achieve AYP in one year on any indicator (i.e., reading, mathematics, participation rate, additional academic indicator, or graduation rate).



**Consolidated State Application - Accountability Workbook**

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Each school, LEA, and sub-group will be required to meet the AMO's and the intermediate goals. Each school and LEA, including all subgroups, will be required to meet the 95% assessment participation rate indicator.

An LEA or school is identified for improvement when it misses AYP for any group for two consecutive years, or misses the other academic indicator for two consecutive years. Idaho will move to a model where an LEA is identified for improvement when it misses AYP in the same subject and same grade span for two consecutive years, or misses the other academic indicator in the same grade span for two consecutive years when Idaho's technology allows more precise calculations.

Public schools will be accountable for all students who have been enrolled in the school for a full academic year. The LEA is accountable for all students who have been enrolled for a full academic year in that LEA. The State Education Agency (SEA) is accountable for all students who have been enrolled for a full academic year in state schools. (See Section 2.2)

The decision about whether a school has achieved AYP is the responsibility of the State Department Board of Education. All accountability decisions will be based on the information collected by the test vendor, using the following electronic collections:

- Enrollment of Students at the end of the first eight weeks or fifty-six calendar days of the school year
- Student Enrollment File (SEF)
- Tenth Month Enrollment Report (June)
- Total Year Student Registration Record
- Assessment Results by Student

The State Department of Education receives student data from the vendor in an SQL table. Calculations for AYP are done using additional information listed above. The appeals site for AYP is maintained at ISDE and approval and denials are determined by the Office of the State Board.

**Evidence:**

Idaho State Code § 33-4502

IDAPA 08.02.03

Board action, August 15, 2003

Board action, December 10, 2009

PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.

**5.1 How does the definition of Adequate Yearly Progress include all the required student subgroups?**

Idaho’s definition of AYP includes measuring and reporting the achievement of subgroups of students by the indicators and subgroups that appear in Chart 5 (Accountability Subgroups and Academic Indicators). Currently, Idaho reports LEA and state performance by the required student subgroups. The Idaho Report Card can be viewed at ISDE’s website. Districts create Reports Cards for individual schools within their respective districts. Reports Cards are available to the public from each LEA.

**Chart 5. Accountability Subgroups and Academic Indicators**

	Academic Indicators		Participation Rate		Graduation/Additional Academic Indicator*
	Reading % Meeting Standard	Mathematics % Meeting Standard	Reading	Mathematics	
All Students					
Economically Disadvantaged					
American Indian/Alaskan Native					
Asian					
Black/African American					
Native Hawaiian/Other Pacific Islander					
White					
Hispanic or Latino Ethnicity					
Students with Disabilities					
LEP Students					

\* The school/LEA will not be required to disaggregate graduation rate and additional academic indicator data into the subgroups unless the school/LEA is using the “Safe Harbor” provision to achieve AYP.

Idaho’s definition of AYP requires all student subgroups to be proficient in reading and mathematics by the end of the ~~2012-13~~ 2013-14 school year. (See Section 3.1)

**Consolidated State Application - Accountability Workbook**

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**Evidence:**

Idaho Report Card <http://www.sde.idaho.gov/ipd/reportcard/SchoolReportCard.asp>  
<https://www.sde.idaho.gov/reportcard/>

IDAPA 08.02.03

Board information, February 2008

## **5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of Adequate Yearly Progress?**

Data Recognition Corporation, Idaho's assessment contractor, collects all data on all student subgroups. These data are then provided to ISDE and used to match student enrollment data with test results and other indicators to determine AYP for all required subgroups. School determinations of AYP are computed in this system. Each subgroup within the school or LEA must meet the objective for each indicator (assessment proficiency rate and participation rate) in order to achieve AYP.

Idaho uses a uniform averaging procedure across grade levels in a school, LEA, or state to produce a single assessment score for reading and a single assessment score for mathematics. Test results in 2003 provided starting points for determining intermediate goals and annual measurable objectives for schools at those grade configurations. (See Section 3.1) Additionally, Idaho applies the 95% participation rate to student subgroups.

For AYP determination, the additional academic indicator calculation is used for accountability at the school/LEA levels, but is not calculated for each subgroup. However, for schools/LEAs that must use the "Safe Harbor" provision to achieve AYP the academic indicator must then be met by the subgroup(s) that failed to achieve AYP on the assessment scores.

An LEA or school is identified for improvement when it misses AYP for any group for two consecutive years, or misses the other academic indicator for two consecutive years. Idaho will move to a model where an LEA is identified for improvement when it misses AYP in the same subject and same grade span for two consecutive years, or misses the other academic indicator in the same grade span for two consecutive years when Idaho's technology allows more precise calculations.

The Idaho Report Card will chart the progress of all groups of students and the status of each group in relation to annual measurable objectives based on the percent of students at the proficient level for reading, mathematics, the participation rate, and additional academic indicators. ISDE will provide the participating school, LEA, and state with the annual Report Card by the end of September with results.

### **Evidence:**

IDAPA 08.02.03

**5.3 How are students with disabilities included in the State's definition of Adequate Yearly Progress?**

Students with disabilities, as defined under Section 602(3) of IDEA and State Board policy are required to participate in all statewide achievement tests in Idaho. For AYP purposes, Board policy also stipulates that students with disabilities who have been enrolled in a public school for a full academic year will be included in the accountability formula. Students with disabilities must participate either in the ISAT, with or without accommodations and adaptations, or in the Idaho Alternate Assessment (IAA). The participation and proficiency results for the students with disabilities will be included in all AYP determinations.

The Office of the State Board notifies schools and LEAs of the AYP status for the student with disabilities subgroup on each indicator (i.e., reading and mathematics proficiency and participation rates, graduation rate, or the performance rate on the additional academic indicator).

The IAA is for special education students with significant disabilities, whose cognitive impairment may prevent them from attaining grade-level knowledge and skills, even with effective instruction and modifications. The IEP team determines whether a student is eligible to take an alternate assessment by using the state guidelines. The IAA is aligned to extended knowledge and skills, which are aligned to the Idaho Achievement Standards. Extended knowledge and skills differ in complexity and scope from the general education knowledge and skills. The IAA has a clearly defined scoring criteria and procedure and a reporting format that identifies the same performance levels as students taking the ISAT. All students taking the IAA are included in the calculations of adequate yearly progress (AYP) as either proficient (and above) or not yet proficient at the school, LEA and state level in reading and math and participation rates. The percent of students in the Alternate Assessment to ISAT will not exceed 1% of all students in the grades assessed at the LEA and the state levels. If it is projected that an LEA may exceed the 1% cap due to unusual circumstances, the LEA must use the state appeal process for approval.

**Evidence:**

IDAPA 08.02.03

<http://www.sde.state.id.us/SpecialEd/AltAssessment/iaamanual.pdf>

**5.4 How are students with limited English proficiency included in the State's definition of Adequate Yearly Progress?**

All LEP students in Idaho public schools are required to participate in the Plan using appropriate accommodations and modifications. LEP, when used with reference to individuals, represents:

- Individuals whose native language is a language other than English.
- Individuals who come from environments where a language other than English is dominant.
- Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

Limited English Proficient (LEP) students who receive a score in the low range on the State Board of Education approved language acquisition proficiency test and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. For AYP purposes students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. However, exited LEP students are ~~not~~ only included in the LEP subgroup when the number of LEP students in the subgroup already meets the minimum "n" size of 34. For testing purposes, exited LEP students will be coded LEPX1 and LEPX2 for first and second year of exited and monitored status. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the English Proficiency test in lieu of the reading/language usage ISAT but will still be required to take the math, and science in grades offered, ISAT with accommodations or adaptations as determined by the ELP and language proficiency score. Their participation will count positively in the 95% participation requirement for both the reading and math assessment. However, neither the math nor reading scores will be counted in the proficiency calculations. For testing purposes, first year LEP students will be coded as LEP1.

All of the required subgroups, including LEP students as described above, who are enrolled in an Idaho public school for a full academic year, will be included in the performance level measures that determine AYP and accountability status of schools, and the approval status of schools, LEAs, and the state.

Idaho will notify schools and LEAs of the LEP subgroup that initially does not achieve AYP in one year on any indicator (i.e., reading, mathematics, participation rate, additional academic indicator, or graduation rate).

**Consolidated State Application - Accountability Workbook**

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Board rule addresses the participation of LEP students and also outlines the criteria that a school-based team must evaluate each individual LEP student to determine the appropriate participation in the ISAT. LEAs may approve assessment with accommodations and modifications on a case-by-case basis for individual students.

For an LEP student who is also identified as a student with disabilities under IDEA, the IEP team will determine whether the student participates in the ISAT or meets the criteria for the Idaho Alternate Assessment.

**Evidence:**

IDAPA 08.02.03, §§111.04 and 112

Board action, December 10, 2009

**5.5 What is the State’s definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?**

Reporting Purposes

ISDE’s minimum “n” for reporting is 10 students. Idaho Report Card does not report student data for less than 10 students. However, if the minimum “n” is not met, scores are rolled into the district level. In addition, when the cell being reported is greater than 95% or less than 5%, only the symbols >95% or < 5% will be reported. This will further reduce the possibility of inadvertently identifying information about individual students.

Board rule outlines the achievement performance measures for reporting the school’s total students and each subgroup (migrant students, student gender, students with disabilities, LEP students, economically disadvantaged students, race/ethnicity to include American Indian/Alaskan Native, Asian, Black/African American, Native Hawaiian/Other Pacific Islander, White, and Hispanic or Latino Ethnicity), which contains 10 or more students.

Accountability Purposes

ISDE’s minimum “n” for accountability is 34 students. The minimum “n” of 34 will apply to ISAT, including Idaho Alternative Assessment test scores. Idaho examined the impact of the various “n” values that are statistically defensible for making valid and reliable AYP decisions. The “n” value of 34 provides confidence intervals of .05 and a power of .80, both of which are statistically acceptable.

For a comparative perspective, the following chart shows the impact of various “n” values on the number of schools that would be excluded at each value.

Fall Enrollment	Number of Schools	Elementary	Alternative/ Secondary	Exceptional Child
≤ 50	66	29	27	2
≤ 40	60	27	23	2
≤ 34	51	25	17	2

As the chart illustrates an “n” of 34 includes 15 schools in the calculation that would not be reported with an “n” of 50. Idaho has a very homogeneous student population. Approximately 86% of students are White, 11% are Hispanic or Latino ethnicity, and 3% is identified as Black/African American, Asian, or American Indian/Alaskan Native.

With an “n” ~~greater~~ less than 34 the probability is high that whole subgroups of the population would be excluded from performance calculations. Idaho will use grouping techniques consistent with federal guidelines to group students across grade-level averaging to reach reportable student numbers.



Board policy outlines the achievement performance level measures for accountability as the “school’s total students and each subgroup (students with disabilities, Limited English Proficient, economically disadvantaged, and racial/ethnic to include American Indian/Alaskan Native, Asian, Black/African American, Native Hawaiian/Other Pacific Islander, White, and Hispanic or Latino Ethnicity) that contains 34 or more students.”

**Evidence:**

IDAPA 08.02.03

Board action, December 10, 2009

**5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?**

Idaho uses a minimum “n” of 10 for reporting of school and LEA results. This minimum is consistent with requirements of the Family Educational Rights and Privacy Act (FERPA) requirements. Additionally, the Board policy assures the privacy rights of all students.

Individual student results are not public record. In order to assure that individual students cannot be identified, school results are not publicly reported or displayed when the number of students in a subgroup is less than 10 or whenever the reported results would make it possible to determine the performance of individuals such as all students in the group falling into the same performance level. Asterisks will be used on the Idaho Report Card when data are suppressed.

Results greater than 95% will be reported as “> 95%” and results less than 5% will be reported as “< 5%” in order to prevent reporting information that would violate the privacy of individual students.

**EVIDENCE:**

IDAPA 08.02.03, §111.05

**PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.**

**6.1 How is the State’s definition of Adequate Yearly Progress based primarily on academic assessments?**

Idaho’s definition for AYP is based primarily on reading and mathematics assessments for all student subgroups. The 2002-2003 test results served as the baseline data years for the assessment indicators.

To achieve AYP, all student subgroups are required to meet the state’s definition of proficient for reading and mathematics by the ~~2012-13~~ 2013-14 school year. Beginning in the 2004-05 school year, each school and LEA was required to increase the percent of students at the proficient level in that school or LEA consistent with intermediate annual measurable achievement objectives that were originally based on 2002-2003 baseline data.

The assessments that will be used to determine AYP calculations for schools and LEAs in Idaho are designated by “X” and on the following chart:

**Chart 6. Idaho’s Accountability Assessments**

GRADE	ISAT & IAA		*SCIENCE
	READING	MATHEMATICS	
K			
1			
2			
3	X	X	
4	X	X	
5	X	X	X
6	X	X	
7	X	X	X
8	X	X	
9			
10	X	X	X
11			
12			

**\*SCIENCE WILL BE REPORTED ONLY AS REQUIRED FOR 2008.**

The same performance level standards are applied to public schools and LEAs, disaggregating the data into the federally-defined subgroups to determine the minimum percent of students at or above the state’s identified proficient performance level for the respective grade spans using the starting point calculations outlined in section 3.2b and Chart 4. These calculations first identified the percent of students achieving AYP for 2003-04; determined AYP intermediate goals/annual objectives based on state performance through ~~2012-13~~ 2013-14 and determined annual growth objectives based on school performance up to ~~2012-13~~ 2013-14.

**Consolidated State Application - Accountability Workbook**

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In addition to meeting the 95% assessment participation rate, the graduation rate will be used as the additional indicator for public high schools.

**Evidence:**

IDAPA 08.02.03

Board action, January 26, 2004

Board information, February 2008

**PRINCIPLE 7. State definition of AYP includes graduation rates for public high schools and an additional indicator selected by the state for public middle and public elementary schools (such as alternative performance measure rates).**

**7.1 What is Idaho's definition for public school graduation rate?**

For Idaho, the graduation rate has been measured through AYP determinations made in 2007 using the number of students who graduate from a public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in five years. Idaho includes in the graduation rate the number of students with disabilities who are entitled to services up to the age of 21 where the Individual Education Plan warrants the additional time to meet graduation requirements. The number of high school graduates and dropouts by grade has been reported to ISDE for the last five years.

The graduation rate formula beginning in fall 2008 data collection and used in the calculation for the class of 2007 in AYP determination for the State of Idaho for 2008 uses a denominator of current year graduates, plus current year 12<sup>th</sup> grade dropouts, plus prior year 11<sup>th</sup> grade dropouts, plus two years prior 10<sup>th</sup> grade dropouts, plus three years prior 9<sup>th</sup> grade dropouts.

$$\frac{A}{A+B+C+D+E} = \text{Graduation Rate}$$

- A = Current Year Graduates
- B = Current Year 12<sup>th</sup> Grade Dropouts
- C = Prior Year 11<sup>th</sup> Grade Dropouts
- D = Two Years Prior 10<sup>th</sup> Grade Dropouts
- E = Three Years Prior 9<sup>th</sup> Grade Dropouts

Idaho uses the formula for graduation rate from the National Center for Educational Statistics (NCES). Graduation rate (G) is defined by NCES as the proportion of students that begin in ninth grade and go on to complete twelfth grade with a diploma. Idaho includes students who complete high school under the IEP exception. A General Education Development (GED) certificate does not meet requirements that are comparable for receipt of a regular high school diploma.

$$G = c_{st}^{long} = \frac{g_{st}}{g_{st} + d_{st}^{12} + d_{s(t-1)}^{11} + d_{s(t-2)}^{10} + d_{s(t-3)}^9}$$

Where

- $G$  = graduation rate.  
 $c_{st}^{\text{long}}$  = four-year completion rate for state  $s$  at year  $t$ .  
 $g_{st}$  = number of high school completers at year  $t$ .  
 $d_{st}^{12}$  = number of grade 12 dropouts at year  $t$ .  
 $d_{s(t-1)}^{11}$  = number of grade 11 dropouts at year  $t-1$ .  
 $d_{s(t-2)}^{10}$  = number of grade 10 dropouts at year  $t-2$ .  
 $d_{s(t-3)}^9$  = number of grade 9 dropouts at year  $t-3$ .

The Board established the graduation rate standard of 90%. Schools will be considered as having achieved AYP if they meet or exceed the standard or if they have made improvement toward the standard.

Idaho will first determine whether each school met the 90% target or improved its graduation rate over the previous year.

The High School ISAT is first administered at grade 10. Proficient student scores will be banked. Non-proficient students will be re-tested in grades 11 and 12. AYP calculation will be made at the 11<sup>th</sup> grade cohort in 2009 and 12<sup>th</sup> grade cohort in 2010. Proficiency on the High School ISAT is a requirement for high school graduation in Idaho.

Graduation rates will use a rolling average, averaged over a two or three year period to determine if the requirement has been met.

For small schools below the minimum “n” (with 34 or fewer students in the cohort, Idaho will conduct a small school review by:

- First determining whether the school has met the 90% target or improved its graduation rate over the previous year.
- Second, a three year rolling average of graduation rates will be applied to calculate AYP when they fail to meet 90%.
- Finally, AYP determination will be based on whether the school lost no more than 1 student per year.

For subgroups with less than 10, the 90% or improvement rule will be applied at the LEA and state levels.

For AYP determination, the graduation rate calculation will be used for accountability at the school/LEA levels, but will not be calculated for each subgroup. However, for schools/LEAs that must use the “Safe Harbor” provision to achieve AYP for the graduation rate standard must then be met by the subgroup(s) that failed to achieve AYP on the assessment standards.

**Consolidated State Application - Accountability Workbook**

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While the state has been able to calculate the graduation rate for the student population as a whole, in order to provide for disaggregation of data by subgroups Idaho implemented in the fall 2008 collection detailed data that will allow the calculation of subgroup graduation rates for "Safe Harbor" determinations for the 2007 graduating class, which will be reported in 2008 AYP determinations.

The formula for calculating the graduation rate will be based on four year completers and will be used in the AYP calculation. With the implementation of a unique student identifier within the next year districts within Idaho will be better able to track transfers of students within the state.

**Evidence:**

Board action October 2, 2003

IDAPA 08.02.03

## 7.2 What is the State's additional academic indicator for public elementary schools and public middle schools for the definition of AYP?

The Idaho State Board of Education approved beginning in the 2004-2005 school year an additional academic indicator for elementary and middle schools. Districts may choose among the following three options:

- Meet or exceed previous Language Usage ISAT proficiency rates, or
- Reduce the percentage of students that score at the below basic level on the reading and math ISAT, or
- Increase the percentage of students that score at the advanced level on the reading and math ISAT.

The guidelines for the Language Usage proficiency rates will be the same as for the previous two years. Schools/districts and any applicable subgroup using safe harbor must do one of the following to meet the Language Usage goal:

1. Maintain the percent of proficient or advanced students from the previous year, or
2. Increase the percent proficient or advanced students from previous year, or
3. Achieve a proficiency rate at or above 78% the current AMO target ~~(this target is set to increase as does the percentage expected for the language usage assessment—(see Principle 3.1).~~

In addition, the guidelines below apply to increasing the percent of advanced in reading and math or decreasing the percent of below basic in reading and math:

1. Increase in percent of advanced is an average of the percent of increase in reading and the increase in math delineated by the following formulas:
  - a) Formula for increase of advanced percent:  $((\text{Percent of advanced students in reading year 2} - \text{percent of advanced students in reading year 1}) + (\text{Percent of advanced students in math year 2} - \text{percent of advanced students in math year 1})) / 2$
  - b) Formula for decrease of below basic percent:  $((\text{Percent of below basic students in reading year 1} - \text{percent of below basic students in reading year 2}) + (\text{Percent of below basic students in math year 1} - \text{percent of below basic students in math year 2})) / 2$
2. Districts must maintain the previous year's level or make progress in either the percent of advanced or percent of below basic students to have achieved the goal.

The following are general guidelines for all three options:

1. Selection of an option is in force for a minimum of one year. Districts may change their selection annually by written notification to the Office of the State Board of Education by September 15<sup>th</sup> of each year. The selection will remain in effect unless notification is received by this date.



**Consolidated State Application - Accountability Workbook**

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2. Districts must select a choice that will be applied to all schools within that district, including charter schools. Charter schools not chartered by a district will make a decision as an LEA.

LEA choices must be made at the beginning of the school year. The language usage option was assigned to LEAs that did not make the cut off date for the 2004-2005 school year.

These gains are measured by performance on the ISAT tests, eliminating the need for an additional statewide test. The language usage test is an academic test that is developed and maintained according to the same technical standards as the mathematics, reading, and science tests that are components of the ISAT.

For the AYP determination, the additional academic indicator calculation will be used for accountability at the school/LEA levels, but will not be calculated for each subgroup. However, for schools/LEAs that must use the "Safe Harbor" provision to achieve AYP for the achievement indicator, the additional academic indicator standard must then be met by the subgroup(s) that failed to achieve AYP on the assessment standards.

**Evidence:**

Board action, January 26, 2004

Board action, December 10, 2009

### 7.3 Are the State's academic indicators valid and reliable?

Idaho has defined academic indicators that are valid and reliable as demonstrated by the use of clear definitions (e.g., United States Department of Education-recommended calculation formulas) for data elements and the statewide collection and analysis of data by the Board and ISDE. The Board and ISDE review data submitted by LEAs, including school/LEA graduation and additional academic indicators, and publishes the information in school/LEA/state Report Cards. This includes the monitoring of databases to verify the accuracy of data.

Idaho's graduation rate calculation is consistent with the NCES calculation (See Section 7.1) with the exception that Idaho includes a provision that for students with disabilities who meet the criteria established on his or her IEP that specifically address completion of the student's secondary program more than four years can be taken to graduate. The same flexibility is allowed for LEP students with an ELP plan.

In 2007 and 2008, Idaho has contracted with outside vendors to conduct independent reliability and validity studies of ISAT reading, mathematics, language usage, and science assessments. Educators from each part of the state will be involved in ongoing item writing and test development to provide test items for each testing session. Alignment study results will be used to guide the items writing sessions and assure that alignment is maintained. found each content area to be in satisfactory alignment with Idaho content standards. The alternate assessment, has been redesigned as a portfolio assessment aligned with Idaho Standards, and all content areas will be assessed using the new system in 2009-2010. An independently review will be conducted analyzed to assure validity, reliability, and alignment.

#### **Evidence:**

Idaho State Department of Education website for Idaho Report Card  
<http://www.sde.idaho.gov/ipd/reportcard/SchoolReportCard.asp>  
<https://www.sde.idaho.gov/reportcard/>  
Idaho State Department of Education website for alignment studies  
<http://www.sde.idaho.gov/site/assessment/ISAT/technicalReports.htm>

Board action, December 10, 2009

**PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.**

**8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?**

For accountability purposes, using the ISAT, achievement in reading and mathematics are measured separately. For Idaho students with significant cognitive impairment, the Idaho Alternate Assessment (IAA) is used to assess students for accountability. (See Chart 3 in Section 3.1) During the 2002–03 academic year, Idaho implemented the ISAT assessment program on a statewide basis.

**PRINCIPLE 9. State Accountability System is statistically valid and reliable.**

**9.1 How do AYP determinations meet the State's standard for acceptable reliability?**

Idaho will provide a process that creates evidence that AYP determinations are reliable. The reliability of the Plan determinations will be assured through:

- Uniform averaging of proficiency categories across grade levels within the school and LEA to produce a single school or LEA score.
- 2002-03 scores were used as baseline for determining starting point. Idaho has established the trajectory of intermediate goals and annual objectives beginning in 2004-2005.
- Statistical tests to support the minimum "n" decision.
- A minimum subgroup size of 34 is being used for accountability.
- External review for content standards alignment.
- Third party independent alignment studies for Mathematics, Science and Reading were completed in May 2007 and for Language Usage in January 2008. Note: Language Usage was delayed until Idaho's item bank was sufficient. All four alignment studies are available at <http://www.boardofed.idaho.gov/saa/Technical-Reports.asp>.  
<http://www.sde.idaho.gov/site/assessment/ISAT/technicalReports.htm>.
- "Safe Harbor" provision and evidence that this rule increases reliability of decisions about schools.

Note: Validity, reliability and alignment studies for the IAA will be available in fall 2009. IAA is currently under revision.

**Evidence:**

(2) Assessment Data analysis from ISAT

Technical Reports: ISAT

<http://www.boardofed.idaho.gov/saa/Technical-Reports.asp>.

<http://www.sde.idaho.gov/site/assessment/ISAT/technicalReports.htm>.

Board action, December 10, 2009

(3)

## **9.2 What is the State's process for making valid AYP determinations?**

Idaho's Plan is designed for construct validity and ongoing analysis of results.

Reliable assessments aligned with content standards will result in accurate identification of schools and LEAs in need of improvement. Accurate data collection and reporting will support the inferences drawn from the System. Schools and LEAs will have access to an appeals procedure following preliminary identification.

In order to increase the validity of accountability decisions, Board policy includes the following Appeals Process:

1. The Idaho State Board of Education, with the assistance of the Idaho State Department of Education, determines preliminary identification of all schools and LEAs that have not met AYP according to the state criteria. The LEA will notify all schools that are identified for school improvement.
2. Within 30 days of preliminary identification, the agency (LEA/school) reviews its data and may challenge its identification. The agency (LEA/school) not meeting AYP may appeal its status and provide evidence to support the challenge to the agency making the identification (Idaho Board of Education or LEA).
3. No later than thirty days after preliminary identification, the identifying agency reviews the appeal and makes a final determination of identification for school improvement.

A valid and reliable accountability system has been designed for the ISAT assessment program that includes the requirements of NCLB. The new accountability system will be designed to create the most advantageous balance of 1) reliable results, 2) public confidence in the results, 3) including all public schools in the accountability formula, and 4) capacity building and development of resources to serve Idaho students and schools.

As the Idaho Accountability System is revised, Idaho will regularly examine the validity and reliability of the data related to the determination of AYP and decision consistency for holding public schools and LEAs accountable within this system. Updated analysis and reporting of decision consistency will be shared with the public at appropriate intervals.

### **Evidence:**

IDAPA 08.02.03

**9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessment?**

The current ISAT was first developed for the spring 2007 administration. The development of test forms for subsequent administrations will be carefully linked and equated to previous administrations meeting current Standards for Education and Psychological Testing, AERA. Current technical reports are available at the State Board website.

ISAT is delivered primarily on the computer. Idaho provides accommodated versions of the assessment including pencil/paper, large print, Braille and audio for students requiring these accommodations. Online administration of the test increases accuracy and reliability of test results. New assessments that are implemented as part of the Plan will employ similar computer technology to assure consistent accuracy and reliability.

Note: The IAA is currently under revision. Technical reports will be available in fall 2009.

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**Evidence:**

IDAPA 08.02.03

Technical Reports: ISAT

<http://www.boardofed.idaho.gov/saa/Technical-Reports.asp>

<http://www.sde.idaho.gov/site/assessment/ISAT/technicalReports.htm>

Board action, December 10, 2009

**PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95 percent of the students enrolled in each subgroup.**

**10.1 What is the State's method for calculating participation rates in the state assessments for use in Adequate Yearly Progress determinations?**

NCLB requires that a *minimum* of 95% of students enrolled in public schools as well as 95% of students in *each* subpopulation take the test. The 95% minimum precludes public schools from shielding low-scoring students in subpopulations from AYP accountability. Failure to include 95% of students automatically identifies the school as not having achieved AYP. The 95% determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster files:

$$\frac{T}{E} \geq .95$$

**Where**

**T = number of students tested.**

**E = number of students reported on the class roster files.**

**Invalid tests are included in the denominator, but not in the numerator.  
The state uses standard rounding rules in these calculations.**

In 2004 Idaho added to Board Rule the provision to use an average of the most recent three years to determine whether an LEA meets or exceeds the 95% requirement. IDAPA 08.02.03, Rules Governing Thoroughness, in section 03(b)1 states:

If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most recent two (2) year or the most recent (3) year average of participation.

This change is in accord with the 2004 policy decision of the U.S. Department of Education.

**Evidence:**

IDAPA 08.02.03

**10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?**

For determining AYP, Idaho will apply the 95% of total enrollment participation requirement for grades tested for all schools and subgroups unless the subgroup has less than the minimum "n." For subgroups less than the minimum "n," the 95% assessed requirement will be applied at the LEA and state levels.

Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the spring ISAT by the number of students reported on the class roster file for the spring ISAT.

- 1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate will be calculated by a three (3) year average of participation.
- 2) Students who are absent for the entire state-approved testing window because of a significant medical emergency are exempt from taking the ISAT if such circumstances prohibit them from participating.

For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination.

**Evidence:**

IDAPA 08.02.03



**APPENDIX A**

**Adequate Yearly Progress  
Accountability Procedures**

**for**

**Idaho Local Education Agencies & Schools**

**Approved by the State Board of Education June 2004**

**Revised June 2006**

**Revised January 2008**

**Revised January 2009**

**State of Idaho**  
**Consolidated State Application - Accountability Workbook**

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**CONTENTS**

**Part I – School Procedures.....3**

Accountability Timeline for Schools Not Making Adequate Yearly Progress.....3

Section I. Technical Assistance .....4

Section II. School Choice .....7

Section III. School Improvement Plan.....8

Section IV. Supplemental Services.....9

Section V. Corrective Action.....12

Section VI. Restructuring.....13

**Part II – Local Education Agency Procedures.....14**

Accountability Timeline for LEAs Not Making Adequate Yearly Progress .....14

Section I. Technical Assistance .....15

Section II. LEA Improvement Plans .....15

Section III. Corrective Action.....16

## INTRODUCTION

State Board of Education administrative rules and federal law establish sanctions or consequences for schools and local education agencies (LEAs) that do not make Adequate Yearly Progress (AYP). Part I of this document details the sanctions and procedures for schools. Part II details the sanctions and procedures for LEAs.

## PART I: SCHOOL PROCEDURES

Sanctions begin when a school fails to make AYP for two consecutive years. The sanctions become progressively more severe over the following five years if the school continues to fail to make AYP.

Not Meeting AYP	Schools	LEAs
Year 1 & 2	Identified as not achieving AYP	Identified as not achieving AYP
Year 3	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Develop and Implement an Intervention School Improvement Plan</li> <li>• Supplemental Services for eligible students in reading and math if choice not available</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Develop and implement an Intervention Improvement Plan</li> </ul>
Year 4	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Implement Intervention School Improvement Plan</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement the Intervention Improvement Plan</li> </ul>
Year 5	Corrective Action <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Technical Assistance from LEA</li> <li>• Implement Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective Action</li> <li>• Technical Assistance from SDE</li> <li>• Implement Corrective Action</li> </ul>
Year 6	School Improvement <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Develop a Restructuring Plan</li> </ul>	Corrective Action <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement Corrective Action</li> </ul>
Year 7	School Improvement <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Implement Alternative Governance</li> </ul>	

Note: For non-Title 1 schools identified for School Improvement (year 3, 4, 5, 6 & 7), see page 11 for alternate options for offering Supplemental Services.

An LEA, also called a school district or LEA charter school, must follow specific procedures to implement these sanctions when one or more of its schools consistently fail to make AYP. Procedures for each sanction and state support are detailed in the following sections:

- Section I Technical Assistance
- Section II School Choice
- Section III School Improvement Plans
- Section IV Supplemental Services
- Section V Corrective Action
- Section VI Restructuring

### **Section I. Technical Assistance**

Although technical assistance is listed with the consequences of not making AYP, it is not a sanction. Technical assistance is practical advice offered by an external source that addresses specific areas of improvement.

Federal law places the primary responsibility for providing technical assistance to schools with the LEA. The State Department of Education (SDE) also plays a significant role in the improvement process. Both federal law and State Board rule require the SDE to provide support to LEAs and schools (technical assistance, consultation, etc.) in the planning and implementation of school improvement.

Below are requirements identified in federal law for the LEA and the state with regard to providing technical assistance. Each sanction or consequence also identifies specific technical assistance procedures for the LEA.

#### **LEA**

The LEA is required to provide technical assistance to its schools that fail to make AYP and are identified for improvement. Although the LEA must ensure its schools receive technical assistance, federal law allows the LEA to use other agencies to provide the direct services. Other acceptable technical assistance providers may include:

- the State Department of Education,
- an institution of higher education,
- a private, not-for-profit or for-profit organization,
- an educational service agency, or
- another entity with experience in helping schools improve academic achievement.

Additional resources may be found on the State Department of Education's website at <http://www.sde.idaho.gov>.

## State Support

Federal law sets specific technical assistance responsibilities for the state. States are to do the following:

1. Reserve and allocate Title I Part A funds for school improvement activities.
2. Create and sustain a statewide system of support that provides technical assistance to schools and LEAs identified for improvement.

The central focus of the statewide system of support and improvement is utilizing external teams of skillful and experienced individuals and professionals to assist schools and LEAs. Federal law also details the roles and responsibilities of these groups as follows:

1. A team is a group of skillful and experienced individuals charged with providing struggling schools with practical, applicable and helpful assistance in order to increase the opportunity for all students to meet the state's academic content and student academic achievement standards.
2. Each team must be comprised of individuals who are knowledgeable about scientifically based research and practice and its potential for improving teaching and learning. In addition, team members should be familiar with a wide variety of school reform initiatives, such as school wide programs, comprehensive school reform, and other means of improving educational opportunities for low-achieving students.
3. Typically, teams will include some or all of the following:
  - a. Highly qualified or distinguished teachers, principals, and district level personnel;
  - b. Pupil services personnel;
  - c. Parents;
  - d. Representatives of institutions of higher education;
  - e. Representatives of educational laboratories or regional technical assistance centers;
  - f. Representatives of external consultant groups; or
  - g. Other individuals that the state, in consultation with the LEA, may deem appropriate.

An extensive knowledge base, wide-ranging experience, and credibility are essential qualifications for team members.

4. The team's responsibility is to assist the school in strengthening its instructional program to improve student achievement. Specifically, the team must do the following:

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

- a. Review and analyze all facets of the school's operation, including the design and operation of the instructional program, using the findings from this review to help the school develop recommendations for improved student performance.
- b. Collaborate with school staff, LEA staff, and parents to design, implement and monitor an improvement, corrective action or restructuring plan that can be expected to help the school meet its improvement goals if implemented.
- c. Monitor the implementation of the intervention school improvement plan and request additional assistance from the LEA or the state as needed by the school or the team.
- d. Provide feedback at least twice a year to the LEA, and to the state when appropriate, about the effectiveness of the personnel assigned to the school.
- e. The overall charge of the team is to help the school create and implement a coherent, efficient and practical plan for improvement. Effective team members will possess the knowledge, skills, experience and interpersonal skills that will enable them to address problems.

The state also must draw on the expertise of other entities to provide assistance as needed, such as institutions of higher education, educational service agencies or other local consortia, or private providers of scientifically based technical assistance. To the extent practicable, the statewide support system must work with and receive assistance from the comprehensive regional technical assistance centers and regional educational laboratories funded under the Elementary and Secondary Education Act (ESEA), or other providers of technical assistance.

In addition the state must monitor the efforts of LEAs to assist their schools identified for improvement. Federal law directs the state to do the following:

1. Make technical assistance available to schools identified for school improvement, corrective action or restructuring.
2. If the state determines that a LEA failed to carry out its responsibilities, take such corrective actions as the state determines to be appropriate and in compliance with state law.
3. Ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection.
4. For LEAs or schools identified for improvement under this subsection, notify the U.S. Secretary of Education of major factors that were brought to the attention of the state that have significantly affected student academic achievement.

## **Section II. School Choice**

Below are the School Choice procedures that must be followed by an LEA when one or more of its schools fail to make AYP for two or more years. Choice must be offered until the school meets AYP for two consecutive years or is restructured.

### **The LEA must do the following:**

1. Create a choice policy or revise an existing choice or open enrollment policy (Idaho Code 33-1402) to include choices for students enrolled in schools identified for improvement. The policy should include:
  - a. Parental notification of choices as soon as possible after identification and no later than 14 days prior to the start of the school year;
  - b. Procedures for parents to sign up their child for transfer;
  - c. Transportation options;
  - d. Criteria to be used for priority rankings if needed;
  - e. Schools available for transfer; and
  - f. Agreements with other LEAs to accept transfer students.
2. For each of its schools not making AYP for two or more years, advise parents of the school's improvement status and offer choices as soon as possible after identification and no later than the first day of school. The notice should accomplish the following:
  - a. Inform parents that their child is eligible to attend another public school due to the identification of the current school as in need of improvement.
  - b. Identify each public school, which may include charter schools, that the parent can select.
  - c. Include information on the academic achievement of the schools that the parent may select.
3. Report to the State Department of Education the number of students using the choice.

### **State Support**

The State Department of Education will provide technical assistance to the LEA upon request. Technical assistance may include providing sample letters to parents, sample policies and other services.

## **Section III. School Improvement Plan**

All Idaho LEAs and their schools have a strategic plan or a continuous school improvement plan. This sanction refers to a section of that plan that addresses the specific reading and math problems identified through AYP monitoring.

## **Procedures**

Below are the procedures that must be followed by a LEA when schools do not make AYP for two or more years.

### **The LEA must do the following:**

1. Provide direct technical assistance or provide for other agencies to provide technical assistance to all its identified schools in creating a two-year school improvement plan. Technical assistance should include the following:
  - a. School improvement planning and implementation;
  - b. Data analysis;
  - c. Identification and implementation of effective, scientifically based instructional strategies;
  - d. Professional development; and
  - e. Budget analysis.
2. Ensure that each school identified for improvement completes, within 90 days of its identification, a two-year school improvement plan for LEA review. Improvement plans must:
  - a. Focus on reading and/or math deficiencies in participation or proficiency.
  - b. Identify scientifically based teaching strategies.
  - c. Outline professional development.
  - d. Include parental involvement.
  - e. Identify technical assistance needs.
  - f. Establish measurable goals.
  - g. Define implementation responsibilities for the school and the LEA.
3. Create a process for peer review of the plan.
4. Give final approval within 45 days of receiving the plan.
5. Work with the State Department of Education to identify a school team to assist schools identified for improvement.
6. Ensure that the plan is implemented as soon as possible after approval and no later than the beginning of the following school year.

## **State Support**

The SDE will provide technical assistance to the LEA upon request. Technical assistance may include the following:

1. Reviewing and analyzing all facets of the school's operation, including the design



and operation of the instructional program;

2. Assisting with writing the plan;
3. Reviewing the Mentoring Program;
4. Identifying a team to advise the school;
5. Offering regional workshops; and
6. Providing feedback at least twice a year to the LEA.

#### **Section IV. Supplemental Services**

Students from low-income families who are attending schools that have been identified as needing improvement may be eligible to receive outside tutoring or academic assistance. Parents can choose the appropriate services for their child from a list of state-approved providers. The LEA will purchase the services with funds identified for this use.

#### **Procedures**

Below are the supplemental services procedures that must be followed by a LEA when one or more of its schools fails to make AYP for three or more consecutive years. Supplemental services must be offered until the school meets AYP for two consecutive years or is restructured. Requirements of this program vary depending upon whether the school receives Title I funds.

#### **For Title I schools, the LEA must do the following:**

1. Notify parents about the availability of services, at least annually. The notice must:
  - a. Identify each approved service provider within the LEA and LEA charter school, in its general geographic location or accessible through technology such as distance learning.
  - b. Describe the services, qualifications and evidence of effectiveness for each provider.
  - c. Describe the procedures and timelines that parents must follow in selecting a provider to serve their child.
  - d. Be easily understandable; in a uniform format, including alternate formats upon request; and, to the extent practicable, in a language the parents can understand.
2. Help parents choose a provider, if requested.

3. Determine which students should receive services if not all students can be served based on eligibility criteria. If the LEA anticipates that it will not have sufficient funds to serve all students eligible to receive services, include in the notice information on how it will set priorities in order to determine which eligible students do receive services.
4. Protect the privacy of students who receive supplemental educational services.
5. Enter into an agreement with a provider selected by parents of an eligible student. The agreement must include the following:
  - a. Specific achievement goals for the student, which must be developed in consultation with the student's parents;
  - b. A description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress;
  - c. A timetable for improving the student's achievement;
  - d. A provision for termination of the agreement if the provider fails to meet student progress goals and timetables;
  - e. Provisions governing payment for the services, which may include provisions addressing missed sessions;
  - f. A provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving supplemental educational services without the written permission of the student's parents; and
  - g. An assurance that supplemental educational services will be provided consistent with applicable health, safety and civil rights laws.
6. Assist the state in identifying potential providers within the LEA and LEA charter school.
7. Report to the State Department of Education the number of students using the supplemental services option.
8. Provide the information the state needs to monitor the quality and effectiveness of the services offered by providers.

**For non-Title I schools, the LEA must do the following:**

1. Follow the same procedures outlined in the previous section for Title I schools using state approved supplemental service providers; **OR**
2. Meet the intent of the State Board of Education rule by offering eligible students access to:
  - a. Computerized remediation programs such as Idaho Plato Learning Network (I-PLN);
  - b. Remedial classes through the Idaho Digital Learning Academy;

- c. After-school academic programs; or
- d. Other district-sponsored remedial or tutoring services.

Districts using option #2 must notify parents of the choices available to students in non-Title I schools. The notification should:

- a. Describe the services available to eligible students;
  - b. Describe the procedures and timelines that parents must follow in selecting a provider to serve their child;
  - c. Be easily understandable; in a uniform format, including alternate formats, upon request; and, to the extent practicable, in a language the parents can understand; and
  - d. If the LEA anticipates that it will not have sufficient funds to serve all students eligible to receive services, include in the notice information on how it will set priorities in order to determine which eligible students do receive services.
3. Report to the State Department of Education the number of students using the supplemental services option.
4. Provide the information the state needs to monitor the quality and effectiveness of the services offered by providers.

### **State Support**

The state has a number of responsibilities in ensuring that eligible students receive additional academic assistance. The State Department of Education will do the following:

- 1. Consult with parents, teachers, LEAs and LEA charter schools, and interested members of the public to identify supplemental educational service providers so that parents have choices.
- 2. Provide and disseminate broadly, through an annual notice to potential providers, the process for obtaining approval to be a provider of supplemental educational services.
- 3. Develop and apply objective criteria for approving potential providers.
- 4. Maintain an updated list of approved providers.
- 5. Give school districts a list of available approved providers in their general geographic locations.

### **Section V. Corrective Action**

This stage requires an LEA to ensure that each school identified for corrective action makes substantive change. This is a process of immediate planning and implementation. If the school continues to fail to meet AYP, the school also must begin planning to restructure.

## Procedures

Below are the Corrective Action procedures that must be followed by the LEA when one or more of its schools fails to make AYP for four and five consecutive years. Schools may choose to submit restructuring plans for approval prior to Year 5.

### The LEA must do the following:

1. Ensure that each school identified for corrective action continues to offer choice and supplemental services.
2. Continue to provide technical assistance to schools identified for corrective action.
3. Enroll schools in the state sponsored technical assistance program **and/or** take **one** of the following actions as soon as possible, no later than the beginning of the following school year:
  - a. Provide for all relevant staff appropriate, scientifically research-based professional development that is likely to improve academic achievement of low-performing students.
  - b. Institute a new curriculum grounded in scientifically based research and provide appropriate professional development to support its implementation.
  - c. Extend the length of the school year or school day in a substantive amount to improve instruction and increase student learning.
  - d. Replace the school staff who are deemed relevant to the school not making AYP.
  - e. Significantly decrease management authority at the school.
  - f. Restructure the internal organization of the school.
  - g. Appoint one or more external experts to advise the school
    - (1) how to revise and strengthen the improvement plan it created while in school improvement status, and
    - (2) how to address the specific issues underlying the school's continued inability to make AYP.
4. In the fifth year of failing to make AYP, plan for restructuring if the school does not met AYP by the end of the year.
5. In the fifth year of failing to make AYP, provide teachers and parents with notification, opportunity to comment and participation in the development of the school's restructuring plan.

## State Support

The State Department of Education will continue to provide technical assistance and monitor the identified corrective actions.

## **Section VI. Restructuring**

This is the last of the sanctions identified for a school and results in a change in governance and operation of the school. Restructuring is a two-year process directed by the LEA. When complete, the restructured school no longer is required to offer choice or supplemental services and is considered in its first year of AYP monitoring.

### **Procedures**

Below are the restructuring procedures that must be followed prior to the beginning of the school year by a LEA when one or more of its schools does not make AYP for four and five years.

1. Continue to plan for restructuring if the school does not meet AYP by the end of the year.
2. Continue to provide teachers and parents with notification, opportunity to comment, and participation in the development of the school's restructuring plan.
3. Prepare a restructuring plan to implement at least one of the following actions:
  - a. Replace all or most of the school staff.
  - b. Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to aid in the operation of the school as a public school.
  - c. Turn the operation of the school over to the state education agency.
  - d. Re-open the school as a public charter school.
  - e. Implement any other major restructuring of the school's governance that is consistent with the principles of restructuring as set forth in the Idaho State Department of Education's Restructuring Rubric for Idaho Local Education Agencies and Schools.
4. State Department of Education reviews and makes recommendations to the State Board of Education.
5. State Board of Education will determine if the school remains in restructuring or begins as a new school.
6. Begin implementing the restructuring plan no later than the first day of the upcoming school year.

### **State Support**

The State Department of Education will continue to provide technical assistance in addition to coordinating efforts with the LEA and its team to implement the restructuring plan.

### **PART II: LOCAL EDUCATION AGENCY PROCEDURES**

State Board of Education rules and federal law establish sanctions or consequences for LEAs that do not make AYP. Sanctions begin when a LEA fails to make AYP for two consecutive years.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

The sanctions become progressively more severe over the following five years if the LEA continues to fail to make AYP.

Not Meeting AYP	Schools	LEAs
Year 1 & 2	Identified as not achieving AYP	Identified as not achieving AYP
Year 3	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Develop and Implement an Intervention School Improvement Plan</li> <li>• Supplemental Services for eligible students in reading and math if choice not available</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Develop and implement an Intervention Improvement Plan</li> </ul>
Year 4	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Implement Intervention School Improvement Plan</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement the Intervention Improvement Plan</li> </ul>
Year 5	Corrective Action <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Technical Assistance from LEA</li> <li>• Implement Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective Action</li> <li>• Technical Assistance from SDE</li> <li>• Implement Corrective Action</li> </ul>
Year 6	School Improvement <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Develop a Restructuring Plan</li> </ul>	Corrective Action <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement Corrective Action</li> </ul>
Year 7	School Improvement <ul style="list-style-type: none"> <li>• Choice</li> <li>• Supplemental Services</li> <li>• Implement Alternative Governance</li> </ul>	

Note: For non-Title 1 schools identified for School Improvement (year 3, 4, 5, 6 & 7), see page 11 for alternate options for offering Supplemental Services.

An LEA, also called a school district or LEA charter school, must follow specific procedures to implement these sanctions when the LEA has failed to make AYP for two or more consecutive years. Procedures for each sanction and state support are detailed in the following sections:

- Section I Technical Assistance
- Section II LEA Improvement Plan
- Section III LEA Corrective Action Plan

### Section I. Technical Assistance

Although technical assistance is listed with the consequences of not making AYP, it is not a sanction. Technical assistance is practical advice offered by an external source that addresses specific areas of improvement. The purposes of state technical assistance are to help the LEA:

1. Develop and implement its required plan; and
2. Work more effectively with its schools identified for improvement.

## **Section II. Local Education Agency Improvement Plan**

All Idaho LEAs have a strategic plan for their programs and schools. This sanction refers to an addition to the plan that addresses the specific problems identified through AYP monitoring.

### **Procedures**

Below are the procedures that must be followed by the LEA when it does not make AYP for two or more years. LEAs may choose to submit corrective action plans for approval prior to Year 5.

### **The LEA must do the following:**

1. Develop or revise an improvement plan, no later than three months after the identification. In developing or revising this plan, the LEA must consult with parents, school staff, and others. The plan must:
  - a. Address the fundamental teaching and learning needs of schools in the LEA, especially the academic problems of low-achieving students.
  - b. Define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the state's definition of AYP.
  - c. Incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic subjects.
  - d. Include, as appropriate, student learning activities before school, after school, during the summer and during any extension of the school year.
  - e. Provide for high-quality professional development for instructional staff that focuses primarily on improved instruction in the areas identified as needs improvement.
  - f. Include strategies to promote effective parental involvement in the schools served by the LEA.
2. Implement its improvement plan, whether new or revised, no later than the beginning of the subsequent school year.

### **State Support**

When a LEA is identified for improvement, federal law also requires the state to take specific actions. The state must do the following:

1. Promptly notify the parents of each student enrolled in the schools served by that LEA. In the notification, the state must explain the reasons for the identification and

how parents can participate in improving the LEA.

2. Promptly notify parents of its action in clear and non-technical language, providing information in a uniform format and in alternative formats upon request. When practicable, the state must convey this information to limited English proficient parents in written translations that they can understand. If that is not practicable, the information must be provided in oral translations for these parents.

3. Broadly disseminate findings.

### **Section III. Corrective Action**

Corrective action is the collective name given to steps taken by the state that substantially and directly respond to serious instructional, managerial and organizational problems in the LEA that jeopardize the likelihood that students will achieve proficiency in the core academic subjects of reading and mathematics.

The state may choose to delay LEA identification for corrective action if the LEA makes AYP for one year. Otherwise, only extreme circumstances justify a delay, such as a natural disaster, precipitous and unforeseen decline in the financial resources of the LEA or other exceptional or uncontrollable circumstances. In any case, if the state chooses to delay identification, it may do so for only one year and in subsequent years must apply appropriate sanctions as if the delay never occurred.

#### **Procedures**

Federal law requires the state to take specific steps when a LEA does not make AYP for three or more years.

#### **The state must do the following:**

1. Continue to ensure that the LEA is provided with technical assistance.
2. Provide the LEA with a public hearing no later than 45 days after the state decision.
3. Take at least **one** of the following corrective actions, as consistent with state law:
  - a. Defer programmatic funds or reduce administrative funds.
  - b. Institute and fully implement a new curriculum based on state and local content and academic achievement standards that includes appropriate, scientifically research-based professional development for all relevant staff.
  - c. Replace LEA personnel who are relevant to the inability of the LEA to make adequate progress.
  - d. Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision.



STATE DEPARTMENT OF EDUCATION  
DECEMBER 9, 2009

- e. Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board.
- f. Abolish or restructure the LEA.

In conjunction with at least one of the actions on this list, the state may also authorize parents to transfer their child from a school operated by the LEA to a higher-performing public school operated by another LEA that is not identified for improvement or corrective action. If it offers this option, the state must also provide transportation or provide for the cost of transportation to the other school in another LEA.

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STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

November 9, 2009

Dr. Zollie Stevenson, Director  
U.S. Department of Education  
Office of Elementary and Secondary Education  
Student Achievement and School Accountability Programs  
400 Maryland Avenue, S. W., Room 3W230  
Washington, DC 20202

Dear Dr. Stevenson,

The Idaho State Department of Education is writing to request an extension to the graduation requirement as outlined in 34 C.F.R. §200.19(b) and further expanded in the "High School Graduation Rate, Non-Regulatory Guidance" dated December 22, 2008. While we recognize we are well past the deadline of March 2, 2009, we hope the U.S. Department of Education will consider the extenuating circumstances that likely contributed to the State of Idaho missing that deadline.

In early 2009, Idaho Governor Otter issued an order that all the assessment programs, specifically all assessments to meet federal requirements, be reassigned from the Office of the Idaho State Board (Board) of Education to the Idaho State Department of Education (Department). The Legislature agreed and a transition period was agreed upon and over a period of several months some Board staff members were moved to the Department and other staff were newly hired to oversee the assessment division. During this transition, the State of Idaho missed the deadline for requesting an extension of the graduation rate calculation requirement.

The authority and oversight for the Idaho Accountability Workbook and graduation rate calculation was previously under the Office of the State Board of Education and not under the Department's purview. As of July 1, 2009, when the Assessment Program transitioned to the Department, the Department became responsible for these elements. In September 2009, the Department received the Peer Review Guidance document for the Graduation Rate Calculation. Upon receipt of that document, assessment staff at the Department began preparing the peer review documentation. In the research to answer all applicable questions, Department staff discovered this critical deadline had been missed. The Idaho State Department of Education is now requesting this extension.

As stated in the non-regulatory guidance section F, Idaho is submitting a timeline (Attachment A) addressing the planned steps to report the four-year cohort graduation rate and evidence demonstrating why Idaho is unable to meet the 2011-2012 AYP graduation rate reporting deadline.

As a state, Idaho has made tremendous efforts to implement a data system to collect individual level student data at the state level. Detailed in a report by the Idaho Office of Performance Evaluations, Idaho is estimated to have spent over \$2.2 million and the J.A. and Kathryn Albertson Foundation, a private foundation, is estimated to have spent \$23 million on a failed ISIMS longitudinal data project.<sup>1</sup> ISIMS was intended to provide the state with a unique ID system and the ability to track students in a way that would provide the individual student-level data needed for graduation rate calculations. After the project failed, however, Idaho was left in December 2004 with sustaining the current aggregate data collection procedures. Specifically, in the 2007 Data Quality Campaign/NCEA Survey of State P-12 Data Collection Issues Related to Longitudinal Analysis<sup>2</sup>, the only essential element met by Idaho was the collection of individual dropout data.

Despite the tremendous monetary and momentum set back in 2004, Idaho has renewed its efforts to create a Statewide Longitudinal Data System. Idaho was awarded a Longitudinal Data System grant from the U.S. Department of Education in May 2009. This \$5.9 million grant will support development until 2012. In addition, Idaho is submitting an application for a second Longitudinal Data System grant from the U.S. Department of Education this month. The Idaho Legislature also committed \$2.5 million and one additional position to the Department for fiscal year 2009 for data management improvement activities. In fiscal year 2010, the Department again received funding for one full-time position to support the Longitudinal Data System strategies. In the same year, the Department realigned its Information Technology mission, focusing more of its internal resources on the goals of the Longitudinal Data System. For fiscal year 2011, the Department has requested additional state funds for a full-time position and ongoing operating costs.

Besides simply creating the Longitudinal Data System, the State of Idaho also recognized a need for all LEAs to have reliable and high-speed access to networked tools and resources. In 2008, the Idaho Legislature formed the Idaho Education Network (IEN) to address this need.<sup>3</sup> More than \$30 million in funding has been allocated for this program over a three-year period. The sources of funding include the State of Idaho, e-rate funds, and grant funds from private foundations. Over the next three years, every Idaho public high school will be connected to IEN.

Prior to the May 2009 grant, Idaho has not been able to track individual student data, including graduation data or transfers, except through district annual uploads of data. The state gathers individual dropout data, assessment data, migrant data, and individual teacher assignments. Otherwise, all collections are of aggregate data. The collections are independent with little to no ability for cross-connection because of the lack of a unique ID system. This leads to significant duplication and increased burden on LEAs, as well as inconsistency among data collections.

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<sup>1</sup> Idaho Office of Performance Evaluation, "Idaho Student Information Management System (ISIMS)--Lessons for Future Technology Projects," <http://www.legislature.idaho.gov/ope/publications/reports/r0602.pdf>.

<sup>2</sup> Data Quality Campaign, <http://www.dataqualitycampaign.org>

<sup>3</sup> Idaho House Bill No. 543, <http://www3.state.id.us/oasis/2008/H0543.html>

STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

In January 2010, Idaho will pilot the first phase of the Longitudinal Data System with 10 LEAs. The state will now be able to begin the collection of the data necessary to calculate the four-year adjusted cohort graduation rate. In August 2010, all LEAs will be integrated into the Longitudinal Data System and use a unique student ID. As with any statewide deployment of a system, we anticipate numerous issues will need to be addressed during this time. Therefore, Idaho is proposing in the attached timeline to use the collected, student-level data in 2010-2011 to calculate the first year of the four-year adjusted cohort graduation rate using the formula as defined in 34 C.F.R. §200.19(b). However, as outlined in the guidance, it will take an additional two years (until 2013) to report graduation rates in AYP calculations for high schools with grades 10-12 and an additional three years (until 2014) to report for high schools with grades 9-12.

Attached you will find Idaho's timeline for implementation of the three- and four-year graduation rates. As provided in the guidance, Idaho will use a three-year cohort graduation rate for those high schools in the state which do not include grade 9, but will calculate the state graduation rate using the four-year extended graduation rate.

Idaho will also report a five-year extended graduation rate once that data is available. As noted in the timeline, in 2014 the three- and four-year graduation rates will be the only rates used for AYP. Idaho wished to use the five-year option to include students who graduate in late summer and students who graduate after five years of high school. Idaho has consistently included students who graduate in five years in the state graduation rate statistics. Under Idaho Code 33-2002, schools are responsible for providing education and the opportunity to graduate to students who received special education services. Furthermore, to only count the students who graduate in four years would reduce the overall state graduation rate by 3% and for alternative high schools designed for at-risk students up to 33%. Of those IDEA students who did graduate in 2007-2008, 5% of the IDEA graduates took longer than four years to graduate. In the general population, 1.5% took longer than four years to complete. On average the special education population in the state of Idaho is 10% of the total enrollment.

In the interim, until the three- and four-year rates can be used for AYP determinations, Idaho is requesting to use its current formula, the National Center for Education Statistics (NCES) formula, outlined in the Idaho Accountability Workbook. We are requesting this consideration in order to put the full focus on deploying and implementing the Statewide Longitudinal Data System and calculating the required graduation rate formula.

Thank you for considering our delayed request given the changes in authority and oversight over the assessment programs. Please contact me directly at (208) 332-6815 or [trluna@sde.idaho.gov](mailto:trluna@sde.idaho.gov) or contact Deputy Superintendent of Assessment Dr. Carissa Miller at (208) 332-6901 or [cmiller@sde.idaho.gov](mailto:cmiller@sde.idaho.gov) if there is additional information or clarification needed for this request. We look forward to working with the U.S. Department of Education in implementation of the required elements.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Luna", with a long horizontal flourish extending to the right.

Tom Luna  
Superintendent of Public Instruction

cc: Dr. Vicki Robinson, U.S. Department of Education  
Dr. Carissa Miller, Idaho State Department of Education

**Attachment A**  
**Idaho Timeline for Implementation of Extended**  
**Cohort-Based Graduation Rate Calculations**

<b>Completion Dates</b>	<b>Task</b>
January 2010	Implementation of a pilot in 10 Districts of the Statewide Longitudinal Data System allowing for tracking of individual students across schools, districts and within the state.
September 2010	Implementation of the Statewide Longitudinal Data System in all Idaho school districts.
August 2010	Demographic information for each student is also populated to allow for graduation rate reporting by subgroups (LEP, special education, race and ethnicity, etc.)
July 2011	Calculations for Cohort 1 (9 <sup>th</sup> graders 2010-2011 or 10 <sup>th</sup> graders in 2010-2011 in High Schools without grade 9) are calculated.
July 2012	Calculations for Cohort 1 are calculated for second year. Begin calculations for Cohort 2.
March 2013	Set new graduation targets for the three- and four-year graduation rate calculations. <sup>4</sup>
July 2013	Calculations for Cohort 1 are calculated for third year. Begin calculations for Cohort 3.
July 2013	AYP determinations are made for all high schools that do not include grade 9 using a three-year cohort graduation rate calculation.
July 2014	Calculations for Cohort 1 are calculated for fourth year. Begin calculations for Cohort 4.
July 2014	AYP determinations are made for all high schools using a four-year or three-year graduation rate calculation.
October 2015	Calculations for Cohort 1 are calculated for any student graduating in five years.
July 2015	AYP determinations are made for all high schools using a four-year or three-year graduation rate calculation.
July 2015	In addition, AYP graduation rate determinations are made for all high schools using the five-year extended cohort graduation rate calculations or the four-year extended cohort graduation rate calculation for high schools that do not have grade 9.

<sup>4</sup> Idaho's current graduation rate is 90% or an improvement over the previous year. This rate was set based on graduation rate data accounting for lagged and 5-year graduation rates. The calculation of a three- and four-year rate will decrease the graduation rate for most high schools. Therefore the graduation rate targets will be reset when Idaho has two years of cohort data with the new three- and four-year graduation calculations.

	Idaho will use separate annual targets for the four-year and five-year extended graduation rate as outlined in section D-4 of the non-regulatory guidance.
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STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

November 4, 2009

Dr. Zollie Stevenson, Director  
U.S. Department of Education  
Office of Elementary and Secondary Education  
Student Achievement and School Accountability Programs  
400 Maryland Avenue, S. W., Room 3W230  
Washington, DC 20202

Dear Dr. Stevenson:

The Idaho State Department of Education is writing to request an extension, until November 1, 2010, of reporting the performance of Idaho schools and students who participate in the Idaho Standards Achievement Test – Alternate (ISAT-Alt) during this school year. As you and your staff are aware, Idaho was required to revise its alternate assessment process in science for students with disabilities. We have been working with Dr. Sharon Hall, in the Student Achievement and School Accountability division of your office, in revising the remaining subject areas in the alternate assessment process to be implemented this school year.

ISAT-Alt is a portfolio-based assessment process measuring pre-specified Idaho content standards. It is scheduled to begin November 14, 2009, and conclude May 21, 2010. A complete deployment, collection, and reporting schedule is attached to this letter.

An essential part of completing this assessment successfully is to score student work and then to conduct a standard setting. Because it has taken some time to revise the assessment procedures, we must permit educators to have adequate time to collect and document student work. That means that we won't be able to score student work until mid June to mid July, and standard setting will need to occur in early August. Thus we will be late in reporting student performance on ISAT-Alt and in incorporating these results into the accountability reports for schools.

This is a one-time event, however. Next year, the assessment process will begin in early October 2010, conclude in April 2011, be scored in May 2011, and the results reported with the ISAT results more than one month before school starts in Fall 2011.

For the 2010 AYP reporting, the state will work to identify the subset of schools where proficiency rates on ISAT-Alt could potentially cause a school to make or miss AYP and put a "hold" on AYP reporting only for those sites where the performance of students on ISAT-Alt could change the school's status of making AYP. Thus, we will seek to minimize the impact of a delay in reporting ISAT-Alt results.

STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

I hope that the U.S. Department of Education will act favorably on our request for an extension for reporting AYP results that include ISAT-Alt data until November 1, 2010. If you or your staff have any questions about this request, please feel free to contact Deputy Superintendent of Assessment Dr. Carissa Miller at (208) 332-6901 or [cmiller@sde.idaho.gov](mailto:cmiller@sde.idaho.gov) or Carol Scholz, who coordinates ISAT-Alt, at (208) 332-6957 or [cscholz@sde.idaho.gov](mailto:cscholz@sde.idaho.gov). Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Luna", with a long horizontal flourish extending to the right.

Tom Luna  
Superintendent of Public Instruction

Cc: Dr. Sharon Hall, U.S. Department of Education  
Dr. Carissa Miller, Idaho State Department of Education

**Revised 2009 – 2010 ISAT-Alt Schedule**  
October 20, 2009

**2009**

November 16	Release Resource Guide and Begin Assessment
December 14	I-PASS System Available
December 15 – 31	I-PASS System Test

**2010**

January 1	I-PASS Online Electronic Submission Begins
May 14	Artifact Collection Ends
May 21	Submission Deadline (23 weeks)
June 7 – 12	Rangefinding
June 14 – 18	Prepare For Scoring
June 14 – 18	Tryout scoring system; train scoring leaders
June 21 – July 16	Scoring
July 19 – 23	Scoring Cleanup
July 19 – 23	Prepare for Standard Setting
July 26 – 31	Standard Setting
August 2 – 13	Standard Setting Clean Up
August 16 – September 10	Data Files Process and Integrated
September 13 – October 8	Produce Final School and District Reports
October 22	Publish Revised AYP Results
November 1	AYP Results available publicly

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**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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**SUBJECT**

Idaho Special Education Manual Update

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-116, 33-2002, Idaho Code

20 U.S.C. 1411-1419; 34 CFR 300.100-300.174, Individuals with Disabilities Education Act (IDEA)

Idaho Administrative code, IDAPA 08.02.03 – Section 109, Special Education

**BACKGROUND/DISCUSSION**

The Idaho Special Education Manual is being updated as regulations have changed; districts have needed more clarity and direction on certain items; and to address clerical issues. A number of stakeholders have been included and consulted in updating the Manual including, state staff, regional consultants, and district special education directors and staff and parents.

The Manual is designed to help districts and schools understand the provisions of the Individuals with Disabilities Education Act (IDEA) and meet the guidelines contained within the law. To receive federal funds available under the IDEA, districts must adopt and implement appropriate special education policies and procedures which must be approved by the Board of Education consistent with state and federal laws, rules, regulations, and legal requirements. Two significant changes being made at this time are an updated Procedural Safeguards Notice (notice of parents' rights) and new Specific Learning Disability (SLD) Criteria. Both the updated Procedural Safeguards Notice and the SLD criteria are incorporated in the Manual, but are also included separately as attachments to these materials.

The Individuals with Disabilities Education Act (IDEA), requires schools to provide the parents of a child with a disability, with a notice containing a full explanation of the procedural safeguards available under IDEA and U.S. Department of Education regulations. Idaho uses the model procedural safeguards notice developed and provided by the U.S. Department of Education. A copy of this notice must be given to parents one time a school year, except that a copy must also be given to parents: (1) upon initial referral or request for evaluation; (2) upon receipt of a person's first State complaint and upon receipt of a person's first due process complaint in a school year; (3) when a decision is made to take a disciplinary action against the child that constitutes a change of placement; and (4) upon parent request. The procedural safeguards notice includes a full explanation of all the procedural safeguards available under IDEA, covering such topics as: definitions, independent educational evaluations, access to records, locations of information, complaint procedures, opportunity for a hearing and hearing procedures, appeals, procedures when disciplining children with disabilities, and requirements for unilateral placement by parents of children in private schools at public expense.

**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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Under IDEA each state is required to establish eligibility criteria for special education services for eligibility consistent with IDEA. Eligibility criteria and assessment procedures as established in the manual are used to determine whether an individual qualifies as a student with a disability in need of special education. New Specific Learning Disability (SLD) Criteria for Idaho are established in these changes to the manual; previously criteria were established for Learning Disability. Three cornerstones of the SLD definition are an imperfect ability to learn, a disorder in a basic psychological process (such as phonological processing or number sense) and that it is not a result of other factors (such as Limited English Proficiency). The changes to specific learning disability aligns Idaho's definition with the federal definition and is consistent with evidence demonstrating that students can have impairments in very specific areas. It allows for evaluation and intervention planning to be more closely aligned to address the particular needs of the student. The new SLD criteria implementation timeline covers three years with coordinated technical assistance and professional development. Implementation will include safeguards for situations where students have already been determined eligible for special education under the Learning Disability criteria in the 2007 Manual.

Changes to the Manual being made at this time are outlined below by Chapter.  
Chapter 1 Overview:

- Inclusion of parent revocation of services under "Discontinuation of services" reflecting changes to federal regulations.
- Clerical and clarity changes

Chapter 2 Free Appropriate Public Education (FAPE):

- Clerical changes and replacing omitted words

Chapter 3 Child Find

- Clerical changes

Chapter 4 Evaluation and Eligibility

- Clerical and clarity changes
- Procedures for obtaining a reevaluation if a parent refuses the reevaluation have been removed in accordance with changes to federal regulations with regard to parent revocation of services.
- Timeline for provision of services has been clarified without exception for 30 day maximum between eligibility determination and implementation of the Individualized Education Program.
- Eligibility Category for Learning Disability has been changed to reflect the new Specific Learning Disability Criteria for Idaho.

Chapter 5 Individualized Education Programs (IEP)

- Clerical and clarity changes

Chapter 6 Least Restrictive Environment

- Clarity of procedure for reporting of data

Chapter 7 Discontinuation of Services, Graduation and Grading

- Clerical and clarity changes

**STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009**

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- Reflect changes to federal regulations regarding parent or adult student revocation of consent for special education services.
- Chapter 8 Charter Schools
- Clerical changes
- Chapter 9 Private School Students
- Clerical and clarity changes
- Chapter 10 Improving Results
- Clerical changes
- Chapter 11 Procedural Safeguards
- Clarity and clerical changes
  - New Procedural Safeguards Notice as updated at the Federal level.
- Chapter 12 Discipline
- No changes
- Chapter 13 Dispute Resolution
- Clarity and clerical changes

The Manual is made available through CD and hard copy when requested. It is also made available for the public through the State Department of Education website.

**IMPACT**

Some changes to the Manual will require a change in practice at the local level. The SDE has already started training on changes and will be providing technical assistance and guidance as practice changes.

**ATTACHMENTS**

Attachment 1 – Specific Learning Disability (SLD) Criteria	Page 5
Attachment 2 – Implementation timeline for SLD Criteria	Page 11
Attachment 3 – New Procedural Safeguards Notice	Page 13
Attachment 4 – Idaho Special Education Manual	Page 57

**BOARD ACTION**

A motion to adopt the changes to the Idaho Special Education Manual as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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# Specific Learning Disability State Eligibility Criteria

Update to Idaho Special Education Manual (Fall 2009)

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## Specific Learning Disability

**I. Federal IDEA 2004 Definition:** Specific Learning Disability (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Specific Learning Disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Only children within the age range of legal Kindergarten to age 21 years may be identified as a student with a specific learning disability.

**II. Eligibility Criteria:** In determining whether a child has an SLD, the child must meet at a minimum, the following criteria:

- A. The student does not make sufficient progress in response to effective, evidence-based instruction and intervention for the child's age or to meet state-approved grade-level standards in one or more of the following areas:
  - a. Oral expression;
  - b. Listening comprehension;
  - c. Written expression;
  - d. Basic reading skills;
  - e. Reading comprehension;
  - f. Reading fluency
  - g. Mathematics calculation; or
  - h. Mathematics problem solving,

AND

B. The student demonstrates low achievement in the area(s) of suspected disability listed above as evidenced by a norm-referenced, standardized achievement assessment. For culturally and linguistically diverse students, the preponderance of evidence must indicate low achievement.

AND

C. The student demonstrates a pattern of strengths and weaknesses in psychological processing skills that impact learning.

AND

D. The student's lack of achievement is ***not*** primarily the result of:

- a. A visual, hearing, or motor impairment;
- b. Cognitive impairment
- c. Emotional disturbance
- d. Environmental, cultural or economic disadvantage
- e. Limited English Proficiency
- f. A lack of appropriate instruction in reading, including the essential components of reading;
- g. A lack of appropriate instruction in math.

AND

E. The disability adversely impacts the student's educational performance and the student requires specially designed instruction.

### **III. Evaluation Procedures:**

In order to demonstrate the eligibility criteria, the following procedures must be followed.

1. The evaluation for determining SLD eligibility and requirements for parent notification and involvement shall be conducted in accordance with the procedures detailed in Section 3, Chapter 4 of the Idaho Special Education Manual.
2. The evaluation must address the eligibility criteria as listed in *Section 2. LD Eligibility Criteria* (see above). To meet these criteria, the following information is required:

A. Evidence of insufficient progress in response to effective, evidence-based instruction and intervention indicates the student's performance level and rate of improvement are significantly below that of grade-level peers. This is documented/demonstrated with the following data:

- i. Data that helps establish that the core curriculum is effective for most students. The most recent whole grade performance data to verify appropriate instruction in the area(s) of concern may include results from the standards-based assessment system. If the referred student belongs to a population of students whose performance is regularly disaggregated, whole grade data for the disaggregated group should also be reviewed and considered.
- ii. Information documenting that prior to, or as part of, the referral process, the student was provided appropriate instruction in general education settings. Appropriate instruction includes consideration of both child specific information and whole grade performance data. Child specific data regarding appropriate instruction may include: (1) verification that core (universal) instruction was provided regularly; (2) data indicating that the student attended school regularly to receive instruction; (3) verification

**Idaho Special Education Manual 2007 (2009 update)**  
**Specific Learning Disability State Eligibility Criteria**

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- that core instruction was delivered according to its design and methodology by qualified personnel; and (4) verification that differentiated instruction in the core curriculum was provided.
- iii. Data-based documentation of student progress during instruction and intervention using standardized, norm-referenced progress monitoring measures in the area of disability.
  - iv. A record of an observation of the student's academic performance and behavior in the child's learning environment (including the general classroom setting) has been conducted by an evaluation team member other than the student's general education teacher. The purpose of the observation is to document how the areas of concern impact the student's performance in the classroom. The observation should also document the name and title of the observer and the site, date, and duration of the observation. The team must decide to:
    1. Use information from an observation in routine classroom instruction and monitoring of the child's performance that was conducted before the child was referred for an evaluation or;
    2. Have at least one member of the team conduct an observation of the child's academic performance in the educational environment after the child has been referred for an evaluation, and parental consent has been obtained.

AND

B. Evidence of low achievement in one or more of the suspected area(s). These include:

- a. Oral expression;
- b. Listening comprehension;
- c. Written expression;
- d. Basic reading skills;
- e. Reading comprehension;
- f. Reading fluency
- g. Mathematics calculation; or
- h. Mathematics problem solving

This evidence must indicate performance that is significantly below the mean on a cluster, composite, or 2 or more subtest scores of a norm-referenced, standardized, achievement assessment in the specific academic area(s) of suspected disability. There are cases when the use of norm-referenced assessment is not appropriate, for example, students who are culturally and linguistically diverse. Refer to guidance documents regarding procedures on evaluating students who are culturally and linguistically diverse and the use of preponderance of evidence.

AND

C. Evidence of a pattern of strengths and weaknesses in psychological processing skills that impact learning..

An assessment of psychological processing skills is linked to the failure to achieve adequately in the academic area(s) of suspected disability and must rely on standardized assessments. These assessments must be conducted by a professional who is qualified to administer and interpret the assessment results. The student's performance on a psychological processing assessment demonstrates a pattern of strengths and weaknesses that help explain why and how the student's learning difficulties occur. Such tests may include measures of memory, phonological skills, processing speed as well as other measures which explicitly test psychological processing..

AND

D. The following criteria must be considered when evaluating the student's low achievement. The team must determine that the student's learning difficulty is ***not*** primarily the result of:

- a. A visual, hearing, or motor impairment
- b. Cognitive impairment
- c. Emotional disturbance
- d. Environmental or economic disadvantage
- e. Cultural factors
- f. Limited English Proficiency

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# Specific Learning Disability State Eligibility Criteria

## Implementation Timeline

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### **2009-2010 School Year**

Professional development

IEP teams may use either SLD eligibility determination criteria with the expectation that teams will begin to implement the new 2009 SLD criteria

Submit one completed SLD eligibility determination per school using new 2009 criteria to the SDE by May 15, 2010

Submitted eligibility determination documents will be reviewed by a trained team and results for that one student will be placed in the Compliance Tracking Tool by June 30, 2010.

### **2010-2011 School Year**

Professional development continues

All items submitted in the Compliance Tracking Tool for the IEP submitted in May, 2010 will be corrected no later than May, 2011

Beginning August 1, 2010, IEP teams will use the 2009 SLD criteria to determine special education eligibility for all new referrals of students suspected of having a specific learning disability.

Additional guidance will be provided for IEP teams to use for three year re-evaluations and other situations where students have already been determined eligible for special education.

### **2011-2012 School Year**

Professional development continues

IEP teams will use the 2009 SLD criteria to determine eligibility for all students suspected of having a specific learning disability.

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## **Part B** PROCEDURAL SAFEGUARDS NOTICE

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Revised June 2009

The Individuals with Disabilities Education Act (IDEA), the Federal law concerning the education of students with disabilities, requires schools to provide you, the parents of a child with a disability, with a notice containing a full explanation of the procedural safeguards available under IDEA and U.S. Department of Education regulations. A copy of this notice must be given to you only one time a school year, except that a copy must also be given to you: (1) upon initial referral or your request for evaluation; (2) upon receipt of your first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of your first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action against your child that constitutes a change of placement; and (4) upon your request. [34 CFR §300.504(a)]

Your school district can provide more information on these rights. If you have questions, you should speak to the special education teacher, school principal, director of special education, or superintendent in the district.

**For further explanation on any of these rights you may also contact:**

Idaho State Department of Education  
Division of Student Achievement and School Improvement  
P.O. Box 83720  
Boise, Idaho 83720-0027  
(208) 332-6910  
TT: 800-377-3529

Idaho Parents Unlimited, Inc.  
4696 Overland Road, Suite 478  
Boise, Idaho 83705  
800-242-4785  
V/TT: (208) 342-5884

DisAbility Rights Idaho  
4477 Emerald St., Suite B-100  
Boise, Idaho 83706  
866-262-3462  
V/TT: 800-632-5125  
V/TT: (208) 336-5353

## Table of Contents

<b>General Information .....</b>	<b>1</b>
Prior Written Notice.....	1
Native Language.....	2
Electronic Mail .....	2
Parental Consent—Definition.....	2
Parental Consent .....	3
Independent Educational Evaluations.....	6
<b>Confidentiality of Information .....</b>	<b>8</b>
Definitions .....	8
Personally Identifiable.....	8
Notice to Parents .....	8
Access Rights .....	9
Record of Access.....	9
Records on More Than One Child .....	10
List of Types and Locations of Information .....	10
Fees.....	10
Amendment of Records at Parent’s Request.....	10
Opportunity for a Hearing.....	11
Hearing Procedures.....	11
Result of Hearing .....	11
Consent For Disclosure of Personally Identifiable Information.....	11
Safeguards .....	12
Destruction of Information.....	12
<b>State Complaint Procedures .....</b>	<b>13</b>
Differences Between the Procedures for Due Process Complaints and Hearings and for State Complaints .....	13
Adoption of State Complaint Procedures .....	13
Minimum State Complaint Procedures.....	14
Filing a State Complaint.....	15
<b>Due Process Complaint Procedures .....</b>	<b>17</b>
Filing a Due Process Complaint.....	17
Due Process Complaint .....	17
Model Forms .....	19
Mediation .....	20
Resolution Process .....	21
<b>Hearings on Due Process Complaints .....</b>	<b>24</b>
Impartial Due Process Hearing .....	24
Hearing Rights .....	25

**Part B** Procedural Safeguards Notice

Hearing Decisions.....	26
<b>Appeals .....</b>	<b>27</b>
Finality of Decision; Appeal; Impartial Review .....	27
Timelines and Convenience of Hearings and Reviews .....	27
Civil Actions, Including the Time Period in Which to File Those Actions.....	27
The Child’s Placement While the Due Process Complaint and Hearing are Pending.....	28
Attorneys’ Fees .....	29
<b>Procedures When Disciplining Children with Disabilities .....</b>	<b>32</b>
Authority of School Personnel.....	32
Change of Placement Because of Disciplinary Removals .....	35
Determination of Setting .....	36
Appeal.....	36
Placement During Appeals .....	37
Protections for Children Not Yet Eligible for Special Education and Related Services .....	37
Referral to and Action by Law Enforcement and Judicial Authorities .....	39
<b>Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense.....</b>	<b>40</b>
General .....	40

## GENERAL INFORMATION

### PRIOR WRITTEN NOTICE

#### 34 CFR §300.503

##### Notice

Your school district must give you written notice (provide you certain information in writing), within a reasonable amount of time before it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; **or**
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

##### Content of notice

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of IDEA;
7. Describe any other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected; **and**
8. Provide a description of other reasons why your school district proposed or refused the action.

##### Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally or by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that the requirements in paragraphs 1 and 2 have been met.

## **NATIVE LANGUAGE**

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### **34 CFR §300.29**

*Native language*, when used regarding an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

## **ELECTRONIC MAIL**

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### **34 CFR §300.505**

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; **and**
3. Notices related to a due process complaint.

## **PARENTAL CONSENT - DEFINITION**

---

### **34 CFR §300.9**

#### **Consent**

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
3. You understand that the consent is voluntary on your part and that you may withdraw your consent at any time.

If you wish to revoke (cancel) your consent after your child has begun receiving special education and related services, you must do so in writing. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent but before you withdrew it. In addition, the school district is not required to amend (change) your child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

## **PARENTAL CONSENT**

### **34 CFR §300.300**

#### **Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and obtaining your consent as described under the headings ***Prior Written Notice*** and ***Parental Consent***.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

Your school district may not use your refusal to consent to one service or activity related to the initial evaluation as a basis for denying you or your child any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by using the IDEA's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

#### **Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his or her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge has assigned the right to make educational decisions to an individual other than the parent and that individual has provided consent for an initial evaluation.

*Ward of the State*, as used in IDEA, means a child who, as determined by the State where the child lives, is:

1. A foster child;
2. Considered a ward of the State under State law; **or**
3. In the custody of a public child welfare agency.

There is one exception that you should know about. *Ward of the State* does not include a foster child who has a foster parent who meets the definition of a *parent* as used in IDEA.

### **Parental consent for services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent or later revoke (cancel) your consent in writing, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent or later revoke (cancel) your consent in writing and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, then the school district may not

continue to provide such services, but must provide you with prior written notice, as described under the heading **Prior Written Notice**, before discontinuing those services.

The timeline from consent to IEP implementation is 60 calendar days which excludes vacation time exceeding 5 consecutive school days, unless parties agree otherwise.  
IDAPA 8.02.03.109.04

#### Parent's Right to Object

Once you consent to the initial start of services, the school district is not required to obtain your consent to make changes to the IEP. However, if you do not want the school district to implement the changes to the IEP, you must submit your objections in writing. Your written objections must either be postmarked or hand-delivered to the school district within 10 days of receiving the written notice of the changes.

IDAPA 8.02.03.109.05a

#### Parental consent for reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of IDEA if it declines to pursue the reevaluation in this manner.

#### Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain your consent for initial evaluations, to provide special education and related services for the first time, for a reevaluation, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; **and**
3. Detailed records of visits made to your home or place of employment and the results of those visits.

#### Other consent requirements

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**



2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from parents of all children.

The school district must develop and implement procedures to ensure that your refusal to consent to any of these other services and activities does not result in a failure to provide your child with a free appropriate public education (FAPE). Also, your school district may not use your refusal to consent to one of these services or activities as a basis for denying any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its dispute resolution procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable services (services made available to some parentally-placed private school children with disabilities).

## **INDEPENDENT EDUCATIONAL EVALUATIONS**

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### **34 CFR §300.502**

#### **General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

#### **Definitions**

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of the Act.

#### **Right to evaluation at public expense**

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

#### **Parent-initiated evaluations**

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; **and**
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

#### **Requests for evaluations by hearing officers**

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

#### **School district criteria**

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

## CONFIDENTIALITY OF INFORMATION

### DEFINITIONS

#### 34 CFR §300.611

As used under the heading **Confidentiality of Information**:

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of IDEA.

### PERSONALLY IDENTIFIABLE

#### 34 CFR §300.32

*Personally identifiable* means information that includes:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

### NOTICE TO PARENTS

#### 34 CFR §300.612

The State Educational Agency must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; **and**
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major activity to identify, locate, or evaluate children in need of special education and related services (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of these activities.

## **ACCESS RIGHTS**

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### **34 CFR §300.613**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; **and**
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

## **RECORD OF ACCESS**

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### **34 CFR §300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

## **RECORDS ON MORE THAN ONE CHILD**

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### **34 CFR §300.615**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

## **LIST OF TYPES AND LOCATIONS OF INFORMATION**

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### **34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

## **FEES**

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### **34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under Part B of IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of IDEA.

## **AMENDMENT OF RECORDS AT PARENT'S REQUEST**

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### **34 CFR §300.618**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of your right to a hearing as described under the heading ***Opportunity For a Hearing***.

## **OPPORTUNITY FOR A HEARING**

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### **34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

## **HEARING PROCEDURES**

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### **34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

## **RESULT OF HEARING**

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### **34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of your child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; **and**
2. If the participating agency discloses the records of your child or the challenged information to any party, the explanation must also be disclosed to that party.

## **CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

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### **34 CFR §300.622**

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the

circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

## **SAFEGUARDS**

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### **34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

## **DESTRUCTION OF INFORMATION**

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### **34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used under Part B of IDEA is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

## STATE COMPLAINT PROCEDURES

### DIFFERENCES BETWEEN THE PROCEDURES FOR DUE PROCESS COMPLAINTS AND HEARINGS AND FOR STATE COMPLAINTS

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The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the State Educational Agency, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the State Educational Agency generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below. The State Educational Agency must develop model forms to help you file a due process complaint and help you or other parties to file a State complaint as described under the heading *Model Forms*.

### ADOPTION OF STATE COMPLAINT PROCEDURES

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#### 34 CFR §300.151

##### General

Each State Educational Agency must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with the State Educational Agency;
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.



### **Remedies for denial of appropriate services**

In resolving a State complaint in which the State Educational Agency has found a failure to provide appropriate services, the State Educational Agency must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); **and**
2. Appropriate future provision of services for all children with disabilities.

## **MINIMUM STATE COMPLAINT PROCEDURES**

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### **34 CFR §300.152**

#### **Time limit; minimum procedures**

Each State Educational Agency must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the State Educational Agency determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the State Educational Agency's final decision.

#### **Time extension; final decision; implementation**

The State Educational Agency's procedures described above also must:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) you and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the State Educational Agency's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; **and** (c) corrective actions to achieve compliance.

### **State complaints and due process hearings**

If a written State complaint is received that is also the subject of a due process hearing as described under the heading ***Filing a Due Process Complaint***, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (for example, you and the school district), then the due process hearing decision is binding on that issue and the State Educational Agency must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the State Educational Agency.

## **FILING A STATE COMPLAINT**

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### **34 CFR §300.153**

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of IDEA or its implementing regulations in 34 CFR Part 300;
2. The facts on which the statement is based;
3. The signature and contact information for the party filing the complaint; and
4. If alleging violations regarding a specific child:
  - (a) The name of the child and address of the residence of the child;
  - (b) The name of the school the child is attending;
  - (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
  - (d) A description of the nature of the problem of the child, including facts relating to the problem; **and**
  - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading ***Adoption of State Complaint Procedures***.

**Part B** Procedural Safeguards Notice

16

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the State Educational Agency.

## DUE PROCESS COMPLAINT PROCEDURES

### FILING A DUE PROCESS COMPLAINT

#### 34 CFR §300.507

##### General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; **or**
2. The school district withheld information from you that it was required to provide you under Part B of IDEA.

##### Information for parents

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, **or** if you or the school district file a due process complaint.

Idaho Parents Unlimited, Inc.  
4696 Overland Road, Suite 478  
Boise, Idaho 83705  
800-242-4785  
V/TT: (208) 342-5884

DisAbility Rights Idaho  
4477 Emerald St., Suite B-100  
Boise, Idaho 83706  
866-262-3462  
V/TT: 800-632-5125  
V/TT: (208) 336-5353

### DUE PROCESS COMPLAINT

#### 34 CFR §300.508

##### General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

Whoever files the complaint must also provide the State Educational Agency with a copy of the complaint.

### **Content of the complaint**

The due process complaint must include:

1. The name of the child;
2. The address of the child's residence;
3. The name of the child's school;
4. If the child is a homeless child or youth, the child's contact information and the name of the child's school;
5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; **and**
6. A proposed resolution of the problem to the extent known and available to the complaining party (you or the school district) at the time.

### **Notice required before a hearing on a due process complaint**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney) files a due process complaint that includes the information listed above.

### **Sufficiency of complaint**

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification that the receiving party (you or the school district) considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

### **Complaint amendment**

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described under the heading **Resolution Process**; **or**
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving

the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

### **Local educational agency (LEA) or school district response to a due process complaint**

If the school district has not sent a prior written notice to you, as described under the heading ***Prior Written Notice***, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; **and**
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

### **Other party response to a due process complaint**

Except as stated under the sub-heading immediately above, ***Local educational agency (LEA) or school district response to a due process complaint***, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

## **MODEL FORMS**

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### **34 CFR §300.509**

The State Educational Agency must develop model forms to help you to file a due process complaint and to help you and other parties to file a State complaint. However, your State or the school district may not require the use of these model forms. In fact, you can use the model form or another appropriate form, so long as it contains the required information for filing a due process complaint or a State complaint.

## MEDIATION

### 34 CFR §300.506

#### General

The school district must develop procedures that make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading ***Filing a Due Process Complaint***.

#### Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights provided under Part B of IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; **and**
2. Who would explain the benefits of, and encourage the use of, the mediation process to you.

The State must keep a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The State Educational Agency must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the costs of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding (court case); **and**

2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.

### **Impartiality of mediator**

The mediator:

1. May not be an employee of the State Educational Agency or the school district that is involved in the education or care of your child; **and**
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

## **RESOLUTION PROCESS**

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### **34 CFR §300.510**

#### **Resolution meeting**

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the individualized education program (IEP) Team who have specific knowledge of the facts identified in your due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; **or**



2. You and the school district agree to use the mediation process, as described under the heading **Mediation**.

### **Resolution period**

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final due process hearing decision, as described under the heading, **Hearing Decisions**, begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint **or** fails to participate in the resolution meeting, you may ask a hearing officer to begin the 45-calendar-day due process hearing timeline.

### **Adjustments to the 30-calendar-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process but have not yet reached agreement, at the end of the 30-calendar-day resolution period the mediation process may be continued until an agreement is reached if both parties agree to the continuation in writing. However, if either you or the school district withdraws from the

mediation process during this continuation period, then the 45-calendar-day timeline for the due process hearing starts the next day.

**Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; **and**
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the State Educational Agency, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

**Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

## HEARINGS ON DUE PROCESS COMPLAINTS

### IMPARTIAL DUE PROCESS HEARING

#### 34 CFR §300.511

##### General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the *Due Process Complaint* and *Resolution Process* sections.

##### Impartial hearing officer

At a minimum, a hearing officer:

1. Must not be an employee of the State Educational Agency or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of IDEA, Federal and State regulations pertaining to IDEA, and legal interpretations of IDEA by Federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

##### Subject matter of due process hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

##### Timeline for requesting a hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

### **Exceptions to the timeline**

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; **or**
2. The school district withheld information from you that it was required to provide to you under Part B of IDEA.

## **HEARING RIGHTS**

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### **34 CFR §300.512**

#### **General**

You have the right to represent yourself at a due process hearing. In addition, any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by an attorney and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Be represented at the due process hearing by an attorney or non-attorney;
3. Present evidence and confront, cross-examine, and require the attendance of witnesses;
4. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
5. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; **and**
6. Obtain written, or, at your option, electronic findings of fact and decisions.

#### **Additional disclosure of information**

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

#### **Parental rights at hearings**

You must be given the right to:

1. Have your child present at the hearing;
2. Open the hearing to the public; **and**

3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

## **HEARING DECISIONS**

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### **34 CFR §300.513**

#### **Decision of the hearing officer**

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on evidence and arguments that directly relate to FAPE.

In matters alleging a procedural violation (such as "an incomplete IEP Team"), a hearing officer may find that your child did not receive FAPE only if the procedural violations:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; **or**
3. Caused your child to be deprived of an educational benefit.

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of IDEA (34 CFR §§300.500 through 300.536).

#### **Separate request for a due process hearing**

Nothing in the procedural safeguards section of the Federal regulations under Part B of IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

#### **Findings and decision provided to the advisory panel and general public**

The State Educational Agency or the school district, (whichever was responsible for your hearing) after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

## APPEALS

### **FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW**

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#### **34 CFR §300.514**

##### **Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described under the heading *Civil Actions, Including the Time Period in Which to File Those Actions*.

### **TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS**

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#### **34 CFR §300.515**

The State Educational Agency must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described under the sub-heading *Adjustments to the 30-calendar-day resolution period*, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party (you or the school district).

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

### **CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS**

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#### **34 CFR §300.516**

##### **General**

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

### **Time limitation**

The party (you or the school district) bringing the action shall have 42 calendar days from the date of the decision of the hearing officer to file a civil action.

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### **Additional procedures**

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Under appropriate circumstances, judicial relief may include reimbursement of private school tuition and compensatory education services.

### **Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of IDEA without regard to the amount in dispute.

### **Rule of construction**

Nothing in Part B of IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of IDEA. This means that you may have remedies available under other laws that overlap with those available under IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under IDEA (i.e., the due process complaint; resolution process, including the resolution meeting; and impartial due process hearing procedures) before going directly into court.

## **THE CHILD'S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING**

### **34 CFR §300.518**

Except as provided below under the heading ***PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES***, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or

school district agree otherwise, your child must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of IDEA for a child who is transitioning from being served under Part C of IDEA to Part B of IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of IDEA and you consent for your child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

If a hearing officer in a due process hearing conducted by the State Educational Agency agrees with you that a change of placement is appropriate, that placement must be treated as your child's current educational placement where your child will remain while waiting for the decision of any impartial due process hearing or court proceeding.

## **ATTORNEYS' FEES**

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### **34 CFR §300.517**

#### **General**

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you, if you prevail (win).

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding (hearing).



**Award of fees**

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of IDEA for services performed after a written offer of settlement is made to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
  - b. The offer is not accepted within 10 calendar days; **and**
  - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action.

Fees also may not be awarded for a mediation as described under the heading ***Mediation***.

A resolution meeting, as described under the heading ***Resolution Process***, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading ***Due Process Complaint***.

**Part B** Procedural Safeguards Notice

31

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of IDEA.

## PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

### AUTHORITY OF SCHOOL PERSONNEL

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#### 34 CFR §300.530

##### Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

##### General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see the heading ***Change of Placement Because of Disciplinary Removals*** for the definition).

Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading **Services**.

##### Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see the subheading ***Manifestation determination***) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services.

##### Services

[Note: To clarify whether students who are subject to short-term disciplinary action receive services during that time period, select the applicable provision below.]

**[Option 1:]**

The school district provides services to both a child with a disability and a child without a disability who has been removed from his or her current placement for **10 school days or less** in that school year. These services may be provided in an interim alternative educational setting.

**[Option 2:]**

The school district does not provide services to a child with a disability or a child without a disability who has been removed from his or her current placement for **10 school days or less** in that school year.

**[End of alternative language.]**

A child with a disability who is removed from the child's current placement for **more than 10 school days** and the behavior is not a manifestation of the child's disability (see subheading, ***Manifestation determination***) or who is removed under special circumstances (see the subheading, ***Special circumstances***) must:

1. Continue to receive educational services (have available a free appropriate public education), so as to enable the child to continue to participate in the general education curriculum, although in another setting (that may be an interim alternative educational setting), and to progress toward meeting the goals set out in the child's IEP; **and**
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see the heading, ***Change of Placement Because of Disciplinary Removals***), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting (that may be an interim alternative educational setting), and to progress toward meeting the goals set out in the child's IEP.

**Manifestation determination**

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, you, and other relevant members of the IEP Team (as determined by you and the school district) must review all relevant information in the student's file, including the

child's IEP, any teacher observations, and any relevant information provided by you to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **or**
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, you, and other relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, you, and other relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

#### **Determination that behavior was a manifestation of the child's disability**

If the school district, you, and other relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; **or**
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading **Special circumstances**, the school district must return your child to the placement from which your child was removed, unless you and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

#### **Special circumstances**

Whether or not the behavior was a manifestation of your child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for not more than 45 school days, if your child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; **or**

3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.

### **Definitions**

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

*Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

*Serious bodily injury* has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

*Weapon* has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

### **Notification**

On the date it makes the decision to make a removal that is a change of placement of your child because of a violation of a code of student conduct, the school district must notify you of that decision, and provide you with a procedural safeguards notice.

## **CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS**

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### **34 CFR §300.536**

A removal of your child with a disability from your child’s current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. Your child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. Your child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and
  - c. Of such additional factors as the length of each removal, the total amount of time your child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

## DETERMINATION OF SETTING

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### 34 CFR § 300.531

The individualized education program (IEP) Team determines the interim alternative educational setting for removals that are **changes of placement**, and removals under the subheadings **Additional authority** and **Special circumstances**.

## APPEAL

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### 34 CFR § 300.532

#### General

You may file a due process complaint (see the heading **Due Process Complaint Procedures**) to request a due process hearing if you disagree with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of your child is substantially likely to result in injury to your child or to others.

#### Authority of hearing officer

A hearing officer that meets the requirements described under the subheading **Impartial hearing officer** must conduct the due process hearing and make a decision. The hearing officer may:

1. Return your child with a disability to the placement from which your child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading **Authority of School Personnel**, or that your child's behavior was a manifestation of your child's disability; **or**
2. Order a change of placement of your child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of your child is substantially likely to result in injury to your child or to others.

These hearing procedures may be repeated, if the school district believes that returning your child to the original placement is substantially likely to result in injury to your child or to others.

Whenever you or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures, Hearings on Due Process Complaints**, except as follows:

1. The State Educational Agency or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the

- hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless you and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.
  3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

You or the school district may appeal the decision in an expedited due process hearing in the same way as for decisions in other due process hearings (see the heading **Appeal**).

## **PLACEMENT DURING APPEALS**

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### **34 CFR §300.533**

When, as described above, you or the school district file a due process complaint related to disciplinary matters, your child must (unless you and the State Educational Agency or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading **Authority of School Personnel**, whichever occurs first.

## **PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

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### **34 CFR §300.534**

#### **General**

If your child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that your child was a child with a disability, then your child may assert any of the protections described in this notice.



**Basis of knowledge for disciplinary matters**

A school district will be deemed to have knowledge that your child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. You expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or to your child's teacher that your child is in need of special education and related services;
2. You requested an evaluation related to eligibility for special education and related services under Part B of IDEA; **or**
3. Your child's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by your child directly to the school district's director of special education or to other supervisory personnel of the school district.

**Exception**

A school district would not be deemed to have such knowledge if:

1. You have not allowed an evaluation of your child or have refused special education services; **or**
2. Your child has been evaluated and determined to not be a child with a disability under Part B of IDEA.

**Conditions that apply if there is no basis of knowledge**

If prior to taking disciplinary measures against your child, a school district does not have knowledge that your child is a child with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, your child may be subjected to the disciplinary measures that are applied to children without disabilities who engage in comparable behaviors.

However, if a request is made for an evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, your child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If your child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by you, the school district must provide special education and related services in accordance with Part B of IDEA, including the disciplinary requirements described above.

## **REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

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### **34 CFR §300.535**

Part B of IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; **or**
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

### **Transmittal of records**

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; **and**
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

## REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE

### GENERAL

#### 34 CFR §300.148

Part B of IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

#### Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the State Educational Agency and school districts.

#### Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; **or**
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; **and**
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for your failure to provide the required notice if: (a) You are not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to your child.

# *IDAHO SPECIAL EDUCATION MANUAL 2007*

*Revised 2009*

Division of Student Achievement  
and School Improvement  
Idaho State Department of Education



Tom Luna  
Superintendent of Public Instruction

**Chapter 1  
OVERVIEW**

**Chapter Contents**

Section 1. Child Find .....	3
Section 2. Procedural Safeguards .....	4
Section 3. Student Eligibility under the IDEA 2004.....	4
Section 4. Free Appropriate Public Education (FAPE) .....	4
Section 5. District Programs and Services.....	5
Section 6. Individualized Education Program (IEP).....	5
Section 7. Least Restrictive Environment (LRE) .....	6
Section 8. Summary of Activities that May Lead to Special Education Services .....	6
Chart: Special Education Activities .....	11

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## Chapter 1 OVERVIEW

The education of students with disabilities is firmly rooted in the constitutional guarantees involved in the “protection of vulnerable minorities.” This relationship means that the provision of services to students with disabilities is a basic civil right protected by the Constitution. Three federal laws have been passed to ensure these constitutional guarantees for individuals with disabilities:

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- ▶ the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)
- ▶ Section 504 of the Rehabilitation Act of 1973 (Section 504)
- ▶ the Americans with Disabilities Act of 1990 (ADA)

The reauthorization of the IDEA 2004 was aligned with the Elementary and Secondary Education Act of 2001—also known as the No Child Left Behind (NCLB) Act. The IDEA 2004 preserves the basic structure and civil rights of previous reauthorizations and emphasizes both *access* to education and *improved results* for students with disabilities based on data and public accountability.

This manual provides detailed information regarding district responsibilities under the IDEA 2004 and the IDEA regulations of 2006, which took effect on October 13, 2006.

### Section 1. Child Find

The district is responsible for establishing and implementing an ongoing Child Find system. Child Find activities are conducted (1) to create public awareness of special education programs, (2) to advise the public of the rights of students, and (3) to alert community residents of the need for identifying and serving students with disabilities from the age of 3 through the semester in which they turn 21.

The district is also responsible for coordinating with the Department of Health and Welfare regarding the Child Find system for children ages birth through 2 years. The Child Find system includes children with disabilities who are homeless, as defined by the McKinney-Vento Homeless Act (see Glossary), wards of the state, or attending private schools, regardless of the severity of the disability.

See Chapter 3 for more information on Child Find.



### Section 2. Procedural Safeguards

A parent and/or adult student has specific procedural safeguards assured by the IDEA 2004 and State law. The district provides a document titled *Procedural Safeguards Notice* to parent and/or adult students that contain a full explanation of special education rights.

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See Chapter 11 for more information on procedural safeguards.

### Section 3. Student Eligibility under the IDEA 2004

The existence of a disability or medical diagnosis does not, by itself, mean that a student is eligible under the IDEA 2004. To be eligible for services under the IDEA 2004, a student must have a disability that:

1. meets the state disability criteria;
2. adversely affects educational performance; and
3. results in the need for special education, that is, specially designed instruction.

The process used to make this determination is called “eligibility evaluation.” During an eligibility evaluation, an evaluation team (which includes educators and the parent and/or adult student) reviews information from multiple sources including, but not limited to, general education interventions, formal and informal assessments, and progress in the general curriculum.

See Chapter 4 for more information on eligibility and evaluation.

### Section 4. Free Appropriate Public Education (FAPE)

The local education agency (district) is required to ensure that a free appropriate public education (FAPE) is available to students who reside in the district and are eligible for special education. FAPE is individually determined for each student that qualifies for special education. FAPE *must* include special education in the least restrictive environment (LRE) and *may* include related services, transition services, supplementary aids and services, and/or assistive technology devices and services. A definition of each of these terms can be found in the glossary.

See Chapter 2 for more information on FAPE.

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**Section 5. District Programs and Services**

The district shall ensure that the same array of academic, nonacademic, and extracurricular activities and services is available to students with disabilities as is available to students without disabilities.

**A. Educational Programs and Services**

The district shall take steps to ensure that students with disabilities have the variety of educational programs and services that are available to all other students served by the district. These may include art, music, industrial arts, consumer and homemaking education, vocational education, and other programs in which students without disabilities participate.

**B. Physical Education**

Physical education services, specially designed if necessary, shall be made available to every student with a disability receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

**C. Nonacademic and Extracurricular Services and Activities**

The district shall take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's Individualized Education Program (IEP) Team, to provide nonacademic and extracurricular services and activities in a manner that affords students with disabilities an equal opportunity to participate in those services and activities. This includes counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to persons with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.

**Section 6. Individualized Education Program (IEP)**

The IEP is a document that outlines how a particular student with a disability will receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). It is a working document that can be amended as the student's needs change. The IEP is created collaboratively by IEP team members, including parents, the student, if appropriate, the student's teachers and other district personnel.

See Chapter 5 for more information on IEP development.

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### Section 7. Least Restrictive Environment (LRE)

The IDEA 2004 states that, to the maximum extent appropriate, students with disabilities are to be educated with students who are not disabled. The IEP team should consider what constitutes LRE for the individual student. This includes considering that a continuum of alternative placements is available to meet the needs of children with disabilities and for special education and related services.

See Chapter 6 for more information on LRE.

### Section 8. Summary of Activities That May Lead to Special Education Services

This section describes the steps that may lead to special education services. The activities that are within each step are often sequential, but could occur simultaneously. The process might occur in a different sequence for emergency or interim placements. A flowchart of these steps is provided at the end of this chapter.

#### A. General Education Interventions (carried out by the problem-solving team)

A general education problem-solving team addresses student learning needs and ensures that referrals to consider special education are appropriate. The general education problem-solving process may include [comprehensive](#) early intervening services based on whole-school approaches such as: a three-tiered model using scientifically based reading (and other content area) programs, positive behavior supports, and a response-to-intervention system. Accommodations and instructional interventions shall be attempted during the problem-solving process. These accommodations and interventions shall be of sufficient scope and duration to determine the effects on the student's educational performance and shall be clearly documented.

If the student shows adequate progress with general education interventions and accommodations, a referral to consider a special education evaluation may be unnecessary. However, if general education interventions and accommodations need to be provided on an ongoing basis or if the student shows limited or no progress *and* the student's performance is significantly discrepant from peers, a referral to consider a special education evaluation may be warranted.

See Chapter 4 and Appendixes 3 and 4 for more information on problem-solving activities and the three tiered model.

#### B. Referral to Consider a Special Education Evaluation

Following the problem-solving team's review of the student's response to general education interventions, if the team suspects that the student has a disability that adversely impacts his or her education, the problem-solving team shall initiate a referral to consider a special education evaluation. The purpose of this referral is to bring a student to the attention of an evaluation team so that it can determine whether to conduct a special education evaluation.

A referral to consider a special education evaluation marks the point at which procedural safeguards are activated. The parent and/or adult student shall be involved in decisions once a written referral has been made to the evaluation team to consider a special education evaluation.

The evaluation team shall review existing data, including assessments and information provided by the parent and/or adult student, to determine the need for further assessment.

See Chapter 3 for more information on the referral process to consider a special education evaluation and who can make a referral.

**C. Written Notice and Consent** (completed by an evaluation team)

Before administering assessments as part of the special education evaluation, written notice shall be provided to the parent and/or adult student and written consent shall be obtained from the parent and/or adult student. The district may use a single form that meets the requirements of written notice and consent for assessment. In addition, if the evaluation team needs information for an evaluation from a non-educational agency or an individual, such as a doctor, written consent for the release of information shall be obtained from the parent and/or adult student. See Chapter 4 and Chapter 11 for more information.

**D. Evaluation and Eligibility Determination** (completed by evaluation team)

After receiving consent, the evaluation team shall schedule assessments and ensure they are conducted. Next, the evaluation team reviews the assessment data, the response to general education interventions, and parent and/or adult student input and recommendations to determine whether the student is eligible for special education services. Then the evaluation team compiles an *Eligibility Report* using data collected from individual assessments and provides the parent and/or adult student with a copy of the report.

If the student is not eligible, the district shall provide written notice to the parent and/or adult student that the data does not indicate eligibility under the IDEA 2004. The district shall maintain documentation in permanent records. (A student ineligible under the IDEA 2004 may be considered to have a disability under Section 504.)

If the parent and/or adult student disagrees with the district's evaluation and/or the eligibility determination, he or she has the right to request [SDE](#) mediation, file a due process hearing challenging the decision, or seek an independent educational evaluation (IEE). See Chapter 11 for more information.

**E. IEP Development and Implementation** (completed by IEP team)

The time between receiving consent for assessment and implementing the IEP cannot exceed 60 calendar days, excluding periods when regular school is not in session for five or more consecutive school days. The parent and district may agree in writing to extend the 60-day period

for the purpose of initial assessment as long as [Federal IDEA 2004 time requirements are met](#).  
See Chapter 4 for guidance on timeline exceptions.

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The following activities are included in the development and implementation of the IEP:

1. Conduct an IEP team meeting to develop an IEP within 30 calendar days of a determination that the student is eligible for special education and related services. For eligible students, the IEP can be developed at the same meeting at which eligibility is determined if all required IEP team members are present and agree to proceed.
2. After determining goals and services, determine the placement in the LRE in which the IEP can be implemented. For those goals that are aligned to the alternate standards, benchmarks/objectives shall be written.
3. Obtain documentation indicating participation in the IEP team meeting.
4. Obtain consent from the parent and/or adult student for initial placement in special education.
5. Provide copies of the IEP to the parent and/or adult student and other participants, as appropriate.
6. Provide written notice to the parent and/or adult student before implementing the IEP if the provision of FAPE or the educational placement is proposed to change.
7. Make arrangements for IEP services by informing staff of their specific responsibilities under the IEP.
8. Implement the IEP as soon as possible after it is developed.
9. Provide the parent and/or adult student with periodic reports of the student's progress towards IEP goals (such as quarterly or other periodic reports, concurrent with the issuance of report cards).

See Chapter 5 for more information on IEP development.

**F. Review and Revision of IEP and Placement Decision** (completed by IEP team)

1. Send the parent and/or adult student a *Procedural Safeguards Notice* with an invitation to attend an IEP meeting (required at least once annually).
2. Convene an IEP team meeting under these circumstances:
  - a. when changes in the IEP are requested or if the student is not making progress; and
  - b. at least annually to review eligibility, develop a new IEP, and determine placement.

3. Provide a copy of the revised IEP to the parent and the adult student when an IEP is amended or rewritten and when the student is no longer eligible for special education services. In addition, written notice is required if the district is proposing to change or refusing to change the educational placement and/or provision of FAPE.
4. Under Idaho regulations, the parent and/or adult student has the right to file a written objection to changes proposed by the district. If, within 10 calendar days of receiving written notice from the district, the parent and/or adult student files a written objection to all or part of the proposed IEP or placement, the district shall not implement the changes to which the parent and/or adult student objects. See Chapter 11 for more information.

See Chapter 5 for more information on IEP reviews.

**G. Reevaluation** (completed by evaluation team)

Reevaluations are conducted by the evaluation team. A reevaluation to determine whether a student continues to be eligible for special education services is completed as follows: (a) at least every three years, (b) when requested by the student's teacher or the parent and/or adult student, and (c) whenever conditions warrant. Approximately one month before conducting the reevaluation, the district shall inform the parent and/or adult student that a reevaluation is due. The parent and/or adult student and district may agree in writing that a three-year reevaluation is not necessary. In addition, a reevaluation need not be conducted more than once per year unless the district and the parents agree.

The evaluation team shall include the following activities in the reevaluation process:

1. Invite the parent and/or adult student to participate in the review of existing data and to determine what additional data, if any, is needed as part of the reevaluation. Unless the parent and/or adult student requests that the evaluation team members meet as a group in a formal meeting, data can be gathered from individual team members at various times using a variety of methods.
2. Obtain written consent from the parent and/or adult student if additional assessments shall be conducted. After gaining consent, ensure the completion of assessments and eligibility reports.
3. If the evaluation team determines that additional assessments are not needed, provide written notice to the parent and the adult student of this decision and of the parent and/or adult student's right to request assessments.
4. Prepare an *Eligibility Report* that details the eligibility requirements for the student, even when no new assessments are conducted. The report shall address each required eligibility component.

5. Provide the parent and/or adult student with a copy of the *Eligibility Report*.
6. Develop and implement an IEP, if the student continues to be eligible. If the student is not eligible, follow procedures to discontinue services.

See Chapter 4 for more information on reevaluation.

#### H. Discontinuation of Services

Provide prior written notice to the parent and/or the adult student informing them of the discontinuation of services when:

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1. The evaluation team determines the student no longer meets eligibility requirements for special education services; or
2. The student meets the district and State requirements that apply to all students for receipt of a regular high school diploma; or
3. The student completes the semester in which he or she reaches the age of 21 years.
4. Parent/adult student revokes consent for special education services.

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When a student exits from special education as a result of graduating or aging out, the district shall provide the student with a summary of his or her academic achievement and functional performance, along with recommendations on how to assist the student in meeting postsecondary goals.

See Chapter 7 for more information on the discontinuation of services.

**Chart**

**General Education Interventions** (completed by problem-solving team)

- Team considers components of the three tiered model of Response to Intervention.
- Problem solve, plan and implement interventions and accommodations; document results.

**Special Education Activities**

<p><b>A. Child Find Activities</b></p>
<p><b>B. Referral to Consider a Special Education Evaluation</b> (completed by problem-solving team and evaluation team)</p> <ul style="list-style-type: none"> <li>■ Problem-solving team submits a formal referral to consider special education evaluation.</li> <li>■ Provide the parent and/or adult student with a <i>Procedural Safeguards Notice</i>. (required)</li> <li>■ Seek parent and/or adult student input and afford opportunity for a meeting.</li> <li>■ Evaluation team decides whether to conduct further assessments.</li> </ul>
<p><b>C. Written Notice and Consent</b> (completed by the evaluation team)</p> <ul style="list-style-type: none"> <li>■ Provide written notice to the parent and/or adult student.</li> <li>■ Seek consent from the parent and/or adult student for assessments.</li> <li>■ Receive written consent for assessment from the parent and/or adult student.</li> </ul>
<p><b>D. Evaluation and Eligibility Determination</b> (completed by evaluation team)</p> <ul style="list-style-type: none"> <li>■ Schedule and conduct assessments.</li> <li>■ Review assessment information with parent and/or adult student. Determine eligibility and complete the <i>Eligibility Report</i>. (Meeting with the entire team is a parent and/or adult student option.)</li> <li>■ Provide the parent and/or adult student with a copy of the <i>Eligibility Report</i>.</li> </ul>
<p><b>E. IEP Development and Implementation</b> (completed by IEP team)</p> <ul style="list-style-type: none"> <li>■ Invite the parent and/or adult student to the IEP team meeting.</li> <li>■ Provide a <i>Procedural Safeguards Notice</i> to the parent and/or adult student. (at least once annually)</li> <li>■ Develop IEP and determine placement in LRE.</li> <li>■ Provide a copy of the IEP with written notice to the parent and/or adult student.</li> <li>■ Receive consent for initial placement from the parent and/or adult student.</li> <li>■ Implement IEP.</li> </ul>
<p><b>F. Review/Revision of IEP and Placement Decision</b> (completed by IEP team)</p> <ul style="list-style-type: none"> <li>■ Provide a <i>Procedural Safeguards Notice</i> to the parent and/or adult student if applicable.</li> <li>■ Invite the parent and/or adult student to the IEP team meeting.</li> <li>■ Review eligibility, develop an IEP, and determine placement annually.</li> <li>■ Provide a copy of IEP with written notice to the parent and/or adult student.</li> </ul>
<p><b>G. Reevaluation</b> (completed by evaluation team)</p> <ul style="list-style-type: none"> <li>■ Inform the parent and/or adult student that reevaluation is due.</li> <li>■ Provide a <i>Procedural Safeguards Notice</i> to the parent and/or adult student if applicable.</li> <li>■ Seek parent and/or adult student input on reevaluation and afford opportunity to request a meeting.</li> <li>■ Receive consent from the parent and/or adult student for assessments if planning to assess <b>OR</b> Provide the parent and/or adult student with written notice that no further assessments shall be conducted if the evaluation team determines that existing information is adequate. Inform parent and/or adult student of his or her right to request additional assessments.</li> <li>■ Schedule and conduct assessments.</li> <li>■ Review assessment information with parent and/or adult student. Determine eligibility and complete the <i>Eligibility Report</i>. (Meeting with the entire team is a parent and/or adult student option.)</li> <li>■ Provide the parent and/or adult student with a copy of the <i>Eligibility Report</i>.</li> <li>■ Go to steps in Box F or Box H.</li> </ul>
<p><b>H. Discontinuation of Services</b></p> <ul style="list-style-type: none"> <li>■ Provide written notice to the parent and/or adult student before discontinuing special education services.</li> <li>■ Upon graduation provide a summary of performance to the parent and/or adult student.</li> </ul>





**Chapter 2**  
**FREE APPROPRIATE PUBLIC EDUCATION**

**Chapter Contents**

Section 1.	Definition of a Free Appropriate Public Education (FAPE).....	15
Section 2.	Provision of FAPE .....	15
Section 3.	FAPE Considerations .....	17



**Chapter 2**  
**Free Appropriate Public Education**

The local education agency (district) is required to ensure that a free appropriate public education (FAPE) is available to students in the district and who are eligible for special education. FAPE is individually determined for each student with a disability. FAPE *must* include special education in the least restrictive environment (LRE) and *may* include related services, transition services, supplementary aids and services, and/or assistive technology devices and services. A definition of each of these terms can be found in the glossary.

**Section 1. Definition of a Free Appropriate Public Education (FAPE)**

The definition of FAPE under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) means special education and related services that:

1. are provided at public expense (free);
2. are provided in conformity with an appropriately developed individualized education program, or IEP (appropriate);
3. are provided under public supervision and direction (public); and
4. include an appropriate preschool, elementary, and secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the State Department of Education (education).

**Section 2. Provision of FAPE**

**A. District Obligation**

The district is required to ensure that FAPE is available to students in the district who are eligible for special education. This includes students who reside in group, personal care, or foster homes, as well as institutions, if their legal guardian is a resident of Idaho, even though the guardian may reside in another Idaho school district. It also includes students who are migratory or homeless as defined by the McKinney-Vento Homeless Act (see Glossary). If a student from another state is placed in Idaho by an out-of-state agency, parent, or district, the placing district, parent, or agency is responsible for the educational costs. If a student is placed in a district by an Idaho agency, the student is entitled to FAPE and the responsible agency is determined upon Idaho Code regarding the specific situation.

The district is obligated to make FAPE available to each eligible student in the district as follows:

1. The district shall provide FAPE to an individual who is at least 3 years old and who qualifies for special education services unless the parent and/or adult student has refused special education services.
2. The district shall offer FAPE to parentally placed private school students in accordance to statutory and regulatory language, which states that parentally placed private school students with disabilities do not have an individual right to some or all of the special education and related services that the student would receive if enrolled in a public school.
3. A free appropriate public education shall be available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course, and is advancing from grade to grade.

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Note: Participation in Comprehensive Early Intervening Services neither limits nor creates a right to FAPE.

#### B. Limit to District Obligation

1. The district is not obligated to provide some or all special education and related services, if it has been offered, but a parent elected to place the student in a private school or facility. However the district shall include that student in the population whose needs are addressed consistent with Child Find requirements. See Chapter 9 for more information.
2. Students who are home schooled and dually enrolled are considered private school students for the purposes of dual enrollment. The same procedures would be available to these students as parentally placed private school students who are dually enrolled.

#### C. When District Obligation to Provide FAPE Ends

##### The District's obligation to provide FAPE to a student ends:

1. the semester in which the student turns 21 years old;
2. when the student meets the district requirements that apply to all students for receipt of a regular high school diploma; a regular high school diploma does not include an alternative degree that is not fully aligned with the Idaho Content Standards, such as a certificate or a general educational development credential (GED); or
3. when the student no longer meets the eligibility criteria for special education services, as determined by the team after a reevaluation.

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#### D. Temporary Suspension of FAPE

The district is not required to provide FAPE to an eligible student during the suspension of 10 cumulative school days or less during a school year; however, FAPE must be provided following this 10-day exception.

### Section 3. FAPE Considerations

#### A. Case Law Interpretations of FAPE

The courts have further defined the term FAPE as a result of lawsuits between parents and districts. In 1982, the United States Supreme Court ruled in the case of *Hendrix Hudson Central School District Board of Education v. Rowley*. This landmark case set a standard for FAPE that is commonly referred to as the *Rowley Standard*. The *Rowley* decision defines FAPE as including these two components:

1. an IEP developed in adequate compliance with the IDEA 2004 procedures; and
2. an IEP reasonably calculated to enable the student to receive educational benefit.

The *Rowley* decision also states that, if a student is being educated in the general education classroom, the IEP should be reasonably calculated to enable the student to achieve passing marks and advance from grade to grade.

#### B. Applicability to Charter and Alternative Schools

Federal law requires the district to provide students with disabilities educational choices comparable to those choices offered to students without disabilities. These choices include the opportunity to attend a public charter school or alternative school. Students enrolled in public charter and alternative schools are entitled to FAPE and retain all the rights and protections that are available under the IDEA 2004.

#### C. Applicability to Detained Youth

Students with disabilities or suspected disabilities who are detained in city or county jails, juvenile detention centers, juvenile correctional facilities, or in Idaho prisons are entitled to FAPE.

1. Services to Youth Detained in City or County Jails

The district in which the facility is located has the responsibility for the provision of FAPE to eligible youth.

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2. Services to Youth Detained in Juvenile Detention Centers (JDC)

The district in which the facility is located has the responsibility for the provision of FAPE to eligible youth. Typically, detention in a JDC is short term, and the student most likely returns to his or her home district. If a district has a student who is detained in a JDC not located within the district boundaries, the district may find it beneficial to coordinate school assignments through the JDC's education staff while the student is in the facility.

3. Services to Youth Placed in the Custody of the Department of Juvenile Corrections (DJC)

When a student is placed in the custody of the Department of Juvenile Corrections, the responsibility for the provision of FAPE resides with the Department of Juvenile Corrections.

4. Services to Youth in the Custody of the Department of Correction (DOC)

When a student is placed in the custody of the Department of Correction, the responsibility for the provision of FAPE resides with the Department of Correction through an agreement between the SDE and the Department of Correction.

**D. Using Public and Private Insurance Funds to Provide FAPE**

If a student is covered by a parent's private or public insurance or benefits, the district may access this insurance only if the parent provides informed consent. Each time the district proposes to access the private insurance, the district shall obtain written parental consent and inform the parent that his or her refusal to permit the district to access the private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent.

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**Chapter 3  
CHILD FIND**

**Chapter Contents**

Section 1. District Responsibility .....21

Section 2. Locating Students .....22

Section 3. Identification .....22

Section 4. Referral to Consider a Special Education Evaluation .....25





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**Chapter 3**  
**CHILD FIND**

The Child Find system involves three basic steps leading to the determination of whether or not a student has a disability and requires special education. The steps are location, identification, and evaluation. This chapter describes location and identification activities. The evaluation process is covered in Chapter 4.

**Section 1. District Responsibility**

The district is responsible for establishing and implementing an ongoing Child Find system to locate, identify, and evaluate students suspected of having a disability, ages 3 through the semester they turn 21, who may need special education, regardless of the severity of the disability. The district is also responsible for coordinating with the Department of Health and Welfare (DHW) regarding the Child Find system for children ages birth through 2 years. The district may appoint an individual to coordinate the development, revision, implementation, and documentation of the Child Find system.

The Child Find system shall include all students within the district's geographic boundaries including students who are:

1. enrolled in public school;
2. enrolled in charter and alternative schools;
3. enrolled in home school;
4. enrolled in private elementary and secondary schools (including religious schools) located in the district; including out-of-state parentally-placed private school children with disabilities;
5. not enrolled in elementary or secondary school, including children ages 3 through 5;
6. advancing from grade to grade;
7. highly mobile students (such as migrant and homeless as defined by the McKinney Vento Homeless Act [see Glossary]); and
8. wards of the state.

### Section 2. Locating Students

Locating students who may have disabilities involves coordinating with other agencies and promoting public awareness.

#### A. Coordination

For infants and toddlers, birth through 2 years of age, Child Find is provided by the Idaho Infant/Toddler Program (ITP). Although lead responsibility for the ITP has been designated to the DHW, interagency agreements provide for collaboration and coordination. The district shall use local interagency agreements for efficient use of resources and ease of service accessibility for students and families.

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#### B. Public Awareness

The district shall take the necessary steps to ensure that district staff and the general public are informed of the following:

1. the availability of special education services;
2. a student's right to a free appropriate public education (FAPE);
3. confidentiality protections; and
4. the referral process.

This information may be provided through a variety of methods such as distributing brochures or flyers, including information in school or district publications, disseminating articles and announcements to newspapers, arranging for radio and television messages and appearances, speaking at faculty meetings or district in-services, and making presentations.

### Section 3. Identification

The identification component of Child Find includes screening, early intervening through a problem-solving process, and referral to consider a special education evaluation. The procedural rights under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) are afforded when the student is referred for a special education evaluation by the parent and/or adult student or the district.

#### A. Screening

Screening is an informal, although organized process, of identifying students who are not meeting or who may not be meeting Idaho Content Standards or Idaho Early Learning Standards. A variety of methods may be used to screen students, including performance on statewide

assessments, curriculum-based measures, daily work in the classroom, teacher observations, hearing and vision screeners, developmental milestones, and/or kindergarten readiness measures.

Screening for instructional purposes is not an evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Although screening is an important part of the Child Find system, screening cannot be used to delay processing a referral to consider a special education evaluation where immediate action is warranted.

**B. General Education Intervention (Comprehensive Early Intervening Services)**

Under the Local Education Agency (LEA) funding option, early intervening services are services for K-12 students who need additional academic and behavioral support to succeed in the *general education environment*. When a school's screening process reveals that a student or groups of students are at risk of not meeting the Idaho Content Standards, the general education problem-solving team shall consider the students' need for "supported" instructional interventions in order to help the students succeed. These interventions are referred to as early intervening services or general education interventions, accommodations, and strategies. It is important to remember that students who receive early intervening services are not currently identified as needing special education or related services and do not have a right to FAPE. Therefore, the IDEA 2004 procedural safeguards are not applicable at this time.

Districts shall implement comprehensive coordinated services and activities that involve providing educational and behavioral evaluations, services, and supports. These services may also include professional development for teachers and other staff to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and where appropriate, instruction on the use of adaptive and instructional software. Comprehensive Early Intervening Services (CEIS) should be based on whole-school approaches such as; the three-tiered model, scientifically based curriculum and instruction, positive behavior supports, and a response to intervention system.

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If a district chooses to use up to 15% of Part B Federal funds for CEIS for students in K-12 who are not currently identified as needing special education, but who need additional support in the general education environment, additional requirements may apply that will affect maintenance of effort .

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If a district is found to have a significant disproportionate representation in special education, there are additional requirements for use of funds in CEIS. Please see Chapter 10 for more information on CEIS.

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**General Education Problem Solving**

1. Establishing a Problem-Solving Team

The district shall establish a problem-solving team and a process to plan accommodations and interventions in general education and to ensure that referrals to consider a special education evaluation are appropriate. Team membership is established by the school or the district and would likely involve general educators and administrators, and could include counselors, specialists, and special education personnel. While parent and/or adult student involvement is valuable and encouraged, the district is not required to include the parent and/or adult student on the team.

When problem solving involves a child 3-5 years of age, the team should seek input from family members, child care programs, private preschools, or Head Start [Programs](#), as appropriate. An early childhood problem-solving process needs to consider early childhood environments and the preschool student's need for supported instructional interventions in order for the student to participate in appropriate activities.

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2. Referrals to the Problem-Solving Team

Referrals to the problem-solving team may come from a variety of sources including parents, students, other family members, public or private school personnel, agencies, screening programs, or as a result of annual public notice. Referrals may be made for a variety of reasons dealing with academic and behavioral concerns and may involve, but are not limited to, teaching strategies, material accommodations, social skills training, cooperative learning concepts, classroom organization, and scheduling.

3. Interventions

- a. Interventions in general education or an early childhood environment shall be attempted before a student is referred to an evaluation team, unless an evaluation is needed immediately.
- b. Interventions shall be of sufficient scope and duration to determine the effects on the student's educational performance and should be clearly documented.
- c. Documentation of the success or failure of accommodations and interventions shall be reviewed and discussed by the problem-solving team.

4. Problem-Solving Team Decisions Following General Education Intervention

Based on a review of data and information presented by the referring party and others, the team has several decision options. In the case of a preschool student, data and information shall be gathered and reviewed from such settings as child care programs, private preschools, Head Start [Programs](#), or the home.

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Following an intervention, the problem-solving team shall review progress monitoring data from the intervention and other relevant information to determine what action is warranted. The team considers a variety of options, including whether to:

- a. continue the general education intervention because the student is making adequate progress but needs more time to reach goals;
- b. continue the intervention in a modified form;
- c. explore services or programs outside of special education (such as Title I of the Elementary and Secondary Education Act, including English language programs; Section 504 accommodations; counseling); or
- d. make a referral to consider a special education evaluation.

Although problem-solving activities are an important part of the system, they cannot be used to delay processing a referral for consideration of a special education evaluation where immediate action is warranted. Either a parent or a public agency may initiate a request for an initial evaluation.

#### **Section 4. Referral to Consider a Special Education Evaluation**

##### **A. Evaluation Team**

The evaluation team is the group of people established by the IDEA 2004 that has the responsibility for making decisions regarding evaluation, assessments, and eligibility. The composition of the evaluation team will vary depending on the nature of the student's suspected disability and other relevant factors. The evaluation team shall include the same membership (although not necessarily the same individuals) as the IEP team and other professionals as needed to ensure that appropriate, informed decisions are made.

Unlike an IEP team, an evaluation team has the flexibility of conducting business with or without a meeting. The case manager can gather input from evaluation team members in a variety of ways. The parent and/or adult student shall be included in the evaluation team and shall be given the opportunity to indicate whether he or she wishes the team to hold a meeting with all members attending.

##### **B. Referrals to Consider Special Education**

The procedure for handling referrals to consider a special education evaluation for students suspected of having a disability includes the following:

1. Unless immediate action is warranted and documented, a referral to consider a special education evaluation is sent to the evaluation team *after* the problem-solving team has determined:

- a. the student's response to research-based interventions in general education (or age-appropriate activities for preschool) has not resulted in adequate progress; and
  - b. language and cultural issues are not the main source of the student's academic or behavioral discrepancy from peers.
2. A *Referral to Consider a Special Education Evaluation/Reevaluation* form shall be completed.
  3. Procedural safeguards are activated when a referral is made to consider a special education evaluation. If the referral came from someone other than the parent and/or adult student (see Glossary) the parent and/or adult student shall be notified. In either case, the parent and/or adult student shall be provided with a copy of the *Procedural Safeguards Notice*. At the same time, the parent and/or adult student shall be afforded an opportunity to provide input regarding the need for and scope of the initial evaluation, including the opportunity to hold a meeting if desired.
  4. The evaluation team (including the parent and/or adult student) reviews all available records, including family and health history, past school experiences, the results of general education interventions, and previous assessments and evaluations. The evaluation team shall decide what additional assessments, if any, are needed. This review and determination process can take place at a face-to-face meeting of the evaluation team or through an alternate format, unless the parent and/or adult student desires that a meeting be held.
    - a. If the evaluation team determines that an evaluation is warranted, written notice shall be provided to the parent and/or adult student and written consent shall be obtained from the parent and/or adult student.
    - b. If the evaluation team determines that an evaluation is not warranted at this time, the team should seek other avenues for services to meet the student's needs. The person initiating the referral, if other than the parent and/or adult student, may be informed as to why the evaluation is not being conducted. Written notice of the district's refusal to evaluate a student for special education services shall be provided to the parent and/or adult student when he or she makes a referral for a special education evaluation and the district determines that the evaluation is not warranted.

Note: Districts are prohibited from requiring that a student obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school, receiving an evaluation, or receiving services under the IDEA 2004.

See Chapter 4 for more information on evaluation and eligibility.

**Chapter 4  
EVALUATION AND ELIGIBILITY**

**Chapter Contents**

Section 1.	Evaluation Team .....	30	
Section 2.	Purpose of an Evaluation.....	30	
Section 3.	Written Notice and Consent for Assessment.....	32	
Section 4.	Information from Other Agencies or Districts .....	36	
Section 5.	Evaluation and Eligibility Determination Procedures.....	37	
Section 6.	Reevaluation and Continuing Eligibility.....	41	
Section 7.	State Eligibility Criteria .....	44	
	A. Autism.....	45	
	B. Cognitive Impairment .....	<del>46</del>	Deleted: 5
	C. Deaf-Blindness.....	46	
	D. Deafness .....	47	
	E. Developmental Delay.....	<del>47</del>	Deleted: 7
	F. Emotional Disturbance.....	49	
	G. Health Impairment .....	50	
	H. Hearing Impairment .....	51	
	I. Learning Disability .....	52	
	J. Multiple Disabilities.....	<del>56</del>	Deleted: 6
	K. Orthopedic Impairment .....	57	
	L. Speech or Language Impairment: Language .....	<del>58</del>	Deleted: 7
	M. Speech or Language Impairment: Speech.....	<del>58</del>	Deleted: 8
	M1. Articulation/Phonology Disorder .....	<del>59</del>	Deleted: 8
	M2. Fluency Disorder .....	<del>60</del>	Deleted: 59
	M3. Voice Disorder.....	<del>60</del>	Deleted: 0
	N. Traumatic Brain Injury.....	62	
	O. Visual Impairment Including Blindness .....	<del>62</del>	Deleted: 2
<b>Documents:</b>			
	<i>Regressed Intelligence Quotient Scores .....</i>	65	
	<i>Fluency Communication Rating Scale.....</i>	68	
	<i>Voice Rating Scale .....</i>	69	
	<i>Documentation of Adverse Effects on Educational Performance for Students with Speech/Language Disorders.....</i>	70	





**Chapter 4**  
**EVALUATION AND ELIGIBILITY**

Chapter 3 discusses Child Find procedures used to locate and identify students with suspected disabilities. This chapter contains the requirements for the special education evaluation and eligibility process, from referral to consider special education through to the determination of eligibility. The Idaho State Department of Education has provided State Eligibility Criteria for special education services for eligibility consistent with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) for districts to use while determining eligibility.

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**Section 1. Evaluation Team**

The evaluation team is a group of people outlined by IDEA 2004 with the responsibility to make decisions regarding evaluation, assessments, and eligibility. This team includes the same membership as the individualized education program (IEP) team (although not necessarily the same individuals) and other qualified professionals as needed to ensure that appropriate and informed decisions are made. The specific composition of the evaluation team reviewing existing data will vary depending upon the nature of the student's suspected disability and other relevant factors. The parent and/or adult student is a member of the evaluation team and shall be provided an opportunity to provide input and participate in making team decisions. The evaluation team may conduct its review without a meeting unless the parent and/or adult student requests that a meeting be held.

Additional Membership Requirements:

The determination of whether a student suspected of having a *learning disability* shall be made by the student's parents and a team of qualified professionals, which shall include:

- The student's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; and
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

**Section 2. Purpose of an Evaluation**

The purpose of the evaluation process is to determine the eligibility of a student for special education services. This pertains to both initial determination and three year review of eligibility, or re-evaluation. It is also a process for gathering important information about a student's strengths and needs. An evaluation process should include a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent.

### A. Definitions

Although the terms “evaluation” and “assessment” are often interchanged, there are significant differences between the meaning of the two terms. In an effort to clarify, the terms are defined as follows:

1. **Evaluation** refers to procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The screening of a student by a teacher or specialist to determine appropriate *instructional* strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.
2. **Assessment** is integral to the evaluation process and includes the formal or informal processes of systematically observing, gathering, and recording credible information to help answer evaluation questions and make decisions. A test is one method of obtaining credible information within the assessment process. Tests may be standardized or non-standardized, criterion-referenced (e.g. curriculum-based measures) or norm-referenced, and usually elicit responses from students to situations, questions, or problems to be solved. Assessment data may also include observations, interviews, medical reports, data regarding the effects of general education accommodations and interventions, and other formal or informal data.

### B. Evaluation Components

The district shall conduct a full and individual initial evaluation before the provision of special education and related services are provided to a student suspected of having a disability. A parent or a public agency may initiate a request for an initial evaluation to determine eligibility.

This initial evaluation will consist of procedures to determine whether:

1. the student has a disability according to the established Idaho criteria;
2. the student’s condition adversely affects academic performance; and
3. the student needs special education, that is, specially designed instruction and related services;

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In addition, the information from the evaluation can be used to consider the following:

1. the nature and extent of special education and related services needed by the student in order to participate and progress in the general education curriculum or curriculum aligned to the Idaho Content Standards or the Idaho Early Learning Standards; and
2. the least restrictive environment (LRE) for the student.

The above information also pertains to evaluations for determining Part B eligibility for children transitioning from the Infant/Toddler Program [\(ITP\)](#).

### Section 3. Written Notice and Consent for Assessment

Written notice shall be provided and informed consent shall be obtained before assessments are administered to a student as part of an evaluation.

#### A. Written Notice Requirements

Written notice shall be provided to the parent and/or adult student within a reasonable time before the district proposes to initiate the evaluation or re-evaluation of a student. Written notice shall be in words understandable to the general public. It shall be provided in the native language or other mode of communication normally used by a parent [and/or](#) adult student unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the district shall take steps to ensure the following:

1. The notice is translated orally or by other means in the native language or other mode of communication;
2. The parent or adult student understands the content of the notice; and
3. There is written evidence that the above two requirements have been met.

The written notice shall *include* the following:

1. a description of the evaluation or reevaluation proposed or refused by the district;
2. an explanation of why the district proposes to evaluate or reevaluate the student;
3. a description of any other options the district considered and the reasons why those options were rejected;
4. a description of each assessment procedure, test, record, or report that the district used as a basis for the proposed or refused evaluation or reevaluation;
5. a description of any other factors relevant to the evaluation or reevaluation;
6. a statement that the parent or adult student has special education rights and how to obtain a copy of the *Procedural Safeguards Notice*; and
7. sources for parents to contact in obtaining assistance in understanding the *Procedural Safeguards Notice*.

Written notice shall be *provided* to the parent and/or adult student within a reasonable time in the following instances:

1. to conduct any assessments for initial evaluation or reevaluation
2. to explain refusal to initiate assessment
3. when the evaluation team determines that additional assessments are not required

See Chapter 11 for more information on written notice.

### **B. Consent Requirements**

#### Definition of Consent

Consent means that the parent and/or adult student:

1. has been fully informed in his or her native language or other mode of communication of all information relevant to the assessment for which consent is sought;
2. understands and agrees in writing (as indicated by signature) to the activities described; and
3. understands that granting of consent is voluntary on the part of the parent. A parent or/adult student who has provided consent shall understand that granting consent is voluntary and may be revoked in writing at any time *before* the assessment. However, once the assessment has been completed, revocation of consent cannot be used to have the assessment disregarded.

#### Consent for initial evaluation

1. Informed written consent shall be obtained from the parent/adult student before the district conducts assessments as a part of an initial evaluation of the student to determine if he or she qualifies as a child with a disability;
2. Parental consent for initial evaluation should not be construed as consent for initial provision of special education and related services;
3. The school district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child has a disability and to identify the educational needs of the child. If a parent refuses consent, the district does not violate its obligation to provide FAPE if it declines to pursue the evaluation.

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4. If the child is a ward of the State and is not residing with the child's parent, the district is not required to obtain informed consent from the parent for an initial evaluation to determine eligibility if,
  - a. despite reasonable efforts to do so, the district cannot locate the parent;
  - b. the rights of the parents of the child have been terminated in accordance with Idaho law; or
  - c. the rights of the parent to make educational decisions have been subrogated by a judge in accordance with Idaho law and consent for initial evaluation has been given by an individual appointed by the judge to represent the child
5. If a district is using the Response to Intervention process to determine eligibility the district shall promptly request consent to evaluate the student
  - a. Whenever the parent requests an evaluation during the RTI process.
  - b. At such time that the problem solving team has determined that the student is suspected of having a disability and shall be considered for special education services.

Note: If using an RTI process, there shall be documentation that the parent of the student was notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided, the strategies for increasing the student's rate of learning, and the parent's right to request an evaluation. This documentation should be a part of the RTI process and may be documented on the intervention plan used by the district.

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#### Consent and/or Written Notice for Reevaluation

1. Written consent shall be sought for reevaluation that requires new assessments. Reevaluation consisting of review of existing data requires written notice.

~~2. Informed parental consent need not be obtained if the public agency can demonstrate through documentation that it made reasonable efforts to obtain consent and the child's parent has failed to respond.~~

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#### C. When Consent Is Not Required

Parental consent is *not* required for:

1. the review of existing data as part of an evaluation or reevaluation;

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2. the administration of a test or other assessment that is administered to all students, unless consent is required of parents of all students;
3. teacher or related service provider observations, ongoing classroom evaluations, or criterion-referenced tests that are used to determine the student's progress toward achieving goals on the IEP; and
4. screening by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

**D. Refusing Consent or Failure to Respond to a Request for Consent**

1. The parent and/or adult student can refuse consent for general areas of assessment, for specific procedures, or for assessment altogether.
2. For an initial evaluation, if consent is refused or the parent and/or adult student fails to respond, the student cannot be assessed. However, the district may request SDE mediation or a due process hearing. If the mediation results in consent to assess, or if a hearing officer's decision indicates that assessment is appropriate and there is no appeal, then the student may be assessed. However, the district does not violate its obligations to provide FAPE if it declines to pursue the evaluation. *The district shall not initiate initial provision of services without written consent from the parent and shall not pursue due process for initial provision of services.*
3. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the district may not use [SDE](#) mediation or due process procedures in order to gain consent and the district is not required to consider the child eligible for services.

Note: A district shall not use a parent's refusal for consent to one service or activity to deny the parent or student any other service, benefit, or activity.

See Chapter 11 for more information on consent and reasonable efforts.

**E. Timeline**

The time between receiving written consent for initial assessment and implementing the IEP cannot exceed 60 calendar days, excluding periods when regular school is not in session for five or more consecutive school days. ~~The time between eligibility determination and implementation of the IEP cannot exceed 30 days.~~

In unusual circumstances, all parties may agree in writing to an extension of the 60-day period for the purpose of initial assessment. These circumstances may include the following:

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1. The child enrolls in a school in another school district after the 60-day timeline began and prior to the determination by the child's eligibility in the previous school district. If the new school district is making sufficient progress in determining eligibility, the parent and district may agree to a different timeline.
2. The parent repeatedly fails or refuses to produce the student for an evaluation after the district has made reasonable efforts to schedule an evaluation.

#### Section 4. Information from Other Agencies or Districts

Consent for release of information shall be received before the district seeks to obtain information about the student from other agencies. Upon receipt of consent, the case manager will send letters requesting information to individuals or agencies that have relevant information about the student. A copy of the signed consent form for release of information shall be included with the letters and a copy shall be retained in the student's confidential file. Sources of this additional information may include records from health and social service agencies, private preschool programs, legal service agencies, and non-school professionals such as physicians, social workers, and psychologists.

Federal laws and regulations do not require consent for the district to:

1. request information from other districts that the student has attended; or
2. send information to other districts in which the student intends to enroll.

For children transferring from the ITP, eligibility shall be determined and the IEP developed by the date that the child turns 3 years of age. See Chapter 5 and Appendix 5B for additional information on collaboration with the ITP throughout the transition process.

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**Section 5. Evaluation and Eligibility Determination Procedures**

**A. Areas to Assess**

The student shall be assessed in all areas related to the suspected disability, which includes functional, developmental, and academic skills needed to participate and progress in the general education curriculum. If needed, qualified personnel shall conduct an individual assessment of assistive technology needs, including a functional evaluation in the individual's customary environment. The evaluation of each student with a disability shall be sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student may be classified. If secondary transition services are needed, appropriate transition assessments shall be conducted.

Evaluation teams shall be especially mindful of cultural and linguistic differences during the evaluation and eligibility process. Caution is advised in the selection of informal or formal assessments that are nonbiased, administration of assessments, interpretation, and application of outcomes in order to appropriately identify culturally or linguistically diverse students for special education services.

See Appendix 4 for more guidance on determining eligibility for culturally and linguistically diverse students.

**B. Determination of Needed Initial or Reevaluation Data**

As part of an initial evaluation or reevaluation, the evaluation team will review existing evaluation data depending on the student's suspected disability and other relevant factors including:

1. assessments and information provided by the parent and/or adult student concerning the student;
2. current classroom-based assessments and observations, and/or data regarding the student's response to scientific research-based interventions;
3. observations by teachers and related service providers; and
4. results from statewide and district wide testing.

Based on that review, and input from the parent and/or adult student, the evaluation team will decide on a case-by-case basis what additional data, if any, are needed to determine:

1. whether the student meets eligibility criteria for special education;

2. the student's present levels of performance, including academic achievement and related developmental needs of the student
3. whether the student needs special education and related services; or
4. whether any additions to the special education and related services are needed to enable the student to:
  - a. meet the measurable annual goals set out in the student's IEP and
  - b. participate, as appropriate, in the general education curriculum (for preschool students, to participate in appropriate activities).

If the evaluation team determines additional assessments are not required for the purpose of determining whether the student meets eligibility criteria during an evaluation or a reevaluation, the district shall provide written notice to the parent and/or adult student of the decision and the reasons for that decision. The parent and/or adult student shall also be informed of his or her right to request assessments to determine eligibility and to determine the child's educational needs.

#### **C. Assessment Procedures and Instruments**

The district shall ensure the evaluation or reevaluation meets the following requirements:

1. The child shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and transition needs.
2. Assessments and other materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis.
3. Assessments and other materials shall be provided and administered in the student's native language and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is not feasible to do so. Attempts to provide a qualified examiner in the student's native language or mode of communication shall be documented.

In all direct contact with a student, the language normally used by the student in the home or learning environment shall be used. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that which is normally used by the individual (e.g., sign language, Braille, or oral communication).

4. Materials used to assess a student with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than solely measuring the student's English language skills. (See Appendix 4C for further information.)

5. A variety of assessment tools and strategies shall be used to gather relevant academic, developmental and functional information about the student, including information provided by the parent and/or adult student and information related to enabling the student to be involved in and progress in the general education curriculum (or, for a preschooler, to participate in appropriate activities).
6. Assessments are used for the purposes for which the assessments or measures are valid and reliable.
7. Assessments shall be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
8. Assessments and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient or standard score.
9. Assessments shall be selected and administered to ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those are the factors that the test purports to measure).
10. No single measure or assessment may be used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student.
11. The district shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.
12. The district shall provide and use assessment tools and strategies that produce relevant information that directly assists persons in determining the educational needs of the student.
13. All services and assessments shall be provided at no expense to the parent and/or adult student.
14. Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with the child's prior and subsequent schools to ensure prompt completion of the full evaluation.

15. The evaluation shall be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category.

#### **D. Eligibility Determination**

Upon completion of the student's evaluation or reevaluation, the evaluation team will consider the findings and determine whether the student meets or continues to meet eligibility criteria found in Section 7 of this chapter. The evaluation team will draw upon information from a variety of sources, including aptitude and achievement tests, parent and/or adult student input, teacher input, physical condition, social or cultural background, adaptive behavior, and functional assessments to interpret evaluation data and determine eligibility

#### **Special Rule for Eligibility Determination**

A student cannot be identified as a student with a disability if the primary reason for such a decision is:

1. lack of appropriate instruction in reading, including the essential components of reading instruction as defined by the Elementary and Secondary Education Act—phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills and reading comprehension strategies,
2. lack of appropriate instruction in math, or
3. Limited English Proficiency.

#### Related Services:

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. An IEP team may determine that a student found eligible for special education has a need for a related service. However, if a student with a disability needs only a related service and not special education, then the student is not eligible for the related service, unless it is considered to be special education under State standards, as in the case of speech therapy and language therapy.

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#### **E. The Eligibility Report**

The evaluation team shall prepare an *Eligibility Report* and provide a copy of the report to the parent and/or adult student.

The *Eligibility Report* shall include:

1. names and positions of all evaluation team members;

2. all data on the student as required in the State Eligibility Criteria for the area of suspected disability.
3. confirmation and supporting data that the disability is not due to lack of appropriate instruction in reading, including the essential components of reading —phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills and reading comprehension strategies or math;
4. confirmation and supporting data that the disability is not due to Limited English Proficiency;
5. information about how the student’s disability adversely affects his or her educational performance;
6. information regarding the student’s need for specially designed instruction (special education and related services);
7. the date of the eligibility determination; and
8. the name and position of all those administering assessments.
9. In the case of Learning Disability eligibility determination, certification in writing that the report reflects each member’s conclusions, (agreement), and in the case of team member disagreement with the conclusions, a written statement shall be attached to the eligibility report presenting the dissenting team member’s conclusions.

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### Section 6. Reevaluation and Continuing Eligibility

#### A. Reevaluation Requirements

The district shall ensure that an individual reevaluation of each student with a disability is conducted in accordance with all the required evaluation procedures outlined in this chapter.

A Reevaluation:

1. shall occur at least once every 3 years unless the parent and/or adult student and the district agree in writing that a 3-year reevaluation is not necessary. However, an updated Eligibility Report, documenting all eligibility criteria, shall be completed by the reevaluation due date to establish and document continuing eligibility;
2. a reevaluation is not required more than once per year unless the parent or/adult student and the district agree otherwise. If the parent makes a request within the year and the district does not agree, the district shall send written notice of refusal.

The district shall ensure a reevaluation is conducted if:

1. it is determined that the education or related service needs, including academic achievement and functional performance, of the student warrants a reevaluation; or
2. if the parent and/or adult student or the student's teacher requests a reevaluation.

**B. Reevaluation Prior to Discontinuation**

1. The district shall evaluate a student with a disability before determining that the student is no longer eligible for special education.
2. Reevaluation is not required in the following two circumstances:
  - a. before the termination of a child's eligibility due to graduation, if the student meets comparable academic requirements that are equally as rigorous as those required of non-disabled students and receives a regular diploma.
  - b. the student has reached the end of the semester in which he or she turns 21 years of age;

Note: Although a reevaluation is not required in these two cases, the district shall provide the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post school goals.

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**C. Informing the Parent and/or Adult Student**

Approximately one month before the reevaluation is due, contact shall be made with the parent and/or adult student informing him or her that:

1. the reevaluation will be scheduled within the month, unless the district and parent and/or adult student agree it is unnecessary;
2. input will be sought from the parent and/or adult student; and
3. the reevaluation process may be accomplished without a meeting, although the parent and/or adult student has the option of requesting a meeting.

**D. Nature and Extent of Reevaluation**

Before any reassessment of the student, the evaluation team will determine the nature and extent of the student's needs by reviewing existing data. See Section 5 of this chapter for more information regarding the determination of needed data.

1. No Additional Information Needed

- a. If the evaluation team decides that no additional assessments are needed to determine whether the student continues to be a student with a disability, the district shall provide written notice to the parent and/or adult student of his or her right to request further assessment to determine whether the student continues to have a disability for the purpose of services under the IDEA [2004](#).
- b. If the parent and/or adult student requests an additional assessment to determine whether the student continues to have a disability under the IDEA 2004, then the district shall conduct the assessment.
- c. If the parent and/or adult student requests an additional assessment for reasons other than eligibility, such as admission to college, then the district shall consider the request and provide written notice of its decision.

2. Additional Assessments Needed

Based on recommendations from the evaluation team, the district will seek consent to administer the needed assessments and provide the parent and/or adult student with information regarding proposed assessments. If the parent and/or adult student fails to respond after the district has taken reasonable measures to obtain consent for assessments as part of a reevaluation, the district may proceed with the assessments. See section 3B of this chapter for a definition of reasonable measures.

If the parent and/or adult student denies consent to reassess, the student cannot be assessed. However, the district may request [SDE](#) mediation or a due process hearing. If the mediation results in consent to assess, or if a hearing officer's decision indicates the assessment is appropriate and there is no appeal, then the student may be assessed. All reevaluation procedures shall be provided at no cost to the parent and/or adult student.

**E. Eligibility Report for Reevaluations**

The evaluation team will consider evaluation findings and determine whether the student continues to have a disability.

The evaluation team is required to prepare an *Eligibility Report* detailing how review of existing data demonstrates that the student continues to meet eligibility requirements even if no new assessments were conducted. The report shall address each required eligibility component and include results of previous assessments if they are being used to determine eligibility. Refer to Section 5 of this chapter for *Eligibility Report* requirements.

### **Section 7. State Eligibility Criteria**

The district will use the eligibility criteria and assessment procedures set forth by the SDE for placement in special education. This section contains a definition and the eligibility criteria for each specific disability that shall be used to determine whether an individual qualifies as a student with a disability in need of special education.

All disabilities except Learning Disability (LD) and Developmental Delay (DD) are applicable for students 3 through 21 years of age. For Learning Disability, students must be legal kindergarten age through 21 years. Only students ages 3 through 9 can be identified in the Developmental Delay (DD) category. Use of the DD category is optional for the district. If the district elects to use the DD category, it will use the 3 through 9 age range and the criteria outlined in this chapter.

#### **Three-Prong Test of Eligibility**

To demonstrate eligibility for special education services all three of the following criteria shall be met and documented. This is often called the three-prong test for eligibility.

The Eligibility Report shall document each of the following three criteria:

1. the eligibility requirements established by the state for a specific disability are met;
2. the disability must have an adverse impact on the student's education, **and**
3. the student must need special education in order to benefit from his or her education.

Meets State Eligibility Requirements: The state eligibility requirements for specific disabilities are listed in this chapter.

Experiences Adverse Effect on Educational Performance: The term "adverse effect on educational performance" is broad in scope. An adverse effect is a harmful or unfavorable influence. Educational performance includes both academic areas (reading, math, communication, etc.) and nonacademic areas (daily life activities, mobility, pre-vocational and vocational skills, social adaptation, self-help skills, etc.). Consideration of all facets of the student's condition that adversely affect educational performance involves determining



any harmful or unfavorable influences that the disability has on the student's academic or daily life activities.

Needs Special Education: Special education is specially designed instruction, provided at no cost to the parents, to meet the unique needs of a student with a disability. Specially designed instruction means adapted, as appropriate to meet the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the child to the general curriculum so that he or she can meet Idaho Content Standards that apply to all students.

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### A. Autism

**Definition:** Autism is a developmental disability, generally evident before age 3, significantly affecting verbal and nonverbal communication and social interaction, and adversely affecting educational performance. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism. Other characteristics often associated with autism include, but are not limited to, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Characteristics vary from mild to severe as well as in the number of symptoms present. Diagnoses may include, but are not limited to, the following autism spectrum disorders: Childhood Disintegrative Disorder, Autistic Disorder, Asperger's Syndrome, or Pervasive Developmental Disorder: Not Otherwise Specified (PDD:NOS).

**State Eligibility Criteria for Autism:** An evaluation team will determine that a student is eligible for special education services as a student with autism when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student has a developmental disability, generally evident before age 3, that significantly affects verbal and nonverbal communication and social interaction.
3. The student is diagnosed as having a disorder in the autism spectrum by a school psychologist and a speech-language pathologist; or by a psychiatrist, a physician, or a licensed psychologist.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

## B. Cognitive Impairment

**Definition:** Cognitive impairment is defined as significantly sub-average intellectual functioning that exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student's developmental period, and adversely affect the student's educational performance.

**State Eligibility Criteria for Cognitive Impairment:** An evaluation team will determine that a student is eligible for special education services as a student with a cognitive impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student has a full-scale intelligence standard score (IQ) at or below 70, plus or minus the standard error of measurement (at the 95 percent confidence level) of the test being used. This determination is made by a qualified psychologist using an individually administered intelligence test.
3. The student exhibits concurrent deficits in adaptive functioning expected for his or her age in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, or safety.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

Caution is advised when assessing students with cultural and language issues to prevent inappropriate identification of these students as having a cognitive impairment. When determining eligibility, tests measuring intellectual ability shall be used with care; that is, only those tests designed and normed for the population being tested may be used. Tests measuring intellectual ability that are translated into another language by the examiner or an interpreter yield invalid test results and shall not be used. Evaluation teams shall consider using nonverbal tests of intellectual ability when the student is culturally or linguistically diverse.

## C. Deaf-Blindness

**Definition:** A student with deaf-blindness demonstrates both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be appropriately educated with special education services designed solely for students with deafness or blindness.

**State Eligibility Criteria for Deaf-Blindness:** An evaluation team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student exhibits simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be accommodated with special education services designed solely for students with deafness or blindness.
3. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, audiologist, or physician for hearing loss to make a final diagnosis as deaf-blindness.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

#### **D. Deafness**

**Definition:** Deafness is a hearing impairment that adversely affects educational performance and is so severe that with or without amplification the student is limited in processing linguistic information through hearing.

**State Eligibility Criteria for Deafness:** An evaluation team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student exhibits a severe hearing impairment that hinders his or her ability to process linguistic information through hearing, with or without amplification.
3. The student has been diagnosed by an otologist, audiologist, or physician as deaf.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

#### **E. Developmental Delay**

**Definition:** The term developmental delay may be used only for students ages 3 through 9 who are experiencing developmental delays as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:

1. cognitive development – includes skills involving perceptual discrimination, memory, reasoning, academic skills, and conceptual development;
2. physical development – includes skills involving coordination of both the large and small muscles of the body (i.e., gross, fine, and perceptual motor skills);
3. communication development – includes skills involving expressive and receptive communication abilities, both verbal and nonverbal;
4. social or emotional development – includes skills involving meaningful social interactions with adults and other children including self-expression and coping skills;  
or
5. adaptive development – includes daily living skills (e.g., eating, dressing, and toileting) as well as skills involving attention and personal responsibility.

The category of developmental delay should not be used when the student clearly meets the eligibility criteria for another specific disability category.

A student cannot qualify for special education services under developmental delay beyond his or her 10th birthday unless he or she has been determined to be eligible as having a disability other than developmental delay.

**State Eligibility Criteria for Developmental Delay:** An evaluation team may determine that a student is eligible for special education services as a student with a developmental delay when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student is at least 3 years of age but less than 10 years of age.
3. The student has developmental and/or learning problems that are not primarily the result of limited English proficiency, cultural difference, environmental disadvantage, or economic disadvantage.
4. The student meets either of the following two criteria, in one or more of the broad developmental areas listed below.

Criteria:

- a. The student functions at least 2.0 standard deviations below the mean in one broad developmental area (30 percent delay in age equivalency, or functions at or below the 3rd percentile)

- b. The student functions at least 1.5 standard deviations below the mean in two or more broad developmental areas (25 percent delay in age equivalency, or functions at or below the 7th percentile)

Broad Developmental Areas:

- a. cognitive skills (e.g., perceptual discrimination, memory, reasoning, pre-academic, and conceptual development);
  - b. physical skills (i.e., fine, gross, and perceptual motor skills);
  - c. communication skills (i.e., including verbal and nonverbal, and receptive and expressive);
  - d. social or emotional skills; or
  - e. adaptive skills, including self-help skills.
5. The student's condition adversely affects educational performance.
  6. The student needs special education.

#### **F. Emotional Disturbance**

**Definition:** A student with emotional disturbance has a condition exhibiting one or more of the following characteristics over a long period of time, and to a marked degree, that adversely affects his or her educational performance:

1. an inability to learn that cannot be explained by intellectual, sensory, or health factors;
2. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
3. inappropriate types of behavior or feelings under normal circumstances;
4. a general pervasive mood of unhappiness or depression; or
5. a tendency to develop physical symptoms or fears associated with personal or school problems.

The term *does not* include students who are socially maladjusted unless it is determined they have an emotional disturbance. The term emotional disturbance *does* include students who are diagnosed with schizophrenia.

**State Eligibility Criteria for Emotional Disturbance:** An evaluation team will determine that a student is eligible for special education services as a student with emotional disturbance when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student has been documented as having an emotional condition consistent with the criteria in this chapter by one or more of the following: school psychologist, licensed psychologist, psychiatrist, physician, or certified social worker.
3. The student has been observed exhibiting one or more of the five behavioral or emotional characteristics listed in the definition of emotional disturbance.
4. The characteristic(s) has been observed:
  - a. for a long period of time (at least 6 months); and
  - b. by more than one knowledgeable observer; and
  - c. in more than one setting; and
  - d. at a level of frequency, duration, and/or intensity that is significantly different from other students' behavior in the same or similar circumstances.
5. The student's condition adversely affects educational performance in the area of academics, peer and teacher interaction, participation in class activities, and/or classroom conduct.
6. The student needs special education.

See Appendix 4A for additional information on determining eligibility for Emotional Disturbance.

#### **G. Health Impairment**

**Definition:** A student classified as having a health impairment exhibits limited strength, vitality, or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems. These health problems may include, but are not limited to, asthma, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), cancer, diabetes, epilepsy, Fetal Alcohol Syndrome, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome, and stroke to such a degree that it adversely affects the student's educational performance.

A student with ADD/ADHD may also be eligible under another category (generally learning disability or emotional disturbance) if he or she meets the criteria for that other category and needs special education and related services. All students with a diagnosis of ADD/ADHD are not necessarily eligible to receive special education under the IDEA 2004, just as all students who have one of the other conditions listed under health impairment are not necessarily eligible, unless it is determined to adversely affect educational performance and require special education.

**State Eligibility Criteria for Health Impairment:** An evaluation team will determine that a student is eligible for special education services as a student with a health impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student exhibits limited strength, vitality, or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems.
3. The student has been diagnosed by a physician as having a health impairment. In the case of ADD/ADHD, an educational determination may be provided by a school psychologist or a licensed psychologist.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

#### H. Hearing Impairment

**Definition:** A hearing impairment is a permanent or fluctuating hearing loss that adversely affects a student's educational performance but is not included under the category of deafness.

**State Eligibility Criteria for Hearing Impairment:** An evaluation team will determine that a student is eligible for special education services as a student with a hearing impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student does not qualify as deaf.
3. The student is diagnosed by an otologist, audiologist or physician as having a hearing impairment.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

## I. Learning Disability

**Definition:** A learning disability means a specific disorder of one or more of the basic psychological processes involved in understanding, or in using spoken or written language, that may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, which adversely affects the student's educational performance. It is not necessary to identify the specific psychological processes that a student has, as long as the student meets the State Eligibility Criteria.

The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include a student who has needs that are primarily the result of visual, hearing, or motor disabilities; cognitive impairment; emotional disturbance; or environmental, cultural, or economic disadvantage.

For learning disability, students must be within the range of legal kindergarten age through the semester that they turn 21.

**State Eligibility Criteria for Learning Disability:** An evaluation team will determine that a student is eligible for special education services as a student with a learning disability when all of the following criteria are met and documented on the eligibility report. The documentation of Learning Disability requires an additional form (400a & 400b) used to address the additional requirements.

### 1. Requirements for Learning Disability

There are two ways to determine eligibility for students with a Learning Disability: *either* Response to Intervention (RTI) or the traditional discrepancy model. Regardless of the process used for identification the following criteria shall be met and documented:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- b. The child has not achieved adequately for the child's age or has failed to meet Idaho Content Standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or Idaho Content grade-level Standards.
  - (1) Oral expression
  - (2) Listening comprehension
  - (3) Written expression
  - (4) Basic reading skills
  - (5) Reading fluency skills
  - (6) Reading comprehension
  - (7) Mathematics calculation



- (8) Mathematics problem solving
- c. To ensure that underachievement is not due to a lack of appropriate instruction in reading or math, the team shall consider:
  - (1) data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
  - (2) data-based documentation of repeated assessments of achievement at reasonable intervals, that reflect student progress during instruction, have been provided to the parent. In Idaho, this refers specifically to the use of local or national progress monitoring systems (e.g. district CBMs, AimsWEB, DIBELS).
- d. An observation of the student's academic performance and behavior in the child's learning environment, (including the regular classroom setting), has been conducted by an evaluation team member other than the student's general education classroom teacher. The purpose of the observation is to document how the areas of concern impact the student's performance in the classroom. The observation should also document the name and title of the observer and the site, date, and duration of the observation. The team shall decide to:
  - (1) use information from an observation in routine classroom instruction and monitoring of the child's performance that was conducted before the child was referred for an evaluation or;
  - (2) have at least one member of the team conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation, and parental consent has been obtained.
  - (3) In the case of a student who is out of school, a team member shall observe the student in an environment appropriate for a student of that age.
- e. The team shall determine the student's difficulty is not primarily the result of any of the following factors:
  - (1) visual, hearing, or motor disability
  - (2) cognitive impairment
  - (3) emotional disturbance
  - (4) cultural factors
  - (5) environmental or economic disadvantage
  - (6) Limited English Proficiency
- f. The student's disability adversely affects his or her educational performance.

- g. The student needs special education.

**2. Additional Requirements Specific to Response to Intervention**

Eligibility for special education through the RTI process is substantiated by the convergence of data from the general education interventions *and* other sources, which may include record reviews, interviews, observations, and tests (formal and informal).

In addition to the required learning disability eligibility criteria listed above in Section A, the evaluation team shall make a determination using a convergence of multiple sources of data that demonstrate the following:

- a. Resistance to General Education Intervention: The student has demonstrated significant resistance to general education interventions.
- b. Discrepancy: The student has a discrepancy from peers' performance in the area of concern as evidenced by two or more measures

Resistance to General Education Intervention

The student has demonstrated significant resistance to general education interventions. The student's actual rate of learning is lower than reasonably expected rate of learning, despite scientific, research-based interventions that have been attempted for an adequate period (generally deemed 8-12 weeks).

Significant resistance means that there must be evidence that the problem is

- a. ongoing and severe; and
- b. the student requires resources beyond those available in general education alone to adequately benefit from instruction.

The significant resistance to general education interventions shall be documented in an intervention plan and on a progress monitoring graph, indicating aimline, trendline, phaseline, and decision rules.

See Appendix 4D for additional information on RTI Components.

Discrepancy:

The student has a discrepancy from peers' performance in the area of concern as evidenced by two or more measures, with at least one measure being curriculum based measurements, (CBM) or national progress monitoring systems with cut scores (i.e. DIBELS, Aimsweb).

1. Curriculum Based Measurement: The evaluation team shall identify the type of norm being applied, i.e., school, district, regional, or national norm. The student's median score on a curriculum based measurement shall be one of the following:
  - a. At or below the 16<sup>th</sup> percentile (1.0 SD below ) on material one grade level below the student's current grade placement, e.g., comparing a fourth-grade student to third-grade norms; or
  - b. At or below the 7<sup>th</sup> percentile (1.5 SD below) on material at the student's grade placement, e.g., comparing a fourth-grade student to fourth grade norms.
2. Other Measures:
  - a. The student's score on a nationally normed, standardized test is at least 1.75 standard deviations below the mean (a standard score of 74 or lower).
  - b. The student's median performance is below the median performance of his or her grade-placement peers by a discrepancy ratio of at least 2.0.
  - c. The student's instructional performance is at least two grade-levels below his or her current grade placement.

**Documentation of RTI process** shall be done through an intervention plan and graphs.

The components that shall be represented on the intervention plan are as follows:

- a. the targeted skill, including the present level of performance and a measurable goal
- b. the scientific, research based intervention used, including intensity, frequency, and duration
- c. evidence that the student does not achieve adequately for his or her age or to meet Idaho grade level Content Standards given interventions typical in general education and a summary of significant resistance to those general education interventions, including that the resistance is on-going and severe and the student requires resources beyond general education alone to benefit from instruction
- d. documentation from two or more measures, one of which is a curriculum based measure, indicating the discrepancy from peers' performance on skills
- e. An observation documenting the student's academic performance and behavior in the areas of concern

The graph shall include, among other relevant components, an aimline, trendline, phaselines, and decision rules.

**3. Additional Requirements Specific to Traditional Discrepancy Model:**

In addition to the required learning disability eligibility criteria listed above in Section A, the evaluation team shall make a determination using assessments and procedures that demonstrate the following:

a. A Pattern Indicative of a Learning Disability

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, Idaho Content Standards for the child's age, or intellectual development that is determined by the team, using appropriate assessments, to be indicative of a learning disability; **and**

b. A Severe Discrepancy between Ability and Achievement

A severe discrepancy exists between intellectual ability and academic achievement when the broad area standard score is equal to or greater than 15 points below a regressed full-scale intellectual ability score. The severe discrepancy must not be due to the effects of any of the exclusionary factors listed in Section 5 of this chapter.

The district shall use the Regressed Intelligence Quotient Scores table, found in the document section of this chapter, or another appropriate regression table or procedure. This conversion chart can be used in determining the regressed intelligence score from which the achievement score is subtracted in arriving at a discrepancy.

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**Ia. Specific Learning Disability**

**I. Federal IDEA 2004 Definition:** Specific Learning Disability (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific Learning Disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional disturbance, or of environmental, cultural, or economic disadvantage. Only children within the age range of legal Kindergarten to age 21 years may be identified as a student with a specific learning disability.

**II. Eligibility Criteria:** In determining whether a child has an SLD, the child must meet at a minimum, the following criteria:

- A. The student does not make sufficient progress in response to effective, evidence-based instruction and intervention for the child's age or to meet state-approved grade-level standards in one or more of the following areas:
- a. Oral expression;
  - b. Listening comprehension;
  - c. Written expression;
  - d. Basic reading skills;
  - e. Reading comprehension;
  - f. Reading fluency
  - g. Mathematics calculation; or
  - h. Mathematics problem solving,

AND

- B. The student demonstrates low achievement in the area(s) of suspected disability listed above as evidenced by a norm-referenced, standardized achievement assessment. For culturally and linguistically diverse students, the preponderance of evidence must indicate low achievement.

AND

- C. The student demonstrates a pattern of strengths and weaknesses in psychological processing skills that impact learning.

AND

- D. The student's lack of achievement is *not* primarily the result of:
- a. A visual, hearing, or motor impairment;
  - b. Cognitive impairment
  - c. Emotional disturbance

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- d. Environmental, cultural or economic disadvantage
- e. Limited English Proficiency
- f. A lack of appropriate instruction in reading, including the essential components of reading;
- g. A lack of appropriate instruction in math.

AND

- E. The disability adversely impacts the student's educational performance and the student requires specially designed instruction.

### **III. Evaluation Procedures:**

In order to demonstrate the eligibility criteria, the following procedures must be followed.

1. The evaluation for determining SLD eligibility and requirements for parent notification and involvement shall be conducted in accordance with the procedures detailed in Section 3, Chapter 4 of the Idaho Special Education Manual.

2. The evaluation must address the eligibility criteria as listed in *Section 2. LD Eligibility Criteria* (see above). To meet these criteria, the following information is required:

- A. Evidence of insufficient progress in response to effective, evidence-based instruction and intervention indicates the student's performance level and rate of improvement are significantly below that of grade-level peers. This is documented/demonstrated with the following data:
  - i. Data that helps establish that the core curriculum is effective for most students. The most recent whole grade performance data to verify appropriate instruction in the area(s) of concern may include results from the standards-based assessment system. If the referred student belongs to a population of students whose performance is regularly disaggregated, whole grade data for the disaggregated group should also be reviewed and considered.
  - ii. Information documenting that prior to, or as part of, the referral process, the student was provided appropriate instruction in general education settings. Appropriate instruction includes consideration of both child specific information and whole grade performance data. Child specific data regarding appropriate instruction may include: (1) verification that core (universal) instruction was provided regularly; (2) data indicating that the student attended school regularly to receive instruction; (3) verification that core instruction was delivered according to its design and methodology by qualified personnel; and (4) verification that differentiated instruction in the core curriculum was provided.
  - iii. Data-based documentation of student progress during instruction and intervention using standardized, norm-referenced progress monitoring measures in the area of disability.
  - iv. A record of an observation of the student's academic performance and behavior in the child's learning environment (including the general classroom setting) has been conducted by an evaluation team member other than the student's general education

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teacher. The purpose of the observation is to document how the areas of concern impact the student's performance in the classroom. The observation should also document the name and title of the observer and the site, date, and duration of the observation. The team must decide to:

1. Use information from an observation in routine classroom instruction and monitoring of the child's performance that was conducted before the child was referred for an evaluation or;
2. Have at least one member of the team conduct an observation of the child's academic performance in the educational environment after the child has been referred for an evaluation, and parental consent has been obtained.

AND

B. Evidence of low achievement in one or more of the suspected area(s). These include:

- a. Oral expression;
- b. Listening comprehension;
- c. Written expression;
- d. Basic reading skills;
- e. Reading comprehension;
- f. Reading fluency
- g. Mathematics calculation; or
- h. Mathematics problem solving

This evidence must indicate performance that is significantly below the mean on a cluster, composite, or 2 or more subtest scores of a norm-referenced, standardized, achievement assessment in the specific academic area(s) of suspected disability. There are cases when the use of norm-referenced assessment is not appropriate, for example, students who are culturally and linguistically diverse. Refer to guidance documents regarding procedures on evaluating students who are culturally and linguistically diverse and the use of preponderance of evidence.

AND

C. Evidence of a pattern of strengths and weaknesses in psychological processing skills that impact learning.

An assessment of psychological processing skills is linked to the failure to achieve adequately in the academic area(s) of suspected disability and must rely on standardized assessments. These assessments must be conducted by a professional who is qualified to administer and interpret the assessment results. The student's performance on a psychological processing assessment demonstrates a pattern of strengths and weaknesses that help explain why and how the student's learning difficulties occur. Such tests may include measures of memory, phonological skills, processing speed as well as other measures which explicitly test psychological processing.

AND

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- D. The following criteria must be considered when evaluating the student's low achievement. The team must determine that the student's learning difficulty is *not* primarily the result of:
- a. A visual, hearing, or motor impairment
  - b. Cognitive impairment
  - c. Emotional disturbance
  - d. Environmental or economic disadvantage
  - e. Cultural factors
  - f. Limited English Proficiency

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#### J. Multiple Disabilities

**Definition:** Multiple disabilities are two or more co-existing severe impairments, one of which usually includes a cognitive impairment, such as cognitive impairment/blindness, cognitive impairment/orthopedic, etc. Students with multiple disabilities exhibit impairments that are likely to be life long, significantly interfere with independent functioning, and may necessitate environmental modifications to enable the student to participate in school and society. The term does not include deaf-blindness.

**State Eligibility Criteria for Multiple Disabilities:** An evaluation team will determine that a student is eligible for special education services as a student with multiple disabilities when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

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2. The student meets eligibility criteria for severe concomitant impairments, the combination of which causes such significant educational problems that the student cannot be accommodated by special education services designed solely for one of the disabilities.
3. The student meets State Eligibility Criteria as outlined for each disability category.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

### **K. Orthopedic Impairment**

**Definition:** Orthopedic impairment means a severe physical limitation that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (clubfoot, or absence of an appendage), an impairment caused by disease (poliomyelitis, bone tuberculosis, etc.), or an impairment from other causes (cerebral palsy, amputations, and fractures or burns that cause contracture).

**State Eligibility Criteria for Orthopedic Impairment:** An evaluation team will determine that a student is eligible for special education services as a student with an orthopedic impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student exhibits a severe orthopedic impairment. The term includes congenital anomalies, impairments caused by disease, and impairments from other causes that are so severe as to require special education services.
3. The student has documentation of the condition by a physician or other qualified professional.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

### **L. Speech or Language Impairment: Language**

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**Definition:** A language impairment exists when there is a disorder or delay in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems. The impairment may involve any one or a combination of the following:

1. the form of language (morphological and syntactic systems);
2. the content of language (semantic systems); and/or
3. the function of language in communication (pragmatic systems).

A language disorder does not exist when language differences are due to non-standard English or regional dialect or when the evaluator cannot rule out environmental, cultural, or economic disadvantage as primary factors causing the impairment.

**State Eligibility Criteria for Language Impairment:** An evaluation team will determine that a student is eligible for special education and related services as a student who has a language impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. At least two procedures, at least one of which yields a standard score, are used to assess receptive language and/or expressive language.
3. The student has attained scores on a standardized measure that are 1.5 standard deviations or more below the mean, or at or below the 7<sup>th</sup> percentile, in either receptive or expressive language.
4. The student's disability adversely affects educational performance.
5. The student needs special education. (Speech/language therapy can be special education or a related service.)

Caution is advised when evaluating a student whose native language is other than English. The acquisition of the English language is not to be mistaken as a language impairment.

#### **M. Speech or Language Impairment: Speech**

The term speech impairment includes articulation/phonology disorders, voice disorders, or fluency disorders that adversely impact a child's educational performance. The following eligibility criteria and minimum assessment procedures have been established for all three types of speech impairments.

##### **1. Articulation/Phonology Disorder**

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**Definition:** Articulation is the ability to speak distinctly and connectedly. Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with intelligibility. Phonology is the process used in our language that has common elements (sound patterns) that affect different sounds. Phonology disorders are errors involving phonemes, sound patterns, and the rules governing their combinations.

- a. An articulation/phonology disorder exists when:
  - (1) the disorder is exhibited by omissions, distortions, substitutions, or additions;
  - (2) the articulation interferes with communication and calls attention to itself; and
  - (3) the disorder adversely affects educational or developmental performance.
  
- b. An articulation/phonology disorder does not exist when:
  - (1) errors are temporary in nature or are due to temporary conditions such as dental changes;
  - (2) differences are due to culture, bilingualism or dialect, or from being non-English speaking; or
  - (3) there are delays in developing the ability to articulate only the most difficult blends of sound or consonants within the broad range for the student's age.

**State Eligibility Criteria for Articulation/Phonology Disorder:** An evaluation team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- b. At least two procedures are used to assess the student, one of which yields a standard score.
- c. The student must have a score that is at least 1.5 standard deviations below the mean, at or below the 7th percentile, on a standardized articulation/phonological assessment, or the speech impairment is judged as moderate on the standardized measure for students ages 3 through 21 years.
- d. The student's disability adversely affects educational performance.
- e. The student needs special education. (Speech/language therapy can be special education or a related service.)

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## 2. Fluency Disorder

**Definition:** A fluency disorder consists of stoppages in the flow of speech that is abnormally frequent and/or abnormally long. The stoppages usually take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

- a. A fluency disorder exists when an abnormal rate of speaking, speech, interruptions, repetitions, prolongations, blockages of airflow and/or voicing interferes with effective communication.
- b. A fluency disorder does not exist when developmental dysfluencies are part of normal speech development and do not interfere with educational or developmental performance.

**State Eligibility Criteria for Fluency Disorder:** An evaluation team will determine that an individual is eligible for special education and related services as a student who has a fluency disorder (speech impairment) when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- b. The student has a fluency rating of moderate or severe on the Fluency Communication Rating Scale for student's age 3 through 21 years. See the documents section of this chapter for the Fluency Communication Rating Scale.
- c. The student's disability adversely affects educational performance.
- d. The student needs special education. (Speech/language therapy can be special education or a related service.)

## 3. Voice Disorder

**Definition:** Voice disorders are the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

A student who has a suspected laryngeal-based voice disorder and has not been evaluated by an ear, nose, and throat physician (ENT) (otorhinolaryngologist) may not receive voice therapy services from a speech-language pathologist.

- a. A voice disorder exists when the vocal characteristics of quality, pitch, intensity, or resonance:

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- (1) interfere with communication;
  - (2) draw unfavorable attention to the speaker;
  - (3) adversely affect the speaker or listener; or
  - (4) are inappropriate to the age and gender of the speaker.
- b. A voice disorder does not exist when the vocal characteristics of quality, pitch, intensity, or resonance:
- (1) are the result of temporary physical factors such as allergies, colds, or abnormal tonsils or adenoids;
  - (2) are the result of regional dialectic or cultural differences or economic disadvantage; or
  - (3) do not interfere with educational or developmental performance.

**State Eligibility Criteria for Voice Disorder:** An evaluation team will determine that a student is eligible for special education and related services as a student who has a voice disorder (speech impairment) when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- b. The student has a voice production rating of moderate or severe on the Voice Rating Scale for students aged 3 through 21 years. See the documents section of this chapter for the Voice Rating Scale.
- c. A physician's statement documents that voice therapy is not contraindicated.
- d. The student's disability adversely affects educational performance.
- e. The student needs special education. (Speech/language therapy can be special education or a related service.)

See the documents section of this chapter for information on documenting adverse effects on educational performance for students with speech/language disorders.

NOTE: A student may receive speech or language services if he or she under is eligible for special education and needs speech or language services as a related service in order to benefit from special education without meeting the eligibility criteria for speech and language impairment.

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## N. Traumatic Brain Injury

**Definition:** Traumatic brain injury refers to an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

**State Eligibility Criteria for Traumatic Brain Injury:** An evaluation team will determine that a student is eligible for special education services as a student who has a traumatic brain injury when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student has an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both.
3. The student has documentation of diagnosis by a licensed physician as having a traumatic brain injury.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

## O. Visual Impairment Including Blindness

**Definition:** Visual impairment refers to an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. Partial sight refers to the ability to use vision as one channel of learning if educational materials are adapted. Blindness refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials.

**State Eligibility Criteria for Visual Impairment:** An evaluation team will determine that a student is eligible for special education services as a student with a visual impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
2. The student has documentation of a visual impairment, not primarily perceptual in nature, resulting in measured acuity of 20/70 or poorer in the better eye with correction, or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist.

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3. The student's physical eye condition, even with correction, adversely affects educational performance.
4. The student needs special education.

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## REGRESSED INTELLIGENCE QUOTIENT SCORES

### Instructions:

A conversion table to regress intelligence quotient (IQ) scores is located on the following pages. The table has 4 columns. Column 1 indicates full-scale IQ scores. Columns 2-4 indicate corresponding correlation scores. Follow the instructions below to determine the regressed IQ score to be used in determining whether the 15-point discrepancy between ability and achievement exists.

1. Determine the correlation between the intellectual measure and the achievement measure that was used to assess the student. Correlations are usually stated in the instructor's manual for each test.
2. Determine the appropriate column (2, 3, or 4) to use based on the correlation between the two tests. The table provides correlations at .7, .6, and .5. Use .6 if you cannot find the correlation in the instructor's manual or test literature.
3. Locate the student's full-scale IQ score on the intellectual measure in column 1 of the table.
4. Follow the IQ score across to a correlation score in the appropriate column. That score is the regressed IQ score.
5. Subtract the student's actual achievement standard score from the regressed IQ score.

### Example:

If the correlation between the IQ test and the achievement test is .6 and the student's full-scale score is 86, the student's regressed IQ score would be 92.

Regressed full-scale IQ score	92
Minus achievement standard score	-75
Equals discrepancy	17

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DECEMBER 10, 2009

**Conversion Table to Regress IQ Scores**

Full-Scale IQ Score	Correlation between full-scale IQ score and achievement scores		
	.7 Correlation	.6 Correlation	.5 Correlation
150	135	130	125
149	134	129	125
148	134	129	124
147	133	128	124
146	132	128	123
145	132	127	123
144	131	126	122
143	130	126	122
142	129	125	121
141	129	125	121
140	128	124	120
139	127	123	120
138	127	123	119
137	126	122	119
136	125	122	118
135	125	121	118
134	124	120	117
133	123	120	117
132	122	119	116
131	122	119	116
130	121	118	115
129	120	117	115
128	120	117	114
127	119	116	114
126	118	116	113
125	118	115	113
124	117	114	112
123	116	114	112
122	115	113	111
121	115	113	111
120	114	112	110
119	113	111	110
118	113	111	109
117	112	110	109
116	111	110	108
115	111	109	108
114	110	108	107
113	109	108	107
112	108	107	106

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DECEMBER 10, 2009

Chapter 4

Evaluation and Eligibility

Full-Scale IQ Score	.7 Correlation	.6 Correlation	.5 Correlation
111	108	107	106
110	107	106	105
109	106	105	105
108	106	105	104
107	105	104	104
106	104	104	103
105	104	103	103
104	103	102	102
103	102	102	102
102	101	101	101
101	101	101	101
100	100	100	100
99	99	99	100
98	99	99	99
97	98	98	99
96	97	98	98
95	97	97	98
94	96	96	97
93	96	96	97
92	94	95	96
91	94	95	96
90	93	94	95
89	92	93	95
88	92	93	94
87	91	92	94
86	90	92	93
85	89	91	93
84	89	90	92
83	88	90	92
82	87	89	91
81	87	89	91
80	86	88	90
79	85	87	90
78	85	87	89
77	84	86	89
76	83	86	88
75	83	85	88
74	82	84	87
73	81	84	87
72	80	83	86
71	80	83	86
70	79	82	85

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## FLUENCY COMMUNICATION RATING SCALE

Student: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

	<b>Nondisabling Condition</b>	<b>Mild</b>	<b>Moderate</b>	<b>Severe</b>
<b>Frequency</b>	Frequency of dysfluent behavior is within normal limits for student's age, gender, and speaking situation and/or less than 1 stuttered word per minute.	Transitory dysfluencies are observed in specific speaking situation(s) and/or 1-2 stuttered words per minute.	Frequent dysfluent behaviors are observed in specific speaking situations(s) and/or 4-10 stuttered words per minute.	Habitual dysfluent behaviors are observed in a majority of speaking situations and/or more than 10 stuttered words per minute.
<b>Descriptive Assessment</b>	Speech flow and time patterning are within normal limits. Developmental dysfluencies may be present.	Rate of speech interferes with intelligibility. Sound, syllable, and/or word repetitions or prolongations are present with no other secondary symptoms. Fluent speech periods predominate.	Rate of speech interferes with intelligibility. Sound, syllable, and/or prolongations are present. Secondary symptoms including blocking, avoidance, and physical concomitants may be observed.	Rate of speech interferes with intelligibility, sound, syllable, and/or word repetitions and/or prolongations are present. Secondary symptoms predominate. Avoidance and frustration behaviors are observed.
<b>Comments:</b>          				

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### VOICE RATING SCALE

Student: \_\_\_\_\_ School: \_\_\_\_\_ Date: \_\_\_\_\_

	<b>Nondisabling Condition</b>	<b>Mild Descriptive</b>	<b>Moderate Descriptive</b>	<b>Severe Wilson Voice Profile Scale</b>
<b>Pitch</b>	Pitch is within normal limits.	There is a noticeable difference in pitch that may be intermittent.	There is a persistent, noticeable inappropriate raising or lowering of pitch for age and gender, or evidence of dysphonia.	+3 Pitch -3 Pitch -2 Pitch +2 Pitch
<b>Intensity</b>	Intensity is within normal limits.	There is a noticeable difference in intensity that may be intermittent.	There is a persistent, noticeable inappropriate increase or decrease in the intensity of speech, or the presence of aphonia.	-3 Intensity +2 Intensity -2 Intensity
<b>Quality</b>	Quality is within normal limits.	There is a noticeable difference in quality that may be intermittent.	There is a persistent, noticeable breathiness, glottal fry, harshness, hoarseness, tenseness, strident, or other abnormal vocal quality.	-2 Laryngeal +3 Laryngeal +2 Laryngeal -3 Laryngeal
<b>Resonance</b>	Nasality is within normal limits.	There is a noticeable difference in nasality that may be intermittent.	There is a persistent noticeable cul-de-sac, hyper- or hypo-nasality, or mixed nasality.	-2 Resonance +3 Resonance +4 Resonance
<b>Description of Current Physical Condition</b>	No consistent laryngeal pathology; physical factors influencing quality, resonance, or pitch, if present at all, are temporary and may include allergies, colds, or abnormal tonsils and adenoids.	Laryngeal pathology may be present. Physical factors indicated in moderate and/or severe levels may be present.	Probable presence of laryngeal pathology. Physical factors may include nodules, polyps, ulcers, edema, partial paralysis of vocal folds, palatal insufficiency, enlarged/insufficient tonsils and/or adenoids, neuromotor involvement, or hearing impairment.	Physical factors may include: - unilateral or bilateral paralysis of vocal folds - laryngectomy - psychosomatic disorders - neuromotor involvement of larynx muscles, i.e., cerebral palsy
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**DOCUMENTATION OF ADVERSE EFFECTS  
ON EDUCATIONAL PERFORMANCE  
FOR STUDENTS WITH SPEECH/LANGUAGE DISORDERS**

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Documentation of adverse effects on educational performance can be gathered from a thorough assessment of communication skills. The assessment shall include student, parent, and teacher input.

Information shall be recorded by the speech-language pathologist (SLP) on the *Eligibility Report* form.

An assessment of a student's ability to communicate, rather than isolated skill assessment, will provide information on how the impairment affects the student overall. The following errors and problems should be considered when determining how the student's ability to communicate may adversely affect educational performance:

1. Sound errors, voice quality, or fluency disorders inhibit the student from reading orally in class, speaking in front of the class, or being understood by teachers, peers, or family members.
2. Sound errors, voice quality, or fluency disorders embarrass the student. Peer relationships suffer as a result, or peers may make fun of the student.
3. Sound errors cause the student to make phonetic errors in spelling or have difficulty in phonics.
4. Grammatical errors create problems with a student's orientation in time.
5. Morphological errors inhibit the student from using or making complete sentences.
6. Semantic problems slow the student's ability to follow directions, give directions, make wants and needs known, make oneself understood, relate information to others, or fully participate in daily living.

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**Chapter 5**  
**INDIVIDUALIZED EDUCATION PROGRAMS**

**Chapter Contents**

Section 1. IEP Initiation.....73

Section 2. IEP Development.....80

Section 3. IEP Reviews.....96

Section 4. IEPs for Transfer Students.....97

Section 5. IEPs for Children from the Infant/Toddler Program.....98

Section 6. Students with Disabilities in Adult Prisons .....101

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**Chapter 5**  
**INDIVIDUALIZED EDUCATION PROGRAMS**

If a student is eligible for special education services, they have met the requirements of eligibility under [the Individuals with Disabilities Education Act of 2004 \(IDEA 2004\)](#), including a disability that meets the criteria, adversely affects the student's educational performance, and requires specially designed instruction.

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Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability including instruction in the classroom, the home, hospitals, institutions, and other settings. The definition of special education also includes instruction in physical education, speech/language pathology, travel training, and vocational education.

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to (1) address the unique needs of the student that result from his or her disability and (2) to ensure access to the general curriculum so that the student can meet the Idaho Content Standards that apply to all students.

The Individualized Education Program (IEP) is a written document that is developed for each eligible student with a disability and documents the specially designed instruction and related services. The IEP is the product of collaboration among a parent and/or adult student, district personnel, and other IEP team members who, through full and equal participation, identify the unique needs of a student with a disability and plan the special education services to meet those needs.

In developing each student's IEP, the IEP team shall consider:

- ▶ The strengths of the student;
- ▶ The concerns of the parents for enhancing the education of their child;
- ▶ The results of the initial or most recent evaluation of the student; and
- ▶ The academic achievement, developmental, and functional needs of the student.

**Section 1. IEP Initiation**

**A. Purpose of Meeting**

The primary purpose of an IEP team meeting is to design an IEP that shall meet the unique needs of a student with a disability. The IEP team plans the special education and related services calculated to enable the student to receive educational benefits in the least restrictive environment. The parent and/or adult student shall be invited to the meeting and in order to participate meaningfully, the parent and/or adult student should be informed of his or her role as

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a team member. The parent and/or adult student, district personnel, and other IEP team members should come prepared to discuss specific information about the student's individual needs and the type of services to be provided to address those needs.

The meeting format should invite open discussion that allows participants to identify and consider all the relevant needs of the student related to their disability. Placement decisions shall be considered *after* the special education services are determined. Placement is based on the IEP services and accommodations and shall not be the determining factor in developing the IEP content.

Informal or unscheduled conversations involving district personnel on various issues (e.g., teaching methodology, lesson plans, or coordination of service provisions) are not considered a meeting as long as no decisions are made regarding issues addressed on the student's IEP. A meeting does not include preparatory activities in which district personnel engage to develop a proposal or a response to a parent and/or adult student proposal that will be discussed at a later meeting.

### **B. Team Decision Making**

The IEP meeting serves as a communication vehicle between the parent and/or adult student, district personnel, and other IEP team members that enables them, as equal participants, to make joint, informed decisions regarding the student's special education services. All members of the IEP team are expected to work toward consensus regarding the services that will be included in the student's IEP to ensure that he or she receives a free appropriate public education (FAPE). Consensus means that all members are in general agreement regarding what is written.

If there is a lack of consensus between the parent and/or adult student, district personnel, and other IEP team members regarding an IEP decision, then school personnel on the IEP team should seek consensus and make the decision subject to the due process rights of the parent and/or adult student. If there is a lack of consensus among school personnel, then the district representative on the IEP team shall make the decision.

The district shall follow the procedures in Section [2J of this chapter](#), "Parent and/or Adult Student Objection to the IEP," if necessary.

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### **C. When IEP Meetings Are Held**

An IEP meeting shall be held for one or more of the following reasons:

1. To develop and implement an IEP within 60 calendar days of receiving parent and/or adult student consent for initial evaluation, excluding periods when regular school is not in session for 5 or more consecutive days. With the exception that the meeting to develop the IEP shall be held within 30 days of a determination that the student needs special education and related services. Refer to Chapter 4, Section 3.E regarding

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additional timeline exceptions. The IEP shall be implemented as soon as possible following the meeting during which the IEP was developed.

2. To review the IEP periodically, but no longer than 365 days from the date of development of the current IEP. An IEP shall be in effect at the beginning of each school year;
3. When another agency fails to deliver transition or other services outlined in the IEP;
4. To consider revisions to the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, where appropriate;
5. At the reasonable request of any member of the IEP team;
6. To review behavioral intervention strategies and/or develop a behavioral plan as part of the IEP; or
7. To address the IDEA 2004 discipline requirements (see Chapter 12).

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NOTE: Under the IDEA 2004, an IEP team meeting may not be required to amend the IEP (see IEP Amendments).

#### D. IEP Team Members and Roles

The IEP team means a group of individuals who are responsible for developing, reviewing, or revising an IEP for a student with a disability.

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NOTE: The general education teacher, special education teacher, district representative, or individual who can interpret implications of evaluation results may be excused from an IEP meeting, in whole or in part, if the parent and/or adult student and district agree to this in writing. If the meeting deals with the excused member's areas, he or she shall provide written input to the IEP team prior to the meeting. Written input shall include substantive data (e.g., based on assessment, providing meaningful guidance to the team, regarding the purpose of the meeting, reflecting on general education curriculum). If the district representative is excused, a staff member in attendance shall have the authority to bind the district to the decisions of the team.

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STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

Role	Description
<p>Parent of the student <i>or</i> Adult Student if rights have transferred</p>	<p>The term “parent” refers to a biological or adoptive parent, foster parent, a judicially decreed guardian (does not include <del>State agency</del> personnel if the student is a ward of the state), a person acting in place of a parent, or a surrogate parent who has been appointed by the district. The term “acting in place of a biological or adoptive parent” includes persons such as a grandparent, stepparent, or other relative with whom the student lives as well as persons who are legally responsible for a student’s welfare. A foster parent may act as a parent if the natural parent’s authority to make educational decisions on behalf of his or her child has been terminated by law. A foster parent shall be an individual who is willing to make educational decisions required of a parent, and has no interest that would conflict with the interests of the student.</p> <p>If more than the biological or adoptive parents meet the definition of parent, the biological or adoptive parents serve as the parents in the IEP process, unless a judicial decree or order identifies a specific person or persons to make educational decisions for the student.</p> <p>An “adult student” is a student with a disability who is 18 years of age or older to whom special education rights have transferred under the IDEA 2004 and Idaho Code. (See Chapter 11, Section 2C, for more information.) In this case, the parent may attend the IEP meeting as an individual who has knowledge or special expertise regarding the student at the invitation of the adult student or the district.</p>
<p>District Representative</p>	<p>The district representative or designee shall be qualified to provide or supervise the provision of special education to meet the unique needs of students with disabilities. The representative shall be knowledgeable about the general education curriculum and about the availability of resources in the district. They should have the authority to allocate resources and to ensure that whatever services are outlined in the IEP shall be provided. Examples of the district representative include the building principal, the special education director, the district superintendent and others who meet the criteria described above. The district representative may be another member of the IEP team if all the criteria above are met.</p>

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STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

Role	Description
Special Education Teacher/Provider—not less than one	This individual will generally be the student’s special education teacher or service provider who is responsible for implementing the student’s IEP. In the case of a student receiving services from a speech-language pathologist, but not a special education teacher, it would be more appropriate for the speech-language pathologist to fill this role on the IEP team.
General Education Teacher—not less than one	A general education teacher of the student is required to participate in developing the IEP if a student is, or may be, participating in the general education environment. Regardless, a representative that is knowledgeable of the general education curriculum shall be present. For preschool-age students, the general education teacher may be the kindergarten teacher or an appropriate designee. Designees at the preschool level may include a care provider, Head Start teacher, or community preschool teacher if that person meets <del>State</del> and/or national licensing standards.
Individual who can interpret evaluation results and implications	This person may be someone who participated in the evaluation of the student. He or she shall be able to explain the results, the instructional implications, and the recommendations of the evaluation.
Student	Whenever appropriate, the IEP team includes the student with a disability. A student shall be invited by the district to attend any IEP meeting at which post-secondary goals and transition services needed to assist the student in reaching those goals will be discussed. If the student does not attend the IEP team meeting, the public agency shall take other steps to ensure that the student’s preferences and interests are considered.
Representative of a Private School (if applicable)	If a student is enrolled in or referred to a private school, the district shall ensure that a representative of the private school is invited to the IEP meeting. If a representative cannot attend, the district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

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Role	Description
Representative of Transition Agency(s) (Parental consent shall be obtained in order for the Transition Agency Representative to participate in the IEP team meeting.	If transition services are being discussed, a representative of any public agency that is likely to be responsible for providing or paying for transition services shall be invited. If a representative does not attend, steps shall be taken to obtain participation from the agency in transition planning.
Part C Coordinator or Representative	At the request of the parent of a student who previously was served under Part C, the Part C coordinator or other representative of the Part C system will be invited to the initial IEP meeting.
Other	At the discretion of the parent and/or adult student or the district, other individuals who have knowledge or special expertise regarding the student, including related service personnel, may be included as IEP team members. The determination of having knowledge and special expertise regarding the student shall be made by the parent and/or adult student or district person who invited the individual to be a member of the IEP team.

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**E. The General Educator’s Role in IEP Development**

If a student is participating in the general education curriculum or environment, not less than one of the student’s general education teachers who are responsible for implementing any portion of the IEP shall participate to the extent appropriate in developing the IEP. Regardless, a representative that is knowledgeable of the general education curriculum shall participate.

The general education teacher’s role in the development, review, and revision of the IEP includes:

1. Discussion of the student’s involvement and progress in the general education curriculum;
2. Determination of appropriate positive behavioral interventions and other strategies for the student; and
3. Determination of supplementary aids and services, program accommodations/ adaptations, and supports for school personnel.

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**F. Invitation to IEP Team Meetings**

To the extent possible, the district should encourage the consolidation of all IEP team meetings, including meetings that may involve eligibility, reevaluation and IEP development.

The district shall do the following:

1. Schedule the meeting at a place and time mutually agreed on by the parent and/or adult student and the district.
2. Invite the parent and/or adult student to the meeting early enough to ensure that he or she can attend. The district shall keep a record of this invitation. The invitation shall include the following:
  - a. the purpose, time, and location of the meeting;
  - b. who will attend the meeting; and
  - c. information regarding the parent's and/or adult student's right to bring other people to the meeting.

The invitation should clarify the parent's and/or adult student's role on the team and request that he or she come prepared to discuss the unique needs and characteristics of the student, the types of services that may be needed, and the goals that would indicate the success of the services.

3. Invite the student, if appropriate or required, to attend and participate in his or her IEP team meeting. If the student is a minor, the parent shall make the decision regarding the student's attendance. If a purpose of the meeting is to consider transition, and the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered.
4. The invitation may be either written or oral. In either case, the district shall document that all the required components noted in item 2 above were included in the invitation. In addition, the parent and/or adult student shall be provided with a copy of the *Procedural Safeguards Notice* once annually, preferably at the annual review.
5. When one of the purposes of the IEP team meeting is to consider transition services, the invitation shall also:
  - a. indicate this purpose;
  - b. indicate that the district shall invite the student; and

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- c. identify any other agency that will be invited, with parent's and/or adult student's consent, to send a representative.
6. The district shall take appropriate action to ensure that a parent and/or adult student understands the proceedings at an IEP team meeting, including arranging for an interpreter for a parent and/or adult student who has a hearing impairment or whose native language is other than English.
7. The IEP team may meet without the parent and/or adult student if he or she cannot attend the meeting or cannot be convinced to attend the meeting. However, the district shall document its attempts to arrange a mutually agreed upon time and place for the meeting. Documentation could include records of telephone calls or conversations, copies of correspondence sent to the parent and/or adult student and any responses received, and detailed records of any visits made to the parent and/or adult student. If a meeting is held without the parent and/or adult student, the district shall offer and document alternative methods, such as conference calls, to gain his or her participation in the development of the IEP.
8. Alternatives to physical meetings such as video and telephone conferencing may take the place of physical IEP meetings if the parent and/or adult student and district agree.

### Section 2. IEP Development

Nothing requires additional information be included in a student's IEP beyond what is explicitly required by IDEA 2004 or requires the IEP team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.

NOTE: IEP team meeting minutes are not part of the official IEP document.

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#### A. General Demographic Components for All IEPs

All IEPs shall include the date of the IEP meeting and the following general demographic components: the student's name as it appears in school records, native language, birth date, and identification number (for State reporting or Medicaid purposes only), names of parents, address, phone number, school, and grade.

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#### B. Documentation of Participants

The district shall ensure the attendance and participation of the IEP team members at the IEP meeting. Documentation of attendance can be accomplished by listing team members on the IEP and checking their attendance status.

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The attendance list is not a reflection of agreement or disagreement with the IEP; it is only an indication of attendance. As with any team member, the parent's/adult student's name on the list does not indicate agreement or disagreement with the IEP contents. If the parent and/or adult student disagrees with all or part of the IEP, the district should remind the parent and/or adult student that he or she may file a written objection.

NOTE: See Section [2J of this chapter](#) for additional information on parent and/or adult student objections.

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### C. Present Levels of Performance, Goals, and Benchmarks/Objectives

The IEP identifies present levels of academic achievement and functional performance and measurable goals that enable the IEP team to track the effectiveness of services and to easily report progress toward goals.

1. Statements of present levels of academic achievement, and functional performance in an area of need include:
  - a. How a school-age student's disability affects his or her involvement and progress in the general education curriculum (i.e., the same curriculum used by students without disabilities).
  - b. For preschool students, present levels of performance should reference the Idaho Early Learning Standards and describe how the disability affects the student's participation in appropriate activities.
2. Although the content of present levels of performance statements are different for each student, each statement shall:
  - a. be written in objective, measurable terms and easy-to-understand non-technical language;
  - b. show a direct relationship with the other components of the IEP, including special education services, annual goals, and, if applicable, benchmarks/objectives for students who participate in [the Idaho Standard Achievement Test - Alternate \(ISAT-Alt\)](#);
  - c. provide a starting point for goal development; and
  - d. reference general education Idaho Content Standards.
3. Annual goals shall be related to the needs described in the present levels of performance statements. Measurable academic achievement, developmental, and functional annual goals are designed to meet the student's needs that result from the student's disability, to enable the student to be involved in and make progress in the general education curriculum, and to meet each of the student's other educational needs that result from the student's disability.

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- a. A goal is a written, measurable statement that describes what a student is reasonably expected to accomplish within the time period covered by the IEP, generally one year.
  - b. Goals are written to enable the student to be involved in and make progress in the general education curriculum and to meet other educational needs that result from the disability.
  - c. A goal shall include the behavior, the performance criteria, and the evaluation procedure.
4. For students taking the ISAT-Alt aligned to the alternate standards, each goal shall have at least two benchmarks/objectives. Benchmarks/objectives shall include a statement of how far the student is expected to progress toward the annual goal and by what date. The district has the discretion to use benchmarks/objectives as described in this paragraph for all students eligible for IEP services.

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#### D. Progress Toward Goals

The IEP shall include a statement describing:

1. How the student's progress toward IEP goals will be measured;
2. How and when the parent and/or adult student will be informed of the student's progress toward the annual goals, including the extent to which progress is sufficient to enable the student to achieve the goals by the end of the IEP time period.

Periodic progress reports, concurrent with the issuance of report cards shall be provided.

#### E. Statements of Special Education and Related Services

Each student's IEP shall describe the special education and related services, based on peer-reviewed research to the extent practicable, which will be provided to or on behalf of the student. Special education includes specially designed instruction to meet the unique needs of the student.

The term "related services" refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education as described in the IEP. These services include, but are not limited to:

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- ▶ audiology
- ▶ speech therapy
- ▶ language therapy
- ▶ psychological services
- ▶ physical therapy
- ▶ occupational therapy
- ▶ therapeutic recreation
- ▶ early identification and assessment of students' disabilities
- ▶ rehabilitation counseling services
- ▶ orientation and mobility services
- ▶ medical services for diagnostic or evaluative purposes
- ▶ school nurse services
- ▶ social work services in school
- ▶ supports for school staff
- ▶ parent counseling and training. Parent counseling and training includes helping a parent (a) understand child development and the special needs of his or her child and (b) acquire skills to support the implementation of his or her child's IEP.
- ▶ interpreter services

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NOTE: [The Idaho Educational Interpreter Act \(Title 33, Chapter 13\) was implemented on July 1, 2009, this statute establishes standards for all education interpreters in the State of Idaho. The complete statute can be found at <http://www3.state.id.us/idstat/TOC/33013KTOC.html>](http://www3.state.id.us/idstat/TOC/33013KTOC.html)

Deleted: An Idaho State Department of Education (SDE) document provides guidance regarding educational interpreter standards. The Idaho Legislature has established standards which take effect in 2009.

This list of related services is not exhaustive and may include other developmental, corrective, or supportive services, transition services or assistive technology. Although services may be of benefit to a student with a disability, all of the services listed above may not be required for each individual student. Related services are the responsibility of the district only if the IEP team determines they are required to assist the student to benefit from special education. Further, the student is not entitled to related services if (a) he or she is not eligible for special education or (b) the parent and/or adult student does not consent to initial provision of special education services.

EXCEPTION: The term does not include a medical device that is surgically implanted or the replacement of such device, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device. The district is responsible to appropriately monitor and check devices to make sure the devices are functioning properly. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school.

THIRD PARTY PAYERS: Consent from the parents and/or adult student is required when the district bills Medicaid or the parent's insurance for services provided. See Chapter 11 for details.

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**F. Supplementary Aids, Services, and Other IEP Considerations**

Supplementary aids and services may include general education curriculum accommodations and/or adaptations, support for school staff, positive behavioral intervention plans, extended school year services, transportation, transition services, assistive technology services, and travel training services deemed appropriate by the IEP team shall be provided whether or not the district currently has these services in place.

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The description of services in the IEP shall:

1. Identify the program accommodations and supplementary aids to be provided to the student in the areas of need.
2. List the specific services that will meet the unique needs of the student, allowing him or her to advance appropriately toward attaining the annual goals, and:
  - a. be involved in and make progress in the general education curriculum;
  - b. participate in extracurricular and other nonacademic activities; and
  - c. be educated and participate with other students with disabilities and with students without disabilities to the maximum extent appropriate.

NOTE: The public agency shall ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

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3. State the projected starting date and expected duration of the services, and accommodations/adaptations.
4. List the anticipated time per session and frequency of sessions per week or month. The amount of service may not be stated as a range.
5. State the location where services and accommodations/adaptations will be provided.

Based on the unique needs of each student, the IEP team should consider any of the following services that may be appropriate for the student and should document such services on the IEP accordingly:

**1. Supplementary Aids and Services**

“Supplementary aids and services” means aids, services, and other supports that are provided in general education classes or other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be

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educated with students without disabilities to the maximum extent appropriate in accordance with LRE requirements.

The determination of which supplementary aids and services are appropriate for a particular student shall be made on an individual basis. Supplementary aids and services may include the following: assistance of an itinerant special education teacher, related service provider, or paraprofessional; support or training for the general educator; use of resource services; provision of note takers; supports for extracurricular or other nonacademic activities; and supports for participation in statewide or district wide achievement testing.

## 2. Accommodations and Adaptations

NOTE: “Modifications” include accommodations and adaptations. Idaho uses the terms accommodations and adaptations to describe two separate instructional and assessment practices.

Accommodations and adaptations include any changes that allow students with disabilities the same opportunity as students without disabilities to participate in and benefit from the educational program, activities, and services of the district.

Accommodations are intended to make educational opportunities more accessible. This may involve the setting, communication modality, equipment, and/or supplemental aids and services. Examples include Braille editions, large print, pencil grips, tape recorders, note takers, and computers with spell check.

Adaptations are changes in educational expectations for the student with a disability compared to peers without disabilities. These adaptations include actual changes in the general education curriculum and instruction or the use of an alternative or supplemental curriculum. Examples include fewer concepts to be mastered, different test questions, and material at a different reading level.

Whenever the IEP team determines that accommodations and/or adaptations are needed to ensure academic progress, these shall be indicated in the IEP. Any accommodations and/or adaptations required in physical education, vocational education, and statewide or district wide assessments shall be included in the IEP.

## 3. Assistive Technology Devices and/or Services

The district shall ensure that assistive technology devices and/or services are made available to a student, if required, as special education, related services, or supplementary aids and services. The following points are definitions and clarifications of terms:

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- a. “Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a device that is surgically implanted or the replacement of such device.

The district shall permit the student to use school-purchased assistive technology devices at home and in other settings if the IEP team determines that the student needs access to these devices in non-school settings to receive FAPE. An example of this would be to complete homework. The district may hold a parent and/or adult student liable for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the district if it is lost, stolen, or damaged because of negligence or misuse at home or in another setting outside of school time.

Assistive technology devices should be designed using “universal design” principles. The term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities. This includes products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

- b. “Assistive technology service” means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes the following:
- (1) an evaluation of the student’s assistive technology needs, including a functional assessment in the student’s customary environment;
  - (2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;
  - (3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - (4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
  - (5) training or technical assistance for a student with a disability or, if appropriate, that student’s family; and
  - (6) training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals

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who provide services or are otherwise substantially involved in the major life functions of a student with a disability.

- c. The district shall ensure that the hearing aids worn by deaf or hard-of-hearing students in school are functioning properly.
- d. The district is responsible to appropriately monitor and check surgically implanted devices to make sure the devices are functioning properly, if the team has determined that those services are necessary. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school.

#### 4. Extended School Year Services

The district shall provide extended school year (ESY) services for students with disabilities who qualify for such services. The ESY programs for eligible students shall meet the requirements of FAPE. The student's educational program is based on individual needs and is not determined by what programs are readily available within the district. The student cannot be required to fail, or to go for an entire school year without ESY services, simply to prove a need. The IEP team shall consider the following in the development and provision of an ESY program:

- a. The term "extended school year services" means special education and/or related services that are provided beyond the regular school year:
  - (1) to a student with a disability;
  - (2) in accordance with the student's IEP; and
  - (3) at no cost to the parent and/or adult student.

The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year preceding the ESY. These may include goals related to independence, behavior, socialization, communication, and academics. The ESY services for special education students provide a different focus from general summer school programs.

- b. The ESY services shall be considered in light of the totality of the circumstances, including the following:
  - (1) **Emerging skill:** Few, if any, gains are made during the regular school year. A skill is in the process of emerging, and the IEP team believes that with ESY services the student would make reasonable gains; or

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- (2) **Regression-Recoupment:** The student would regress to such an extent and the amount of time required to relearn a skill or behavior becomes so significant that the student would be unable to benefit from his or her special education; or
  - (3) **Self-Sufficiency:** An interruption in services would threaten the acquisition of critical life skills that aid in the student's ability to function as independently as possible, thereby continuing the student's reliance on caretakers, including institutionalized care. Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance the student's integration with individuals without disabilities. Skills may include such things as toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.
- c. Decisions concerning ESY services shall be based on collected data and written documentation. Types of data and information may include, but are not limited to, the following:
- (1) **Criterion-referenced test data:** Consider daily/weekly probes or pre-test/post-test data.
  - (2) **Norm-referenced test data:** Consider pre-test/post-test data.
  - (3) **Anecdotal records:** Consider information collected throughout the school year.
  - (4) **Physical, mental, or emotional health factors:** Consider the educational, medical, and psychological records of the student as well as the prognosis or judgments of educators, medical personnel, parents, and others that work with the student. Consider degenerative types of difficulties that may become intensified during breaks in educational programming.
  - (5) **History:** Consider evidence of past regression or past ESY services. The IEP team should not automatically assume that a student who has received ESY services in the past will be eligible for ESY services in the future, but it is a factor to consider.
  - (6) **Data on observed performance:** Consider data maintained on the student concerning performance observed in the classroom, during community-based activities, and as part of IEP progress monitoring.

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- (7) **Teacher interviews and recommendations:** Consider progress reports by teachers, therapists, and others who have direct contact with the student before and after breaks in educational programming.
- (8) **Parent and/or adult student input:** Consider parent observations of the student as well as parent and/or adult student requests for ESY services.
- d. The ESY services shall be clearly delineated in an IEP. The district can meet this requirement by amending the current IEP using an amendment form or by developing a complete ESY IEP. See Section 1C of this chapter for more information.
- e. The district may not limit ESY services to particular categories of disability or unilaterally limit the amount or duration of these services.

## 5. Transportation

Transportation is a related service if special arrangements resulting from the student's disability are required to assist a student with a disability to benefit from special education. The student's individual needs concerning his or her education are the main considerations in determining services—this includes transportation services.

The IEP team shall consider how the student's disability affects his or her need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as students without disabilities. This includes transporting a preschool-age student to the site at which the district provides special education and related services to the student, if that site is different from the site at which the student receives other preschool or day-care services.

When the IEP team determines that special transportation is required and documents it on the IEP, all procedural safeguards under the IDEA 2004 shall be afforded to the student in matters concerning transportation.

Transportation needs may include, but are not limited to, the following:

- a. travel to and from school and between schools to access special education;
- b. travel in and around school buildings;
- c. specialized equipment including lifts and ramps, if required to provide special transportation; or
- d. other services that support the student's use of transportation, such as:

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- (1) special assistance (e.g., an aide on the bus and assistance getting on and off the bus);
- (2) safety restraints, wheelchair restraints, and child safety seats;
- (3) accommodations (e.g., preferential seating, a positive behavioral support plan for the student on the bus, and altering the bus route);
- (4) training for the bus driver regarding the student's disability or special health-related needs. or
- (5) attending non-academic and extracurricular activities if required by the IEP.

## 6. Special Considerations

As appropriate, the IEP team shall also consider and include in the IEP the following:

- a. If the student's behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral supports and other strategies to address that behavior.
- b. If the student has limited English proficiency, the IEP team shall consider the language needs of the student. Cognitive academic language proficiency (CALP) shall be determined by administering appropriate language dominance tests.
- c. If the student is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines that Braille is not appropriate for the student. This determination can only be made after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille).
- d. The IEP team shall consider the communication needs of the student. In the case of the student who is deaf or hearing impaired, the IEP team shall consider the language needs of the student, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, the student's academic level, and his or her full range of needs including opportunities for direct instruction in the student's language and communication mode.

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### G. Statewide and Districtwide Achievement Testing

Students with disabilities are to be included in all statewide and district wide assessments. Participation rates and performance data, both aggregate and disaggregate, for students with disabilities are reported to the public annually.

The IEP team shall determine how the student will participate in statewide and district wide assessments—without accommodations, with accommodations, with adaptations, or by means of ~~the alternate~~ assessment. The IEP team determines what accommodations and/or adaptations to use based on those that are used regularly by the student during instruction or classroom testing and on what is listed in the accommodations section of the IEP.

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The IEP team shall determine whether the student meets the state criteria for the alternate assessment. It should be noted that some students might participate in parts of the regular assessment and parts of the alternate assessment. For example, a student may participate with accommodations in the *regular* reading portion of the statewide assessment and may participate in the math portion of the statewide assessment using the *alternate* assessment.

The following guidelines shall be used to determine how the student will participate in statewide and district wide assessments:

#### 1. Regular Assessment without Accommodations

The IEP team determines and documents in the IEP that a student with a disability can adequately demonstrate his or her knowledge, abilities, or skills on statewide and district wide assessments without accommodations.

#### 2. Regular Assessment with Accommodations

Appropriate accommodations for students with disabilities shall be based on the individual needs of each student. Accommodation decisions are made by the IEP team and shall be recorded in the IEP. Accommodations should facilitate an accurate demonstration of academic achievement, developmental, and functional performance on ~~State and district-wide assessments. They should not provide the student with an unfair advantage or change the underlying skills that are being measured by the test.~~ Accommodations shall be the same or nearly the same as those used by the student in completing classroom assignments and assessment activities. The accommodations shall be necessary for enabling the student to demonstrate knowledge, ability, skill, or mastery. Accommodations *do not* invalidate test results.

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#### 3. Regular Assessments with Adaptations

A student may be unable to demonstrate what he or she knows or is able to do without using an adaptation. However, an adaptation inherently circumvents the underlying

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skills that the test is measuring; therefore, an adaptation *always* invalidates the assessment result. If an adaptation is included in the IEP for statewide and/or district wide assessments, it shall be one that the student uses in completing classroom assignments and assessment activities on a regular basis. Further, the use of an adaptation in statewide and district wide assessments shall be clearly coded on the student's score sheet.

The IEP team has the authority to make the decision that a student needs an adaptation in order to participate in statewide and district wide assessments, even though the adaptation *will* cause the student to score as "not proficient" and to be counted as NOT participating in the assessment under AYP determinations. All IEP team members, including the parent and/or adult student, shall understand (a) the possible consequences that could result from this decision and (b) its effect on diploma options and post school activities involving education, career opportunities, military service, and community participation.

4. Idaho Standard Achievement Test - Alternate (ISAT-Alt)

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If the student cannot participate in some or all of the general assessments, the IEP shall contain a statement that includes the reason the student cannot participate in the general assessment and the alternate assessments—language arts, reading, math or science—in which the student will participate.

a. Students Eligible to Take the ISAT-Alt

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The IEP team shall find that the student meets all of the criteria listed below to determine that he or she is eligible to participate in the alternate assessment:

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- (1) The student's demonstrated cognitive ability and adaptive behavior prevent completion of the general academic curriculum even with program accommodations and/or adaptations;
- (2) The student's course of study is primarily functional-skill and living-skill oriented (typically not measured by State or district assessments); and
- (3) The student is unable to acquire, maintain, or generalize skills in multiple settings and to demonstrate performance of these skills without intensive and frequent individualized instruction.

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b. Students Not Eligible to Take the ISAT-Alt

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Students are *not* to be included in the ISAT-Alt any of the following reasons:

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- (1) The only determining factor is that the student has an IEP;
- (2) The student is academically behind because of excessive absences or lack of instruction; or
- (3) The student is unable to complete the general academic curriculum because of socioeconomic or cultural differences.

#### H. LRE Explanation and Placement Decisions

The IEP shall explain the extent, if any, to which the student will *not* participate in the general education classroom, the general education curriculum, or extracurricular or other nonacademic activities.

In recommending the most appropriate placement in the least restrictive environment (LRE) for the student with a disability, the IEP team shall consider the student's needs and the continuum of services to meet those needs. The parent and/or adult student shall be involved in the placement decision. Removal from the general education environment occurs only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. A student with a disability is not to be removed from age-appropriate general education classrooms solely because of needed accommodations and adaptations in the general education curriculum. In addition, a student with a disability shall be educated with students without disabilities in the general education classroom to the maximum extent appropriate.

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NOTE: The district's reassignment of students (with or without disabilities) to another classroom or building in the district is *not* a change of placement for a student with a disability as long as the IEP goals remain unchanged and the degree of interaction with peers without disabilities remains the same. Examples include, but are not limited to, dividing a class because of overcrowding; moving an entire grade level to a different building; and going to a different school as a result of moving from one grade level to another grade level.

See Chapter 6 for more information on placement in the LRE

#### I. Consent for Initial Provision of Special Education and Related Services

The district shall make reasonable effort to obtain informed consent from the parent and/or the adult student before the initial provision of special education and related services to the student.

If the parent and/or adult student communicates in writing, he or she refuses special education and related services following the evaluation and determination of eligibility, the district shall not provide special education and related services to the student. If the parent and/or adult student fails to respond to a district's documented efforts to gain consent for initial provision of special

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education and related services, the district shall not provide special education and related services to the student. In both cases:

1. The district shall not be in violation of the requirement to provide FAPE to the student or the requirement to provide special education and related services;
2. The district shall not be required to convene an IEP meeting or develop an IEP for the student; and,
3. The district shall not use due process in order to obtain consent or a ruling allowing initial placement.

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If the parent and/or adult student wishes to move forward with the provision of services stated on the IEP and placement in special education, consent for initial placement in special education shall be obtained after the development of an IEP. Consent means that the parent and/or adult student understands and agrees in writing to the carrying out of the activity for which consent is sought.

**J. Parent and/or Aadult Student Objection to the IEP**

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If the parent and/or adult student disagrees with an IEP change or placement change proposed by the district, he or she may file a written objection to all or parts of the proposed change. If the parent and/or adult student files a written objection that is postmarked or hand delivered within 10 days of the date he or she receives written notice from the district of the proposed change, the changes to which the parent and/or adult student objects cannot be implemented. If the changes have already been implemented, implementation of those changes shall cease. The district and parent and/or adult student may use methods such as additional IEP team meetings, IEP facilitation, or SDE mediation to resolve the disagreement. If these attempts to resolve the dispute fail, the district may request a due process hearing to obtain a hearing officer's decision regarding the proposed change, unless it is an initial IEP.

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If the parent and/or adult student files a written objection to an IEP change or placement change proposed by the district any time *after* 10 days of receiving written notice, the student shall "stay put" in the placement described in the disputed IEP, and that IEP is implemented as written until the disagreement is resolved unless the parent and/or adult student agree otherwise. However, the written objection cannot be used to prevent the district from placing a student in an interim alternative educational setting (IAES) in accordance with the IDEA 2004 procedures for discipline of a student.

See Chapter 11 for information about the prior written notice requirements regarding the provision of FAPE and educational placement.

See Chapter 13 for more information about the various forms of dispute resolution.

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### K. Additional Transition Components for Secondary-Level IEPs

Secondary transition services are defined as a coordinated set of activities for a student with a disability that are designed within a results-oriented process focused on improving the academic and functional achievement of the student to facilitate movement from school to post school activities including postsecondary education, vocational education, integrated employment (including supported employment), continuing in adult education, adult services, independent living, or community participation. ~~The activities include instruction, community experiences, development of employment and other post school adult-living objectives and, if appropriate, acquisition of daily living skills and a functional vocational evaluation.~~ These activities are based on the individual student's needs, taking into account the student's strengths, preferences and interests. The following are required components for all secondary students receiving special education services.

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1. Beginning with the IEP to be in effect when a student is 16 years old (or younger if determined appropriate by the IEP team), the IEP shall include:
  - a. present levels of educational performance based on an age appropriate transition evaluation;
  - b. appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
  - c. transition services (including courses of study) needed to assist the student in reaching postsecondary goals identified on the IEP;
  - d. graduation requirements for the student receiving special education services. ~~Refer~~ to Chapter 7 for more detailed information on documentation of high school graduation in the IEP.

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The goals and transition services shall be updated on the IEP annually.

2. Not later than the student's 17th birthday, the IEP shall include a statement that the student has been informed whether or not special education rights will transfer to the student on his or her 18th birthday. Special education rights will transfer from the parent to the student when the student turns 18 years old unless the IEP team determines that:  
*(For more information on the transfer of rights see Chapter 11)*
  - a. the student is unable to provide informed consent with respect to his or her special education program; or
  - b. the parent has obtained legal guardianship.

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3. When a student exits from special education as a result of earning a regular diploma or aging out, the district shall provide the student with a summary of his or her academic achievement and performance along with recommendations concerning how to assist the student in meeting postsecondary goals.

#### **L. Following the Meeting**

Following the IEP team meeting, a copy of the IEP and written notice of proposed or refused actions shall be given to the parent and/or adult student. IEPs and written notice should also be given to the parent and/or adult student whenever a change is made to the IEP or upon request.

Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the IEP shall have access to the IEP and be informed of his or her specific responsibilities. This includes being informed of any specific accommodations, adaptations, or supports that shall be provided to the student to ensure that the IEP is implemented appropriately.

### **Section 3. IEP Reviews**

#### **A. Annual Reviews**

Each student's IEP shall be reviewed at least annually, once every 365 days. Meetings may be held any time throughout the school year, as long as the IEP is reviewed annually and is in effect at the beginning of each school year. Either at or after the annual review, written notice that the new IEP changes will be implemented shall be provided to the parent and/or adult student.

The IEP review includes the following purposes:

1. to determine whether the student's annual goals have been achieved;
2. to revise the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, where appropriate;
3. to determine whether any additional assessments are necessary and to address the results of those conducted;
4. to address information about the student provided to, or by, the parent and/or adult student;
5. to address the student's anticipated needs;

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6. to monitor the continuing eligibility of the student based on an evaluation or review of a variety of data, which may include formal or informal assessment, progress toward IEP goals and when applicable benchmarks/objectives;
7. to write a new IEP; and
8. to consider a reevaluation to determine if a student is no longer eligible and special education services should be discontinued.

#### **B. IEP Amendments**

In making changes to a student's IEP after the annual IEP meeting for a school year, the parent and/or adult student and the district may agree in writing not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend the student's current IEP. The parent and/or adult student will be provided with a revised copy of the IEP with the amendments incorporated. The annual review date remains the date of the original IEP.

If the parent and/or adult student believes that the student is not progressing satisfactorily or that there is a problem with the current IEP, he or she may request an IEP team meeting. The district shall grant any reasonable request for such a meeting. If the district refuses to convene an IEP meeting requested by the parent and/or adult student, the district shall provide written notice to the parent and/or adult student, including an explanation of why the district has determined the meeting is unnecessary.

If any other member of the IEP team feels that the student's placement or IEP services are not appropriate, that team member may request an IEP team meeting.

Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the amended IEP shall have access to the amendment and be informed of his or her specific responsibilities.

#### **Section 4. IEPs for Transfer Students**

##### **A. Transfer from an Idaho School District**

When a student with a disability transfers school districts with a current IEP in Idaho, the district shall provide the student with FAPE. This includes services comparable to those described in the previously held IEP, in consultation with the parent and/or adult student, until such time as the district adopts the previously held IEP or develops, adopts, and implements a new IEP. The receiving district shall promptly request records from the sending district and once the district has formally received a request for a student's record from another Idaho district, the district shall forward copies or the original documents within 10 days of the request. If originals are sent, the sending district shall maintain a copy for audit purposes.

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**B. Transfer from an Out-of-State District**

When a student with a disability transfers from out of state to an Idaho school district with a current IEP in that other state, the district shall provide the student with FAPE. This includes services comparable to those described in the previously held IEP, in consultation with the parent and/or adult student, until such time as the district conducts an evaluation, if determined necessary, and develops, adopts, and implements a new IEP.

If the district has formally received a request from an out-of-state school, the district shall forward copies or the original documents within 10 days of the request. If originals are sent, the district shall maintain a copy for audit purposes.

**Section 5. IEPs for Children from the Infant/Toddler Program**

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**A. Interagency Agreement and Protocols**

The school district, as the local lead agency for Part B, shall initiate the development of a signed interagency protocol with the regional Infant/Toddler Program (ITP) of the Department of Health and Welfare (DHW), the lead agency under Part C of the IDEA 2004. The protocol shall be in accordance with the current state Interagency Agreement for Early Childhood Special Education Services and Early Intervention for Children Ages Two through Five. See Appendix

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The protocol will outline the obligations of each agency to ensure:

1. a smooth and effective transition of children served under Part C to early childhood special education services (ECSE) under Part B,
2. by the child's third birthday, eligibility for Part B services has been determined and an IEP or Individual Family Service Plan (IFSP) has been developed and implemented, and
3. each district and agency shall participate in transition planning conferences.

NOTE: A child, who turns three after May 1, has been determined eligible for Part B services, and parental consent has been obtained for initial placement for Part B services, can be served as outlined in the IFSP by the ITP until school starts in the fall. This is the case unless specified differently in the local interagency protocol.

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**B. Part C to Part B Transition Planning**

In the case of a child who may be eligible for ECSE services, the district shall participate in a transition planning conference with the family arranged by the ITP. The conference will be conducted at least 90 calendar days (and up to 9 months at the discretion of all parties) before the child's third birthday to discuss eligibility requirements under Part B of the IDEA 2004, needs and concerns of the child and family, and any services the child may receive.

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For a complete and detailed description of all required transition activities, documentation and timelines, refer to Appendix 5B.

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The ITP has the responsibility to:

1. notify the school district of potentially eligible children,
2. invite and coordinate a transition planning meeting to review the process to determine eligibility and assess service options available,
3. establish a plan for facilitating the transition of the toddler with a disability to early childhood special education services,
4. provide the district with a copy of the Child Outcome Summary Form (COSF) completed at exit, and
5. upon invitation, attend the initial IEP meeting.

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The school district has the responsibility to:

1. attend and participate in the transition planning meeting,
2. determine eligibility and develop an IEP or IFSP prior to child's third birthday,
3. consider the Part C COSF exit outcome data for Part B early childhood entry outcome data,
4. invite ITP representatives, at the request of the parent, to the initial IEP meeting, and
5. obtain consent for initial provision of special education and related services under Part B.

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**C. IEP or IFSP Required**

1. By the child's third birthday, the district shall have an IEP or IFSP in place for each student 3 through 5 years old who is eligible for ECSE services.
2. In developing the IEP, the IEP team shall consider the content of the IFSP including:
  - a. the natural environments statement, and
  - b. the educational component that promotes school readiness, pre-literacy, language and numeracy skills
3. The IFSP may serve as the IEP of the child, if:
  - a. agreed by the district and the child's parents,
  - b. a detailed explanation of the differences between the IFSP and the IEP is provided to the parents (See Appendix 5B),
  - c. parental written informed consent is obtained, and
  - d. developed according to the IEP procedures outlined in Section 2 of this chapter. If the district elects to use an IFSP, the district is required to implement only the educational components of the IFSP.

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**D. Consent and Notice Requirements**

1. Notice Announcing Initial IEP Team Meeting: The district shall inform the parents of their rights to request the participation of ITP representatives at the initial IEP team meeting for children previously served by Part C.
2. Release of Information: The district shall obtain written parental consent for the release of information to obtain pertinent student records from non-educational agencies such as ITP, developmental disabilities agencies, medical providers, day-care centers, and Head Start.
3. Assessments: At the transition planning conference, if further assessments are necessary to determine eligibility, the student's present levels of performance, and goals or services on the IEP, informed consent to evaluate is required. (Parental consent for assessment under Part B is required even though the parent may have given consent earlier under Part C). Otherwise, only written notice to inform the parent of the district's decision to use the current evaluation data, and not to conduct any further assessments, shall be provided to the parent. The parent shall also be informed of his or her right to request additional assessments.

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4. Consent for Initial Provision of Special Education and Related Services: Parental consent for the initial provision of special education and related services and written notice for the implementation of the IEP or IFSP under Part B is required. Eligibility, initial provision of services, and LRE placement shall be documented for Part B services.

#### E. Child's Status During Due Process Hearing Proceedings

If an educational placement dispute arises involving a child transitioning from Part C to Part B, the child cannot remain in Part C services when he or she is over the age of three. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, then the school district shall provide those special education and related services that are not in dispute between the parent and district until completion of all the hearing proceedings. If the parent does not give written consent for the special education or related services, the student will not receive services until completion of the hearing proceedings.

#### Section 6. Students with Disabilities in Adult Prisons

The following requirements apply for students with disabilities who are convicted as adults under Idaho law and incarcerated in adult prisons:

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1. The student will not participate in statewide assessments.
2. Transition planning and services do not apply if the student will remain in prison beyond his or her 21st birthday.

The IEP team may revise the student's IEP and placement, regardless of the LRE requirements, if the state has demonstrated a bona fide security or other compelling penological interest that cannot be otherwise accommodated.

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**Chapter 6**  
**LEAST RESTRICTIVE ENVIRONMENT**

**Chapter Contents**

Section 1. Least Restrictive Environment Considerations .....104

Section 2. District Responsibility for Continuum of Settings and Services.....105

Section 3. Federal Reporting of LRE ..... 106

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**Chapter 6**  
**LEAST RESTRICTIVE ENVIRONMENT**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) states that, to the maximum extent appropriate, all students with disabilities, 3-21 years of age, are to be educated with age appropriate peers, both with and without disabilities. This is known as the least restrictive environment (LRE). The LRE is the appropriate balance of settings and services to meet the student's individual needs. The district shall have an array of services and a continuum of educational setting options available to meet the individual LRE needs of each student.

An appropriate LRE is one that enables the student to make reasonable gains toward goals identified in an individualized education program (IEP). The student's IEP shall indicate the LRE for the student and explain to what extent, if any, the student will or will not participate in the general education classroom environment, the general education curriculum, and extracurricular or other nonacademic activities. This provision includes students with disabilities placed in public or private institutions or other care facilities.

Special classes, separate schooling, and other removals of a student with a disability from the general education environment may occur only when the nature or severity of the disability is such that education in the general education class, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

**Section 1. Least Restrictive Environment Considerations**

**A. When to Make and Review Placement Decisions**

1. Placement decisions for a student with a disability are made following the determination of the individual needs, goals, and required services.
2. Placement decisions are revisited at least annually by the IEP team, which includes the parent and/or adult student and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available in the district.
3. Placement decisions are reconsidered when an IEP team is convened to review a student's academic, functional, or developmental progress.

**B. Considerations in Placement Decisions**

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LRE decisions are made individually for each student. The IEP team shall consider the following when determining the LRE in which the IEP can be implemented:

1. Based on student's IEP: The student's IEP is developed prior to the determination of the location of services and settings. The services and settings needed by each student with

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a disability must be based on the student's IEP and unique needs that result from his or her disability, not on the student's category of disability.

2. Age Appropriate Peers: Students with disabilities shall be educated with age-appropriate peers to the maximum extent appropriate. A student with a disability is not removed from age-appropriate general education environments solely because of needed accommodations and/or adaptations in the general education curriculum.
3. School of Attendance: A student with a disability shall be educated in the school as close as possible to the student's home and unless the IEP requires some other arrangement, the student is educated in the school he or she would attend if not disabled.
4. Harmful Effects: Consideration shall be given to any potential current or long term harmful effect on the student or on the quality of services the student needs, including the student's ability to graduate and achieve their post high-school goals.
5. Accommodations and/or Adaptations: A student with a disability is not removed from general education settings solely because of needed accommodations and/or adaptations in the general education curriculum.
6. Participation in Nonacademic and Extracurricular Services and Activities:
  - a. A student with a disability shall be allowed to participate with students without disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate. These services and activities may include meals, recess, field trips, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to community agencies, career development, and assistance in making outside employment available.
  - b. The IEP team determines the supplementary aids and services that are appropriate and necessary for the student to participate in nonacademic settings and extracurricular services and activities.

### C. Documentation of Placement Decisions

If the student will not participate *entirely* in the general education classroom, curriculum, and/or nonacademic and extracurricular activities, the IEP shall include a written explanation justifying the IEP team's decisions.

#### Section 2. District Responsibility for Continuum of Settings and Services

The continuum of settings includes instruction in general classes, special classes, special schools, home instruction and instruction in hospitals and institutions. In addition, the continuum makes

provision for supplemental services, such as resource services or itinerant instruction, to be provided in conjunction with the general classroom. In determining appropriate settings and services for a student with a disability, the IEP team shall consider the student's needs and the continuum of alternate placements and related services available to meet those needs. Regardless of placement, the student shall be given appropriate access to the general education curriculum, as determined by the IEP team. The district shall be able to justify the available continuum of services and placement decisions for individual students.

All LRE considerations also apply to **preschool** students ages 3 to 5 years with disabilities who are entitled to receive a free appropriate public education (FAPE). Settings for implementing IEPs for students of legal kindergarten-age are the same as for all other school-age students. Settings for implementing IEPs for preschool age students may include public or private early childhood programs. Public schools that do not operate early childhood programs for preschool students without disabilities are not required to initiate such programs solely to satisfy LRE requirements. Public schools that do not have an inclusive public preschool that can provide all the appropriate services and supports to meet the individual needs of preschool students with disabilities, shall explore alternative methods to ensure LRE requirements are met for preschool students ages 3 to 5 years, which may include:

1. providing opportunities for participation (even part-time) of preschool students with disabilities in public or private regular early childhood programs operated for preschool students without disabilities by other agencies, such as Head Start;
2. placing preschool students with disabilities in the following:
  - a. private early childhood programs for preschool students *without* disabilities; or
  - b. private early childhood programs or other community-based early childhood settings that integrate students *with and without* disabilities; and
3. locating classes for preschool students with disabilities in elementary schools.

See Chapter 11 for information regarding prior written notice requirements that apply to proposed or refused changes in educational placement.

### Section 3. Federal Reporting of LRE

The IEP includes a section for reporting the educational environments required for the Federal December 1 Child Count. This section is for reporting the amount of time the student spends in the general education environment, with or without special education and related services. After determining the LRE and the educational environments in which the student will receive their general education instruction and special education services, the IEP team will document the educational environment for federal reporting.

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Chapter 7 Discontinuation of Services, Graduation, and Grading

**Chapter 7**  
**DISCONTINUATION OF SERVICES, GRADUATION, AND GRADING**

**Chapter Contents**

Section 1.	Discontinuation of Services .....	109
Section 2.	Graduation .....	111
Section 3.	Transcripts and Diplomas.....	113
Section 4.	Grades, Class Ranking, and Honor Roll .....	113



**Chapter 7**  
**DISCONTINUATION OF SERVICES, GRADUATION, AND GRADING**

**Section 1. Discontinuation of Services**

**A. Students Who Are No Longer Entitled to Services**

The district will follow appropriate procedures to discontinue special education services to students who are no longer entitled to those services.

1. Student No Longer Meets Eligibility Criteria

If it is suspected that a student no longer meets the eligibility criteria for the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), the evaluation team will conduct a reevaluation and arrange to have additional assessments conducted if necessary. If the student is no longer eligible, the district will provide the parent and adult student with written notice of this decision prior to discontinuing special education services.

2. Student Completes Requirements for a High School Diploma

The district's obligation to provide special education services ends when the student meets the district and ~~State~~ requirements that apply to all students for receipt of a high school diploma without adaptations. Although this is considered a change of placement, a reevaluation is not required. Prior to graduation and the discontinuation of special education services the district shall:

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- a. provide the parent and/or adult student with written notice of the district's obligation to provide special education services ends when the student obtains a regular high school diploma; and
- b. provide the parent and/or adult student with a written summary of academic achievement and functional performance which shall include recommendations to assist the student in meeting his or her postsecondary goals. This summary is known as the Summary of Performance (SOP).

3. Student Reaches Maximum Age

For students who have not yet graduated from high school by meeting requirements without adaptations to regular graduation requirements, the district's obligation to provide special education services ends at the completion of the semester in which the student turns 21 years of age. This is considered a change of placement that does not require a reevaluation. If a student is turning 21, the district shall:

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- a. provide the parent and/or adult student with written notice the district's obligation to provide special education services ends at the completion of the semester in which the student turns 21 years of age; and
- b. provide the parent and/or adult student written summary of academic achievement and functional performance which shall include recommendations to assist the student in meeting his or her postsecondary goals. This summary is known as the Summary of Performance (SOP).

### B. Change in District Obligation to Provide Services

Under certain circumstances, a student may continue to be eligible for special education services, but the district's obligation to provide services changes.

#### 1. Transfer to Another District

When a student moves out of the district, the district will forward the student's special education records electronically or by mail within 10 calendar days of the request from the new district. The records shall include, at least, the student's most recent individualized education program (IEP) and eligibility documentation. The sending district will retain copies or originals of the most recent 5 years of records, including IEPs and eligibility documentation. During an audit, Child Count verification, or monitoring, this documentation may be needed to demonstrate that the student was eligible for special education and received special education services from the district.

#### 2. Enrollment in Private School or Receives Home Schooling

When a parent and/or adult student withdraws a student from public school and enrolls him or her in a private school or provides home schooling, the district's responsibilities vary depending on the circumstances. See Chapter 9 for more information.

#### 3. Dropouts

When a student drops out of school, written notice will be sent to the parent and/or adult student and a copy of the notice will be placed in the student's special education confidential file. If the student reenrolls and is still eligible for special education, the previous IEP can be implemented if it is current and appropriate. A new IEP shall be developed if needed.

### C. Parent and/or Adult Student Revokes Consent for Special Education Services

When a parent and/or adult student revokes consent for special education services in writing, prior written notice shall be provided. Written notice shall be sent to the parent and/or adult student following the determination of whether or not the student is still eligible to receive special education services.

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## Section 2. Graduation

Graduation means meeting district and State requirements for receipt of a high school diploma. If a student is not granted a regular high school diploma or if the high school diploma is granted based on completion of adapted graduation requirements, the student is entitled to receive a free appropriate public education (FAPE) through the semester in which he or she turns 21 years of age or determined no longer eligible as a result of a reevaluation. A General Education Development (GED) certificate does not meet district requirements that are comparable to a regular high school diploma. The IEP team making these decisions shall include a district representative knowledgeable about State and local graduation requirements.

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### A. Individualized Education Program (IEP) Team Requirements regarding Graduation

1. Determine whether the student will meet all state and local requirements to be eligible to graduate from high school and anticipated graduation date.
2. Develop the course of study in collaboration with the Parent Approved Student Learning Plan required for every student prior to the end of 8th grade.
3. Beginning no later than the end of the student's 9th grade, the IEP team shall review annually the student's course of study. The IEP team shall identify and make changes to the course of study needed for the student to meet graduation requirements.
4. The IEP team shall document any accommodations and adaptations made to the district's and State's regular graduation requirements on the student's behalf.

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#### a. Graduation Requirements with Accommodations

Accommodations to graduation requirements are determined by the IEP team and are deemed necessary for the student to complete graduation requirements.  
Further:

- 1) Accommodations to graduation requirements must specifically address completion of the student's secondary program.
- 2) Accommodations will maintain the same level of rigor to the district and State graduation requirements. For example, a teacher may use different instructional strategies or alternate methods for assessing the student's acquisition of skills that are equally rigorous.

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- 3) Accommodations made to any district or State graduation requirement shall be stated in the student's IEP.

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b. Graduation Requirements with Adaptations

Long-term consequences for the student shall be considered when adaptations are made to graduation requirements. Further:

- 1) Adaptations to graduation requirements shall specifically address completion of the student's secondary program.

- 2) Adaptations may alter the level of rigor required in the district or State graduation requirements. Examples of adaptations include changes made to course content, objectives, or grading standard that alter the level of rigor.

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- 3) Adaptations of any district or State graduation requirement shall be stated on the student's IEP. The team should discuss with the parents the effect of adaptations on regular education diploma and FAPE.

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5. Demonstration of Proficiency of State Content Standards State Board of Education rule (IDAPA 08.02.03.105.03) requires a demonstration of proficiency regarding the 10th-Grade Idaho Content Standards as a condition of graduation. Each student receiving special education services will include as part of his or her IEP a statement of how the student will demonstrate proficiency in the Idaho Content Standards as a condition of graduation. If the method is different than meeting proficient or advanced scores on the high school ISAT or the ISAT-Alt, a student with an IEP may meet this requirement by:

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- a. achieving the proficient or advanced score on the Idaho Standard Achievement Test (ISAT) or, for eligible students, on the Idaho Standard Achievement Test – Alternate (ISAT-Alt); or

- b. using the local alternate route established by the local school board as an alternate method of demonstrating proficiency; or

- c. completing alternate graduation requirements outlined in the IEP.

**B. Graduation Ceremonies**

A special education student who completes his or her secondary program through meeting graduation requirements or criteria established on his or her IEP will be afforded the same opportunity to participate in graduation ceremonies, senior class trips, etc., as students without disabilities.

**Section 3. Transcripts and Diplomas**

### A. Transcript

The transcript serves as a record of individual accomplishments, achievements, and courses completed. Transcripts shall adhere to the following conditions:

1. Accommodations that allow the student to complete and demonstrate that he or she has met graduation requirements will not be noted on the transcript.
2. Adapted course work may be noted on the transcript if the parent and/or adult student is informed in advance and the designation is not discriminatory, ~~or identify the student as~~ having a disability or receiving special education.
3. Course designations, titles, or symbols that are used solely to identify adapted course work that is taken by students with disabilities will not be used.

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### B. Diploma

1. For students who are eligible for special education services, the district will issue a high school diploma at the completion of their secondary program; this includes students who meet the graduation requirements with accommodations and/or adaptations.
2. A modified or differentiated diploma or certificate may not be used for students who are eligible for special education unless the same diploma or certificate is granted to students without disabilities in the same graduating class.

### Section 4. Grades, Class Ranking, and Honor Roll

Grades earned by students with disabilities will not be categorically disregarded or excluded from district wide grade point average (GPA) standing. The district may establish objective criteria for class rankings, honors, etc., that weight courses according to degree of difficulty or exclude non core courses so long as such practices are nondiscriminatory. The district may use contracts with a student to establish grading criteria.



**Chapter 8**  
**CHARTER SCHOOLS**

**Chapter Contents**

Section 1. Definition and Parent/Student Rights .....	116
Section 2. Responsibility for Services .....	117
Section 3. Essential Components of a Special Education Program.....	118
Section 4. Charter Schools and Dual Enrollment .....	119
Section 5. Funding .....	119

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**Chapter 8**  
**CHARTER SCHOOLS**

Federal law requires that students with disabilities be offered educational choices comparable to those offered to students without disabilities. One of these choices is the opportunity to attend a public charter school. Each public charter school, whether a charter school within a district (LEA) or a charter school LEA (Local Education Agency), shares in the obligation to accept and appropriately serve students with disabilities under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) in the same manner as any other public school.

**Section 1. Definition and Parent/Student Rights**

**A. Definition of Charter Schools**

In Idaho, a charter school is a public school authorized by Chapter 52, Title 33-5205, Idaho Code. A charter school operates as a nonprofit, publicly funded, nonsectarian school in one of two ways:

1. as a school within a district, if authorized by the local board of trustees of a school district (LEA); or
2. as its own LEA, if authorized by the Idaho Public Charter School Commission.

A charter school is bound by the conditions of its charter, all federal laws, and Idaho Code.

**B. The Rights of Charter School Students and Their Parents**

A charter school student is a public school student. Students with disabilities who attend charter schools and their parents have all of the same rights granted to students who attend other public schools. These rights are provided under the ~~IDEA 2004; the Elementary and Secondary Education Act (ESEA), reauthorized as the No Child Left Behind Act (NCLB); Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA); and the Family Education Rights and Privacy Act (FERPA).~~ Idaho law specifically states that charter schools cannot discriminate against any student on any basis prohibited by federal or state constitutions or any federal, state, or local law. ~~Under Idaho State Law, the charter of an authorized charter school outlines specific mission statements, policies and procedures.~~

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## Section 2. Responsibility for Services

### A. Charter School Authorized by the District (See definition in Section 1.A.1)

The district is ultimately responsible to ensure that the requirements of the IDEA 2004 are met with respect to students attending charter schools authorized by the district. A charter school's compliance with the IDEA 2004, Part B, is required regardless of whether the charter school receives any Part B funds.

1. To ensure that a charter school authorized by the district meets [the](#) IDEA 2004 requirements, the district shall ensure services to students with disabilities attending the charter schools are provided in the same manner as the district serves students with disabilities in its' other schools, including providing supplementary and related services onsite at the charter school to the same extent to which the district has a policy or practice of providing such services on the site to its' other public schools.
2. The district shall have information on file with the State Department of Education (SDE) that demonstrates students with disabilities who attend charter schools authorized by the district will receive special education and related services from either the district or the charter school (or a combination of both).
3. The district will ensure that its charter schools participate in all monitoring activities conducted by the SDE.

### B. Charter School Operating as an LEA (See definition in Section 1.A.2)

Only the Idaho Public Charter School Commission has the authority to allow the creation of a public charter school that operates as an LEA. A charter school LEA, whether virtual or brick-and-mortar or combination thereof, has an obligation to accept and appropriately serve students with disabilities and is solely responsible to ensure that the requirements of the IDEA 2004 are met with respect to students enrolled. Compliance with the IDEA 2004, Part B, is required regardless of whether the public charter school receives any Part B funds. A charter school LEA shall:

1. participate in all monitoring activities conducted by the SDE; and,
2. in its first year of operation, participate in an onsite technical assistance visit by an SDE special education monitoring team to ensure that the essential components of a special education program are in place.

## Section 3. Essential Components of a Special Education Program

The Idaho charter school law requires each petition for a charter to describe the manner by which special education and related services will be provided to eligible students with disabilities.

Prior to approving a petition for a charter school, the authorizing entity—either the district or the Idaho Public Charter School Commission—shall ensure the petition includes:

1. Nondiscriminatory enrollment procedures.
2. Adequate plans, policies, procedures, contractual or other arrangements, and budget to ensure that students with disabilities attending the charter school will receive special education and related services that meet all the requirements of the IDEA 2004. The petition should describe how the charter school and its authorizing entity will:
  - a. have special education and related services as identified in student IEPs, in place by the first day of the school year;
  - b. conduct Child Find activities and evaluations;
  - c. develop, review, and revise IEPs in accordance with state and federal law;
  - d. employ and use highly qualified special education personnel;
  - e. meet LRE requirements;
  - f. implement the IDEA 2004 discipline procedures; and
  - g. protect student and parent rights.
3. Provisions to employ special education and related services professionals who are appropriately licensed and/or certificated for the duties they are assigned.
4. A professional development plan for the training needs of special education personnel as well as general education teachers in order to meet the needs of students with disabilities who are enrolled in the charter school.
5. A plan that ensures access to charter school programs, as required by the ADA. This plan may include the actual location of the school, classrooms, and settings within the classrooms to permit access by students with disabilities.
6. A transportation plan for special education students who may, because of the nature of their disabilities, be entitled to specialized transportation as a related service, even if the charter school does not provide transportation to other students.
7. Provisions for notifying the authorizing entity in the event that a formal complaint or due process hearing request is filed by or on behalf of a charter school student.



#### Section 4. Charter Schools and Dual Enrollment

The Board of Trustees of a district shall adopt procedures governing dual enrollment. The parent or guardian of a student of school age who is enrolled in a public charter school shall be allowed to enroll the student in a public non-charter school for dual enrollment purposes. Any charter school student participating in dual enrollment may enter into any program in the non-charter public school that is available to other students. Special education services (specially designed instruction and related services designed to meet the unique needs of a student with a disability) will be provided as appropriate only in conjunction with enrollment in academic or non-academic programs so the students can meet the education standards of the district.

For detailed requirements and responsibilities governing dual enrollment of charter school students, see Idaho Code 33-203 in Appendix 8.

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#### Section 5. Funding

##### A. State Funds

The SDE will make apportionment payments (from state general funds) to each charter school based on attendance figures. The SDE will pay state funds directly to charter schools using the funding formula described in state law. A charter school may also be eligible for the following funds:

1. state funds for special education students who live in licensed group, foster, or personal care services homes under the provision of Idaho Code 33-1002B;
2. district-to-agency contract funds under a provision of Idaho Code 33-2004;
3. funds to serve high numbers of students with emotional disturbance under Idaho Code 33-2005; and
4. state enhancement funding sources.

##### B. Federal Funds

The SDE disburses federal flow-through funds to all authorized local education agencies (LEA's).

1. Charter School Authorized by the District

The district provides funds under Part B to those charter schools that are part of the district on the same basis as the district provides funds to the other public schools. This includes proportional distribution based on relative enrollment of students with

disabilities. This distribution is made at the same time as the district distributes funds to their other public schools and must be consistent with Idaho's charter school law. The individual school's approved charter will identify whether the district will provide funding or services of comparable value.

- a. The amount of funds or comparable services will generally be equal to the per student amount the district is allocated from the SDE in the current year multiplied by the charter school's December 1 Child Count from the **previous** school year.
- b. Under certain circumstances the district shall allocate Part B funds to an eligible charter school based on the number of special students enrolled and served in the **current** school year.
  - (1) The district will allocate funds to a charter school within 5 months of opening or significantly expanding its enrollment if the charter school notifies the district at least 120 calendar days before it opens or significantly expands its enrollment due to a significant event that is unlikely to occur on a regular basis (such as the addition of one or more grades or educational programs in major curriculum areas), and it takes place before February 1.
  - (2) When these conditions are met, the district will allocate funds to the charter school as follows:
    - i. If the opening or expansion occurs prior to November 1, the charter school will be allocated funds in the current school year based on the current school year's December 1 Child Count.
    - ii. If the opening or expansion occurs after November 1 but before February 1, the charter school will be allocated a pro-rata share of funds in the current school year based on the number of enrolled special education students with active IEPs 30 days after the opening or expansion. The pro-rata share will be the number of days the charter school will be open or expanded, divided by the number of days in the school year, multiplied by the number of special education students.
  - (3) If the opening or expansion occurs on or after February 1, the charter school will be allocated funds in the following school year based on the **following** school year's December 1 Child Count.
- c. For school districts that have authorized a virtual charter school and the charter school's students are enrolled in the district but live outside district boundaries and receive education outside the district, the SDE will determine the district's **Part B** funding in the following way:

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- (1) The calculation of the district's allocation will be made exclusive of the charter school's enrollment and special education enrollment (student count).
- (2) After calculating the allocations for all districts using the federal funding formula and the distribution formula for any supplemental award, the SDE will determine the statewide average per-student allocation.
- (3) The SDE will add to the district's base allocation an amount equal to the statewide average per-student allocation times the number of students with disabilities enrolled in and determined to be eligible for and receiving special education services.

2. Charter School Operating as an LEA

Public charter schools that are LEA's are responsible for adopting and implementing approved policies and procedures for special education and providing an assurance that funds will be used in accordance with Part B allowable uses.

- a. In the second and subsequent years of operation, Charter School LEAs will be allocated Part B funds in the same manner as all school districts – in accordance with the federally prescribed funding formula for the distribution of flowthrough funds.
- b. The policy for providing federal special education funds to new charter LEAs in the first year of operation, as required by federal regulation, includes the following steps:
  - (1) The LEA submits its December 1 Child Count as required by IDEA 2004.
  - (2) A SDE Special Education monitoring team visits the new LEA to review the files of the students reported on the Child Count.
  - (3) The monitoring team determines the number of students meeting all eligibility requirements and receiving appropriate special education and related services.
  - (4) Based upon the number of students determined to be eligible, amounts of first-year Part B funds for allocation to the charter LEA are calculated as follows:
    - i. The statewide average per-student amount of Part B funding in the current year is determined.
    - ii. That amount is multiplied by the number of students who meet all eligibility requirements and are receiving appropriate special education services to determine the total allocation.

Chapter 8

Charter Schools

(5) The charter LEA then shall complete the Part B application documents. These include:

- i. Assurances and Policies and Procedures Adoption
- ii. Maintenance of Effort Assurance

iii. Title Part B Budget Form

(6) Once the application is submitted and approved, the charter LEA may begin drawing down these funds for the approved special education purposes.

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**Chapter 9**  
**PRIVATE SCHOOL STUDENTS**

**Chapter Contents**

Section 1. Definitions of Private School Placements .....125

Section 2. Students Voluntarily Enrolled by Parents .....126

Section 3. Students Placed by the District .....133

Section 4. Dual Enrollment of Private School Students by Parents.....134

Section 5. Unilaterally Placement of Students by their Parents when FAPE is an Issue.....134

**Documents:**

*Affirmation of Consultation with Private School Officials and Representatives of Parents*.....138



**Chapter 9**  
**PRIVATE SCHOOL STUDENTS**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and Idaho Administrative Code includes the following:

- ▶ statutory and regulatory language, which states that students who are voluntarily enrolled in private schools are not entitled to all of the same services, including the right to a free appropriate public education (FAPE), as public school students;
- ▶ district responsibilities for special education students under Idaho’s dual enrollment law; and
- ▶ the legal requirements that come into play when a parent unilaterally enrolls his or her child in a private school and asks the district for reimbursement of these costs.

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**Section 1. Definitions of Private School Placements**

In order to describe the district’s responsibilities for serving private school students, it is helpful to distinguish three separate ways that students are placed in private schools. These are defined by who enrolls or places the student in a private school and why.

**A. Definition of Voluntary Enrollment by a Parent**

A parent may choose to enroll his or her child in a private school for a variety of personal reasons, such as to obtain a religious education, to attend a school with a particular philosophy or curriculum, or because the parent is dissatisfied with the services offered or provided by the district. This is considered a voluntary enrollment. See Section 2 and Section 4 of this chapter for district responsibilities.

**B. Definition of District Placement**

At times, the district may place a student in a private school or facility to fulfill its obligation to provide FAPE. These placements are always made by an individualized education program (IEP) team in accordance with the requirements of Section 3 of this chapter.

**C. Definition of Unilateral Placement of Students with Disabilities by their Parents when FAPE is an Issue**

A parent may withdraw a student with a disability from a public school and then enroll the student in a private school or provide services from a private provider at parent expense because he or she believes the district has not provided FAPE in a timely manner. The parents may attempt to seek-reimbursement for the costs associated with the placement. All students who are



placed by a parent when FAPE is an issue are also voluntarily enrolled in a private school. Specific information regarding a parent's request for reimbursement of costs of student enrollment in a private school in this situation is included in Section 5 of this chapter.

### **Section 2. Students Voluntarily Enrolled by Parents**

#### **A. District Consultation with Private School Representatives** (may be done in coordination with Title 1 requirements for consultation)

To ensure timely and meaningful consultation a district will consult with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students. The consultation process shall include;

1. Child Find: The Child Find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.
2. Proportionate Share of Funds: The determination of the proportionate amount of federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated. Refer to Section 2G of this chapter for information regarding the calculation of the proportionate share of funds.
3. Determination of Special Education and Related Services: Given the amount of funds to be dedicated by the district, the discussion will include the consideration of how, where, and by whom special education and related services will be provided for parentally placed private school students with disabilities, including:
  - a. types of services, including direct services and alternate service delivery mechanisms;
  - b. how such services will be apportioned if funds are insufficient to serve all students;
  - c. how and when these decisions will be made; and
  - d. how the provided services will be evaluated.
4. Ongoing Communication: Clarify how the private school and district will operate throughout the school year to ensure that parentally placed private school students with disabilities identified through the Child Find process can meaningfully participate in special education and related services. Annual consultation is not required to make these decisions. The district determines the period between consultations based on changing circumstances within the district, such as significant changes in the total amount of

funds to be expended and/or the number and location of private school students with disabilities.

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5. Written Affirmation: When timely and meaningful consultation has occurred:
  - a. the district will obtain a written affirmation signed by the representatives of participating private schools;
  - b. if the representatives do not provide the affirmation within a reasonable period of time the district will forward the documentation of the consultation process to the State Department of Education (SDE).
6. District Decisions: Following consultation with the private school representatives, the district will make final decisions concerning items a-d addressed above in number 3.
7. Written Explanation by the District Regarding Services: If the district disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.

#### **B. Compliance with Consultation Process**

1. General Compliance: A private school official has the right to submit a complaint to the SDE that the district:
  - a. did not engage in consultation that was meaningful and timely; or
  - b. did not give due consideration to the views of the private school official.
2. Procedure for Complaint
  - a. If the private school official wishes to submit a complaint, the official will provide the basis of the complaint to the SDE.
  - b. The district will forward the appropriate documentation to the SDE.
  - c. If the private school official is dissatisfied with the decision of the SDE, the official may submit a complaint to the Secretary of the US Department of Education by providing the basis of the complaint against the district to the Secretary, and the SDE will forward the appropriate documentation to the Secretary.

#### **C. Child Find Requirements**

The district shall have an ongoing Child Find system to locate, identify, and evaluate all students with disabilities ages 3 through 21 who are educated within the district's geographic boundaries. This includes students who have been placed by a parent in a private elementary or secondary school (including a religious school) located in the district regardless of the student's state or local residency.

The Child Find process will be designed to encompass the following:

1. The Child Find process will ensure the equitable participation of parentally placed private and home school students with disabilities.
2. Child Find activities for private school students will be similar to Child Find activities for public school students, which include the evaluation process within comparable timelines.
3. The district will consult with private school representatives and representatives of parents who place their children in private schools regarding the Child Find procedures.

**D. Annual Count of Eligible Students**

The district shall conduct an annual count on December 1 and report to the State Department of Education the number of private school children evaluated, the number found eligible and the number who are provided with special education services. This includes 3-5 year olds identified through the child find process that are enrolled in private schools that meet the definition of an elementary school. This count will be used to determine the amount of funds the district shall expend providing special education and related services to private school students in the next school year (see Section 2E). The district will consult with representatives of private school students to determine how to conduct the count.

**E. Provision of Services**

Provision of services applies to all eligible students who attend non-profit private schools within the district's geographical boundaries regardless of where they reside. Parentally placed private school students with disabilities do not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. Services offered to parentally placed private school students are determined through the district and private school consultation process.

1. District Responsibilities

- a. Private school students with disabilities may receive a different amount of services than public students with disabilities; they are not entitled to every service or the amount of service that they would receive if enrolled in public school. This means that it is possible for a private school student to receive only a related service or piece of equipment.
- b. Special education and related services provided to parentally placed private school students with disabilities, including materials and equipment, will be secular, neutral and non-ideological.
- c. The district is required to offer FAPE to private school students who reside in their district, including when the student attends a private school outside of the district boundaries unless the parent makes clear their intention to keep their child in the private school.
- d. Services may be provided at a public school building or another agreed upon site (including parochial schools to the extent consistent with the law) determined by the district in consultation with appropriate representatives of private school students.
- e. Services provided to private school students with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.

2. Eligibility for Services

If an evaluation team determines that a student needs special education and related services:

- a. The district of residence shall offer to make FAPE available upon enrollment or dual enrollment in a district public school; or
- b. If the parent chooses not to enroll the student in the district of residence and designated funds are available in the district in which the private school is located, a meeting will be held to develop a Services Plan (SP). The meeting will include a representative of the private school to develop a SP.
- c. Any services the district provides to a private school student shall be in accordance with an SP.

3. Service Plan Development

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The SP shall describe the specific special education and related services that will be provided to the student in light of the determinations that have been made by the

district. To the extent appropriate, the district shall initiate and conduct meetings to develop, review, and revise SPs in accordance with the following requirements:

- a. Given the services that the district has elected to provide to private school students, the SP must meet the requirements of the IEP to the extent appropriate (see Chapter 5). The SP excludes sections pertaining to:
  - (1) extended school year (ESY) services;
  - (2) participation in statewide and district wide assessments;
  - (3) placement determination (least restrictive environment);
  - (4) December 1 federal report settings; and
  - (5) elements that, although typical for an IEP, would be inappropriate given the services the district has elected to provide.
- b. An SP shall be in effect at the beginning of each school year and accessible to each person responsible for its implementation.
- c. Meetings shall be held to review and revise SPs at least annually to address any lack of student progress toward goals and in the general education curriculum.
- d. The SP team members include the same members as an IEP team. The district will ensure that a representative of the private school attends these meetings or participates by some other means.
- e. A parent shall be invited to SP meetings at a mutually agreed upon date and time. The invitation must indicate the purpose, time, and location of the meeting. The parent shall be informed that he or she may bring other persons knowledgeable about the student to the meeting. A copy of the SP will be given to the parent.
- f. The team developing the SP will consider the student's strengths and results of the most recent evaluations. The private school general education teacher should participate in the development, review, and revision of the SP.
- g. If necessary for a private school student to benefit from or participate in the services the district has elected to provide, the district shall provide transportation from the student's school or home to the site where services will be provided. The district shall take the student back to either the private school or the home, depending on the timing of the services. In this sense, transportation is not a related service but a means of making the services offered accessible. Transportation costs may be included in the district's expenditure requirement. The district is not required to transport the student from home to the private school.

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## F. Dispute Resolution

Due process hearings are available to parents of private school students only on the issue of Child Find and evaluation. Parents may challenge decisions regarding the provision of services by filing a formal complaint with the SDE.

## G. Determining the **Proportionate Funding for Private School Students**

IDEA 2004 requires school districts to dedicate a proportionate share of funds received under Part B to provide services for parentally placed students with disabilities who attend private schools within the boundaries of the district, regardless of their place of residence. To determine this proportionate amount, the district shall first determine the number of these private school students through the Child Find activities developed in the consultation process with private school representatives.

The number of parentally placed private school students is divided by the total (public and private) number of students with disabilities in the district to arrive at the percentage of private school students with disabilities. This percentage is then applied to the total funding received by the district under Part B grants Section 611 (ages 3-21) and Section 619 (ages 3-5) to determine the district's obligation.

### Example for the XYZ School District:

- A. The number of parentally placed private school children within the district on December 1, 2005: **10**
- B. The number of public school children with disabilities on December 1, 2005: **90**
- C. Percentage of private school children with disabilities: **A** divided by **A+B = 10%**
- D. Total Part B funds allocated for school year 2006-2007: **\$150,000**

E. Amount the district shall spend on providing special education and related services to parentally placed private school students in 2006-2007: **C x D = \$15,000**

- 1. State and local funds may supplement but may not supplant the proportionate amount of Federal funds required to be expended for parentally placed private school children with disabilities.
- 2. The costs of private school consultations and of carrying out **Child Find** activities may not be paid from the proportionate share of funds.
- 3. The cost of any special education or related service, such as direct service, consultation, equipment, materials, or transportation may be used to determine that the district has

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satisfied its expenditure requirement for private school students with disabilities.

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4. If all proportionate funds set aside for private school students in a given fiscal year are not expended in that year they shall be carried forward into the next year for the purpose of providing equitable services.

#### H. Expenditure Guidelines

1. The district may place equipment and supplies that are purchased with Part B funds in a private school for a period of time needed for a program for eligible students with disabilities; however, the district shall:
  - a. retain title and exercise continuing administrative control over all equipment and supplies;
  - b. ensure that all equipment and supplies are used only for Part B purposes;
  - c. ensure that all equipment and supplies can be removed without remodeling the private school; and
  - d. remove equipment and supplies if necessary to prevent unauthorized use.
2. The district may use Part B funds to pay an employee of a private school to provide services to students with disabilities when the employee performs the services:
  - a. outside of his or her regular hours of duty; and
  - b. under public supervision and control.
3. Part B funds shall not be used to:
  - a. finance the existing level of instruction in the private school or otherwise benefit the private school;
  - b. meet the needs of the private school; or
  - c. meet the general needs of students enrolled in the private school.
4. Part B funds shall not be used for repairs, remodeling, or construction of private school facilities.
5. If it is possible for classes to include students enrolled in both public and private schools, then the classes must not be organized separately on the basis of school enrollment or religion.

6. The district shall not appropriate any funds to private schools controlled by any church, sectarian, or religious denomination.

### Section 3. Students Placed by the District

When the district places a student with a disability in a private school or facility, as a means of providing special education services, the district shall ensure the following:

1. All special education procedures and timelines are followed.
2. Special education and related services are provided in accordance with an IEP.
3. A representative of the private school or facility attends or participates in the meeting to develop the IEP.
4. The responsibility for reviewing and revising IEPs remain with the district.
5. Services are provided at no cost to the parent, including reimbursement to the parent for transportation and other costs associated with participation at an IEP meeting conducted in a geographical area outside the jurisdiction of the district.
6. The placement in the private school or facility is the least restrictive environment for that student.
7. The student is provided an education that meets state and district standards.
8. The student is afforded the same rights as students with disabilities who attend public schools.
9. The parent is afforded the same rights as parents of students attending public schools.

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In accordance with federal and state law, the SDE shall approve special education programs in private schools and facilities. The district shall ensure a program is approved prior to placing a student in that school or facility.

At the discretion of the district, once a student with a disability enters a private school or facility, meetings to review and revise the IEP may be initiated and conducted by the private school or facility. If the private school conducts a meeting, the district shall ensure that the parent and a district representative are involved in and agree to any proposed changes in the IEP before the changes are implemented.



#### Section 4. Dual Enrollment of Private School Students by Parents

According to Idaho Code, parents of private school students “shall be allowed to enroll the student in a public school for dual enrollment purposes.” Private school students who are dually enrolled are considered to be nonpublic school students. The district shall allow private school students who are eligible for special education and who are otherwise qualified to participate in school programs under the dual enrollment law to:

1. enroll in general education courses under the same criteria and conditions as students without disabilities; and
2. receive accommodations in the general education courses for which they are enrolled on a 504 plan, if needed.

Private school students may not dually enroll solely for special education. The dual enrollment statute does not establish an entitlement to FAPE for a student with a disability. This means that there is no individual right to receive some or all special education services that the student would receive if enrolled in public school.

The reporting of attendance for private school students in the district is allowed under dual enrollment. If a student attends at least 2.5 hours per week without rounding hours, he or she shall be included in the weekly aggregate attendance. The average daily attendance (A.D.A.) is computed as .5 if the aggregate weekly hours are 2.5 or greater but less than 4.0 hours. When there are 4.0 hours or greater, divide by 4 to get the A.D.A.

Dually enrolled private school students could also be eligible to receive services that have been agreed upon through the district and private school consultation process. These services would be delivered through a SP.

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#### Section 5. Unilateral Placement of Student by Parents when FAPE is an Issue

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##### A. General Provisions for Reimbursement to the Parent

1. The district is required to make FAPE available to all eligible students with disabilities. If parents do not access FAPE, then the district is required to make provisions for private school students to receive Part B services consistent with Section 2E of this chapter.
2. The district is not required to pay for costs of tuition, special education, or related services and associated costs at a private school or facility for a student who was unilaterally placed there by a parent if the district made FAPE available to the student in a timely manner. If a parent disagrees with the availability of FAPE and there is a question about financial responsibility, the parent may request a due process hearing.

3. If the parent of a student with a disability, who previously received special education and related services from the district, enrolls the student in a private elementary or secondary school without the consent of the district, a court or hearing officer may order the district to reimburse the parent for the costs of unilaterally placing the student in a private school if the court or a hearing officer determines that:
  - a. the district had not made FAPE available to the eligible student in a timely manner prior to the time the parent enrolled the student in the private school; and
  - b. the parent's placement is appropriate.
4. A hearing officer may find a student's placement in a private school or facility by a parent appropriate even if the private school or facility does not meet state standards.

**B. Denial or Reduction of Reimbursement to the Parent**

A court or hearing officer may reduce or deny reimbursement to a parent for the cost of a unilateral placement in a private school or facility under the following circumstances:

1. The parent did not inform the district that he or she rejected the placement proposed by the district to provide FAPE and did not state his or her concerns and intent to enroll the student in a private school. This written notification by the parent shall be provided to:
  - a. the IEP team at the most recent IEP meeting prior to removing the student from the public school; or
  - b. the district at least 10 business days (including any holidays that occur on a business day) prior to removing the student from public school.
2. Prior to removal of the student from the public school, the district informed the parent of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent did not make the student available for the evaluation.
3. A judicial decision finds unreasonableness with respect to the actions taken by the parent.

Reimbursement shall not be reduced or denied under any of the following circumstances:

1. The district did not notify the parent of his or her obligation to provide the notice set forth in number 3 above or the district prevented the parent from providing that notice.
2. The parent had not received written notice.

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Chapter 9

Private School Students

3. The district's proposed placement would likely result in physical harm to the student.

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Reimbursement may not be reduced or denied at the discretion of a court or hearing officer for failure to provide this notice if:

1. The parents are not literate or cannot write in English, or
2. The district's proposed placement would likely result in serious emotional harm to the student.

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STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

Chapter 9

Private School Students

**AFFIRMATION OF CONSULTATION WITH PRIVATE SCHOOL OFFICIALS  
AND REPRESENTATIVES OF PARENTS**

P.L. 108-448 Individuals with Disabilities Education Improvement Act of 2004 (IDEA, 2004) requires that timely and meaningful consultation occur between the district and private school representatives and representatives of parents of parentally placed private school students with disabilities.

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The following topics are to be discussed during the consultation:

- The child find process and how parentally placed private school students suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- The determination of the proportionate amount of Federal funds available to serve such students, including the determination of how the amount was calculated;
- The consultation process among the district, private school officials, and representatives of such students, including how such process will operate throughout the school year to ensure that such students identified through the child find process can meaningfully participate in special education and related services;
- How, where, and by whom special education and related services will be provided for such students, including a discussion of types of services, including direct services and alternate service delivery mechanism, how such services will be apportioned if funds are insufficient to serve all [such students], and how and when these decisions will be made; and
- If the district and a private school official disagree on the provision of services or types of services, the district will provide a written explanation of its decision to the private school official.

The district shall obtain a written affirmation signed by the representatives of participating private schools. If such representatives do not provide such affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the State Department of Education (SDE).

A private school official shall have the right to submit a complaint to the SDE that the district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. The district shall forward the appropriate documentation to the SDE. If the private school official is dissatisfied with the decision of the SDE, such official may submit a complaint to the Secretary of Education by providing the basis for the noncompliance.

Provision of equitable services shall be provided by employees of the district or through contract by the district with an individual, association, agency, organization, or other entity. Special education and related services provided to such students, including materials and equipment, shall be secular, neutral, and nonideological.

The control of funds used to provide special education and related services, and title to materials, equipment, and property purchased with [Federal special education] funds shall be in the district for the uses and purposes provided, and the district shall administer the funds and property.

We agree that the district provided timely and meaningful consultation regarding the bulleted items above.

\_\_\_\_\_  
District Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Private School Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Name & Number

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Private School Name

February 2007

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**Chapter 10**  
**IMPROVING RESULTS**

**Chapter Contents**

Section 1. Monitoring Priorities and Indicators .....	141
Section 2. <u>Comprehensive</u> Early Intervening Services .....	143
Section 3. Personnel .....	144
 <b>Documents:</b>	
<i>Standards for Paraprofessionals Supporting Students with Special Needs.....</i>	151





**Chapter 10**  
**IMPROVING RESULTS**

This chapter reflects the changes in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) that focus on improving educational outcomes, analyzing and reporting data to the public, and ensuring that personnel who work with students with disabilities are prepared to meet their unique needs.

**Section 1. Monitoring Priorities and Indicators**

IDEA 2004 requires increased accountability for programs serving students with disabilities. Monitoring priorities include both performance and compliance goals. Accountability areas established by IDEA 2004 include a free appropriate public education (FAPE) in the least restrictive environment (LRE), Effective General Supervision, and Disproportionality. Each priority area encompasses specific performance indicators. These indicators include both performance and compliance components. Data on those indicators shall be collected, submitted to the State Department of Education (SDE), and publicly reported annually. That data shall be used to evaluate the effectiveness of programs and identify strategies to improve student outcomes.

The district is required to submit timely and accurate data from which the district's performance will be calculated on the following goals:

**A. FAPE in the LRE**

1. Graduation rate
2. Dropout rate
3. Participation and performance of students with disabilities on statewide assessments
4. Suspension and expulsion rates for students with disabilities
5. Students ages 6-21 educated with typically developing peers
6. Students ages 3-5 educated with typically developing peers
7. Students ages 3-5 developing positive social-emotional skills, early literacy, and behavior
8. School facilitation of parent involvement to improve services and results

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**B. Disproportionality**

1. Representation of race/ethnicity in special education programs
2. Representation of race/ethnicity in specific disability categories

**C. Effective General Supervision**

1. Initial eligibility established within 60 days of consent
2. Eligibility established for children referred from Part C and receiving services by their 3<sup>rd</sup> birthday
3. By age 16, students have a coordinated, measurable post-secondary goal(s) and transition services needed to meet their goals
4. Students no longer in secondary school who are employed or in post-secondary school, within one year of leaving high school
5. Identify and correct noncompliance as soon as possible, but no later than 1 year from identification

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**D. SDE Responsibility**

The SDE is required to collect, review, and analyze data on an annual basis to determine if the state and districts are making adequate progress toward the required performance goals. This monitoring process includes:

1. Measuring performance on goals both for the state and the districts.
2. Monitoring based on district data, compliance with the IDEA 2004 Regulations, and progress made toward meeting state goals.
3. Identifying districts in one of the following categories: Meets Requirements; Needs Assistance; Needs Intervention; Needs Substantial Intervention.
4. Providing technical assistance statewide, and targeted technical assistance to districts demonstrating the highest needs.
5. Reporting to the public on the state and districts' performance on state goals.
6. Developing and submitting an Annual Performance Report and revising the State Performance Plan, as needed, to address state performance on required goals.

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**E. District Responsibility**

Progress on the state's performance goals is directly linked to the districts' efforts and progress in these same areas. On an annual basis and as part of Continuous Improvement Monitoring, the district shall:

1. ensure the data it collects and reports to the SDE regarding special education students and personnel is accurate;
2. use data-based decision-making procedures to review and analyze data to determine if the district is making adequate progress toward performance goals;
3. adjust strategies, as needed, to meet goals and improve student outcomes.

### Section 2. Comprehensive Early Intervening Services

Under the IDEA 2004, the district may use up to 15% of its IDEA Part B allocation in any fiscal year to provide comprehensive early intervening services (CEIS) for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

These funds may be used for activities that include:

1. Professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software
2. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

#### A. Budget Requirements

If the district chooses to use IDEA Part B funds in any fiscal year to provide CEIS, the district will budget the amount used to provide these services, up to a maximum of 15% of the total allocation, in the Part B budget that is submitted annually to the SDE as part of the Part B and Preschool Application.

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#### B. Reporting Requirements

When the district uses IDEA Part B funds to provide CEIS, an annual report shall be submitted to the SDE on:

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1. The number of children who received CEIS; and
2. The number of children who received CEIS and subsequently receive special education and related services during the preceding two year period.

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**C. Relationship between FAPE and CEIS**

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CEIS provided by the district shall not be construed to either limit or create a right to FAPE under the IDEA 2004 or to delay appropriate evaluation of a student suspected of having a disability.

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**Section 3. Personnel**

The district shall ensure that personnel working with students with disabilities meet the qualifications established by the SDE and have the content knowledge and skills to meet the needs of these students.

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**A. Appropriate Certification or Licensure**

Public school personnel shall meet the appropriate certification or licensure requirements for position assignments. Complete certification standards for personnel providing special education or related services may be found in the handbook titled Idaho Standards for the Initial Certification of Professional School Personnel (April 2006). This handbook is available from the SDE Division of School Support Services.

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The lists that follow are general guidelines only. They do not include every possible position or licensing situation. For more information call the SDE Division of School Support Services at 208/332-6800.

1. The following special education and related services positions require individuals who are employed by the district to be certificated and to meet any additional licensure requirements:
  - a. audiologist;
  - b. consulting teacher;
  - c. counselor;
  - d. director of special education;
  - e. early childhood special education teacher;
  - f. school psychologist;
  - g. special education teacher;
  - h. speech-language pathologist; and

- i. supervisor/coordinator of special education.
2. Some special education service providers need both licensure in their area of expertise and certification from the SDE.
  - a. School nurses are certificated by the SDE and licensed by the State Board of Nursing.
  - b. School social workers are certificated by the SDE and licensed by the Bureau of Occupational Licenses.
3. Some special education service providers must meet the licensure or certification requirements in their respective professions, but certification from the SDE is not required.
  - a. Occupational therapists and physical therapists are licensed by the State Board of Medicine.
  - b. Vocational education teachers are certificated by the Idaho Division of Professional-Technical Education.
  - c. Vocational rehabilitation counselors must meet national standards for Certified Rehabilitation Counseling (CRC) to be employed by the Idaho Division of Vocational Rehabilitation.
4. Individuals who used a consultant specialist provision or a letter of authorization in the past are no longer able to use these emergency certificates as an alternative for individuals to become certificated teachers in Idaho. The district shall use the alternative authorization options to request alternative endorsement/certification when a professional position cannot be filled with someone who holds the appropriate endorsement/certification.

### **B. Highly Qualified Special Education Teachers**

In addition to being certified, K-12 special education teachers in the district shall meet the “highly qualified teacher standards” identified in the No Child Left Behind (NCLB) Act. The highly qualified special education teacher requirement does not apply to preschool programs since early childhood education is not a part of the Idaho public elementary and secondary school system at this time.

#### 1. General Requirements for Special Education Teacher

Any K-12 special education teacher who is not teaching a core academic subject and only consults with regular education teachers or reinforces instruction from a regular education teacher is highly qualified if the teacher holds a K-12 Exceptional Child Certificate. No waiver or temporary certification qualifies. However, a special education

teacher can meet the general requirements of highly qualified if they are enrolled in an approved alternative route to certification program.

2. Requirements for Special Education Teachers Teaching a Core Academic Subject

If a special education teacher is the primary deliverer of instruction in a core content subject, they shall have met the highly qualified teacher standard in each area taught.

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3. Requirements for Special Education Teachers Teaching Multiple Subjects

In the case of a teacher who is not new to the profession, the special education teacher shall demonstrate competence in all the core academic subjects which the teacher teaches in the same manner as is required for elementary, middle, or secondary school teachers who are not new to the profession.

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In the case of a new special education teacher who teaches multiple subjects, and who is highly qualified in mathematics, language arts, or science, the teacher shall demonstrate competence in the other core academic subjects which the teacher teaches not later than two years after the date of employment.

4. Requirements for Special Education Teachers Teaching to Alternate Standards

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Both new and veteran special education teachers who teach core academic subjects exclusively to students assessed against alternate achievement standards (students with significant cognitive disabilities) shall be highly qualified by either:

(1) meeting the NCLB Act requirement for any elementary, middle school, or high school teachers who are new or not new to the profession; or

(2) meeting the requirements of the Elementary and Secondary Education Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, demonstrate subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those grade level standards.

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5. Assurance of Highly Qualified Standards

The district shall take measurable steps to recruit, train, hire, and retain highly qualified special education teachers. The district will collect and monitor data about special education personnel qualifications and ensure that personnel are appropriately and adequately prepared to serve students with disabilities.

In Title I schools, parents will be notified if students are taught for 4 or more consecutive weeks by a special education teacher who is not highly qualified.

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**C. Shortage of Personnel**

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If there is a shortage of highly qualified personnel, the district shall take measurable steps to recruit and hire highly qualified personnel to provide special education and related services to students with disabilities. However, when a professional position cannot be filled with an individual who has the appropriate certification, vacant positions may be filled with personnel on the following approved alternate pathways to teaching:

1. Teacher to New Certification – An individual holds a Bachelor’s degree and a valid teaching certificate without full endorsement in area of need. The candidate works towards completing a preparation program for special education certification and is employed by the district.
2. Content Specialist – An individual who is highly and uniquely qualified in an area holds a Bachelor’s degree. The candidate works towards completing a preparation program while employed by the district. The preparation program must include mentoring, one classroom observation per month until certified, and prior to entering the classroom; the candidate completes an accelerated study in education pedagogy.
3. Computer Based Route to Teacher Certification – An individual may acquire interim certification through a computer-based alternative route to teacher certification that is approved by the State Board of Education. On November 4, 2003, the Idaho State Board of Education passed a temporary rule approving ABCTE (American Board for Certification of Teacher Excellence) as an alternate route to Idaho certification. During the interim certification, teaching shall be done in conjunction with a two year mentoring program approved by the State Board of Education.

Further information and all requirements for each alternative route to certification are available in Idaho Administrative Code (IDAPA 08.02.02) and the Idaho Standards for the Initial

Certification of Professional School Personnel document.

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Nothing in the IDEA 2004 creates a right of action for due process on behalf of a student or class of students for failure to employ highly qualified staff.

**D. Paraprofessionals, Assistants, and Aides**

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The district may employ paraprofessionals, assistants, and aides who are appropriately trained and supervised to assist in the provision of special education and related services to students with disabilities if they meet standards established by the SDE (see the Documents section in this chapter).

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Appropriate duties to be performed by paraprofessionals are:

1. Provide one-on-one tutoring for eligible students during non-instructional time by a teacher or related service provider.
2. Assist with classroom management and organizing materials.
3. Provide assistance in a computer lab or media center.

4. Conduct parental involvement activities.
5. Act as a translator.
6. Assist in provision of instructional services only under the direct supervision of a certified teacher or related service provider.
  - a. Teacher plans instruction and evaluates student achievement.
  - b. Paraprofessional works in close and frequent physical proximity to teacher or related service provider.

A special education paraprofessional working in a Title I school-wide program shall be highly qualified as demonstrated by the competencies listed in the NCLB Act.

1. Strategies to Assist Individuals in Meeting Paraprofessional Standards

The district shall assist individuals in meeting the paraprofessional standards established by the SDE. A variety of strategies may be used to assist individuals in developing the skills necessary to meet the paraprofessional standards, including:

- a. participating in on-the-job training with follow-up provided by the supervising teacher;
- b. reading printed materials;
- c. participating in workshops;
- d. viewing videos;
- e. completing university course work;
- f. conducting personal research and studying; or
- g. training sponsored by the district.

2. Verifying that an Individual ~~has~~ Met Paraprofessional Standards

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The district will determine the means of verification that will be used to assess whether individuals working with students with disabilities have met the paraprofessional standards. Competence may be demonstrated in a variety of ways, such as:

- a. successful performance of duties;
- b. interview with the paraprofessional;
- c. observation;
- d. portfolio assessment;



- e. completion of a course or workshop; or
- f. verification from a former employer.

The district may encourage qualified para-educators employed in their classrooms to become certified teachers. The alternative route preparation program for para-educator to teacher must be completed within five years of admission to the program. Candidates work toward completion of a preparation program while employed by the school district.

### **E. Educational Interpreters**

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The district may only employ an individual as an educational interpreter if they have met the state qualifications identified in Idaho Code 33-1304. Educational interpreters employed by the district shall complete a minimum of eighty (80) hours of training in the areas of interpreting or translating every five years.

### **E. Supervision of Staff**

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A teacher and/or a related service provider with appropriate certification or licensure who has been informed of his or her specific responsibilities related to a student's IEP has the primary responsibility to ensure the appropriate implementation of the IEP. The district has policies and procedures for the supervision and evaluation of all certificated/licensed or contracted employees.

The certificated/licensed teacher and/or related service provider will generally be responsible for the supervision of all paraprofessionals, assistants, and aides who provide direct services to students with disabilities. All paraprofessionals, assistants, and aides must have a supervision plan developed by a certificated or licensed professional.

### **G. Professional Development Plan**

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The district will take measures to ensure that all personnel necessary to provide special education and related services according to [the IDEA 2004](#) are appropriately and adequately prepared. Personnel may use a variety of opportunities for technical assistance and training activities to further develop professional knowledge and skills in order to meet the needs of students with disabilities.

To the extent the district determines it is appropriate, paraprofessional personnel may use the technical assistance and training activities offered by the district or SDE to fulfill part of the Standards for Paraprofessionals Supporting Special Needs Students. See pages [the Documents section of this chapter](#) for a list of the standards.

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**STANDARDS FOR PARAPROFESSIONALS SUPPORTING STUDENTS WITH SPECIAL NEEDS**

State and federal law requires paraprofessionals who assist in the provision of special education and related services have the skills and knowledge necessary to meet the needs of students with disabilities. To this end, the State Department of Education has developed “Standards for Paraprofessionals Supporting Special Needs”

Orientation and training in the paraprofessional’s first year of employment target entry-level standards to ensure that all paraprofessionals are knowledgeable, have the skills needed to support the programs to which they are assigned, and comply with legal and policy requirements. Training to address intermediate standards can extend over a two-year period and is planned according to the needs of the paraprofessional, as determined by the annual evaluation. Training to address advanced standards is not required.

(E) = Entry Level

(I) = Intermediate

(A) = Advanced

**Principle 1: The paraprofessional has a basic knowledge of the discipline(s) taught and supports the teacher/provider in creating learning experiences that make the subject matter meaningful for students.**

**Knowledge**

1. The paraprofessional has the basic academic skills needed to perform his or her assignments. (E)
2. The paraprofessional possesses basic educational terminology regarding students, programs, roles, and instructional activities. (I)

**Disposition**

1. The paraprofessional realizes how the application of learning is useful in life.

**Performance**

1. The paraprofessional demonstrates the academic skills needed to perform his or her assignment(s). (E)
2. The paraprofessional is able to use basic educational terminology to understand assigned tasks. (I)
3. The paraprofessional presents subject area content accurately to students. (I)

**Principle 2: The Paraprofessional has a basic knowledge of how students learn and develop and assists in providing opportunities that support the students’ intellectual, social, and personal development.**

**Knowledge**

1. The paraprofessional understands which materials and activities are chronologically age appropriate. (I)

**Disposition**

1. The paraprofessional appreciates individual variations within each domain of development.

**Performance**

1. The paraprofessional uses developmentally-appropriate and age-appropriate strategies, equipment, materials, and technologies as directed by the teacher/provider. (I)

**Principle 3: The paraprofessional knows that students differ in their approaches to learning and assists in creating instructional opportunities that are adapted to students with diverse needs.**

**Knowledge**

1. The paraprofessional understands the impact that a disability or a combination of disabilities may have on a student's life. (E)
2. The paraprofessional knows about different methods that are used by teacher/providers to accommodate individual student learning needs. (I)
3. The paraprofessional has a basic knowledge of the strategies used to support the learning of students whose first language is not English. (I)
4. The paraprofessional has an awareness of common assistive technology devices used to accommodate student learner needs. (I)
5. The paraprofessional understands, in general terms, Idaho's special education requirements, including definitions, qualifications, and services. (I)
6. The paraprofessional knows about areas of exceptionality, such as learning disabilities, visual and perceptual difficulties, emotional and behavioral problems, physical and cognitive delays, and giftedness. (I)
7. The paraprofessional understands variations of beliefs, traditions, and values regarding disability across cultures and their effect on relationships among the student, the family, and school personnel. (A)

**Disposition**

1. The paraprofessional has an appreciation of programs for students with diverse needs.
2. The paraprofessional believes that all students can learn.
3. The paraprofessional believes his or her role includes advocating for, encouraging, motivating, and facilitating individual learning.
4. The paraprofessional respects students as individuals with differing backgrounds, skills, talents, and interests.
5. The paraprofessional is sensitive to community and cultural norms.

**Performance**

1. The paraprofessional uses his or her understanding of program requirements to carry out assignments. (E)
2. The paraprofessional persists in helping all students achieve success. (E)
3. The paraprofessional assists in adapting instructional strategies and materials according to student needs and ability levels. (I)
4. The paraprofessional assists the teacher/provider to maintain assistive/adaptive/medical services. (I)
5. The paraprofessional demonstrates the ability to carry out a variety of teacher/provider directed accommodations and adaptations to address the individual student's needs. (I)
6. The paraprofessional demonstrates proper lifting, carrying, and transferring techniques. (I)
7. The paraprofessional uses a number of teacher/provider directed strategies to support the learning of students whose first language is not English. (I)

**Principle 4: The paraprofessional understands and uses a variety of instructional strategies to assist the teacher/provider.**

**Knowledge**

1. The paraprofessional knows where to access a variety of learning resources. (E)
2. The paraprofessional understands that students from diverse experiential, cultural, economic, and language backgrounds may need different strategies for learning. (I)

3. The paraprofessional has a basic understanding of a variety of instructional techniques used by the teacher/provider. (I)
4. The paraprofessional understands basic instructional, remedial, and accelerated methods, techniques, and materials for teaching a variety of students. (A)

**Disposition**

1. The paraprofessional believes that a variety of instructional strategies may be necessary to meet individual needs.
2. The paraprofessional values flexibility and resourcefulness in supporting the teacher/provider in adapting and modifying instruction to address student needs.

**Performance**

1. The paraprofessional uses a variety of instructional techniques as modeled by the teacher/provider. (I)
2. The paraprofessional locates and maintains a variety of instructional resources as directed by the teacher/provider. (I)

**Principle 5: The paraprofessional understands the impact of the educational environment on student learning, self-motivation, and positive social interaction and assists in creating a positive learning environment.**

**Knowledge**

1. The paraprofessional understands district guidelines for protecting the safety, health, and well-being of students and staff (e.g., universal precautions for preventing illnesses and infections, the proper body mechanics for lifting students and heavy objects, CPR, and first aid). (E)
2. The paraprofessional understands how social groups function and influence people and how people influence groups. (I)
3. The paraprofessional recognizes factors and situations that are likely to promote or diminish intrinsic motivation and knows how to help students become self-motivated. (I)
4. The paraprofessional understands the goal of promoting student self-determination and self-advocacy skills and his or her role in supporting that goal. (I)
5. The paraprofessional has a general understanding of positive behavioral supports. (I)

6. The paraprofessional understands the demands of various classroom and nonclassroom environments on individuals with diverse learning needs. (A)

**Disposition**

1. The paraprofessional values the role of students in promoting one another's learning and recognizes the importance of peer relationships in establishing a climate of learning.
2. The paraprofessional recognizes the value of intrinsic motivation to students' lifelong growth and learning.
3. The paraprofessional values and understands student independence and the "dignity of risk."
4. The paraprofessional respects a wide diversity of beliefs, traditions, and values found across cultures and environments.
5. The paraprofessional is committed to helping students develop self-confidence and competence.

**Performance**

1. The paraprofessional carries out school behavior management policies and practices. (E)
2. The paraprofessional uses positive behavioral supports, crisis intervention, and restraint techniques consistent with the district/agency policy. (E)
3. The paraprofessional assists in establishing a positive climate in the classroom and participates in maintaining such a climate in the school as a whole. (E)
4. The paraprofessional plans for smooth transitions between activities and environments. (E)
5. The paraprofessional maintains a safe and effective learning environment for academic and nonacademic settings (e.g., lunchrooms, study halls, playgrounds, and buses). (E)
6. The paraprofessional supports a learning community in which individual differences are respected and valued. (E)
7. The paraprofessional assists in creating a learning community in which students assume responsibility for themselves and one another, participate in decision making, work collaboratively and independently, resolve conflicts, and engage in purposeful learning activities. (I)
8. The paraprofessional assists in modifying the learning environment to manage behavior. (I)



9. The paraprofessional implements behavioral prevention, intervention, and reinforcement plans that have been developed by the teacher/provider. (I)

**Principle 6: The paraprofessional uses a variety of communication techniques, including verbal, nonverbal, and media in and beyond the classroom.**

**Knowledge**

1. The paraprofessional is aware of effective communication styles. (I)
2. The paraprofessional understands how diversity affects community in the classroom. (I)
3. The paraprofessional has an understanding of verbal and nonverbal communication. (I)
4. The paraprofessional has knowledge of the basic functions of multimedia technology (e.g., computer, video, recorder, projector). (I)
5. The paraprofessional has knowledge of basic computer software and functions, e-mail, and the Internet. (I)
6. The paraprofessional knows strategies and techniques that facilitate communication for students with diverse needs. (A)

**Disposition**

1. The paraprofessional values the ways in which people seek to communicate and encourages various modes of communication in the classroom.

**Performance**

1. The paraprofessional effectively communicates with team members. (E)
2. The paraprofessional is a thoughtful and responsive listener. (E)
3. The paraprofessional demonstrates sensitivity to cultural and other differences in communication methods (e.g., appropriate use of eye contact, interpretation of body language and verbal statements, acknowledgement of and responsiveness to different modes of communication and participation). (I)
4. The paraprofessional uses a variety of media communication tools, including audiovisual aids and computers, to enrich learning opportunities. (I)

**Principle 7: The paraprofessional implements teacher/provider designed instructional plans based upon knowledge of subject matter, students, the community, and curriculum goals.**

**Knowledge**

1. The paraprofessional understands that instruction is more effective when designed around student strengths, interests, and abilities. (I)
2. The paraprofessional knows that a variety of elements (instructional materials, individual student interests, needs, aptitudes, and community resources) are considered when planning instruction for students. (I)
3. The paraprofessional understands that curriculum and instructional planning are based on learning theory and child and adolescent development. (A)

**Disposition**

1. The paraprofessional believes that plans shall always be open to adjustment and revision, as directed by the teacher/provider, based on student needs, student input, and changing circumstances.
2. The paraprofessional values planning as a collegial and collaborative activity.
3. The paraprofessional values both long-term and short-term planning.

**Performance**

1. The paraprofessional follows teacher/provider written and verbal plans, seeking clarification as needed. (E)

**Principle 8: The paraprofessional supports the teacher/provider in evaluating the intellectual, social, and physical development of the student.**

**Knowledge**

1. The paraprofessional understands the purposes of formative and summative assessment and evaluation. (I)
2. The paraprofessional realizes the need to use multiple strategies to assess individual student progress. (I)
3. The paraprofessional understands the distinctions in the roles of teachers/providers, other licensed district/agency professionals, and paraprofessionals in assessing student strengths and needs. (I)

**Disposition**

1. The paraprofessional values ongoing assessment as essential to the instructional process and recognizes that many different assessment strategies, accurately and systematically used, are necessary for monitoring and promoting student learning.

**Performance**

1. The paraprofessional assists teachers/providers with maintaining student records required by the state or the district. (E)
2. The paraprofessional gathers information by using informal and functional assessment methods under teacher/provider direction. (I)
3. The paraprofessional objectively shares relevant information about student performance to assist the teacher/provider in the planning process. (I)
4. The paraprofessional assists in providing assessment accommodations and adaptations as designed by the teacher/provider. (I)
5. The paraprofessional administers formal assessments when given appropriate training and supervision. (A)

**Principle 9: The paraprofessional engages in continued professional improvement toward an identified goal.**

**Knowledge**

1. The paraprofessional has an awareness of his or her professional strengths and needs. (E)
2. The paraprofessional is aware of the personal biases and differences that affect job performance. (I)
3. The paraprofessional is knowledgeable about resources that provide opportunities for professional growth. (I)

**Disposition**

1. The paraprofessional embraces lifelong learning.
2. The paraprofessional is committed to ongoing reflection, assessment, and learning as a process.
3. The paraprofessional is committed to seeking, developing, and continually refining practices.

4. The paraprofessional values constructive feedback as a learning tool.
5. The paraprofessional values competency and integrity.

**Performance**

1. The paraprofessional uses self-reflection as a means of improving job performance. (E)
2. The paraprofessional asks for and accepts feedback from the teacher/provider. (E)
3. The paraprofessional documents progress toward his or her professional development. (I)
4. The paraprofessional participates in meaningful professional development opportunities in order to demonstrate current, effective practices. (I)

**Principle 10: The paraprofessional interacts in a professional, effective manner with colleagues, parents, and other members of the community to support students' learning and well-being.**

**Knowledge**

1. The paraprofessional understands the distinction between the roles of all team members in support of student learning. (E)
2. The paraprofessional understands the relationships among school personnel, families, and the larger community and how such partnerships foster student learning. (E)
3. The paraprofessional understands the common concerns that the parents of students with diverse needs may have. (E)
4. The paraprofessional knows how to respond respectfully to a parent, the community, or another educator in conflict situations. (E)
5. The paraprofessional knows the rights and responsibilities of parents, students, teachers, professionals, and schools as they relate to students with learning needs. (E)
6. The paraprofessional knows signs of emotional distress, child abuse, substance abuse, and neglect in students and how to follow the procedures to report known or suspected abuse or neglect to the appropriate authorities. (E)
7. The paraprofessional understands the expectations for professional conduct, policies, procedures, and laws with regard to student and parent rights. (E)

**Disposition**

1. The paraprofessional respects the need for beneficial relationships among families, school personnel, and community members.
2. The paraprofessional is concerned about all aspects of the student's well-being and is alert to signs of difficulties.
3. The paraprofessional respects the dignity, rights, and privacy of students and families.
4. The paraprofessional is respectful of distinctions among the roles and responsibilities of paraprofessionals, professionals, and other team members.

**Performance**

1. The paraprofessional respects student privacy, student rights, and the confidentiality of information. (E)
2. The paraprofessional effectively collaborates with team members. (E)
3. The paraprofessional follows teacher/provider instructions and honors team decisions in daily practice. (E)
4. The paraprofessional provides positive representation of the student, school, and district. (E)
5. The paraprofessional develops a rapport with students (e.g., talks with and listens to students) is sensitive and responsive to clues of distress, and seeks outside help as needed. (E)
6. The paraprofessional demonstrates professional conduct in accordance with district policies and state laws. (E)
7. The paraprofessional exercises objective and prudent judgment. (E)
8. The paraprofessional follows policy regarding reporting suspected child abuse, neglect, or threat of harm to the student or others. (E)



**Chapter 11**  
**PROCEDURAL SAFEGUARDS**

**Chapter Contents**

Section 1.	Procedural Safeguards Notice .....	163
Section 2.	Domestic Considerations.....	164
Section 3.	Informed Consent .....	169
Section 4.	Written Notice .....	172
Section 5.	Confidentiality and Access to Records .....	175
Section 6.	Independent Educational Evaluations .....	181

**Documents:**

<i>Application for Surrogate Parent</i> .....	185
<i>Procedural Safeguards Notice</i> .....	186

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**Chapter 11**  
**PROCEDURAL SAFEGUARDS**

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This chapter reflects changes in procedural safeguards as a result of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).

**Section 1. Procedural Safeguards Notice**

A parent and/or adult student has specific procedural safeguards given to him or her by the IDEA 2004 and state law. Each district has a document titled *Procedural Safeguards Notice* that is provided to parents and/ or adult students which contains a full explanation of the special education rights. The *Procedural Safeguards Notice* shall include a full explanation of the procedural safeguards, written in the native language of the parents (unless it clearly is not feasible to do so) and written in an easily understandable manner.

**A. Procedural Safeguards Notice Contents**

The following table lists various topics contained in the *Procedural Safeguards Notice* and identifies what chapter in this manual provides more information about each topic.

Topic	Chapter
1. parental consent	11
2. written notice	11
3. access to educational records	11
4. independent educational evaluation (IEE)	11
5. the opportunity to present and resolve complaints, including: <ul style="list-style-type: none"> <li>a. the time period in which to make a complaint</li> <li>b. the opportunity for the district to resolve the complaint</li> <li>c. the availability of <a href="#">SDE</a> mediation</li> <li>d. the differences between a due process hearing complaint and state administrative complaint</li> </ul>	13
6. the student’s placement during pendency of due process proceedings	13
7. procedures for students who are subject to placement in an interim alternative educational setting (IAES)	12
8. requirements for unilateral placement by parents of students in private schools at public expense	9
9. due process hearings, including requirements for disclosure of evaluation results and recommendations	13
10. civil actions, including the time period in which to file such actions	13
11. attorney fees	13

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**B. When the Procedural Safeguards Notice Is Provided**

The district will provide a *Procedural Safeguards Notice* that includes a full explanation of the special education rights afforded the parent and/or adult student only once per year, except that a copy will be given to the parent and/or adult [student](#):

1. upon an initial referral or parent and/or adult student request for evaluation;
2. upon the first occurrence of a filing of a due process hearing or an administrative complaint;
3. when a decision is made to take a disciplinary action that constitutes a change of placement; and
4. upon request by the parent.

A *Procedural Safeguards Notice* suitable for copying can be found in the document section of this chapter.

**Section 2. Domestic Considerations**

**A. Parent**

1. Definition

The term “parent” means:

- a. a biological, adoptive, or foster parent of a child;
- b. a guardian (but not the state if the child is a ward of the state);
- c. an individual acting in the place of a biological or adoptive parent (including a grandparent, step parent, or other relative) with whom the child lives;
- d. an individual who is legally responsible for the child’s welfare
- e. an adult student; or
- f. a surrogate parent who has been appointed by the district.

2. Determining Who Has Parental Rights

In determining who has parental rights, individuals should be considered in the following order of priority:

- a. a biological parent who retains guardianship;
- b. a person who has legal documentation (guardianship, power of attorney, custody agreement) of being responsible for the student's welfare;
- c. a grandparent, stepparent, other relative, or foster parent with whom the student lives and who is acting as a parent; or
- d. a surrogate parent appointed by the district to represent the student's interests in educational decisions.

**B. Surrogate Parent**

1. Definition

A "surrogate parent" is an individual assigned by the district to assume the rights and responsibilities of a parent under the IDEA 2004 in any of the following circumstances:

- a. No parent can be identified or located for a particular student.
- b. The student is a ward of the state.
- c. The student is an unaccompanied homeless youth.

The surrogate parent has the same rights as a biological parent throughout the special educational decision-making process.

2. Referral for a Surrogate Parent

Any person who is aware that a student may need a surrogate parent may make a referral for a determination to the district's special education director or an appropriate district administrator. The district will appoint a surrogate in any of the following circumstances:

- a. A parent cannot be identified.
- b. A parent cannot be found after reasonable efforts to locate the parent.
- c. The student is a ward of the state. If a state judge has appointed a surrogate to oversee the care of a student who is a ward of the state, the judge-appointed surrogate may make decisions regarding the student's education, including special education, provided he or she meets the criteria for a district-appointed surrogate.
- d. The student is a homeless youth who is unaccompanied.

The district will make a good faith effort and maintain records of attempts to locate a parent. The district cannot appoint a surrogate parent when the biological parent is available but chooses not to participate. When a surrogate parent is needed for a student, the district will appoint a surrogate who meets the conditions set forth in item 3, below. The district will make reasonable efforts to assign a surrogate within 30 calendar days after it determines that the student needs a surrogate.

3. Criteria for Serving as a Surrogate Parent

A surrogate parent may represent the student in all matters relating to identification, evaluation, placement, and the provision of FAPE. The surrogate parent shall:

- a. Have knowledge and skills that ensure effective representation.
- b. Have no personal or professional interest that conflicts with the interest of the student.
- c. Meet the following conditions:
  - (1) is not an employee of the SDE, the district, or any other agency that is involved in the education or care of the student;
  - (2) is not an employee of a nonpublic agency that provides educational care for the student.

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Note: A person who otherwise qualifies to be a surrogate parent is not an employee of the district or agency solely because he or she is paid to serve as a surrogate parent.

In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate can be appointed that meets all the requirements.

**C. Adult Students and the Transfer of Rights**

An “adult student” is a student who is at least 18 years of age to whom special education rights have transferred under the IDEA 2004 and Idaho Code.

- 1. Discussion of the Transfer of Rights: Not later than the student’s 17th birthday, the IEP team shall discuss the transfer of special education rights to the student. Special education rights will transfer from the parent to the adult student when the student turns 18 years of age unless:
  - a. the IEP team determines that the student does not have the ability to make informed decisions with respect to his or her educational program; or

- b. a parent has obtained legal guardianship including the scope of educational matters.
- 2. Basis for Denial of Transfer: During the IEP meeting to discuss the transfer of rights, the IEP team will use the following as the basis for any denial of the transfer:
  - a. Evaluation data, test results, written reports, teacher observation, education records, and parent input, including whether the parent intends to seek guardianship.
  - b. Answers to the following questions:
    - (1) Is the student capable of understanding his or her rights?
    - (2) Is the student capable of exercising his or her rights?
    - (3) Is the student capable of understanding the consequences and impact of his or her decisions?
- 3. Following a Determination Concerning the Transfer of Rights: When the student's special education rights transfer at age 18, the parent and student will be informed that rights have transferred. The IEP shall contain a statement referring to the transfer (or not) of rights:
  - a. If the team determines that there is no relevant information about the student to prohibit the transfer of rights at age 18, the student's IEP shall contain a statement that the student has been informed that special education rights will transfer to him or her. The parent retains the right to receive notices required by the IDEA 2004.
  - b. If the IEP team determines that the student lacks the ability to provide informed consent with respect to his or her educational program, a statement will be included in the IEP indicating that the parent, or other individual if the parent is not available, will retain all special education rights after the student reaches age 18.
  - c. If rights have transferred, the district shall continue to provide notices to the parent, but nothing under the IDEA 2004 requires parent participation in the process.
- 4. Revoking a Transfer of Rights: There is nothing in federal or state law that prohibits the IEP team from changing its decision later, based on new information and input. Under state law, a parent can provide legal documentation of a student's incompetence *after* the student reaches age 18.

**D. Emancipated or Married Minors**

Idaho law does not provide for the emancipation of minors. However, minors who have been emancipated by a court of law in another state are considered an adult in Idaho. Emancipated minors should be able to provide the legal court document awarding them the power and capacity of an adult. A student under age 18 who claims to be an emancipated minor, but is

unable to provide documentation should be assigned a surrogate parent by the district if a parent cannot be located.

Students under the age of 18 who are married to an adult, 18 years or older, are not emancipated minors in Idaho and do not have the power and capacity of an adult student. Instead, the spouse acts as the guardian of the student regarding legal rights and responsibilities.

#### **E. Ward of the State**

The term “ward of the state” means a child who, as determined by the state where the child resides, is a foster child, or a ward of the state *or* is in the custody of a public child welfare agency. The term does not include a foster child who has a foster parent who meets the definition of a parent in Section 2A.

#### **F. Child Custody**

##### 1. Definitions of Custody

The following definitions of custody are used by Idaho courts in divorce proceedings:

- a. **Joint custody** means an order awarding custody of a minor child to both parents and providing that physical custody shall be shared by the parents in such a way as to assure the child frequent or continuing contact with both parents. A court may award either joint physical custody or joint legal custody, or both. If the court has declined an order awarding joint custody, the court order shall state in the decision the reason for denial of joint custody.
- b. **Joint physical custody** means awarding each of the parents significant periods of time in which a child resides with or is under the care and supervision of each of the parents. The actual amount of time with each parent is determined by the court. Generally, one of the parents is awarded primary physical custody.
- c. **Joint legal custody** means that the parents or parties are required to share the decision-making rights, responsibilities, and authority relating to the health, education, and general welfare of a child. In Idaho, parents have joint legal custody unless the rights of one or both parents have been terminated.

##### 2. Conflicts Between Parents Who Have Joint Custody

- a. **Custody questions:** When it is known that a custody question exists that involves the relevant legal status of one or both parents of a student, the district will ask the parent(s) to furnish a copy of the pertinent court order or decree, if one exists, to clarify the question at issue. School personnel will abide by the most recent court order or decree.

When district personnel receive conflicting information about custody, they will (a) initially follow the instructions of the parent with whom the child currently resides and (b) request a certified court document to clarify the custody issue.

- b. **Conflicting instructions:** When parents who have joint legal custody give conflicting instructions, the district's obligation is to inform the parents that any action proposed or refused will be based on the needs of the student and in accordance with the IDEA 2004 requirements. Both the district and either parent have options under the IDEA 2004 to resolve disagreements, including SDE mediation and due process hearings.
- c. **Access to records:** A parent who does not have primary physical custody has the same right to access records and to participate in special education decision making as does the parent with primary physical custody, unless otherwise stipulated by a court. Idaho Code states, "Notwithstanding any other provisions of law, access to records and information pertaining to a minor child including, but not limited to medical, dental, health, and school or educational records, shall not be denied to a parent because the parent is not the child's custodial parent." Another provision of the law allows the parent with primary physical custody to request in writing that a minor child's address be deleted from any record to prohibit the other parent from learning the child's address by having access to school records.

### Section 3. Informed Consent

#### A. Definition

Consent is written approval given by a parent and/or adult student who has been fully informed of and understands all information relevant to the activity for which consent is sought. The request for consent describes the activity for which consent is sought and lists the records, if any, that will be released and to whom. All information shall be provided in the native language or mode of communication of the parent and/or adult student, unless not feasible. The parent and/or adult student shall be informed that the approval is voluntary and may be revoked at any time prior to the action. Consent is indicated by the parent's/adult student's signature.

#### B. Actions Requiring Consent

The following actions require the district to obtain written consent. Some of the actions that require written consent from the parent and/or adult student also require prior written notice from the district.

1. Informed written consent *and* written notice are required when:
  - a. Conducting assessments as part of an initial evaluation to determine whether a student is eligible for special education.

- b. Conducting any assessment for reevaluation. This includes any assessments that are conducted after a student has been determined eligible for special education. If a specific assessment was not listed on the *Consent for Assessment* form, then the district shall secure written consent again in order to conduct that particular assessment.
  - c. Initially providing special education and related services to a student with a disability.
2. Informed written consent only is required when:
- a. Using an individual family service plan (IFSP) instead of an IEP for students ages 3 through 5.
  - b. Disclosing personally identifiable information to unauthorized persons, unless provided as an exception under the Family Educational Rights and Privacy Act (FERPA) regulations. The written consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party to whom the disclosure will be made.
  - c. Accessing private insurance to pay for services listed in the IEP.
  - d. When the district bills Medicaid. The parent and/or adult student shall be informed of the frequency, amount, and type of services that the district will be submitting to Medicaid for reimbursement.
  - e. Inviting outside agency representatives providing transition services to an IEP team meeting.
  - f. Sharing of information between the district of location and the district of residence with a parentally placed elementary or secondary student.

**C. When Consent Is Not Required**

The district is not required to obtain informed consent when:

1. A review of existing data is part of an evaluation or a reevaluation.
2. Tests are administered to both general and special education students in a grade or class and consent is not required for all students.
3. Teacher or related-service-provider observations, ongoing classroom evaluation, or criterion-referenced tests are used as assessments in determining the student's progress toward goals and benchmarks/objectives on the IEP.



4. Screening to determine appropriate instruction strategies for curriculum implementation.
5. A disclosure of personally identifiable information to persons authorized to have access under FERPA.
6. An IEP team reviews and revises a student's IEP. However, the parent and/or adult student may file a written objection if he or she disagrees with all or part of the changes to the IEP.

**D. Refusal to Give Consent**

At times, a parent and/or adult student may refuse to give written consent for an assessment or the release of information that the district believes is necessary to ensure FAPE during the reevaluation process.

If the parent does not provide consent for the reevaluation assessment, the district may choose not to pursue requesting SDE mediation and/or a due process hearing if the district determines through a review of existing data, that the information does not continue to support the determination of eligibility for special education services. In this case the district shall provide the parent with written notice of the proposed action to discontinue the provision of FAPE to the student based on a review of existing data.

The district may also choose to pursue the reevaluation through SDE mediation and/or by requesting a due process hearing. If the hearing officer determines that the action is necessary, and the parent and/or adult student does not appeal the decision, the district may proceed with the proposed action. The district shall provide the parent with written notice of the proposed actions.

The district shall secure written consent for the initial provision of special education and related services. There is no mechanism available to overturn a parent's/adult student's decision *not* to provide written consent for initial evaluation or initial provision of services. In the case of an initial evaluation or initial provision of services, if a parent and/or adult student fails to respond to reasonable measures to gain consent or does not consent the district cannot be charged with failing to provide FAPE to the student and is not required to convene an IEP meeting or develop an IEP for special education or related services.

**E. Failure to Respond to a Request for Consent Regarding Reevaluation Assessment**

When a parent and/or adult student fails to respond to reasonable measures taken by the district to obtain written consent to determine continued eligibility, the district may proceed with the evaluation. The district shall have a record of its attempts to gain consent by documenting telephone calls made or attempted, correspondence sent, or visits made to the home or place of employment. Failure to respond is not the same as refusing consent for reevaluation.

## F. Revoking Consent

Consent previously given for an evaluation or an individual assessment, the initial provision of special education and related services, and the disclosure of information may be revoked only before the action occurs. If consent is revoked, the district may continue to pursue the action by using SDE IEP facilitation or mediation and/or requesting a due process hearing (this does not include the initial provision of special education and related services). If the hearing officer determines that the action for which consent is sought is necessary, and the decision is not appealed, the district may proceed with the action without the written consent of the parent and/or adult student. Consent must be revoked in writing.

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## Section 4. Written Notice

### A. Definition

Written notice is the act of informing a parent and/or adult student, in writing within a reasonable amount of time, before the district proposes or refuses to initiate or change the student's identification, the evaluation, educational placement, or provision of FAPE.

### B. Criteria for Written Notice

1. Written notice must be provided in a reasonable amount of time before implementing the proposed action.
2. Written notice shall be in language understandable to the general public. It must be provided in the native language or other mode of communication normally used by the parent and/or adult student unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the district shall take steps to ensure the following:
  - a. The notice is translated orally or by other means in the native language or other mode of communication.
  - b. The parent and/or adult student understands the content of the notice.
  - c. There is written evidence that the notice requirements of this section have been met, such as a written record in the student's special education file documenting what was discussed.

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When a parent and/or adult student disagrees with the district's written notice of a proposed or refused action, he or she can attempt to remedy the dispute using SDE processes, such as IEP facilitation, mediation, formal complaint procedures, or due process hearing procedures afforded by the IDEA 2004. In addition, the parent and/or adult student may have the right to prevent the district from taking action by filing a written objection with the district.

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**C. Written Notice Is Required**

1. The district shall provide written notice before proposing to initiate or change the following:
  - a. identification of the student;
  - b. any assessments for initial evaluation or reevaluation;
  - c. educational placement; or
  - d. the provision of FAPE.
2. After the district's decision to refuse a parent and/or adult student's request to initiate or change the identification, assessment, placement, or provision of FAPE.
3. If the district refuses to convene an IEP team meeting at the request of a parent and/or adult student.
4. When the evaluation team determines that additional assessments are not required during a reevaluation to determine whether the student continues to meet eligibility criteria, the district shall provide written notice to the parent and/or adult student of the decision and the reasons for that decision. The parent and/or adult student must also be informed of his or her right to request assessments when necessary to determine continued eligibility.
5. [If a parent files a due process hearing request, the district is required to give written notice](#) specific to the issues raised in the due process hearing request within 10 days.

**D. Written Notice is Not Required**

The district is not required to provide written notice in the following situations:

1. When reviewing existing data as part of an evaluation or a reevaluation. However, the parent and/or adult student shall be afforded the opportunity to participate in the review of existing data.
2. When tests are administered to both general and special education students in a grade or class.
3. When teacher or related service provider observations, ongoing classroom evaluation, or criterion-referenced tests are used as assessments in determining the student's progress toward goals and benchmarks/objectives on the IEP.
4. Notice is not required if outside observation is in relation to teacher's general practices.

### E. Content of Written Notice

The content of written notice is intended to provide the parent and/or adult student with enough information so that he or she is able to fully understand the district's proposed action or refused action and to make informed decisions, if necessary. The written notice shall include the following:

1. a description of the action proposed or refused by the district;
2. an explanation of why the district proposes or refuses to take the action;
3. a description of any other options the IEP team considered and the reasons why those options were rejected;
4. a description of each procedure, assessment, record, or report that the district used as a basis for the proposed or refused action;
5. a description of any other factors relevant to the proposed or refused action;
6. a statement that the parent and/or adult student has special education rights and a description of how to obtain a copy of the *Procedural Safeguards Notice*; and
7. sources to contact in obtaining assistance in understanding the *Procedural Safeguards Notice*.

### F. Objection to District Proposal

If a parent and/or adult student disagrees with an IEP change or placement change that is proposed by the district, he or she may file a written objection to all or part of the proposed change. The district will respond as follows:

1. If the objection is postmarked or hand delivered within 10 calendar days of the date the parent and/or adult student received the written notice, the changes to which the parent and/or adult student objects cannot be implemented.
2. If a proposed change is being implemented during the 10-day period and an objection is received, the implementation of that change shall cease.
3. If an objection is made after 10 calendar days, the district may continue to implement the change, but the parent and/or adult student retains the right to exercise other procedures under the IDEA 2004.

The parties may resolve a disagreement using methods, such as holding additional IEP team meetings, or utilizing SDE processes, such as IEP facilitation or mediation. If these attempts fail, the district may request a due process hearing regarding the proposed change. A parent's and/or

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adult student's written objection to an IEP or placement change cannot be used to prevent the district from unilaterally placing the student in an IAES in accordance with the IDEA 2004 procedures for discipline of a student.

### **Section 5. Confidentiality and Access to Records**

The district shall collect, use, and maintain information about a student to make appropriate decisions concerning special education and the provision of FAPE. A student's special education case manager, usually the special education teacher, should organize all relevant records specific to district guidelines and the IDEA 2004 requirements.

The IDEA 2004 and FERPA contain provisions to protect the confidentiality of personally identifiable information in student special education records. These statutes also provide for the right to review and inspect records.

#### **A. Definition**

A "record" is defined as personally identifiable information directly related to the student and maintained by the district. A student record can be written or electronic.

1. The term "record" may include, but is not limited to, the following:
  - a. identifying data (name, address, parents, siblings, Social Security number, list of personal characteristics making identification possible);
  - b. academic work completed (courses taken, transcript);
  - c. level of achievement (grades, portfolios, performance assessments, scores on standardized achievement tests, etc);
  - d. attendance data;
  - e. scores and protocols of standardized intelligence, aptitude, and psychological tests;
  - f. records of teachers, counselors, medical personnel, and psychologists working directly with a student if disclosed to others;
  - g. interest inventory results;
  - h. observations and verified reports of serious or recurring behavior patterns;
  - i. videotapes or audiotapes;
  - j. health data including medical assessments;
  - k. family background information;

- l. transportation records; and
  - m. student records maintained by agencies and individuals contracting with the district.
2. The term “record” does not include:
    - a. records of instructional, supervisory, ancillary, and administrative personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
    - b. records created by law enforcement units of schools and maintained separately for non-educational purposes; and
    - c. employment records about a student who is employed by a school or district.

**B. Protection of Records**

The district shall prevent unauthorized disclosure of personally identifiable information pertaining to students with disabilities. “Disclosure” is the release, transfer, or other communication of education records or of personally identifiable information contained in those records to any party, by any means, including oral, written, or electronic.

To ensure protection of records, the district shall do the following:

1. Obtain written and dated consent from the parent and/or adult student before disclosing personally identifiable information:
  - a. to unauthorized individuals; or
  - b. for any purpose except as required by the IDEA 2004, Part B.

In the event that a parent and/or adult student refuses consent for disclosure, SDE mediation may be offered as a voluntary way of resolving the disagreement.

2. Designate and train a records manager to assure security of confidential records for students with disabilities.
3. Maintain a log of requests for access to education records if the disclosure is not to:
  - a. a parent and/or adult student;
  - b. a school employee with a legitimate educational interest;

- c. a party seeking designated directory information; or
- d. a party receiving the records as directed by a federal jury or other subpoena ordering no one to disclose the existence of the request to access records.

This log includes the name, agency affiliation, date, and purpose for accessing the records. A log documenting denials for records and partially fulfilled requests should also be maintained.

- 4. Maintain, for public inspection, a current listing of names and positions of employees who have access to personally identifiable information.
- 5. Establish procedures to ensure the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- 6. Ensure that, if any education record includes information on more than one student, a parent and/or adult student will only be allowed to inspect, review, or be informed about the record of the student at issue.
- 7. Ensure that each person collecting or using personally identifiable information receives training or instruction regarding the policies and procedures governing confidentiality. All staff members, even those who do not have access to special education records, should be informed about what is considered appropriate and inappropriate access to and use of information within the records. The district may maintain a record of the training provided—including the name of the person or persons providing the training, dates of the training, those attending, and the subjects covered—for the purpose of documenting that new staff members have been trained as soon as possible after they have been hired.

### C. Access to Records

The district shall:

- 1. Annually notify the parents of all students, including students with disabilities currently in attendance, of their rights under FERPA. The notice shall include all of the following:
  - a. procedures for exercising the right to inspect and review education records;
  - b. procedures for requesting amendment of records; and
  - c. a specification of criteria for determining who constitutes a school official or employee in the district and what constitutes a legitimate educational interest.
- 2. Permit a parent and/or adult student, or his or her representative, to inspect and review any record relating to educational matters that is collected, maintained, or used by the

district. The district will presume that a custodial or non-custodial parent has the authority to inspect and review a record relating to his or her child unless there are legal documents limiting access to those records under state law. A minor student's address will be deleted from any record if requested in writing by a custodial parent to prohibit a non-custodial parent from learning the address simply by having access to the school records.

The district will make records available to a parent and/or adult student for review:

- a. without delay but no later than 45 days after the request;
- b. before any meeting regarding an IEP;
- c. before a resolution session; and
- d. not less than 5 business days before any due process hearing.

The district should note that test protocols may be part of a student's educational record. Test publishers require districts to maintain the integrity and validity of tests. Parents or others interested in a student's test results are allowed to view the student's responses to test items, but only if the information is shared in the presence of a person qualified to explain the results and meaning of the various items and data contained in the protocol.

3. Upon request, provide a parent and/or adult student with a list of the types of education records the school collects, maintains, or uses and where they are kept.
4. Respond to any reasonable request made by a parent and/or adult student for an explanation and interpretation of a record.
5. Provide a copy of education records if a parent and/or adult student would otherwise be unable to exercise his or her right to inspect and review those records. An education record may include test protocols. Even though it is important that standardized test items are protected from general release so that tests remain usable and valid, FERPA and the IDEA 2004 allow copies in these unique situations. A fee may be charged for the copies, but not to search for or retrieve information. The district will publish a schedule of fees it intends to charge.
6. Always provide a parent and/or adult student a copy of the IEP and any documentation of identification and eligibility.

**D. Disclosures Not Requiring Consent**

Consent is generally required to disclose personally identifiable information to others. However, consent is not required when:

1. A school official or employee has a legitimate educational interest to access the records.



2. A representative of the Federal Comptroller General, the United States Department of Education, or the State Department of Education (SDE) accesses records necessary for an audit or evaluation of a federal program or for enforcement or compliance with federal regulations.
3. A student transfers to another school or school system in which the student intends to enroll unless a district has adopted a procedure requiring consent. However, the parent and/or adult student should be notified of the request for records at the last known address of the parent and/or adult student unless he or she initiated the request.
4. The health and safety of the student or other individuals is in jeopardy because of an emergency.
5. The disclosure concerns the juvenile justice system's ability to effectively serve the student or the ability to respond to court orders or subpoenas, as specified in state law. The district will make a reasonable effort to notify the parent of the court order in advance of compliance, unless the subpoena specifically states that it is not to be disclosed.
6. An organization conducts studies on behalf of education agencies or institutions under specified FERPA criteria.
7. The disclosure is in connection with an application for financial aid and is necessary to determine eligibility for the aid, the amount of the aid, conditions for the aid, or to enforce the terms and conditions of the aid ("financial aid" means a payment of funds to an individual that is conditioned on the individual's attendance at an education agency or institution).
8. The district has designated information as "directory information" under the conditions in FERPA.

**E. Destruction of Records**

The district will maintain education records, including eligibility documentation and IEPs, for at least 5 years after disenrollment from the district to demonstrate fiscal accountability and program compliance with the IDEA 2004 requirements. The district shall inform a parent and/or adult student when personally identifiable information collected, maintained, or used is to be destroyed because the information is no longer needed to provide educational services to the student.

The parent and/or adult student must be informed of the personally identifiable information that the district intends to destroy and that the information will be destroyed no earlier than 45 calendar days from the date of the notice. The parent and/or adult student must also be informed of the procedure to follow if he or she wishes to formally object to the destruction of the information and wants the records sent to him or her.

Written records of individual students are confidential and shall be shredded or burned under supervision of the staff member responsible for the records if not released to the parent and/or adult student. The records manager should maintain a log that documents the date of destruction or release of records.

A permanent record of the student's name, address, phone number, grades, classes attended, immunization records, test scores, attendance record, grade level, and year completed may be maintained by the district without a time limitation. Any other personally identifiable information shall be destroyed at the request of the parent and/or adult student if it is older than 5 years and no longer needed to provide special education. When informing the parent and/or adult student of his or her rights, the district should remind the parent and/or adult student that the records might be needed for Social Security benefits or other purposes in the future.

#### **F. Request for Amendment of Records**

A parent and/or adult student may request that the district amend the student's records if he or she believes that information collected, maintained, or used in the education record is inaccurate, misleading, or in violation of the privacy or other rights of the student. The district will use the following procedure:

1. The district, within a reasonable period of time—not to exceed 45 days of receipt of the request—must decide whether to amend the record. If the district refuses to amend the record, the parent and/or adult student must be informed of the refusal and be advised of the right to and procedure for requesting a district hearing. A district hearing is an informal hearing that does not have all the requirements of a due process hearing.
2. If a district hearing is requested and the district decides that the information is inaccurate, misleading, or in violation of the student's rights, the district shall amend the record and inform the parent and/or adult student in writing.
3. If a district hearing is requested and the district decides the information is accurate and does not violate the student's rights, the district shall inform the parent and/or adult student that he or she may place a statement in the record. This statement may comment on the information in the record or set forth the parent's/adult student's reasons for disagreeing with the district. Any statement placed with a record must accompany the record for as long as the district maintains the record. If the district discloses the record to any person, the district shall also disclose the statement.

#### **G. District Hearings on Procedures for Records**

If a parent and/or adult student requests a district hearing on a proposed amendment of education records, the district will follow these procedures:

1. The district hearing will be held within a reasonable amount of time after receiving the request. The district will give the parent and/or adult student notice of the date, time, and place reasonably in advance of the hearing.
2. The district's hearing will be conducted by an employee of the district or other individual who does not have a direct interest in the outcome of the hearing. The district will give the parent and/or adult student a full and fair opportunity to present evidence relevant to the issues raised. The parent and/or adult student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
3. The district will make its decision in writing within a reasonable period of time after the hearing. The decision shall be based solely on the evidence presented at the district's hearing and shall include a summary of the evidence and the reasons for the decision.

#### **H. Students' Rights**

When special education rights transfer to a student under the IDEA 2004 and Idaho Code, the FERPA rights regarding education records also transfer to the student. The district shall inform the adult student and the parent that both the IDEA 2004 and FERPA rights regarding education records transfer.

### **Section 6. Independent Educational Evaluations**

#### **A. Definition**

An independent educational evaluation (IEE) means one or more individual assessments, each completed by a qualified examiner who is not employed by the district responsible for the education of the student in question.

#### **B. Right to an IEE**

1. A parent and/or adult student has the right to obtain an IEE at public expense if he or she disagrees with an evaluation obtained or conducted by the district. The parent and/or adult student is entitled to only one IEE at public expense for each district evaluation.
2. The parent and/or adult student has the right to an IEE at his or her own expense at any time, and the IEP team shall consider the results.
3. The parent and/or adult student is not automatically entitled to have additional assessments beyond those determined necessary for an evaluation. However, if the parent and/or adult student is interested in additional or different assessments and the district refuses to provide them, he or she may pursue additional assessments through a due process hearing request. In addition, the district may initiate a due process hearing,

without undue delay, to determine if the evaluation it conducted is appropriate. If the final decision of a hearing officer, or a court of law's decision on an appeal, is that the evaluation conducted by the district was appropriate, the parent and/or adult student still has the right to an IEE but at his or her own expense.

4. A hearing officer may order an IEE at public expense if he or she determines that the evaluation conducted by the district was not appropriate.

### **C. Procedures for Requesting an IEE**

If a parent and/or adult student requests an IEE at public expense, the district may ask why he or she disagrees with the evaluation obtained by the district, but the district cannot require an explanation. The district shall give the parent and/or adult student the criteria under which an IEE can be obtained. The district's IEE criteria shall include the following information:

1. the location for the evaluation;
2. the required qualifications of the examiner;
3. the eligibility requirements for the specific disability categories; and
4. reasonable cost containment criteria applicable to personnel for specified assessments to eliminate unreasonably excessive fees.

Except for the criteria listed above, the district may not impose other conditions or timelines if doing so would be inconsistent with the parent's and/or adult student's right to an IEE. Upon request, a list of qualified examiners who can conduct an IEE will be provided.

A parent and/or adult student may request an opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's cost criteria. If an IEE that falls outside the district's cost criteria is justified, that IEE will be publicly funded.

### **D. District Responsibilities Following IEE Requests**

1. If a parent and/or adult student requests an IEE at public expense, the district shall do one of the following without unnecessary delay:
  - a. Provide the district's IEE criteria and information about where an IEE may be obtained.
  - b. Offer SDE mediation to try to resolve differences.
  - c. Request a due process hearing to show that the district's evaluation is appropriate. If the final hearing decision is that the district's evaluation is appropriate, the parent and/or adult student may pursue an IEE, but at his or her own expense.

2. If a parent and/or adult student asks the district to pay for an IEE that has already been obtained, the district shall pay for the IEE if it meets the criteria for publicly funded IEEs. If the district believes that its evaluation was appropriate, but agrees to pay for the IEE, the district should state this in writing within the same document in which it agrees to pay. The district can also request [SDE](#) mediation.

#### **E. Consideration of the IEE Results**

If a parent and/or adult student obtains an IEE and makes that evaluation available to the district, the results must be considered by the district in any decision made with respect to the provision of FAPE. The results may also be presented as evidence at a hearing regarding the student. This is true regardless of whether the IEE is at the expense of the parent and/or adult student or district.

The results of an IEE cannot be the sole determining factor for eligibility. The evaluation team has the responsibility to use existing evaluation data in addition to the IEE to determine whether a student has or continues to have a disability under the IDEA 2004.

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**APPLICATION FOR SURROGATE PARENT**

The District shall ensure that the rights of a student are protected when: no parent can be identified; the District, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of Idaho; or the child is an unaccompanied homeless youth. The duties of District include the assignment of an individual to act as a surrogate for the parents. This shall include a method for determining whether a student needs a surrogate parent and for assigning a surrogate parent to the student. The District shall ensure that a person selected as a surrogate parent is not an employee of the State Department of Education, the District or any other agency that is involved in the education or care of the student; has no personal or professional interest that conflicts with the interest of the student the surrogate parent represents; and has knowledge and skills that ensure adequate representation of the student. A person otherwise qualified to be a surrogate parent is not an employee of the District solely because he or she is paid by the District to serve as a surrogate parent.

Please return this form to the District office at:

Your name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Home address: \_\_\_\_\_  
 \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Do you have children in your care who are foster children or children with disabilities? ..... [ ] Yes [ ] No  
 If yes, please describe:

Are you conversant in any languages other than English?.....[ ] Yes [ ] No  
 If yes, what languages other than English?

Are you able to attend meetings during the school or work day? ..... [ ] Yes [ ] No  
 Do you have sufficient time to devote as a surrogate parent?.....[ ] Yes [ ] No  
 Are you willing to serve as a surrogate parent for at least one full academic year? .....[ ] Yes [ ] No  
 Please list your experiences with children or you such as parenting, organizations, etc.

Please list your previous training or experience with special education processes.

Please list your previous experiences as a surrogate parent.

Please list any preferences or exceptions regarding the student's school location or disability.

Please list three references we may contact:

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**For District Use Only**

Documentation of reference checks:

Date trained as a surrogate parent:

<u>Appointment history</u>	<u>Student</u>	<u>School</u>	<u>Date Appointed</u>	<u>Date Terminated</u>



**PROCEDURAL SAFEGUARDS NOTICE**



## **Part B** PROCEDURAL SAFEGUARDS NOTICE

Revised June 2009

The Individuals with Disabilities Education Act (IDEA), the Federal law concerning the education of students with disabilities, requires schools to provide you, the parents of a child with a disability, with a notice containing a full explanation of the procedural safeguards available under IDEA and U.S. Department of Education regulations. A copy of this notice must be given to you only one time a school year, except that a copy must also be given to you: (1) upon initial referral or your request for evaluation; (2) upon receipt of your first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of your first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action against your child that constitutes a change of placement; and (4) upon your request. [34 CFR §300.504(a)]

Your school district can provide more information on these rights. If you have questions, you should speak to the special education teacher, school principal, director of special education, or superintendent in the district.

**For further explanation on any of these rights you may also contact:**

Idaho State Department of Education  
Division of Student Achievement and School Improvement  
P.O. Box 83720  
Boise, Idaho 83720-0027  
(208) 332-6910  
TT: 800-377-3529

Idaho Parents Unlimited, Inc.  
4696 Overland Road, Suite 478  
Boise, Idaho 83705  
800-242-4785  
V/TT: (208) 342-5884

DisAbility Rights Idaho  
4477 Emerald St., Suite B-100  
Boise, Idaho 83706  
866-262-3462  
V/TT: 800-632-5125  
V/TT: (208) 336-5353

## Table of Contents

<b>General Information .....</b>	<b>1</b>
Prior Written Notice.....	1
Native Language.....	2
Electronic Mail .....	2
Parental Consent—Definition.....	2
Parental Consent .....	3
Independent Educational Evaluations.....	6
<b>Confidentiality of Information .....</b>	<b>8</b>
Definitions .....	8
Personally Identifiable.....	8
Notice to Parents .....	8
Access Rights .....	9
Record of Access.....	9
Records on More Than One Child .....	10
List of Types and Locations of Information .....	10
Fees.....	10
Amendment of Records at Parent’s Request.....	10
Opportunity for a Hearing.....	11
Hearing Procedures .....	11
Result of Hearing .....	11
Consent For Disclosure of Personally Identifiable Information.....	11
Safeguards .....	12
Destruction of Information.....	12
<b>State Complaint Procedures .....</b>	<b>13</b>
Differences Between the Procedures for Due Process Complaints and Hearings and for State Complaints .....	13
Adoption of State Complaint Procedures .....	13
Minimum State Complaint Procedures.....	14
Filing a State Complaint.....	15
<b>Due Process Complaint Procedures .....</b>	<b>17</b>
Filing a Due Process Complaint.....	17
Due Process Complaint .....	17
Model Forms.....	19
Mediation .....	20
Resolution Process .....	21
<b>Hearings on Due Process Complaints .....</b>	<b>24</b>
Impartial Due Process Hearing .....	24
Hearing Rights .....	25

Hearing Decisions.....	26
<b>Appeals .....</b>	<b>27</b>
Finality of Decision; Appeal; Impartial Review .....	27
Timelines and Convenience of Hearings and Reviews .....	27
Civil Actions, Including the Time Period in Which to File Those Actions.....	27
The Child’s Placement While the Due Process Complaint and Hearing are Pending.....	28
Attorneys’ Fees.....	29
<b>Procedures When Disciplining Children with Disabilities .....</b>	<b>32</b>
Authority of School Personnel.....	32
Change of Placement Because of Disciplinary Removals .....	35
Determination of Setting .....	36
Appeal.....	36
Placement During Appeals .....	37
Protections for Children Not Yet Eligible for Special Education and Related Services .....	37
Referral to and Action by Law Enforcement and Judicial Authorities.....	39
<b>Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense.....</b>	<b>40</b>
General .....	40

## **GENERAL INFORMATION**

### **PRIOR WRITTEN NOTICE**

#### **34 CFR §300.503**

##### **Notice**

Your school district must give you written notice (provide you certain information in writing), within a reasonable amount of time before it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

##### **Content of notice**

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of IDEA;
7. Describe any other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected; and
8. Provide a description of other reasons why your school district proposed or refused the action.

##### **Notice in understandable language**

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.



If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally or by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that the requirements in paragraphs 1 and 2 have been met.

## **NATIVE LANGUAGE**

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### **34 CFR §300.29**

*Native language*, when used regarding an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

## **ELECTRONIC MAIL**

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### **34 CFR §300.505**

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; **and**
3. Notices related to a due process complaint.

## **PARENTAL CONSENT - DEFINITION**

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### **34 CFR §300.9**

#### **Consent**

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
3. You understand that the consent is voluntary on your part and that you may withdraw your consent at any time.

If you wish to revoke (cancel) your consent after your child has begun receiving special education and related services, you must do so in writing. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent but before you withdrew it. In addition, the school district is not required to amend (change) your child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

## **PARENTAL CONSENT**

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### **34 CFR §300.300**

#### **Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and obtaining your consent as described under the headings ***Prior Written Notice*** and ***Parental Consent***.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

Your school district may not use your refusal to consent to one service or activity related to the initial evaluation as a basis for denying you or your child any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by using the IDEA's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

#### **Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his or her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge has assigned the right to make educational decisions to an individual other than the parent and that individual has provided consent for an initial evaluation.

*Ward of the State*, as used in IDEA, means a child who, as determined by the State where the child lives, is:

1. A foster child;
2. Considered a ward of the State under State law; **or**
3. In the custody of a public child welfare agency.

There is one exception that you should know about. *Ward of the State* does not include a foster child who has a foster parent who meets the definition of a *parent* as used in IDEA.

### **Parental consent for services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent or later revoke (cancel) your consent in writing, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent or later revoke (cancel) your consent in writing and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, then the school district may not

continue to provide such services, but must provide you with prior written notice, as described under the heading **Prior Written Notice**, before discontinuing those services.

The timeline from consent to IEP implementation is 60 calendar days which excludes vacation time exceeding 5 consecutive school days, unless parties agree otherwise.  
IDAPA 8.02.03.109.04

#### Parent's Right to Object

Once you consent to the initial start of services, the school district is not required to obtain your consent to make changes to the IEP. However, if you do not want the school district to implement the changes to the IEP, you must submit your objections in writing. Your written objections must either be postmarked or hand-delivered to the school district within 10 days of receiving the written notice of the changes.

IDAPA 8.02.03.109.05a

#### Parental consent for reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of IDEA if it declines to pursue the reevaluation in this manner.

#### Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain your consent for initial evaluations, to provide special education and related services for the first time, for a reevaluation, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; **and**
3. Detailed records of visits made to your home or place of employment and the results of those visits.

#### Other consent requirements

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**

2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from parents of all children.

The school district must develop and implement procedures to ensure that your refusal to consent to any of these other services and activities does not result in a failure to provide your child with a free appropriate public education (FAPE). Also, your school district may not use your refusal to consent to one of these services or activities as a basis for denying any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its dispute resolution procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable services (services made available to some parentally-placed private school children with disabilities).

## **INDEPENDENT EDUCATIONAL EVALUATIONS**

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### **34 CFR §300.502**

#### **General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

#### **Definitions**

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of the Act.

#### **Right to evaluation at public expense**

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

#### **Parent-initiated evaluations**

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; and
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

#### **Requests for evaluations by hearing officers**

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

#### **School district criteria**

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

## CONFIDENTIALITY OF INFORMATION

### DEFINITIONS

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#### 34 CFR §300.611

As used under the heading **Confidentiality of Information**:

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of IDEA.

### PERSONALLY IDENTIFIABLE

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#### 34 CFR §300.32

*Personally identifiable* means information that includes:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

### NOTICE TO PARENTS

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#### 34 CFR §300.612

The State Educational Agency must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; **and**
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major activity to identify, locate, or evaluate children in need of special education and related services (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of these activities.

## **ACCESS RIGHTS**

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### **34 CFR §300.613**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; **and**
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

## **RECORD OF ACCESS**

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### **34 CFR §300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.



## **RECORDS ON MORE THAN ONE CHILD**

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### **34 CFR §300.615**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

## **LIST OF TYPES AND LOCATIONS OF INFORMATION**

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### **34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

## **FEES**

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### **34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under Part B of IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of IDEA.

## **AMENDMENT OF RECORDS AT PARENT'S REQUEST**

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### **34 CFR §300.618**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of your right to a hearing as described under the heading ***Opportunity For a Hearing***.

## **OPPORTUNITY FOR A HEARING**

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### **34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

## **HEARING PROCEDURES**

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### **34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

## **RESULT OF HEARING**

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### **34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of your child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; **and**
2. If the participating agency discloses the records of your child or the challenged information to any party, the explanation must also be disclosed to that party.

## **CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

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### **34 CFR §300.622**

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the

circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

## **SAFEGUARDS**

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### **34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

## **DESTRUCTION OF INFORMATION**

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### **34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used under Part B of IDEA is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

## STATE COMPLAINT PROCEDURES

### DIFFERENCES BETWEEN THE PROCEDURES FOR DUE PROCESS COMPLAINTS AND HEARINGS AND FOR STATE COMPLAINTS

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The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the State Educational Agency, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the State Educational Agency generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below. The State Educational Agency must develop model forms to help you file a due process complaint and help you or other parties to file a State complaint as described under the heading *Model Forms*.

### ADOPTION OF STATE COMPLAINT PROCEDURES

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#### 34 CFR §300.151

##### General

Each State Educational Agency must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with the State Educational Agency;
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

### **Remedies for denial of appropriate services**

In resolving a State complaint in which the State Educational Agency has found a failure to provide appropriate services, the State Educational Agency must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); **and**
2. Appropriate future provision of services for all children with disabilities.

## **MINIMUM STATE COMPLAINT PROCEDURES**

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### **34 CFR §300.152**

#### **Time limit; minimum procedures**

Each State Educational Agency must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the State Educational Agency determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the State Educational Agency's final decision.

#### **Time extension; final decision; implementation**

The State Educational Agency's procedures described above also must:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) you and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the State Educational Agency's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; **and** (c) corrective actions to achieve compliance.

### **State complaints and due process hearings**

If a written State complaint is received that is also the subject of a due process hearing as described under the heading ***Filing a Due Process Complaint***, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (for example, you and the school district), then the due process hearing decision is binding on that issue and the State Educational Agency must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the State Educational Agency.

## **FILING A STATE COMPLAINT**

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### **34 CFR §300.153**

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of IDEA or its implementing regulations in 34 CFR Part 300;
2. The facts on which the statement is based;
3. The signature and contact information for the party filing the complaint; and
4. If alleging violations regarding a specific child:
  - (a) The name of the child and address of the residence of the child;
  - (b) The name of the school the child is attending;
  - (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
  - (d) A description of the nature of the problem of the child, including facts relating to the problem; **and**
  - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading ***Adoption of State Complaint Procedures***.

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the State Educational Agency.

## DUE PROCESS COMPLAINT PROCEDURES

### FILING A DUE PROCESS COMPLAINT

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#### 34 CFR §300.507

##### General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The school district withheld information from you that it was required to provide you under Part B of IDEA.

##### Information for parents

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

Idaho Parents Unlimited, Inc.  
4696 Overland Road, Suite 478  
Boise, Idaho 83705  
800-242-4785  
V/TT: (208) 342-5884

DisAbility Rights Idaho  
4477 Emerald St., Suite B-100  
Boise, Idaho 83706  
866-262-3462  
V/TT: 800-632-5125  
V/TT: (208) 336-5353

### DUE PROCESS COMPLAINT

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#### 34 CFR §300.508

##### General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.



Whoever files the complaint must also provide the State Educational Agency with a copy of the complaint.

### **Content of the complaint**

The due process complaint must include:

1. The name of the child;
2. The address of the child's residence;
3. The name of the child's school;
4. If the child is a homeless child or youth, the child's contact information and the name of the child's school;
5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; **and**
6. A proposed resolution of the problem to the extent known and available to the complaining party (you or the school district) at the time.

### **Notice required before a hearing on a due process complaint**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney) files a due process complaint that includes the information listed above.

### **Sufficiency of complaint**

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification that the receiving party (you or the school district) considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

### **Complaint amendment**

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described under the heading **Resolution Process**; or
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving

the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

### **Local educational agency (LEA) or school district response to a due process complaint**

If the school district has not sent a prior written notice to you, as described under the heading ***Prior Written Notice***, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; **and**
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

### **Other party response to a due process complaint**

Except as stated under the sub-heading immediately above, ***Local educational agency (LEA) or school district response to a due process complaint***, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

## **MODEL FORMS**

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### **34 CFR §300.509**

The State Educational Agency must develop model forms to help you to file a due process complaint and to help you and other parties to file a State complaint. However, your State or the school district may not require the use of these model forms. In fact, you can use the model form or another appropriate form, so long as it contains the required information for filing a due process complaint or a State complaint.

## MEDIATION

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### 34 CFR §300.506

#### General

The school district must develop procedures that make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading *Filing a Due Process Complaint*.

#### Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights provided under Part B of IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; **and**
2. Who would explain the benefits of, and encourage the use of, the mediation process to you.

The State must keep a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The State Educational Agency must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the costs of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding (court case); **and**

2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.

### **Impartiality of mediator**

The mediator:

1. May not be an employee of the State Educational Agency or the school district that is involved in the education or care of your child; **and**
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

## **RESOLUTION PROCESS**

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### **34 CFR §300.510**

#### **Resolution meeting**

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the individualized education program (IEP) Team who have specific knowledge of the facts identified in your due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; **or**

2. You and the school district agree to use the mediation process, as described under the heading **Mediation**.

### **Resolution period**

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final due process hearing decision, as described under the heading, **Hearing Decisions**, begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint **or** fails to participate in the resolution meeting, you may ask a hearing officer to begin the 45-calendar-day due process hearing timeline.

### **Adjustments to the 30-calendar-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process but have not yet reached agreement, at the end of the 30-calendar-day resolution period the mediation process may be continued until an agreement is reached if both parties agree to the continuation in writing. However, if either you or the school district withdraws from the

mediation process during this continuation period, then the 45-calendar-day timeline for the due process hearing starts the next day.

**Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; **and**
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the State Educational Agency, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

**Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

## HEARINGS ON DUE PROCESS COMPLAINTS

### IMPARTIAL DUE PROCESS HEARING

#### 34 CFR §300.511

##### General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the *Due Process Complaint* and *Resolution Process* sections.

##### Impartial hearing officer

At a minimum, a hearing officer:

1. Must not be an employee of the State Educational Agency or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of IDEA, Federal and State regulations pertaining to IDEA, and legal interpretations of IDEA by Federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

##### Subject matter of due process hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

##### Timeline for requesting a hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

### **Exceptions to the timeline**

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; **or**
2. The school district withheld information from you that it was required to provide to you under Part B of IDEA.

## **HEARING RIGHTS**

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### **34 CFR §300.512**

#### **General**

You have the right to represent yourself at a due process hearing. In addition, any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by an attorney and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Be represented at the due process hearing by an attorney or non-attorney;
3. Present evidence and confront, cross-examine, and require the attendance of witnesses;
4. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
5. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; **and**
6. Obtain written, or, at your option, electronic findings of fact and decisions.

#### **Additional disclosure of information**

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

#### **Parental rights at hearings**

You must be given the right to:

1. Have your child present at the hearing;
2. Open the hearing to the public; **and**



3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

## **HEARING DECISIONS**

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### **34 CFR §300.513**

#### **Decision of the hearing officer**

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on evidence and arguments that directly relate to FAPE.

In matters alleging a procedural violation (such as "an incomplete IEP Team"), a hearing officer may find that your child did not receive FAPE only if the procedural violations:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; **or**
3. Caused your child to be deprived of an educational benefit.

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of IDEA (34 CFR §§300.500 through 300.536).

#### **Separate request for a due process hearing**

Nothing in the procedural safeguards section of the Federal regulations under Part B of IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

#### **Findings and decision provided to the advisory panel and general public**

The State Educational Agency or the school district, (whichever was responsible for your hearing) after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

## APPEALS

### **FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW**

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#### **34 CFR §300.514**

##### **Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described under the heading ***Civil Actions, Including the Time Period in Which to File Those Actions***.

### **TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS**

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#### **34 CFR §300.515**

The State Educational Agency must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described under the sub-heading ***Adjustments to the 30-calendar-day resolution period***, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party (you or the school district).

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

### **CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS**

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#### **34 CFR §300.516**

##### **General**

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

### **Time limitation**

The party (you or the school district) bringing the action shall have 42 calendar days from the date of the decision of the hearing officer to file a civil action.

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### **Additional procedures**

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Under appropriate circumstances, judicial relief may include reimbursement of private school tuition and compensatory education services.

### **Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of IDEA without regard to the amount in dispute.

### **Rule of construction**

Nothing in Part B of IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of IDEA. This means that you may have remedies available under other laws that overlap with those available under IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under IDEA (i.e., the due process complaint; resolution process, including the resolution meeting; and impartial due process hearing procedures) before going directly into court.

## **THE CHILD'S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING**

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### **34 CFR §300.518**

Except as provided below under the heading ***PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES***, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or

school district agree otherwise, your child must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of IDEA for a child who is transitioning from being served under Part C of IDEA to Part B of IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of IDEA and you consent for your child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

If a hearing officer in a due process hearing conducted by the State Educational Agency agrees with you that a change of placement is appropriate, that placement must be treated as your child's current educational placement where your child will remain while waiting for the decision of any impartial due process hearing or court proceeding.

## **ATTORNEYS' FEES**

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### **34 CFR §300.517**

#### **General**

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you, if you prevail (win).

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding (hearing).

### **Award of fees**

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of IDEA for services performed after a written offer of settlement is made to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
  - b. The offer is not accepted within 10 calendar days; **and**
  - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action.

Fees also may not be awarded for a mediation as described under the heading **Mediation**.

A resolution meeting, as described under the heading **Resolution Process**, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading **Due Process Complaint**.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of IDEA.

## PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

### AUTHORITY OF SCHOOL PERSONNEL

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#### 34 CFR §300.530

##### Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

##### General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see the heading ***Change of Placement Because of Disciplinary Removals*** for the definition).

Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading **Services**.

##### Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see the subheading ***Manifestation determination***) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services.

##### Services

[Note: To clarify whether students who are subject to short-term disciplinary action receive services during that time period, select the applicable provision below.]

**[Option 1:]**

The school district provides services to both a child with a disability and a child without a disability who has been removed from his or her current placement for **10 school days or less** in that school year. These services may be provided in an interim alternative educational setting.

**[Option 2:]**

The school district does not provide services to a child with a disability or a child without a disability who has been removed from his or her current placement for **10 school days or less** in that school year.

**[End of alternative language.]**

A child with a disability who is removed from the child's current placement for **more than 10 school days** and the behavior is not a manifestation of the child's disability (see subheading, ***Manifestation determination***) or who is removed under special circumstances (see the subheading, ***Special circumstances***) must:

1. Continue to receive educational services (have available a free appropriate public education), so as to enable the child to continue to participate in the general education curriculum, although in another setting (that may be an interim alternative educational setting), and to progress toward meeting the goals set out in the child's IEP; **and**
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see the heading, ***Change of Placement Because of Disciplinary Removals***), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting (that may be an interim alternative educational setting), and to progress toward meeting the goals set out in the child's IEP.

**Manifestation determination**

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, you, and other relevant members of the IEP Team (as determined by you and the school district) must review all relevant information in the student's file, including the



child's IEP, any teacher observations, and any relevant information provided by you to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, you, and other relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, you, and other relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

#### **Determination that behavior was a manifestation of the child's disability**

If the school district, you, and other relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading ***Special circumstances***, the school district must return your child to the placement from which your child was removed, unless you and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

#### **Special circumstances**

Whether or not the behavior was a manifestation of your child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for not more than 45 school days, if your child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; or

3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.

### **Definitions**

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

*Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

*Serious bodily injury* has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

*Weapon* has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

### **Notification**

On the date it makes the decision to make a removal that is a change of placement of your child because of a violation of a code of student conduct, the school district must notify you of that decision, and provide you with a procedural safeguards notice.

## **CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS**

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### **34 CFR §300.536**

A removal of your child with a disability from your child’s current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. Your child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. Your child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and
  - c. Of such additional factors as the length of each removal, the total amount of time your child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

## DETERMINATION OF SETTING

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### 34 CFR § 300.531

The individualized education program (IEP) Team determines the interim alternative educational setting for removals that are **changes of placement**, and removals under the subheadings **Additional authority** and **Special circumstances**.

## APPEAL

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### 34 CFR § 300.532

#### General

You may file a due process complaint (see the heading **Due Process Complaint Procedures**) to request a due process hearing if you disagree with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of your child is substantially likely to result in injury to your child or to others.

#### Authority of hearing officer

A hearing officer that meets the requirements described under the subheading **Impartial hearing officer** must conduct the due process hearing and make a decision. The hearing officer may:

1. Return your child with a disability to the placement from which your child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading **Authority of School Personnel**, or that your child's behavior was a manifestation of your child's disability; **or**
2. Order a change of placement of your child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of your child is substantially likely to result in injury to your child or to others.

These hearing procedures may be repeated, if the school district believes that returning your child to the original placement is substantially likely to result in injury to your child or to others.

Whenever you or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures**, **Hearings on Due Process Complaints**, except as follows:

1. The State Educational Agency or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the

hearing is requested and must result in a determination within **10** school days after the hearing.

2. Unless you and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.
3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

You or the school district may appeal the decision in an expedited due process hearing in the same way as for decisions in other due process hearings (see the heading **Appeal**).

## **PLACEMENT DURING APPEALS**

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### **34 CFR §300.533**

When, as described above, you or the school district file a due process complaint related to disciplinary matters, your child must (unless you and the State Educational Agency or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading **Authority of School Personnel**, whichever occurs first.

## **PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

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### **34 CFR §300.534**

#### **General**

If your child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that your child was a child with a disability, then your child may assert any of the protections described in this notice.

### **Basis of knowledge for disciplinary matters**

A school district will be deemed to have knowledge that your child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. You expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or to your child's teacher that your child is in need of special education and related services;
2. You requested an evaluation related to eligibility for special education and related services under Part B of IDEA; or
3. Your child's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by your child directly to the school district's director of special education or to other supervisory personnel of the school district.

### **Exception**

A school district would not be deemed to have such knowledge if:

1. You have not allowed an evaluation of your child or have refused special education services; or
2. Your child has been evaluated and determined to not be a child with a disability under Part B of IDEA.

### **Conditions that apply if there is no basis of knowledge**

If prior to taking disciplinary measures against your child, a school district does not have knowledge that your child is a child with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, your child may be subjected to the disciplinary measures that are applied to children without disabilities who engage in comparable behaviors.

However, if a request is made for an evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, your child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If your child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by you, the school district must provide special education and related services in accordance with Part B of IDEA, including the disciplinary requirements described above.

## **REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

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### **34 CFR §300.535**

Part B of IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; **or**
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

### **Transmittal of records**

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; **and**
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

## REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE

### GENERAL

#### 34 CFR §300.148

Part B of IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

#### Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the State Educational Agency and school districts.

#### Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; **or**
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; **and**
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for your failure to provide the required notice if: (a) You are not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to your child.



**Chapter 12**  
**DISCIPLINE**

**Chapter Contents**

Section 1. General Discipline Guidelines .....191

Section 2. Actions Involving a Change of Placement .....192

Section 3. FAPE Considerations .....194

Section 4. Procedures for a Manifestation Determination .....195

Section 5. Other Considerations .....197



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**Chapter 12**  
**Discipline**

Schools are encouraged to address student misconduct through appropriate school-wide discipline policies, instructional services, and/or related services. If a student has behavior problems that interfere with his or her learning or the learning of others, an individualized education program (IEP) team shall consider the use of strategies, including positive behavioral supports and interventions, to address the behavior. If the IEP team determines that such services are needed, they must be included in the IEP and must be implemented.

Students with disabilities who are subject to disciplinary actions by a district are entitled to all of the due process rights afforded students without disabilities under Idaho Code 33-205. In addition to these rights, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) provides special education rights and additional discipline procedures to a student with a disability whom the district is removing from his or her current educational placement. These procedures come into play when the district is unable to work out an appropriate placement for the student with the parent and/or adult student. Further, these procedures do not prevent district personnel from maintaining a safe environment conducive to learning that is critical for all students.

Even though Idaho Code allows district personnel to “temporarily suspend” students for up to 20 school days, all students with disabilities who have been suspended or expelled for more than 10 cumulative school days in a school year retain the right to a free appropriate public education. (FAPE).

**Section 1. General Discipline Guidelines**

The general requirements pertaining to the discipline procedures of special education students are as follows:

1. District personnel may remove a student from his or her current placement to an appropriate interim alternative education setting (IAES) or another setting for not more than 10 consecutive days to the extent those alternatives are applied to students without disabilities.
2. District personnel may suspend any student, including a special education student, for up to 10 cumulative school days in a school year if he or she violates the code of student conduct, and services may cease during this period. In accordance with Idaho Code:
  - a. A school principal has the authority to order a disciplinary suspension for up to 5 school days.
  - b. The superintendent can extend the disciplinary suspension for up to 5 additional school days.

3. A series of suspensions exceeding 10 days in a school year shall not constitute a pattern of removals resulting in a change of placement, without following the procedures discussed in this chapter.
4. Students who have not been determined eligible for special education may be entitled to an evaluation and other IDEA 2004 rights—including the right to FAPE during periods of disciplinary suspension that extend beyond 10 cumulative school days in a school year if:
  - a. The district had knowledge that the student met the IDEA 2004 eligibility prior to the behavior that precipitated the disciplinary suspension; and
  - b. The parent and/or adult student asserts the right to FAPE.

### **Section 2. Actions Involving a Change of Placement**

A change of placement is a removal from the student's current educational placement for more than 10 consecutive school days or a series of removals that constitute a pattern when they total more than 10 cumulative school days in a school year. Factors such as the student's behavior is substantially similar to behavior in previous incidents that resulted in series of removals, the length of the removal, the proximity of the removals to one another, and the total amount of time the student is removed are indicators of a pattern. Whether a pattern of removals constitutes a change of placement will be determined on a case-by-case basis by the district; the district's determination is subject to review through an expedited due process hearing and judicial proceedings. The district may consider any unique circumstances in determining whether to pursue a disciplinary change of placement.

Even if the disciplinary action is to suspend or expel a student, FAPE [educational services] cannot cease for more than 10 cumulative school days in a school year.

A manifestation determination is required if the district is considering removing a student with a disability from his or her educational placement for disciplinary reasons which constitute a change of placement. A manifestation determination is defined as a review of the relationship between the student's disability and the behavior subject to disciplinary action. See Section 4 of this chapter for more information.

#### **A. District Actions Resulting in a Change of Placement**

District administrators change a student's placement by:

1. Unilaterally removing a special education student from his or her current placement for:
  - a. More than 10 consecutive school days in a school year; or

- b. Subjecting a special education student to a series of removals that constitute a pattern:
  - (1) Because the series of removals total more than 10 school days in a school year;
  - (2) Because the student's behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and
  - (3) Because of such additional factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
2. District personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:
  - a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a State Education Agency or a Local Education Agency; or
  - b. Knowingly possesses or uses illegal drugs *or* sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA, defined as bodily injury that involves:
    - (1) A substantial risk of death;
    - (2) Extreme physical pain; or
    - (3) Protracted and obvious disfigurement; or protracted loss or impairment of the function of the bodily member, organ, or mental faculty.

### **B. Hearing Officer Actions Resulting in a Change of Placement**

Through an expedited due process hearing, district administrators may ask a hearing officer to place a student with a disability in an appropriate IAES.

1. In requesting a hearing officer to place a student in an IAES, the district must:
  - a. Demonstrate by substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or others; and
  - b. Indicate whether the request is for an *initial* period of not more than 45 school days or an *additional* period of not more than 45 school days.

2. In determining whether to grant a district's request to place a student in an IAES, the hearing officer must:
  - a. Determine that the IAES proposed by district personnel in consultation with the student's special education teacher or the IEP team is appropriate.

### **C. Court Actions Resulting in a Change of Placement (Honig Injunction)**

District administrators may seek a court order (Honig Injunction) to remove a special education student from school or the current placement at any time. FAPE [educational services] shall not cease during an injunction.

### **Section 3. FAPE Considerations**

Services may not cease and the district shall always provide FAPE to the student with a disability:

1. After a student with a disability is removed for 10 school days in the same school year and subsequent days of removal do not constitute a change of placement;
2. There is a disciplinary change of placement.

#### **A. District Actions When there is Not a Change in Placement**

1. Notify the parent and/or adult student of the disciplinary action to be taken on the date of the decision;
2. School personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum although in another setting and to progress towards meeting IEP goals;
3. Conduct as appropriate a functional behavioral assessment (FBA) and provide behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

#### **B. District Actions When There is a Change of Placement**

Whenever disciplinary action results in a change in placement, the district must:

1. Notify the parent and/or adult student of the disciplinary action to be taken on the date of the decision and provide a copy of the *Procedural Safeguards Notice*;

2. The IEP team determines the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum although in another setting and to progress towards meeting IEP goals;
3. Conduct a manifestation determination immediately, if possible, but not later than 10 school days after the date on which the decision to take the disciplinary action is made.

### **C. FAPE Requirements in an IAES**

If the student's placement will change to an IAES, the IEP team shall select an IAES that enables the student to:

1. Continue to participate in the general education curriculum;
2. Progress toward meeting the goals set out in his or her IEP; and
3. Receive, as appropriate, an FBA and behavioral intervention services to address the behavior violation so that it does not recur.

### **D. Transportation**

If the IEP team determines that special transportation is required and documents it on the IEP, all procedural safeguards under the IDEA 2004 shall be afforded to the student in matters concerning transportation. Whether a suspension from the bus counts as a suspension from school depends on whether bus transportation is identified on the IEP:

1. If bus transportation is on the IEP, a suspension from the bus would be treated as a suspension from school (unless the district provides transportation services in some other way, such as "transportation in lieu of") because transportation is necessary for the student to obtain access to the location where all other services will be delivered.
2. If bus transportation is not on the IEP, a suspension from the bus would not be counted as suspension from school. In these cases, the student and the parent would have the same obligation to get to and from school as a student without a disability who had been suspended from the bus.

If the student's behavior on the bus results in a suspension from the bus, the IEP team shall consider whether the behavior should be addressed in a Behavioral Intervention Plan (BIP).

## **Section 4. Procedures for a Manifestation Determination**

A manifestation determination by the parent and/or adult student and relevant IEP team members (as determined by the district and parents and/or adult students) involves a review of the relationship between the student's disability and the behavior subject to disciplinary action.

**A. Actions Involving a Manifestation Determination**

When a disciplinary action results in a change of placement, the district will take the following actions:

1. The parent and/or adult student will be notified of the disciplinary action and provided with a copy of the *Procedural Safeguards Notice* not later than the date on which the decision to take disciplinary action is made.
2. A meeting will be held immediately, if possible, but no later than 10 school days after the date on which the decision to take disciplinary action is made. This meeting will include the district, the parent and/or adult student, and other relevant members of the IEP team (as determined by the parent and the district). The purpose of the meeting is to review all relevant information in the student's file including:
  - a. The student's IEP; and
  - b. Any teacher observations; and
  - c. Any relevant information provided by the parent and/or adult student.
3. Based on a review of the information, the IEP team, (relevant members determined by the parent and the district) will determine if the conduct in question was:
  - a. Caused by or had a direct and substantial relationship to the student's disability; or
  - b. The direct result of the district's failure to implement the IEP. [If so, the deficiencies must be immediately remedied.]

If the IEP team, (relevant members determined by the parent and the district), finds that either a or b above is true, the student's behavior will be determined to be a manifestation of his or her disability.

**B. When Behavior Is a Manifestation of the Disability**

If a student's behavior is determined to be a manifestation of his or her disability, the IEP team, (relevant members determined by the parent and the district), will:

1. Conduct an FBA and implement a BIP for the student if the district had not conducted such an assessment prior to the behavior that resulted in a change in placement;
2. Review the BIP if one had previously been developed and modify it as necessary to address the behavior;



3. Return the student to the placement from which he or she was removed, unless the parent and district agree in writing to a change of placement as part of the modification of the BIP.

### **C. When Behavior Is Not a Manifestation of Disability**

If the IEP team, (relevant members determined by the parent and the district), determines that the student's behavior was not a manifestation of his or her disability, the same disciplinary procedures applicable to students without disabilities, including long-term suspension or expulsion, may be applied to the student with a disability. The district will forward special education and disciplinary records for consideration to the board of trustees, which makes the final decision regarding the disciplinary action.

Even if the disciplinary action is to suspend or expel, the following provisions shall be met:

1. Educational services cannot cease for more than 10 school days in a school year. Educational services shall be provided to the extent necessary to allow the student with a disability access to the general education curriculum and the opportunity to advance toward achieving the goals set out in his or her IEP.
2. An IEP team shall convene to develop an IEP that specifies what special education and related services will be provided during the period of suspension or expulsion.

## **Section 5. Other Considerations**

### **A. Request for an Expedited Hearing**

An expedited hearing is a hearing that occurs within 20 school days of the request with a decision rendered within 10 school days of the hearing.

1. The parent and/or adult student may request an expedited due process hearing if he or she:
  - a. Disagrees with the determination that the behavior was not a manifestation of the student's disability;
  - b. Disagrees with any decision of the IEP team regarding a change of placement during a disciplinary proceeding; or
  - c. Disagrees with the decision regarding the student's placement in an IAES.
2. The district may request an expedited hearing if it believes that maintaining the current placement is substantially likely to result in injury to the student or to others.

3. When an appeal of a disciplinary action is requested (either by the parent and/or adult student to challenge the action or by the district to seek removal to an interim setting), the student remains in the IAES pending the decision of the hearing officer or the expiration of the disciplinary placement term, whichever occurs first unless the parent and/or adult student and district agree otherwise.
4. Resolution meeting requirements apply but are shortened to 15 and 7 days. No challenge for sufficiency of request is available.
5. A decision of a hearing officer in an expedited hearing may be appealed to federal or state district court.

See Chapter 13, Sections 4 and 5, for an explanation of regular and expedited due process hearing rights and procedures.

### **B. Protections for Students Not Yet Eligible for Special Education**

A student who has not been determined eligible for special education and who has violated any rule or code of conduct of the district may assert the protections of the IDEA 2004 *if* the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action.

#### 1. Basis of knowledge

With limited exceptions, which are described in item 2 below, the district will be deemed to have knowledge that an individual is a student with a disability if one or more of the following is true:

- a. The parent and/or adult student has expressed concern to supervisory or administrative district personnel or a teacher of the child that the student is in need of special education and related services. The concern must be expressed in writing unless the parent and/or adult student is unable to write or has a disability that prevents a written statement.
- b. The parent and/or adult student has requested that the student be evaluated for special education.
- c. The student's teacher or other district personnel have expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other district supervisory personnel in accordance with the district's established Child Find system or special education referral system.

#### 2. No basis of knowledge

The district will be deemed not to have knowledge that an individual is a student with a disability if one or more of the following is true:

- a. An evaluation was conducted and a determination was made that the student did not have a disability.
- b. The parent and/or adult student did not give written consent for an evaluation.
- c. The parent and/or adult student refused special education services.

If the district did not have a basis of knowledge that a student was a student with a disability prior to taking disciplinary measures, the student is subjected to the same disciplinary measures applied to all other students who engage in comparable behaviors.

### **C. Parent and/or Adult Student Request for Evaluation of a Disciplined Student**

If a request for an evaluation of a student who is not currently eligible for special education is made during the period in which the student is subject to disciplinary measures, the evaluation will be conducted in an expedited manner. Pending the results of the evaluation, the student will remain in the educational placement determined by district officials, which can include suspension or expulsion without educational services.

1. If the student is subsequently determined eligible for special education, the district will:
  - a. Convene an IEP team meeting to develop an IEP.
  - b. Conduct a manifestation determination.
    - (1) If the behavior is caused by or had a substantial relationship to the student's disability, the disciplinary action must be set aside, and the student must be provided appropriate educational services in the least restrictive environment (LRE).
    - (2) If the behavior is not caused by nor had a substantial relationship to the student's disability, the student is subject to the disciplinary placement that had been determined, but he or she is still entitled to receive FAPE, which is determined by the IEP team. Educational services cannot cease for more than 10 school days in a school year. Educational services shall be provided to the extent necessary to allow the student with a disability access to the general education curriculum and the opportunity to advance toward achieving the goals set out in his or her IEP.
2. If the evaluation team determines that the student is not eligible for special education, he or she will be subject to the same disciplinary actions as all other students.

**D. Referrals to and Action by Law Enforcement and Judicial Authorities**

1. The district may report a crime committed by a student with a disability to appropriate authorities. The IDEA 2004 does not prevent state law enforcement or judicial authorities from exercising their responsibilities, with regard to the application of federal and state law, for crimes committed by a student with a disability.
2. If a student brings a firearm to school, law enforcement shall be contacted pursuant to the Gun-Free Schools Act.
3. If the district reports a crime, it will ensure that copies of the special education and disciplinary records of the student are given to the appropriate law enforcement authorities for their consideration, to the extent the release of records is permitted by the Family Educational Rights and Privacy Act (FERPA). Generally, the release of records requires consent, but exceptions are listed in Chapter 11, Section 5.

**E. Transfer of Discipline Records**

Idaho Code 33-209 requires that whenever a student transfers to a new school and a school record contains information concerning violent or disruptive behavior or disciplinary action involving the student, this information will be included in the transfer of records to the new school. The transmission of the student's record shall include both the student's current IEP, including the FBA, BIP, and any current or previous disciplinary action taken. This information will be contained in a sealed envelope marked to indicate the confidential nature of the contents and addressed to the principal or other administrative officer of the school.

When the district initiates disciplinary proceedings applicable to all students, the special education and disciplinary records of students with disabilities shall be given to authorized district personnel for their consideration in making the final determination regarding the disciplinary action.

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**Chapter 13**  
**DISPUTE RESOLUTION**

**Chapter Contents**

Section 1. IEP Facilitation.....205

Section 2. Mediation .....205

Section 3. Formal Complaints .....208

Section 4. Due Process Hearings.....211

Section 5. Expedited Due Process Hearings .....218

Section 6. Appeals and Civil Action .....220

Section 7. Attorney Fees .....220

**Documents:**

*Special Education Mediation in Idaho: Managing Parent and/or Adult  
Student and School Conflict through Effective Communication* .....224

*Procedures for Resolving Complaints under the IDEA 2004*.....229

*Due Process Hearing Request Form* .....235

*Form for Filing a Formal Complaint*.....237

*Resolution Session Form*.....240

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**Chapter 13**  
**Dispute Resolution**

On occasion, conflicts arise between school districts and parents and/or adult students. Several mechanisms are available through the State Department of Education (SDE) to assist in resolving disputes. The processes are individualized education program (IEP) facilitation, mediation, formal complaints, due process hearings, and expedited due process hearings. This chapter contains information on each of these processes.

**Contact Information**

The SDE accepts formal complaints and requests for IEP facilitation, mediation, [complaints](#), and hearings via fax, mail, and personal delivery. Additionally, requests for IEP facilitation and mediation may also be made by telephone. Formal complaints and [hearing](#) requests should be directed to:

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Dispute Resolution Coordinator  
State Department of Education  
Division of Student Achievement and School [Improvement](#)  
Special Education  
P.O. Box 83720  
Boise, ID 83720-0027  
208/332-6912  
800/432-4601  
TT: 800/377-3529  
Fax: 208/334-[2228](#)

For further assistance in matters relating to dispute resolution, you may contact:

**DisAbility Rights Idaho ( formerly Comprehensive Advocacy, Inc. (Co-Ad))**  
4477 Emerald Street, Suite B-100  
Boise, ID 83706  
V/TT: 208/336-5353  
V/TT: [800/632-5125](#)

Idaho Parents Unlimited, Inc. (IPUL)  
4696 Overland Road, Suite 478  
Boise, ID 83705  
800/242-[4785](#)  
V/TT: 208/342-5884





### Section 1. IEP Facilitation

A request for IEP facilitation may be made by the parent and/or adult student or by a district representative, such as a director of special education. Requests may be made in writing or by phone to the SDE Dispute Resolution Coordinator as directed in the introduction to this chapter.

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#### A. Definition

IEP facilitation is a voluntary process during which an SDE-contracted individual is appointed to facilitate an IEP team meeting. The role of the facilitator is to help team members communicate more effectively and efficiently. IEP facilitation supports early dispute resolution, providing assistance to the IEP team before a potential conflict develops into a more serious dispute. The facilitator is an impartial third party, not a member of the IEP team, and has no stake in decisions made by the team. All IEP facilitators have received specialized training provided by the SDE. Facilitators are selected on a rotational and/or geographical basis.

The SDE provides IEP facilitation at no charge to the district or the parent and/or adult student.

#### B. IEP Facilitation Requests

A request for IEP facilitation may be made by either a parent and/or adult student or a designated district representative, such as a special education director, who has the authority to allocate resources and has knowledge of special education. A request for IEP facilitation:

1. may concern an initial, annual, or amended IEP that may be considered too difficult to manage; and
2. should be made at least two weeks prior to the scheduled IEP meeting.

The SDE will consider IEP facilitation requests on a case-by-case basis. As part of this consideration, the SDE Dispute Resolution Coordinator will contact the other party to determine whether that party is willing to participate; both parties shall agree to IEP facilitation for the process to go forward.

### Section 2. Mediation

The SDE has developed a mediation system to help resolve disagreements between districts and parents and/or adult students regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE). A request for mediation may be made by either the parent and/or adult student or the district at any point without the necessity to request a due process hearing. Requests may be made in writing or by phone to the SDE Dispute Resolution Coordinator as directed in the introduction to this chapter.

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The ultimate goal of mediation is to obtain a written agreement that is acceptable to both parties. Mediation agreements are legally binding. Even if a written agreement is not achieved, mediation may be helpful in clarifying issues.

**A. Definition of Mediation**

Mediation is a structured, voluntary process in which an impartial third party (a mediator) assists parents and/or adult students and district personnel resolve disputes. Mediation builds positive working relationships, encourages mutual understanding, and helps the parties focus on their common interest—the student. The district will not use the term “mediation” to refer to any district-level process for resolving disputes.

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**The Special Education Mediation Process Is:**

**Voluntary** for parents and school personnel;

**Offered** when disputes arise, including, but not limited to, formal complaints and due process hearing requests;

**Confidential**, thus encouraging all participants to speak freely;

A **No-Cost Service** to parents and schools provided by the SDE; and

An **Alternative** that does not delay the status of a due process hearing or formal complaint.

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**B. Mediation Policies**

1. No video or audio recording of the mediation proceedings will be made.
2. Each party is limited to no more than three participants and shall designate a person who has the authority to make final resolution decisions.
3. The district shall have at least one representative present who has the authority to commit resources.
4. Because mediation is a non adversarial process that offers the parties the opportunity to communicate directly with each other, legal representation during a mediation session is strongly discouraged.
5. Except for the signed agreement and confidentiality pledge, all notes or records taken during the proceedings will be collected and destroyed by the mediator at the conclusion of the mediation session.
7. The mediator will provide signed copies of the agreement to each party and the SDE.

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8. The mediator will be excluded from subsequent actions—complaint investigations, due process hearings, and legal proceedings.
9. A due process hearing requested prior to mediation may be canceled by the requesting party.
10. If for any reason the mediation fails, the mediator will provide each party and the SDE with a statement certifying that the mediation was unsuccessful.
11. Either party has the option to make another request for mediation.

### C. Mediation System

Mediation offered by the SDE is voluntary, confidential, and at no cost to the parent and/or adult student or district.

1. Both the district and the parent and/or adult student may request mediation at any time.
2. The SDE has the discretion to suggest mediation to either party at any time it deems appropriate, but is required to make mediation available to the parties after a formal complaint or a request for a due process hearing has been filed.

Following a request for mediation, the SDE will contact the other party and ask whether they are willing to participate in mediation. Mediation may not be used to deny or delay the right to a due process hearing or any other rights afforded to students and parents.

### D. SDE Contracted Mediators

Idaho SDE **contracted** mediators are impartial and trained in effective mediation, communication, negotiation, and problem-solving skills, and in laws and regulations relating to the provision of special education and related services. A mediator assists the parent and/or adult student and the district in resolving disputes. The SDE will select the mediator on a random, rotational, or other impartial basis from a list of highly qualified mediators. At times, the SDE may appoint two individuals to serve as co-mediators.

1. In all cases a mediator shall not:
  - a. be an employee of the SDE or district involved in the dispute;
  - b. have children enrolled in the district involved in the dispute; or
  - c. have a personal or professional interest that conflicts with the person's objectivity.
2. Additionally, if the parties have agreed to mediation following a due process hearing request;

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- a. co-mediators may not be used; and
  - b. the mediator may not be an employee of any district or state agency providing services that are publicly funded under the IDEA 2004, Part B.
3. The mediator:
- a. Contacts the parties to explain the mediation process, identify issues, and help the parties establish a date, time, and place to hold the mediation.
  - b. Establishes the ground rules for all parties to follow.
  - c. Guides the process.
  - d. Encourages open and honest communication.
  - e. Ensures that each party is heard.
  - f. Rephrases information and summarizes issues.
  - g. Facilitates the writing of the agreement.

#### **E. Mediation Timelines**

The SDE will appoint a mediator within 3 business days of a request for mediation. The mediation will be held in a location convenient to the parties involved, and every effort will be made to complete the process within 21 calendar days.

#### **F. Confidentiality**

Discussions that occur during the SDE mediation process are confidential and cannot be used as evidence in any subsequent due process hearing or civil proceeding. The parties in the SDE mediation process will be required to sign a confidentiality pledge before mediation begins.

#### **G. Mediation Agreement**

An agreement reached by the parties through SDE mediation shall be set forth in writing and is enforceable in state and federal courts.

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### **Section 3. Formal Complaints**

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A formal complaint may be filed with the SDE by any individual or organization from Idaho or another state who believes the district or other education agency has violated a requirement of Part B of the [Individuals with Disabilities Education Improvement Act of 2004 \(IDEA 2004\)](#), including the alleged failure to comply with a due process hearing decision rendered. The SDE

will accept a complaint received by mail, fax or hand delivery. A complaint filed by email will not be accepted. Contact information is listed in the introductory paragraph to this chapter.

See the document section at the end of this chapter for “Procedures for Resolving Complaints.”

### A. Filing Complaints

A formal complaint can be made by any person or organization. The complaint shall be in writing and include the following information:

1. current date;
2. the name, address, and telephone number of the person making the complaint (or available contact information);
3. the signature of the person making the complaint;
4. if alleging violations regarding a specific student, the name and address of the student involved (or available contact information in the case of a homeless student or family);
5. the school and district or other education agency that is the subject of the complaint;
6. one or more statements (allegations) that the district has violated one or more requirements of Part B of the IDEA 2004;
7. the facts and/or a description of the events that support each allegation; and
8. proposed resolution of the problem or the relief sought.

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The complaint shall allege a violation that occurred not more than one year prior to the date that the complaint is received. The SDE has a form available that may be used. ([see the Documents section of this chapter](#))

### B. SDE Complaint Procedures

Upon receipt of a written complaint, the SDE will do the following:

1. Determine whether the complaint meets all of the required criteria. The SDE will notify the complainant if his or her submission is insufficient as listed in Section A, above.
2. Notify the district that a complaint has been received and offer both parties SDE mediation. Parents shall receive a copy of the Procedural Rights statement.
3. Set aside all or any part of the written complaint that is being addressed in a due process hearing until the conclusion of the hearing. Any issue that is not a part of the due process action will be resolved using the SDE complaint procedures and timelines. If a

hearing officer's decisions are not adequately addressed by the district, the SDE will investigate.

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4. Give the complainant the opportunity to provide additional information about the allegations, either orally or in writing.
5. Resolve the complaint and issue a Final Report that includes the findings of fact, conclusions, and resolution for each allegation within 60 calendar days of receipt of the complaint. This time period may be extended, but only under exceptional circumstances, which shall be documented by the SDE. The resolution will state:
  - a. how to remedy any denial of services, which may include the award of compensatory services, monetary reimbursement or other corrective action as appropriate to the needs of the student; and
  - b. the future provision of services for a student with a disability, if such clarification is needed.
6. Ensure the district takes corrective action if it is determined that the district was out of compliance.

### C. Methods of Resolving Complaints

The SDE will make every effort to resolve complaints in the least adversarial manner possible. Mediation will be offered to the disputing parties. If mediation is not accepted by the parties or fails to resolve the allegation(s), then resolution of a formal complaint may be achieved through one or more of the following four processes:

1. **Verification of resolution:** Upon receipt of the initial complaint from the SDE outlining the allegations, the district may submit information to the SDE to document that one or more of the allegations of the complaint have been resolved. The SDE may also receive similar information from other sources.
2. **Corrective action plan (CAP):** The district may propose a CAP to address the allegations in the complaint. The SDE may accept, reject, or negotiate the proposed CAP or require other corrective actions or timelines to ensure the district will achieve compliance for each allegation stated in the complaint. If this process is not successful, the SDE will conduct a full investigation.
3. **Early complaint resolution (ECR):** The SDE may propose the use of ECR to resolve the complaint. This approach, which shall be mutually agreed upon, provides the complainant and the district an opportunity to immediately resolve the issues prompting the complaint, even though the parties may not agree on particular allegations. The SDE Dispute Resolution Coordinator or an SDE-contracted complaint investigator will facilitate a resolution through the development of a written agreement to be signed by both parties. If this process is not successful the SDE will conduct a full investigation.

4. **Full investigation:** If necessary, the SDE will investigate the complaint by conducting interviews and reviewing files, correspondence, and other information. An on-site investigation may occur if necessary. The SDE will write a Final Report, including Findings of Fact, Conclusions, and identify appropriate Corrective Actions, if required.

#### Section 4. Due Process Hearings

A request for a due process hearing may be made by either a parent and/or adult student or the district.

A parent and/or adult student or district may file a request for hearing with the other party. The request shall be mailed, faxed, or hand delivered. When the request is filed with the district, the parent and/or adult student shall send copies to the Dispute Resolution Coordinator at the SDE.

All applicable timelines for due process hearing and resolution sessions will start when the request has been filed with the other party and the SDE.

##### A. Definition

Idaho's due process system has two types of hearings, a regular due process hearing and an expedited due process hearing:

1. A regular due process hearing is an administrative hearing to resolve disputes on any matter related to the identification, evaluation, educational placement, and the provision of FAPE.
2. An expedited due process hearing is as an administrative hearing to resolve disputes concerning discipline occurring within 20 school days of the request, with a decision rendered within 10 school days of the hearing.

##### B. Due Process Hearing Request from Parent and/or Adult Student

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A due process hearing may be requested on behalf of a student by a parent, adult student or by an attorney representing the student.

1. A due process hearing shall be initiated within two years of the date the parent and/or adult student knew or should have known of the dispute. The two-year timeline will not apply if the parent and/or adult student was prevented from requesting a hearing due to misrepresentations or the withholding of information by the district.
2. A due process hearing can be initiated regarding issues pertaining to identification, evaluation, educational placement, or the provision of FAPE if:
  - a. the district proposes to initiate or change any of these matters; or

- b. the district refuses the parent's and/or adult student's request to initiate or change any of these matters.

See the Documents Section of this chapter for a *Due Process Hearing Request* form. The parent and/or adult student, or his or her attorney filing a due process hearing request shall forward a copy to the SDE and the district. The SDE will provide reasonable accommodations to individuals who need assistance in filing a written request.

### **C. Due Process Hearing Request by a District**

A district may initiate a due process hearing within two years of the dispute in an attempt to accomplish one or more of the following:

1. override a parent's and/or adult student's refusal of consent for an initial evaluation or the release of information;
2. override a parent's/adult student's written objection to an IEP change, an educational placement change, or disciplinary actions when there is an imminent threat to safety;
3. ask a hearing officer to place a student in an interim alternate education setting (IAES) when there is substantial evidence that maintaining the current educational placement is likely to result in injury to the student or others; or
4. request that a hearing officer determine whether an evaluation conducted by the district was appropriate or whether an evaluation obtained by a parent and/or adult student meets the criteria for a publicly funded independent educational evaluation (IEE).

If the district initiates a hearing, the district will inform the parent and/or adult student and the SDE.

### **D. Contents of a Request for a Due Process Hearing**

A request for a due process hearing shall be made in writing and shall include the following information:

1. the current date;
2. the student's name, address (or available contact information in the case of a homeless student), and school district;
3. the signature of the individual make the request for a due process hearing;
4. a description of the nature of the problem, including supporting facts; and
5. a proposed resolution of the problem or the relief sought.



**E. Actions for Due Process Hearings**

1. A Due Process Request ~~is~~ Filed

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- a. A request may be filed by either party.
- b. Either party may challenge the sufficiency of the due process hearing request within 15 days of the receipt of the hearing request. The hearing officer shall render a decision regarding the sufficiency within five calendar days and immediately notify the parties of the decision in writing.
- c. The district superintendent has the responsibility for informing the district's board of trustees of any request for a hearing.
- d. The district shall inform a parent and/or adult student of any free or low-cost legal or other relevant services available to him or her and provide a copy or the Procedural Safeguards if a due process hearing is requested or if the parent and/or adult student requests such information.

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2. A Hearing Officer ~~is~~ Assigned

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- a. Within 10 calendar days of a request for a hearing, an impartial hearing officer will be assigned by the SDE. The SDE maintains a list of trained hearing officers, along with their qualifications, and assignments are made on a rotational basis.
- b. A hearing officer may not be an employee of the district or the SDE, an individual having any personal or professional interest that would conflict with his or her objectivity in the hearing, or a member of the board of trustees of the district.
- c. The district will pay for all actual expenses incurred by the hearing officer and for the cost of a verbatim transcript of the hearing. The hearing officer will be compensated at rates set by the SDE.

3. SDE Mediation ~~is~~ Offered

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The SDE is required to offer mediation as an alternative dispute resolution mechanism to the involved parties.

4. Response to a Due Process Request

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- a. The other party shall file a response with 10 calendar days addressing the issues raised.
- b. If the district has not sent a written notice to the parent and/or adult student regarding the subject matter contained in the due process request, the district will,

within 10 calendar days of receiving the request, send the parent and/or adult student a response that includes all the components of written notice.

- c. Either party may amend the request, upon obtaining written consent from the other party or as granted by the hearing officer, at least 5 calendar days prior to the hearing. If the request is amended, timelines for resolution and resolving the issues begin again as of the date of the amended request.

5. Pre-hearing Resolution Session

- a. A resolution session will be held within 15 calendar days of a request for a due process hearing unless:

(1) Both parties agree in writing to waive the resolution meeting.

(2) Both parties agree to go to mediation.

(3) The district initiates the hearing. The IDEA 2004 requires the resolution session only if the parent has requested the due process hearing.

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- b. A “resolution team” includes the parent and/or adult student, a representative of the district who has decision-making authority, and relevant members of the IEP team who have specific knowledge of the facts identified in the request for a due process hearing as determined by the parties. The district’s attorney will not attend the resolution session unless the parent and/or adult student will be accompanied by an attorney. Note: SDE Facilitation may be requested with the approval of both parties.

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- c. The purpose of the meeting is for the parent and/or adult student to discuss the due process hearing request, and the facts that form the basis of the request, so that the district has the opportunity to resolve the dispute.

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- d. If a resolution is reached regarding the issues raised in the request for a due process hearing, the district representative and parent and/or adult student will sign a legally binding document that is enforceable in state and federal court. Either party may void this agreement within 3 business days of signing the agreement.

- e. A due process hearing will be scheduled if no resolution is reached within 30 calendar days of receiving the request for a due process hearing.

- f. If the district is unable to obtain the participation of the parents after reasonable efforts have been made and documented, at the conclusion of the 30 calendar day period, the district may request that the hearing officer dismiss the parents due process hearing request.

- g. A parent may request an immediate due process hearing from the hearing officer if the district has not scheduled or participated in a resolution session within 15 days of the request.

The 45 day timeline for the due process hearing request starts the day after one of the following events:

- a. Both parties agree in writing to waive the resolution meeting;
- b. After either the mediation or resolution meeting starts but before the end of the 30 day period, the parties agree in writing that no agreement is possible;
- c. Both parties agree in writing to continue the mediation at the end of the 30 day resolution period, but later, the parent or public agency withdraws from the mediation process.
- d. The district files a hearing request.

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#### 6. Hearing Preparation

- a. A parent and/or adult student will be allowed to inspect and review reports, files, and records pertaining to the student not less than 5 business days prior to a due process hearing. A district may charge a fee for copies of records if the fee does not effectively prevent a parent and/or adult student from exercising his or her right to inspect and review those records. The district may not charge a fee to search for or retrieve records.
- b. Not less than 5 business days prior to a due process hearing, each party will disclose to all other parties:
  - (1) Evaluations completed by that date; and
  - (2) Recommendations based on those evaluations intended to be used at the hearing.
  - (3) Copies of exhibits which will be introduced and a list of witnesses each party intends to call at the hearing.
- c. The hearing officer will provide notification as to the time and place of the due process hearing to the parent and/or adult student, district officials, and the SDE. The hearing shall be conducted at a time and place reasonably convenient to the parent and/or adult student.

#### 7. The Due Process Hearing

- a. The hearing officer will preside over and conduct the proceedings in a fair and impartial manner, permitting all parties an opportunity to present their information

and opinions pursuant to the Idaho Administrative Procedure Act (IDAPA) and [the](#) IDEA 2004 requirements.

- b. A parent and/or adult student and district personnel may be accompanied and advised by legal counsel and other persons with special knowledge or training about students with disabilities.
- c. A parent and/or adult student has the right to open the hearing to the public and to have the student who is the subject of the hearing present.
- d. Only a parent and/or adult student, a district, and their respective attorneys have the right to present evidence, to compel the attendance of witnesses and the production of documents, and to confront and cross examine witnesses.
- e. New issues (issues not in the original due process request) may not be raised at the hearing unless agreed to by the other party. Any party may ~~prohibit the introduction of any evidence at the hearing that was disclosed less than 5 business days before the hearing.~~ Deleted: , however.
- f. During the hearing the district will provide reasonable accommodations as required by federal regulations. Disputes will be referred to the SDE for resolution.
- g. A record of the hearing will be made. The record will be a written verbatim transcript. The parent and/or adult student may choose an electronic verbatim record. The district will pay the transcript costs, and a copy of the transcript will remain with the SDE. The parent and/or adult student and district personnel have the right to obtain a copy of the record upon formal request.

8. Decision of the Hearing Officer

- a. The decision of the hearing officer will be based solely on presentations made at the due process hearing.
- b. The decision made by the hearing officer will be made on substantive grounds based on a determination of whether a student received FAPE.
  - (1) In matters alleging a procedural violation, a hearing officer may find that a student did not receive FAPE only if the procedural inadequacies:
    - (a) impeded the student's right to FAPE;
    - (b) significantly impeded a parent's [and/or](#) adult student's opportunity to participate in the decision-making process; or
    - (c) caused a deprivation of educational benefit.

- (2) A hearing officer may order a district to comply with procedural requirements, regardless of whether a district's failure in this area did or did not result in a denial of FAPE.
- c. The decision will include findings of fact and conclusions of law.
- d. The hearing officer's written decision shall be available within 45 calendar days from the date of the request for a hearing. The 45-calendar-day timeframe begins when the written request is actually received by the district or the SDE, whichever is earlier.
- e. The findings of fact and decision shall be sent to the parent and/or adult student at no cost. Copies will also be mailed to the district superintendent, the SDE, and representatives of the district.
- f. After deleting personally identifiable information, the SDE will transmit the decision to the Special Education Advisory Panel (SEAP) and make the decision available to the public upon request.
- g. A hearing officer's decision will be enforceable in state and federal court. It will be implemented not later than 14 calendar days from the date of issuance unless:
- (1) the decision specifies a different implementation date; or
  - (2) either party appeals the decision by initiating civil action in state or federal district court.
- h. Nothing in this section can be interpreted to prevent a parent from filing a separate due process hearing request on an issue separate from the request already filed. The SDE may consolidate multiple hearing requests involving the same IEP. Deleted: .
- i. Stay Put
- (1) During the pendency of any due process hearing, the student shall remain, or "stay put," in his or her current educational placement unless the district and parent and/or adult student agree otherwise.
  - (2) The stay put placement continues during any subsequent appeals unless a hearing officer agrees with a parent and/or adult student that a change of placement is appropriate, in which case, the placement identified in the hearing officer's decision becomes the stay-put placement.
  - (3) If the dispute involves an application for initial admission to public school in Idaho, the student, with the written consent of his or her parent, shall be placed in the public school program until the proceedings are completed.

(4) “Stay put” does not apply when a student is transitioning from Part C (the Infant/Toddler Program) to Part B services in Idaho. Following the development of an IEP or an individual family service plan (IFSP), if an educational placement dispute arises involving a student transitioning from Part C to Part B, the student cannot “stay put” in Part C:

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- (a) With written consent of the parent, the student shall be placed in the public school until completion of all the hearing proceedings.
- (b) If the parent does not give written consent, the student will not receive services until completion of the hearing proceedings.
- (c) If the student is eligible for special education and related services, and the parent consents, then the district shall provide those special education and related services which are not in dispute.

### Section 5. Expedited Due Process Hearings

A request for an expedited due process hearing may be made by either a parent and/or adult student or the district. The request should be mailed, faxed or hand delivered to the Dispute Resolution Coordinator at the SDE. A request for an expedited due process hearing filed by email will not be accepted. Contact information is listed in the introduction to this chapter.

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#### A. Definition

An expedited due process hearing is defined as an administrative hearing to resolve disputes concerning discipline occurring within 20 school days of the request, with a decision rendered within 10 school days of the hearing.

#### B. Expedited Hearing Requests

1. A district may request an expedited hearing if the district believes maintaining the current placement or returning the student to the prior placement is substantially likely to result in injury to the student or others.
2. A parent and/or adult student may request an expedited hearing if:
  - a. he or she disagrees with a determination that the student’s behavior was not a manifestation of the disability; or
  - b. he or she disagrees with the district’s discipline decision, which resulted in a change of placement.

See Section 5D of this chapter for additional information regarding placement during a hearing.

**C. The Expedited Hearing Process and Decisions**

An expedited hearing will be conducted in a fair and impartial manner. Guidelines and proceedings will be the same as those in a regular due process hearing, except for the following changes:

1. The SDE will appoint a hearing officer within 2 business days of a request.
2. A resolution session shall occur within 7 days of receiving a due process hearing request unless the parties agree in writing to waive the resolution session or go to mediation.
3. A due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 day of the receipt of the expedited due process hearing request.
4. Any party may prohibit the introduction of any evidence at the hearing that was not disclosed at least 2 business days before the hearing.
5. The hearing shall occur within 20 school days of the request, with a decision rendered within 10 school days of the hearing. A written decision will be mailed to both parties.
6. A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other original due process hearings.

**D. Placement During an Expedited Hearing**

When a hearing has been requested by either the parent and/or adult student or the district regarding placement decisions, the student shall “stay put” during the pendency of the hearing. In relation to disciplinary proceedings, stay put means:

1. The student will remain in the IAES until the timeline for the disciplinary action expires or the hearing officer renders a decision, whichever occurs first.
2. Upon expiration of the IAES placement, the student will be placed in the setting he or she was in prior to the IAES. However, if district personnel maintain that it is dangerous for the student to return to that placement, the district may request an expedited hearing to continue the IAES for up to an additional 45 school days. This procedure may be repeated as necessary.

If the hearing officer finds for the parent and/or adult student, the change of placement cannot occur and the IEP team will need to determine the extent of services that are appropriate to meet the student’s individual needs and to address the student’s behavior. If the hearing officer finds for the district, the district may use the same disciplinary procedures, including expulsion, as it uses for any other student, except that FAPE shall be provided according to the requirements in Chapter 12, Section 3.

### Section 6. Appeals and Civil Action

1. An appeal to state or federal court shall be filed within 42 calendar days from the date of issuance of the hearing officer's decision.
2. Either party shall exhaust all dispute resolution procedures available under the IDEA 2004 prior to filing action in civil court. However, nothing in the IDEA 2004 restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or other Federal laws protecting the rights of children with disabilities. This means either party may have remedies available under these laws that overlap with [the IDEA 2004](#). To obtain relief under those other laws, either party shall first use the available dispute resolution procedures under the IDEA 2004 before going directly into court.

### Section 7. Attorney Fees

A district court will have jurisdiction in the awarding, determination, or prohibition of attorney fees. The court may:

1. award reasonable attorney fees as part of the costs to the prevailing party; and
2. determine the amount of attorney fees, using prevailing rates in the community in which the action occurred, for the kind and quality of services provided. No bonus or multiplier may be used in calculating the amount of fees awarded.

Funds under Part B of the IDEA 2004 cannot be used by the district to pay any attorney fees or costs of a party related to an action or proceeding, such as deposition, expert witnesses, settlements, and other related costs. However, Part B funds may be used to pay hearing officer fees or the costs of a meeting room to conduct the hearing.

#### A. Prohibition of Attorney Fees

1. Attorney fees may not be awarded:
  - a. for legal representation at an IEP meeting, including a resolution session, unless such a meeting is convened as a result of a due process hearing or a judicial action;  
or
  - b. for mediation that is conducted prior to a request for a due process hearing.
2. Attorney fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent and/or adult student if:



- a. the district makes an offer at least 10 calendar days before a due process hearing or a civil proceeding begins;
- b. the offer is not accepted by the parent and/or adult student within 10 calendar days after it is made; and
- c. a court or due process hearing officer finds that the relief obtained by the parent and/or adult student is not more favorable to the parent and/or adult student than the offer of settlement.

**B. Exception to the Prohibition of Attorney Fees**

An award of attorney fees and related costs may be made to a parent and/or adult student who is a prevailing party and who was substantially justified in rejecting the district's settlement offer.

**C. Reduction in the Amount of Attorney Fees**

A court may reduce an award for attorney fees under any of the following circumstances:

1. During the course of the action or proceeding, the parent and/or adult student or his or her attorney unreasonably extended the final resolution.
2. The amount of the award unreasonably exceeds the prevailing rate in the community for similar services by attorneys of reasonably comparable skills, reputation, and experience.
3. The time spent and legal services rendered were excessive considering the nature of the action.
4. The attorney representing the parent and/or adult student did not provide the information required in a due process hearing request.

**D. Exception to the Reduction of Attorney Fees**

The amount of attorney fees will not be reduced if the court finds that the district or SDE unreasonably extended the final resolution of the action or proceeding.

**E. Special Provisions Regarding Attorney Fees**

1. A district or SDE that prevails may seek attorney fees from a court against the parent's and/or adult student's attorney if the action is deemed frivolous, unreasonable, without foundation or prolongs the litigation.
2. A district or SDE that prevails may seek attorney fees from a court against the parent's/adult student's attorney or the parent and/or adult student if the hearing request

| was presented for improper purposes such as to harass the district, cause unnecessary delay or needlessly increase the cost of litigation.

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## SPECIAL EDUCATION MEDIATION IN IDAHO

### MANAGING PARENT AND SCHOOL CONFLICT THROUGH EFFECTIVE COMMUNICATION

If conflict occurs between a parent and school personnel regarding the educational program of a special education student, mediation provides a non-adversarial alternative to resolve the dispute.

**Mediation** is a structured, voluntary process in which an impartial third party, a mediator, helps parents and school personnel who are experiencing conflict to reach a suitable agreement. Mediation builds positive working relationships, encourages mutual understanding, and helps parents and school personnel focus on their common interest—the student.

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#### Section 1. Mediation in Idaho

The mediation process:

1. May resolve disputes regarding the identification, evaluation, educational placement, or related services for students with disabilities;
2. Clarifies areas of agreement and disagreement; and
3. Fosters better relationships between parents and schools

#### Section 2. Requesting Mediation

An oral or a written request for mediation may be made to the SDE by a parent and/or adult student with a disability, a legal guardian, a surrogate parent, or the district. In addition, the SDE will encourage parents and districts to participate in mediation when it seems appropriate. Following a request for mediation, the SDE will make every effort to complete the process within 21 days.

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A request for mediation:

1. Is appropriate when parents and/or adult students and schools are unwilling or unable to modify their position without outside assistance;
2. May occur when parents and/or adult students and schools, after making a good-faith effort, face an impasse in attempting to resolve the conflict; and
3. Can be scheduled prior to, or concurrent with, a request for a due process hearing.

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### Section 3. Proposed Mediation by the SDE

The SDE will offer mediation to resolve a dispute between parents and the district:

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1. When there is a formal request for a due process hearing; and
2. At any other time the SDE deems the use of mediation appropriate.

### Section 4. Appointment of a Mediator

The SDE maintains a list of qualified mediators. When both parties in a dispute agree to mediate, every attempt will be made by the SDE to appoint a mediator within 3 business days of the request. A mutually agreed upon time, date, and place of the mediation will be coordinated by the mediator.

If a due process hearing has been requested, the SDE will use a rotation list to select the mediator or both parties will be involved in and agree with the selection of the mediator.

If a due process hearing has been requested, the mediator may not be an employee of any district or state agency providing publicly funded services under the IDEA 2004 and co-mediators may not be used.

### Section 5. The Mediator

A mediator is a neutral third party trained in communication, problem-solving and negotiation skills, and specific mediation techniques who acts as a facilitator to assist [parents and/or adult students](#) and schools in resolving conflicts. The mediator:

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1. Educates the parties about the mediation process.
2. Establishes the ground rules for all parties to follow.
3. Guides the process.
4. Encourages open and honest communication.
5. Ensures that each party is heard.
6. Rephrases information and summarizes issues.
7. Facilitates the writing of the agreement.

### Section 6. Roles of Parents and Schools

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It is in the best interest of all parties, including the student, to explore mediation as a means to a resolution of the conflict. Parents [and/or adult students](#) and school personnel play a very

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important role in mediation. As active participants, each party can help design a mutually agreeable solution.

### **Section 7. Prior to the Mediation**

The SDE will provide:

1. Notification to the disputing parties of the mediator appointed.
2. A copy of the *Procedural Safeguards Notice* to each party.
3. A copy of the “Confidentiality Pledge” to the parent, district, and mediator. The parties should review the pledge, come to the mediation with any questions regarding confidentiality, and be prepared to sign the pledge.

The mediator will:

1. Contact the parties to explain the mediation process, identify issues, and help the parties establish a date, time, and place to hold the mediation.
2. Assist in determining who will attend the mediation session and inform the parties that participants need to be knowledgeable about the student and of available resources or services the student may need.
3. Advise the SDE of the names of all parties who will participate in the mediation session.

The parent [and/or adult student](#) and district will:

1. Determine who will attend the mediation session and advise the mediator of their choices.
2. Advise the mediator that the individual(s) with authority to commit resources and make final resolution decisions will participate in the mediation session.

### **Section 8. Preparing for the Mediation Session**

The following guidelines can help participants prepare for the mediation session:

1. Keep your schedule free and be willing to give at least one full day to the mediation process.
2. Put aside personality conflicts and center on the educational interests of the student.
3. Approach mediation in good faith.

4. Be open, honest, and willing to listen.
5. Be familiar with all documents related to the dispute, including the Individualized Education Program (IEP).
6. Organize your information and materials.
7. Set goals you would like to achieve during the session.
8. Be open to alternatives.

### Section 10. The Mediation Session

Every mediator has his or her own personal style of conducting a mediation. Participants should feel free to ask questions and seek clarification on any issue during the session. The mediation may include the following stages:

1. **Introduction:** The mediator will explain the process, set the ground rules for all parties, respond to questions, and encourage the parties from the onset to deal with issues – not personalities.
2. **Identification of issues:** Each party will have an opportunity, without interruption, to identify issues and share information. The mediator may seek additional information or summarize the issues.
3. **Expression of interests:** At this stage, the mediator helps the parties identify their interests (those factors underlying their issues). Goals, needs, beliefs, hopes, and fears are expressed, explored, and clarified.
4. **Caucus:** On occasion, issues and underlying interests may not be clear. Opportunity is provided for each party to “caucus” with the mediator for the purpose of sharing information or seeking clarification about the issues. The mediator will not disclose information from caucus sessions without consent.
5. **Recess:** A break may be requested by any participant during the session. This time provides an excellent opportunity for all parties to gather their thoughts and absorb what has transpired.
6. **Creating alternatives:** After the basic issues and interests have been identified, discussed, and clearly understood by all parties, the mediator will assist the parties in identifying or developing options to resolve the conflict. At any time during an open session or in a caucus, either party may propose solutions.



7. **Developing and writing a plan:** The ultimate goal of mediation is to obtain a written resolution to the conflict. The parties establish the terms of the agreement. The mediator writes the final agreement, which is signed by the parent(s), school representatives, and mediator. Each party retains a copy of the agreement. If an agreement involves proposed changes to a student's IEP, an IEP team meeting should be convened as soon as possible.
8. **Implementation:** For the final agreement to work effectively, its provisions shall be implemented. The signed agreement demonstrates a commitment by both parties to abide by the conditions of the agreement. Ultimately, it is the responsibility of the parties to fulfill their obligations.

For additional information, contact:

**Dispute Resolution Coordinator**

State Department of Education  
Division of Student Achievement and School [Improvement](#)  
P.O. Box 83720  
Boise, Idaho 83720-0027  
208/332-6912  
800/432-4601  
TT: 800/377-3529  
FAX: 208/334-4664

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**Regional Special Education**

North: 208/667-2588 Coeur d'Alene  
208/885-9060 Moscow  
Southeast: 208/282-3610 Pocatello  
208/736-4263 Twin Falls  
Southwest: 208/426-4315 Boise  
208/426-4397 Boise

**DisAbility Rights Idaho (formerly Comprehensive Advocacy, Inc. (Co-Ad))**

4477 Emerald Street, Suite B-100  
Boise, ID 83706  
V/TT: 208/336-5353  
V/TT: 866/262-3462

**Idaho Parents Unlimited, Inc. (IPUL)**

4696 Overland Road, Suite 478  
Boise, ID 83705  
800/242-IPUL  
V/TT: 208/342-5884

IDAHO STATE DEPARTMENT OF EDUCATION  
**PROCEDURES FOR RESOLVING COMPLAINTS**  
UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

**Section 1. Filing Complaints**

**A. Filing a Formal Complaint**

Any individual or organization from Idaho or another state who believes a school district or other education agency has violated a requirement of Part B of the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004) may file a formal complaint with the State Department of Education (SDE). The complaint shall:

1. Be in writing. Electronic mail is not acceptable. (The SDE will provide reasonable accommodations to individuals who need assistance in filing written complaints.)
2. Be signed and dated.
3. Include one or more allegations. Allegations are statements that an education agency has violated a requirement of Part B of the IDEA 2004. The alleged violations may not be older than one year from the date the complaint is received by the SDE.
4. Include the supporting facts of each allegation. Supporting facts are a description of the events to support the allegation(s), including the name(s) of the student(s) involved, as appropriate.
5. Include a proposed resolution for the complaint.

**B. Contact Information Required**

Complainants should include their mailing addresses and work and home telephone numbers as well as the name, address, and telephone number of the student(s) involved.

**C. Formal Complaints Address**

Complaints shall be mailed to:

Dispute Resolution Coordinator  
State Department of Education  
Division of Student Achievement and School Improvement  
P.O. Box 83720  
Boise, ID 83720-0027

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**Section 2. Evaluating Complaints**

At times, the SDE may not be able to proceed with resolution of all of a complainant's concerns. Complaints will be evaluated to determine whether the SDE can proceed with resolution. The SDE will notify the complainant, within 30 days of receipt of a complaint, if it cannot proceed with complaint resolution and the reasons. The complainant has the option of filing a new complaint and restarting the 60-day timeline or revising the complaint. If the revised complaint contains additional allegations on which the SDE can proceed, the SDE will modify the scope of complaint resolution and may extend the 60-day timeline.

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A. Complaint resolution cannot proceed when:

1. The complaint is not in writing.
2. The complaint is not signed.
3. The complaint does not include allegations of Part B violations. (If appropriate, the SDE will notify the complainant of the appropriate agency, entity, or process to address his or her concerns.)
4. The complaint does not include the facts to support the allegations for any of the allegations.
5. All of the allegations in the complaint have been resolved in a previous due process hearing. However, the SDE will resolve a complaint alleging that the education agency failed to implement a due process hearing decision.

B. Resolution of every allegation cannot proceed when:

1. Some of the statements in the complaint are not allegations that an education agency has violated a requirement of Part B of the IDEA 2004. In this situation, the SDE will proceed with resolution of the statements that are allegations. Where appropriate, the SDE will assist the complainant in clarifying other statements and/or will inform the complainant of the appropriate agency, entity, or process to address concerns that do not allege violations of the IDEA 2004.
2. The facts to support some of the allegations are not provided. In this situation, the SDE will proceed with resolution of the allegations for which facts have been included. If appropriate, the SDE will assist the complainant in identifying the facts for his or her other allegations.
3. Some or all of the allegations in the complaint are the subject of a current due process hearing. In this situation, the SDE will proceed with resolution of allegations that are not part of the due process hearing. The SDE will set aside allegations that are the subject of a due process hearing and will suspend the timeline for those allegations.

When the hearing is resolved, the SDE will proceed with resolution of any allegation on which the hearing officer has not ruled. However, the SDE will proceed to resolve allegations that an education agency failed to implement a due process hearing decision.

- C. If the complaint is withdrawn by the complainant prior to expiration of the timeline for resolution, the SDE will close the complaint.

### Section 3. Complaint Resolution Processes

The SDE will make every effort to resolve complaints in the least adversarial manner possible. Resolution of a formal complaint may be achieved through one or more of the following four processes:

1. **Verification of resolution:** At any time during an investigation, the education agency may submit information to the SDE to document that one or more of the allegations in the complaint have been resolved. The SDE may also receive similar information from other sources.
2. **Corrective action plan (CAP):** The district may propose a CAP to address the allegations in the complaint. The SDE may accept, reject, or negotiate the proposed CAP or require other corrective actions or timelines to ensure that the district will achieve compliance for each allegation stated in the complaint. If this process is not successful, the SDE will conduct a full investigation.
3. **Early complaint resolution (ECR):** The SDE may propose the use of ECR to resolve the complaint. This mutual approach provides the complainant and the district an opportunity to immediately resolve the issues prompting the complaint, even though the parties may not agree on particular findings of fact and conclusions. The SDE Dispute Resolution Coordinator or a contracted investigator will facilitate a resolution through the development of a written agreement to be signed by both parties. If this process is not successful, the SDE will conduct a full investigation.
4. **Investigation:** If necessary, the SDE will investigate the complaint by conducting interviews and reviewing files, correspondence, and other information. An on-site investigation may occur if necessary.

### Section 4. Compliance Activities

The SDE will negotiate or require corrective actions, including timelines, as necessary, for the education agency to achieve compliance.

- A. **Remedies:** The SDE will identify the specific corrective action necessary for the district to achieve compliance. If it is determined that the district has failed to provide appropriate services, the SDE will address:

1. How to remedy the denial of those services including, as appropriate, the award of compensatory education, monetary reimbursement, or other corrective actions appropriate to the needs of the student that is the subject of the complaint; and
  2. Appropriate future provision of those services for all students with disabilities in the education agency.
- B. **Documentation:** The SDE will verify implementation of corrective actions and compliance by obtaining documentation from the district or education agency, confirming compliance with the complaint, or conducting an on-site follow up.
1. **Technical assistance:** If necessary, the SDE will provide technical assistance to the district or education agency during or following complaint resolution. The SDE will maintain a record of technical assistance provided to districts or education agencies.
  2. **Sanctions:** If the district or education agency fails to achieve compliance, the SDE may initiate procedures to withhold federal funds until compliance is achieved.

#### Section 5. Complaint Resolution Steps

Within 60 days of receiving the complaint, the SDE will complete the following:

- A. The SDE will decide to accept or reject the complaint based on the allegations and supporting facts.
- B. Notify both parties in writing of the SDE determination, including a copy of the complaint and "Procedures for Resolving Complaints".
- C. Offer mediation to both parties as a method for resolving the complainant's concerns.
- D. The complainant will be notified of his or her right to submit additional information, either orally or in writing. Complainants will be asked to submit additional written information within 15 days of receiving notice of the right to do so. The complainant may submit additional oral information through an interview with the complaint investigator.
- E. Gather sufficient additional information to make a determination for each allegation through informal fact finding; telephone or personal interviews; and a review of files, documents, correspondence, and other information. If both parties agree that one or more violations have occurred, additional fact-finding will not be conducted in those areas.
- F. Carry out an independent on-site investigation if it is determined necessary.

- G. Review all relevant information and make an independent determination for each allegation filed by the complainant as to whether the education agency has violated a requirement of Part B of the IDEA 2004.
- H. Issue a Final Report to the complainant and district or education agency that contains:
1. An introduction with:
    - a. An assigned case number per the date the complaint was received by the SDE.
    - b. The name of the parties involved.
    - c. The complainant's allegations.
    - d. The complaint investigator's name.
    - e. Identified information gathered and reviewed.
    - f. If relevant, a description of any extension of the 60-day timeline and the exceptional circumstances that warranted the extension.
  2. The SDE's findings of fact.
  3. The SDE's conclusion regarding each allegation.
  4. If the SDE determines the education agency violated a Part B requirement, required Corrective Action(s) will be stated in the report. A timeline and method of documenting compliance will be included.
- I. Personally identifiable information about the student will not be included in the final report. The use of personally identifiable information about personnel employed by the education agency will be avoided.
- J. The 60-day timeline may be extended if exceptional circumstances exist and are documented by the SDE, or the parties agree to voluntarily engage in mediation or other dispute resolution options offered by the SDE. If the timeline is extended, both parties will be notified. The notification will include the length of the extension and a description of the exceptional circumstances that warrant the extension.

### Section 6. Record of Complaints

Each complaint file will be maintained for a period of at least 5 years and will include an original or copy of:

1. The complaint.
2. The investigative notes, documents, correspondence, phone logs, etc.
3. The Final Report, or documentation that the complaint was withdrawn.
4. Verification of compliance if additional activities are required in the report.





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## DUE PROCESS HEARING REQUEST FORM

Please submit any request for a due process hearing to your district superintendent and to the Dispute Resolution Coordinator, State Department of Education, Division of Student Achievement and School Improvement, P.O. Box 83720, Boise, ID 83720-0027. (You may use this form or submit a letter that includes the information below.)

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### A. General Information: (type or print)

Date of Written Request: \_\_\_\_\_ Date Received (completed by SDE): \_\_\_\_\_

Name of Individual Requesting Hearing: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Day Phone: \_\_\_\_\_

Parent/Guardian of Student: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: (Hm) \_\_\_\_\_ (Wk) \_\_\_\_\_

Name of District/Agency Hearing Request Is Against: \_\_\_\_\_

#### Student Information:

#### District Information:

Student Name: \_\_\_\_\_ District Contact: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

School Student Attends: \_\_\_\_\_

(Complete if the information is available):

Student's Attorney: \_\_\_\_\_

(Complete if the information is available):

District's Attorney: \_\_\_\_\_



**FORM FOR FILING A FORMAL COMPLAINT**

Please submit any request for a formal complaint to the Dispute Resolution Coordinator, State Department of Education, Division of Student Achievement and School Improvement, P.O. Box 83720, Boise, ID 83720-0027. The alleged violations may not be older than one year from the date the complaint is received by the SDE. (You may use this form or submit a letter that includes the information below.)

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**A. General Information:** (type or print)

Date: \_\_\_\_\_

Name of Individual Filing the Complaint: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Day Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Relationship to Student: \_\_\_\_\_

Name of District /Agency Complaint Is Against: \_\_\_\_\_

**Student Information:**

**District Information:**

Student Name: \_\_\_\_\_

District Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

School Student Attends: \_\_\_\_\_

(If complaint involves more than one student, please complete the student and district information for each student.)

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In the case of a homeless child or youth, provide available contact information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



STATE DEPARTMENT OF EDUCATION  
DECEMBER 10, 2009

Chapter 13

Dispute Resolution

Document date:

**Resolution Session Form**

Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Director:		Daytime Phone:		

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The Individuals with Disabilities Education Improvement Act of 2004 requires that options be made available to resolve conflict when a request for a due process hearing is filed. The "resolution session" provides an opportunity for the parent and/or adult student and the district to resolve issues identified in a due process hearing request. A resolution session is a meeting scheduled by the district and involves relevant members of the IEP team and the parent and/or adult student. The attorney for the school district will not attend the meeting unless the parent's/adult student's attorney is present. If requested by both parties, the State Department of Education (SDE) will appoint a neutral facilitator to conduct the resolution session.

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A resolution session will be scheduled by the district unless one of the following occurs:

1. Both the parent and/or adult student and the school district mutually agree to participate in SDE mediation.
2. Both the parent and/or adult student and the school district mutually agree in writing to waive the resolution session.

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Should a resolution session occur, the 45-day hearing process will not start until up to 30 days have expired, allowing for resolution.

Should the parties mutually waive the resolution session and mutually agree not to participate in SDE mediation, the due process hearing will be scheduled, and the 45-day timeline for completing the hearing will start on the date that the request for a hearing was received.

Please sign below regarding your participation in a resolution session. Unless both the district and the parent and/or adult student waive the resolution session, a meeting will be scheduled. If the district schedules a resolution session and the parent and/or adult student does not attend, the issues cannot be taken to a due process hearing.

Signature	Waive Resolution Meeting	Date
Parent:	[ ] Yes [ ] No	
Parent:	[ ] Yes [ ] No	
District Representative:	[ ] Yes [ ] No	

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