

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 11, 2016**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>IDAHO STATE UNIVERSITY ANNUAL REPORT</b>	Information Item
2	<b>CHAIRMAN'S REPORT</b>	Information Item
3	<b>NORTHWEST REGIONAL ADVISORY COMMITTEE UPDATE</b>	Information Item
4	<b>IDAHO CAREER TECHNICAL EDUCATION ANNUAL REPORT</b>	Information Item
5	<b>BOARD POLICY I.E. – EXECUTIVE OFFICERS – FIRST READING</b>	Motion to Approve
6	<b>BOARD POLICY I.J. – USE OF INSTITUTIONAL FACILITIES – FIRST READING</b>	Motion to Approve
7	<b>BOARD POLICY BYLAWS – SECOND READING</b>	Motion to Approve
8	<b>IDAHO INDIAN EDUCATION COMMITTEE - BYLAWS</b>	Motion to Approve
9	<b>IDAHO EDUCATOR PIPELINE REPORT</b>	Information Item
10	<b>ACCOUNTABILITY OVERSIGHT COMMITTEE – STATEWIDE ACCOUNTABILITY SYSTEM RECOMMENDATIONS</b>	Motion to Approve
11	<b>EDUCATION OPPORTUNITY RESOURCE COMMITTEE APPOINTMENT</b>	Motion to Approve

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12	<b>TEMPORARY/PROPOSED RULE IDAPA 08.01.02 – POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM</b>	Motion to Approve
13	<b>TEMPORARY/PROPOSED RULE IDAPA 08.01.04 – POSTSECONDARY RESIDENCY REQUIREMENTS</b>	Motion to Approve
14	<b>PROPOSED RULE IDAPA 08.01.09 – RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM</b>	Motion to Approve
15	<b>TEMPORARY/PROPOSED RULE IDAPA 08.02.01.801, RULES GOVERNING ADMINISTRATION – CONTINUOUS IMPROVEMENT PLANS</b>	Motion to Approve
16	<b>TEMPORARY/PROPOSED RULE IDAPA 08.02.01, RULES GOVERNING ADMINISTRATION – LITERACY GROWTH TARGETS</b>	Motion to Approve
17	<b>TEMPORARY/PROPOSED RULE IDAPA 08.02.01, RULES GOVERNING ADMINISTRATION – STATEWIDE AVERAGE CLASS SIZE</b>	Motion to Approve
18	<b>PROPOSED RULE IDAPA 08.02.02, RULES GOVERNING UNIFORMITY – TEACHER CERTIFICATION REQUIREMENTS</b>	Motion to Approve
19	<b>PROPOSED RULE IDAPA 08.02.03, RULES GOVERNING THOROUGHNESS – CAREER TECHNICAL EDUCATION CONTENT STANDARDS</b>	Motion to Approve
20	<b>PROPOSED RULE IDAPA 08.02.03.105, RULES GOVERNING THOROUGHNESS – PROFICIENCY GRADUATION REQUIREMENT</b>	Motion to Approve
21	<b>TEMPORARY/PROPOSED RULE IDAPA 08.02.03, RULES GOVERNING THOROUGHNESS – CIVICS AND GOVERNMENT CONTENT STANDARDS PROFICIENCY – GRADUATION REQUIREMENT</b>	Motion to Approve
22	<b>PROPOSED RULE IDAPA 08.02.03, .111, .112 RULES GOVERNING THOROUGHNESS – COMPREHENSIVE ASSESSMENT PROGRAM AND ACCOUNTABILITY REQUIREMENTS</b>	Motion to Approve

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23	<b>PROPOSED RULE IDAPA 08.02.05, RULES GOVERNING PAY FOR SUCCESS CONTRACTING</b>	Motion to Approve
24	<b>PROPOSED RULE IDAPA 08.05.01, RULES GOVERNING SEED AND PLANT CERTIFICATION</b>	Motion to Approve
25	<b>PROPOSED RULE IDAPA 47.01.01, RULES OF THE DIVISION OF VOCATIONAL REHABILITATION</b>	Motion to Approve
26	<b>PROPOSED RULE IDAPA 47.01.02, RULES AND MINIMUM STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES</b>	Motion to Approve
27	<b>PROPOSED RULE IDAPA 55.01.03, RULES OF PROFESSIONAL TECHNICAL SCHOOLS – CAREER TECHNICAL SCHOOLS</b>	Motion to Approve

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**IDAHO STATE UNIVERSITY**

**SUBJECT**

Idaho State University (ISU) Annual Progress Report

**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 ISU to provide a progress report on the institution's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

ISU will provide a tour for Board members as follows:

10:00 a.m. - Pick up at Student Union

10:20 a.m. - Walking tour of Gale Life Sciences Complex

11:20 a.m. - Walking tour of Museum of Natural History

12:00 p.m. - Return to Student Union for lunch

**IMPACT**

ISU utilizes an Institutional Effectiveness and Assessment Council framework to support mission fulfillment. Use of ISU's strategic plan drives the University'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 State Board of Education, the Division of Financial Management, and the Legislative Services Office.

**ATTACHMENTS**

Attachment 1 – Annual Progress Report

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**BOARD ACTION**

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

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**SUBJECT**

Chairperson Report

**BACKGROUND/DISCUSSION**

The Planning, Policy and Governmental Affairs chairperson would like to discuss adding a standing agenda item for providing updates to the full Board on issues that are being worked on by the committee and would come to the Board at a later date.

Updates would serve as a notification but would not lead to a general discussion of the issues unless properly noticed in the agenda in compliance with Idaho's open meeting law.

**BOARD ACTION**

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**SUBJECT**

Northwest Regional Advisory Committee Update

**BACKGROUND/DISCUSSION**

The Comprehensive Centers (Centers) program is authorized by Title II of the Educational Technical Assistance Act of 2002 (ETAA) and the Education Sciences Reform Act (ESRA) of 2002. The U.S. Department of Education (Department) funds these Centers to provide technical assistance to State Education Agencies (SEAs) that builds SEA capacity to: support local educational agencies (LEAs or districts) and schools, especially low-performing districts and schools; improve educational outcomes for all students; close achievement gaps; and improve the quality of instruction.

Before a competition for the Centers program is held, the ETAA requires the establishment of ten (10) Regional Advisory Committees (RACs) (not to exceed 25 members). The purpose of these committees is to collect information on the educational needs of each of the ten (10) regions served by the Regional Educational Laboratories as part of the Centers program. To the extent the Secretary deems appropriate, the Department will use the information submitted by the RACs, along with other relevant regional surveys of needs, to establish priorities for the next cohort of Centers.

The US Department of Education changed the process for obtaining recommendations from consensus to seeking the technical advice of each individual RAC member. Not later than six months after each RAC is convened, they will submit a report based on this needs assessment to the Education Secretary. The report will contain an analysis of the educational needs of their region and each individual's technical advice to the Secretary regarding how those needs might be most effectively addressed. The Secretary shall establish priorities for the next cohort of comprehensive centers, taking into account these regional needs identified by individual RAC members and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

Dr. Linda Clark was nominated and chosen by the U.S. Department of Education to serve as a member of the RAC to provide technical advice. Dr. Clark will update the Board on the RAC's work completed thus far and the survey used to collect feedback.

**IMPACT**

The feedback obtained from the online survey, located at the following link: <https://www.surveymonkey.com/r/PML2GPN>, will provide guidance to address educational issues of our region and how the U.S. Department of Education's Comprehensive Centers can provide assistance to address these same issues.

**BOARD ACTION**

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



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**IDAHO DIVISION OF CAREER TECHNICAL EDUCATION**

**SUBJECT**

Annual Progress Report

**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 the Division of Career Technical Education (Division) to provide a progress report on the agency's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

Dwight Johnson, State Administrator of the Division, will provide an overview of Division's progress in carrying out the agency's strategic plan.

**ATTACHEMENTS**

Attachment 1 – Progress Report

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Attachment 2 – Presentation

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**BOARD ACTION**

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**SUBJECT**

Board Policy I.E. Executive Officers – First Reading

**REFERENCE**

December 2008	Board approved the first reading with changes of Board Policy I.E. Executive Officers, multi-year contracts.
February 2009	Board discussion of Board Policy I.E. Executive Officers
June 2009	Board approved second reading I.E. Executive Officers with amendments, multi-year contracts.
August 2009	Board Approved first reading with changes of Board Policy I.E.4. Reimbursement of expenses
October 2009	Board approved second reading of Board Policy I.E.4 Reimbursement of expenses
October 2010	Board approved first reading of Board Policy I.E.2. Presidents/Agency Heads allowing CEO's to receive stipends or other forms of compensation for unrelated duties or activities
December 2010	Board approved second reading of Board Policy I.E.2
December 2015	Board approved first reading of Board Policy I.E. Executive Officers, regarding the timely reporting of events.
February 2016	Board approved second reading of Board Policy I.E. Executive Officers

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Sections I.E. Executive Officers.

**BACKGROUND/DISCUSSION**

State Board of Education Policy, Section I.E., grants each institutional president the use of an institution automobile, maintained by the institution, or a vehicle allowance, at their discretion. When using an institution owned vehicle it is customary for the institution to assign the vehicle to the institution president for their sole use.

Currently state owned or controlled vehicles (with few exceptions for law enforcement) are required to be conspicuously marked as state vehicles (Idaho Code §49-2426) and are only allowed to be used for official business. This is not consistent with the current practice when a president has used an institution vehicle rather than receiving the vehicle allowance. The proposed changes to Board Policy I.E. Executive Officers would elimination the option for the chief executive officer to use an institution vehicle, and would set out provisions for reimbursement and insurance requirements when a personal vehicle is used for business purposes.

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The proposed amendments bring the policy into alignment with state requirements, including Risk Management.

**IMPACT**

Approval of the proposed amendments would bring the policy into alignment with state law and risk management insurance requirements.

**ATTACHMENTS**

Attachment 1 – First Reading I.E. Executive Officers

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**STAFF COMMENTS AND RECOMMENDATIONS**

The proposed amendments were developed in conjunction with proposed amendment to Board Policy II.F. and the use of “courtesy cars.” While neither policy amendment is dependent on the other, they are in alignment. Proposed amendment to Board Policy II.F. will be considered by the Board under a separate agenda item at the August Board meeting.

Staff recommends approval.

**BOARD ACTION**

I move to approve the first reading of proposed amendments to Board Policy section I.E. Executive Officers, as submitted in Attachment 1.

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

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**UNIVERSITY OF IDAHO**

**SUBJECT**

Board Policy I.J. Use of Institutional Facilities – First Reading

**REFERENCE**

February 2011	Board approved first reading of amendments to Board policy I.J. specific to the alcohol possession and consumption section in relation to NCAA events.
April 2011	Board approved second reading of amendments to Board policy I.J. specific to the alcohol possession and consumption section in relation to NCAA events.
December 2013	Board approved first reading of amendments to Board policy I.J. specific to the use of institutions facilities in competition with the private sector.
February 2014	Board approved second reading of amendments to Board Policy regarding the use of facilities in competition with the private sector.
June 2016	Board denied the requests from Boise State University and University of Idaho to expand alcohol service in conjunction with NCAA Football games beyond what is currently allowed in Board Policy I.J.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.J – Use of Institutional Facilities and Services With Regard to the Private Sector  
Idaho Administrative Code, IDAPA 08.01.08 – 100., Possession, Consumption, and Sale of Alcoholic Beverages at Public Higher Education Institutions.  
Idaho Administrative Code, IDAPA 38.04.07 – 305, Food and Beverage

**BACKGROUND/DISCUSSION**

Idaho Administrative Code, IDAPA 08.01.08.100 prohibits the sale, possession or consumption of alcoholic beverages in college or university owned, leased, or operated facilities and on campus grounds, except as provided in the State Board of Education Governing Policies and Procedures. Board Policy Section I.J. sets the provision by which alcohol may legally be sold or consumed in institution facilities.

Board Policy Section I.J. allows for the chief executive office to approve limit permits under specific conditions, including the requirement that the events be ticketed or by invitation only, food be provided at the event, the event cannot in conjunction with any student athletic event and "...the chief executive officer must ensure that the decisions to allow possession and consumption of alcoholic beverages are consistent with the proper image and the mission of the institution." Alcoholic beverages may also be allowed in conjunction with NCAA pregame

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football activities with prior Board approval under very specific conditions, including, but not limited to, there is limited access to the area through controlled access points, attendance is limited to those with a written invitation, and food must be available at the event.

The University of Idaho has brought forward a request to amend Board Policy I.J. to allow for the possession and consumption of alcohol in designated parking lots or limited areas on university grounds during home football games with prior Board approval. These designated “tailgating areas” would have limited access through controlled entry points and only game patrons and their guests “authorized” by the institution would be allowed to park and tailgate in these areas. Location, times and dates would be submitted to the Board for approval and would be limited between 10:00 am and 10:00 pm on the day of the game.

**IMPACT**

Approval of the proposed amendments would allow for the possession and consumption of alcohol during NCAA football games hosted by the institutions in select parking lots or other areas on campus designated as “tailgating areas.”

**ATTACHMENTS**

Attachment 1 – Board Policy I.J. – First Reading

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**STAFF COMMENTS AND RECOMMENDATIONS**

The proposed amendments expanding public areas where alcohol is allowed to include designated tailgating areas is outside of the institutions’ mission for learning and public service. The draft language of the amendments proposed by the University of Idaho were provided to each of the institution’s legal counsel for review. No comments from the other institutions were received at the time of agenda production.

In addition to the amendments proposed by the University of Idaho the attached draft includes an increase in the per instance liability limits from \$500,000 to \$1,000,000. This amendment would bring the policy in compliance with the minimum liability required by Risk Management for permitted events.

**BOARD ACTION**

I move to approve the first reading of proposed amendments to Board Policy Section I.J. as submitted in attachment 1.

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

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**SUBJECT**

Board Policy - Bylaws – Second Reading

**REFERENCE**

February 2014	The Board considered, but did not approve amendments to the Board Bylaws.
June 2014	Board approved the first reading of amendments to Board Policy – Bylaws.
October 2014	Board approved a first reading of the Board Bylaws, incorporating language outlining the purpose of the Athletic Committee.
February 2015,	Board approved the second reading of proposed changes to the Board Bylaws, incorporating the Athletic Committee.
June 2016,	Board approved the first reading of the Board Bylaws, amending the program approval sunset clause.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures - Bylaws

**BACKGROUND/DISCUSSION**

At the June 2016 Board meeting staff presented proposed amendments to the Board's Bylaws that would set a time limit of one year on Board approvals that were not acted on. Items that were not acted on within that period of time would need to be brought back to the Board for reconsideration. This process will allow for the Board to consider the action under current circumstances, rather than action being taken based on past circumstances that may no longer be relevant.

**IMPACT**

The proposed amendments would clarify the time period for which Board approval on a given item is relevant for and when items needed to be brought back to the Board for reconsideration.

**ATTACHMENTS**

Attachment 1 – Bylaws – Second Reading

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Board policy Section III.G. Program Approval and Discontinuance contains a program approval sunset clause. Any program approved by the Board or the Executive Director must be implemented within five years or be brought back to the Board or Executive Director, as applicable, for re-approval before it can be implemented.

There were no changes between first and second reading, staff recommends approval.



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**BOARD ACTION**

I move to approve the second reading of Board policy - Bylaws as submitted in Attachment 1.

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

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**SUBJECT**

Idaho Indian Education Committee Bylaws

**REFERENCE**

December 6-7, 2007	The Board was provided an update on the Native American Higher Education Committee's progress.
June 20, 2008	The Board approved the Committee moving forward with scheduling future meetings with each of the Tribes and charged the Committee with reviewing how Board policy can meet the underserved need in the communities through advanced opportunities.
February 21, 2013	The Board approved the first reading of Board Policy I.P.
April 18, 2013	The Board approved the second reading of Board Policy I.P.
April 14, 2016	The Board approved the first reading of Board Policy I.P.
June 16, 2016	The Board approved the second reading of Board Policy I.P.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.P.  
Idaho Indian Education Committee

**BACKGROUND/DISCUSSION**

The Idaho Indian Education Committee serves as an advisory committee to the State Board of Education (Board) and the State Department of Education (Department) on educational issues and how they impact opportunity, success, and access for Idaho's American Indian student population. The committee also serves as a vital communication connection for Idaho's American Indian tribes, the Board, and the Department.

Board Policy I.P outlines the role and purpose of the committee, committee structure, and terms of membership. The original Board policy contain some provisions that would normally be contained in a groups by laws. At the June 2016 Board meeting the Board approved removing these provisions from the policy and placing them in committee bylaws. The proposed bylaws incorporate these provisions as well as additional provisions to provide further guidance on operating procedures of the committee and responsibilities of staff support from both the Office of the State Board of Education and the Department.

**IMPACT**

Approval of the bylaws will provide the needed guidance to the Committee for its structure and operation of committee meetings.

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**ATTACHMENTS**

Attachment 1 – Indian Education Committee Bylaws

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

At the March 4, 2016 Indian Education Committee meeting, the committee reviewed the bylaws and recommended approval with a few minor edits. The proposed bylaws are in compliance with Board policy I.P.

Board staff recommends approval.

**BOARD ACTION**

I move to approve the Indian Education Committee bylaws as submitted in attachment 1.

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

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**SUBJECT**

Idaho Educator Pipeline Report

**REFERENCE**

August 2015	The Board approved a proposed rule reorganizing IDAPA 08.02.02 and discussed the miss-alignment of current certification practices with Idaho Administrative Code.
December 2015	The Board reviewed an initial Teacher Pipeline Report and requested additional data.

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-1201 -1207, Idaho Code  
Idaho Administrative Code, IDAPA 08.02.02, Rules Governing Uniformity

**BACKGROUND/DISCUSSION**

In late 2014, as part of the of the Career Ladder subcommittee work on tiered certification, it was discovered that there were a number of current practices regarding teacher certification that were not in alignment with Idaho statute or Idaho Administrative Code. Idaho Code authorizes the State Board of Education (Board) to set the requirements for teacher certification, within specified minimum requirements. The more specific requirements are set by the Board are outlined in Administrative Code. In 2015 Board staff, working with State Department of Education staff, started looking at the practices that had developed over time and the current certification requirements to identify which areas of the administrative rules should be changed and which practices needed to be changed to be compliant with Administrative Code. At the same time Board staff started working on a comprehensive report that would help to quantify the teacher shortage in Idaho and identify areas of weakness within Idaho's teacher preparation pipeline.

The Board was presented with a first look at the data during the December 2015 Board meeting and at that time indicated additional data they would like to see in the final report. The attached report provides updated information for all previous data points and includes additional details regarding administrators, career technical teachers, and teacher candidate demographics.

**IMPACT**

The attached report will help to inform the Board of the health of Idaho's educator pipeline and start the discussion regarding next steps to address these issues.

**ATTACHMENTS**

Attachment 1 – Idaho Educator Pipeline Report, July 2016

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

The Teacher Pipeline Report provides available data on Idaho's educator pipeline. Staff recommends the Board use the information included in the report to inform

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decisions regarding making changes to sections of Administrative Code related to certification (provided as a separate agenda item) and for long-term discussions about policies intended to prevent and address shortages in rural areas and specific content areas. It is clear from the data provided and working with various stakeholder groups that there is no simple answer to addressing the availability of highly effective teachers across the state. It is clear from all stakeholder groups that there is a desire to maintain a high standard for our professional educators and that changes to the current educator certification requirements will not address the issues faced within Idaho or across the nation.

**BOARD ACTION**

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**SUBJECT**

Accountability Oversight Committee Statewide Accountability System  
Recommendations

**REFERENCE**

October 2015	Accountability Oversight Committee presented recommendations to the Board regarding changes to be made to the state's accountability system, in preparation for submission of a new ESEA waiver
February 2016	Board received an update on the timeline for the Accountability Oversight Committee to bring recommendations forward
April 2016	Accountability Oversight Committee presented recommendations to the Board regarding removal of the ISAT proficiency and college entrance exam graduation requirements. The Board adopted the recommendation that the ISAT proficiency graduation requirement be removed and rejected the recommendation that the college entrance exam graduation requirement be removed.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section III.AA. Accountability Oversight Committee  
Section 33-110, Idaho Code – Agency to Negotiate, and Accept, Federal Assistance  
Idaho Administrative Code, IDAPA 08.02.02 – Section 111, Assessment in the Public Schools; IDAPA 08.02.02 – Section 112, Accountability; IDAPA 08.02.02 – Section 113, Rewards; and IDAPA 08.02.02 – Section 114, Failure to Meet Adequate yearly Progress (AYP); IDAPA 08.02.03 – Section 105.

**BACKGROUND/DISCUSSION**

The Accountability Oversight Committee (committee) was established in April 2010 as an ad-hoc committee of the Idaho State Board of Education to make recommendations to the Board on improvements to the statewide student achievement system and to report annually to the Board on the effectiveness of the system. On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA) reauthorizing the Elementary and Secondary Education Act of 1965. Pursuant to ESSA, states must implement new accountability systems aligned to the law by the 2017-2018 school year.

In January 2016, the Policy, Planning and Governmental Affairs Committee charged the Accountability Oversight Committee with bringing forward recommendations to the Board that were in alignment with the Task Force recommendations for a new state accountability system (Recommendation 5 – 2013) and would meet the federal accountability requirements. This charge

included gathering input from all education stakeholders with the goal of having a recommendation ready in time for the Board to consider the recommendation and test those parts of the recommendation that are during the 2016-2017 school year prior to holding districts accountable to them in the 2017-2018 year, as required by ESSA.

The committee sought out expert guidance and stakeholder feedback throughout the process of developing their recommendations. The committee's report is provided as Attachment 1; a summary of recommendations by topic follows:

**Performance Measures**

- An accountability system that includes indicators which meet the requirements for federal accountability and additional state indicators to be provided on a data dashboard that present a well-rounded picture of school performance
- Separate indicators for three (3) types of schools: Elementary and Middle Schools, High Schools, and Alternative High Schools (please see the full report for the committee's recommendations of indicators appropriate for each school category)

**High School Assessment and Graduation Rate Calculations**

- Transition the accountability assessment (ISAT by Smarter Balanced) for high school to 11<sup>th</sup> grade administration
- Adjust the graduation rate calculation by extending the period for students to complete graduation requirements through the summer

**Student Growth Calculations**

- The State Department of Education should work closely with members of the Idaho Assessment Technical Advisory Committee to identify and recommend a new model for calculating student growth

**Scoring and Reporting**

- Data regarding schools' performance on all accountability indicators should be presented publically on an interactive online data dashboard; however, the dashboard should not include a summative score or performance rating

The draft accountability system recommended by the committee, particularly the indicators designated for use for federal accountability, is compliant with ESSA requirements. However, the committee's recommendation to not publically post a summative rating or score for all schools conflicts with the proposed regulations released in May by the U.S. Department of Education. The committee would like to provide feedback regarding the regulations, as the committee members feel that the proposed data dashboard is in compliance with the ESSA and its intent and hopes that the U.S. Department of Education will adjust the regulations before they are finalized.

**IMPACT**

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Adoption of the recommendations will provide Board staff with the details needed to finalize administrative rules regarding the state's comprehensive assessment system and accountability requirements.

**ATTACHMENTS**

Attachment 1 – Accountability Oversight Committee K-12 Statewide Accountability System Recommendations Report	Page 7
Attachment 2 – Chairperson Comments	Page 21

**STAFF COMMENTS AND RECOMMENDATIONS**

At the April 2016 regular Board meeting the Board was asked to consider the removal of the Idaho Standards Achievement Test (ISAT) proficiency and college entrance exam (ACT or SAT) graduation requirements. These recommendations were brought forward in advance of the accountability system recommendations so that any action taken by the Board could be implemented through the administrative rule promulgation process this year, as the requirements are contained in Idaho Administrative Code, IDAPA 08.02.03.105. At that time the Board adopted the recommendation to remove the ISAT proficiency graduation requirement and rejected the recommendation to remove the requirement that a student take a college entrance exam, returning the recommendation to Accountability Oversight Committee.

The current state graduation requirements require, in addition to a minimum number of credits in specific content areas, that each student show proficiency through achievement of a “proficient” or “advanced” score on the grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage (or an alternate route established by the school district), and that all students take a college entrance exam in grade 11. Additional provisions exist for students who miss the state administration of the college entrance exam in grade 11. The Board will be considering an amendment to IDAPA 08.02.03.106.06, Proficiency, removing the proficiency requirement as a separate agenda item during the August 2016 Board meeting.

The state Comprehensive Assessment System and state accountability requirements are contained in IDAPA 08.02.03.111-113. Amendments to these sections in alignment with the proposed Committee recommendations will be presented to the Board as a separate agenda item. Based on Board consideration of the Committee’s recommendations, changes may need to be made to the proposed rule prior to Board consideration at the August Board meeting. The state rulemaking timelines require that Notices of Intent be published prior to the development of any new or proposed rules in a timely manner that allows for public input prior to the Board considering any proposed amendments or new administrative rules. For proposed rules to make it through the rulemaking process in a given year the Board must take action on the proposed changes at the August Board meeting. The Board cannot take action on something that has not been properly noticed (unless it meets one of the limited exemptions for notice of intent).



The existing assessment program requires the ISAT be administered to students in grades 9 and 10, and as applicable to students in grade 11. The Committee recommendations would move the required administration of the ISAT to grade 11. This would result in the required participation rate being calculated from those students in grade 11 taking the ISAT.

The current college entrance exam requirement was added as part of the High School Redesign Initiative of the Board in 2003. This initiative increased the rigor of the state's high school graduation requirements by increasing the number of credits required in math and science, requiring senior projects be completed, requiring that math be taken during the senior year, and requiring that students take a college entrance exam to graduate. While not fully realized, the initiative also contemplated moving toward a standards-based approach rather than the prior seat time credit requirement. This included using end of course assessments and standards-based portfolios and examinations for determining proficiency in the standards to graduate and expanding the ISAT science assessment to every grade level. The current college entrance exam requirement allows students to choose between the ACT or SAT. Based on the state procurement and bidding processes, the state was able to procure favorable terms for the statewide administration of the SAT. This allows the state to pay for all students to take the SAT on the statewide "test day" at no cost to the student. Students may choose to take the assessment at that time at no cost to them or they may take it on a different day, or they may choose to take the ACT at their own expense. The ACT and the SAT provide fee waivers to certain eligible students and some school districts pay the cost of the student to take the ACT if they choose. The current graduation requirement allows the student to choose which assessment they take.

The requirement to take a college entrance exam was based in part on research from other states that showed just taking the exam had helped to increase the number of students going on to postsecondary education. Additional data showed that college entrance exams were a barrier to students going on to college when the students came from homes where they were the first individual in the family to go on to a postsecondary education or came from families that did not value postsecondary education. These students often did not have the support or the information needed to understand the importance of taking a college entrance exam and were less likely to voluntarily take the exam. Requiring all students take a college entrance exam reached this group of students as well as students that chose not to take the exam because they did not think they would be successful.

By requiring the exam be taken in grade 11, students who initially did not do well on the exam could use the exam to identify areas that needed improvement and then retake the exam during their senior year. Those students that did well on the exam in grade 11 were able to use the exam in completing initial college entrance and scholarship applications. The High School Redesign Initiative was adopted by the Board in 2004. Following additional public and legislative input, initiative

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components were refined with final Administrative Code amendments adopted by the Board in 2005 and approved by the Legislature in 2006. This initiative was also accompanied by significant budget requests starting in FY 2007. Due to the college entrance exam being a graduation requirement, the Board and the State Department of Education were successful in winning legislative support for state funding to cover the cost for all students to take the college entrance exam (based on a statewide contract). The first graduating class subject to the college entrance exam requirement was the class of 2012. The impact of this requirement on Idaho's Go On rate is unknown due to the limited number of student cohorts that have graduated since the requirement went into effect. Additional benefits that were not contemplated as part of the original initiative have been the ability to use the college entrance exam to identify students for the Direct Admissions initiative and the recommendation from the Governor's Taskforce subcommittee on Accountability and Autonomy that the college entrance exam being used as one of the standard performance measure used by all school districts (as applicable) in their continuous improvement plans. If students were not required to take a college entrance exam, one of the two (2) prongs currently used for admissions under the Board's Direct Admission program would be lost, and fewer students might see postsecondary education as a viable option.

The framework provided as Appendix B to the Accountability Oversight Committee's Recommendations was developed by Idaho higher education faculty, high school counselors, school administrators and State Department of Education staff in the spring and summer of 2014 and is an example of how the ISAT could be used for identifying remediation needs and placement at the postsecondary level. The framework has not been adopted by the Board and based on changes to available assessments, and the discontinuance of the Compass by ACT, would need to be updated prior to consideration of its use. At this time it should only be used as an example of what could be done in this area.

**BOARD ACTION**

I move to adopt the Accountability Oversight Committee's recommendations regarding the statewide accountability framework model as presented in Attachment 1.

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

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**SUBJECT**

Education Opportunity Resource Committee Appointment

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-5603, Idaho Code – Education Opportunity Resource Committee

**BACKGROUND/DISCUSSION**

During the 2016 Legislature SB 1334 (2016) created a new chapter of Idaho Code, title the Education Opportunity Resource Act. The purpose of this act is to establish a resource for Idaho's education library system in providing broadband and related services to students, and to support Idaho's E-rate eligible entities with technical, contracting and procurement guidance. To this end the Education Opportunity Resource Committee was established. The members of the committee are to include:

- The State Superintendent (or designee),
- One (1) member appointed by the State Board of Education,
- Three (3) member appointed by the Idaho association of school administrators (based on school district student enrollment),
- The State Librarian (or designee), and
- Two (2) school technology personnel appointed by the Idaho Education Technology Association.

Pursuant to Section 33-5604, Idaho Code, the Committee is charged with focusing on the broadband and related service needs of all E-rate eligible entities, and at a minimum:

- (1) Make budget and policy recommendations to the state department of education regarding:
  - (a) Broadband parameters;
  - (b) Incentives for E-rate eligible entities to obtain the most appropriate service that best fits such entities' broadband needs and that is fiscally responsible; and
  - (c) The minimum and maximum service levels, the quality of services and the minimum per student or person internet level that contracts must adhere to for E-rate eligible entities to be eligible for state reimbursement;
- (2) Establish reimbursement methodology that includes, but is not necessarily limited to, the following components:
  - (a) Distribution of appropriated moneys to E-rate eligible entities that have received E-rate funding. Distribution of such moneys must be in an amount equal to the non-E-rate reimbursed cost of internet services; and
  - (b) If E-rate funding is not available to an E-rate eligible entity, reimburse the entity for its internet service costs;
- (3) Compile and analyze broadband utilization statistics from E-rate eligible entities to determine the levels of internet services necessary for such entities and report the statistics to the state department of education, and E-rate eligible

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entities shall cooperate with the committee in carrying out its duty to compile and analyze such information;

- (4) Advise and recommend resources to assist the state department of education in carrying out its responsibility to provide E-rate application assistance and support to E-rate eligible entities;
- (5) Not provide legal advice;
- (6) Collaborate with other relevant governmental and nongovernmental entities to ensure best practices in broadband are used and to recommend the terms of contracts for broadband and related services; and
- (7) Ensure compliance with appropriate purchasing laws.

At this time Andy Mehl is being nominated for consideration as the Board of Education appointed member of the committee.

Andy Mehl has been managing the Postsecondary Statewide Longitudinal Data System (SLDS) for the Office of the State Board of Education since August 2010. In that capacity he has built the system from scratch and also applied for and received a federal SLDS grant for which he serves as Program Director. Additionally, Mr. Mehl chairs the architecture group for the Western Interstate Council on Higher Education (WICHE) multistate data exchange pilot project (phase 2). Prior to joining the Office of the State Board of Education, Mr. Mehl was most recently an IT Director at URS and managed the Project Management Office (PMO) responsible for IT projects serving over 10,000 users worldwide. He has previously served several other roles in IT including many years as an application developer, analyst, and IT Department Manager at Motivepower. He also spent several years implementing process improvement for Motivepower which drives his desire to streamline processes and eliminate wasted time, effort, and money.

**IMPACT**

This appointment will fill the Board appointed seat on the committee.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval.

**BOARD ACTION**

I move to appoint Andy Mehl to the Idaho Education Opportunity Resource Committee for a four (4) year term effective immediately and expiring on June 30, 2020.

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

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**SUBJECT**

Temporary/Proposed Rule, IDAPA 08.01.02 – Rules Governing Postsecondary Credit Scholarship Program

**APPLICABLE STATUTES, RULE OR POLICY**

Section 33-4605, Idaho Code

**BACKGROUND/DISCUSSION**

HB 477a (2016) created a new section of code, Section 33-4605, Idaho Code, which created a new state administered scholarship titled the Postsecondary Credit Scholarship. The new program provides a scholarship to all students who have earned ten (10) or more postsecondary credits at the time of high school graduation. Students who earn ten (10) or more credits, but less than twenty (20) credits will be eligible for up to a two thousand dollar (\$2,000) spread over two (2) years. Students who earn twenty (20) or more credits but do not earn an associate degree at the time of high school graduation are eligible for up to a four thousand dollar (\$4,000) scholarship spread over two (2) years. Students who earn an associate degree at the time of high school graduation are eligible for up to an eight thousand dollar (\$8,000) scholarship spread over two (2) years. The final amount of the scholarship is subject the student having obtained a matching business or industry merit based scholarship.

These scholarships may be used for tuition and fees at the same institutions that the Opportunity Scholarship can be used.

The proposed rule would create a new section of administrative code similar to the Opportunity Scholarship section that would set out the administrative procedures for applying for the scholarship and provide clarification around the required business or industry matching scholarship.

**IMPACT**

The approval of this proposed rule will set out the administrative procedures and clarify requirements for the new Postsecondary Credit Scholarship.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.01.02

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

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Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria: provides protection of public health, safety, or welfare; or is to come into compliance with deadlines in amendments to governing law or federal programs; or is conferring a benefit. This rule qualifies as temporary rules as it brings the state in compliance with HB 477a (2016) and Section 33-4602, Idaho code.

Staff recommends approval.

**BOARD ACTION**

I move to approve the temporary and proposed rule IDAPA 08.01.02 Rules Governing the Postsecondary Credit Scholarship as submitted in Attachment 1.

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

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**SUBJECT**

Temporary/Proposed Rule, IDAPA 08.01.04 – Rules Governing Residency Classification

**REFERENCE**

June 2011	Board approved proposed rule changes to IDAPA 08.01.04 updating residency requirements for special graduate or professional programs.
November 2011	Board approved pending rule changes to IDAPA 08.01.04., updating residency requirements.

**APPLICABLE STATUTES, RULE OR POLICY**

Section 33-3717B, Idaho Code

**BACKGROUND/DISCUSSION**

During the 2016 legislative session the Board proposed amendments to Section 33-3717B, Idaho Code, Residency Requirements. The proposed amendments simplified the requirements for determining residency for students attending a public institution under the direct governance of the State Board of Education. The statutory amendments grant residency status for students who graduated from and Idaho high school or attended and Idaho elementary and/or secondary school for six (6) or more years, in addition to existing requirements for students who are dependents of residents or students who serve in our armed forces. Students who meet the graduation or attendance requirement are now granted residency, for tuition purposes, without having to prove domicile for the previous twelve (12) months IDAPA 08.01.04., provides clarification of the residency requirements pursuant to Section 33-3717B, Idaho Code. Amendments are being proposed to IDAPA 08.01.04 to bring it into compliance with the provisions of Section 33-3717B, Idaho Code.

The proposed rule includes the following amendments:

- Deletes unnecessary definitions for terms that are either no longer used or are defined with the statute itself
- Adds a definition of accredited secondary school and armed forces. These terms were previously undefined.
- Sets out timelines for submitting requests for reclassification of residency determinations.
- Simplifies the factors for determining domicile and specifies which items can be used as factor and which items must be used in conjunction with other factors.
- Simplifies the appeals procedure
- Deletes section that are no longer applicable and makes additional technical changes.



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**IMPACT**

The approval of this proposed rule will bring the rule in compliance with Section 33-3717B and allow for it to move forward for public comment.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.01.04

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria: provides protection of public health, safety, or welfare; or is to come into compliance with deadlines in amendments to governing law or federal programs; or is conferring a benefit. This rule qualifies as temporary rules as it brings the state in compliance with HB 477a (2016) and Section 33-4602, Idaho code.

Board staff worked with the legal counsel and Registrars at each of the institutions in developing the proposed rule. Staff recommends approval.

**BOARD ACTION**

I move to approve changes to temporary and proposed rule IDAPA 08.01.04 Rules Governing Residency Classification as submitted in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 08.01.09 – Rules Governing the GEAR UP Idaho Scholarship Program

**REFERENCE**

June 23, 2011	Board approved changes to temporary and proposed rule 08.01.09, Rules Governing the GEAR UP Idaho Scholarship program
June 20, 2013	Board approved changes to proposed rule 08.01.09, Rules Governing the GEAR UP Idaho Scholarship program
October 2013	Board approved pending rule, docket 08-0109-1301, amending the GEAR UP Idaho Scholarship.
August 2015	Board approved proposed rule changes to IDAPA 08.01.09, Rules Governing GEAR UP Idaho Scholarship program
November 2015	Board approved pending rule, docket 08-0109-1501, providing efficiencies in the administration of the scholarship awards, as well as provide clarity for individuals applying for the scholarship

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 08.01.09

**BACKGROUND/DISCUSSION**

The GEAR UP Idaho Scholarship is the scholarship component of the Federal GEAR UP grant. The purpose of the GEAR UP program is to provide targeted early intervention services to students in areas where inadequate academic and financial preparation can make going on to postsecondary education seem unattainable. One component of this program is the scholarship. The original scholarship is available to students who had attended a school participating in the GEAR UP Idaho program and who had participated in the programs early intervention component in grades seven (7) through ten (10). To be eligible for participation in the GEAR UP 1 scholarship, the student must have graduated in 2012, 2013, or 2014. Idaho received a second GEAR UP grant, referred to as GEAR UP 2. The scholarship component of GEAR UP 2 is available to students who will graduate from high school in 2017 and 2018. The student eligibility requirements for the GEAR UP 2 program are slightly different than those of GEAR UP 1.

Due to the changes in federal requirements for this program it will no longer be necessary to have administrative rules governing the scholarship program. Participation and award amounts will be based on the federal program requirements. Based on these requirements, the award amounts for students that graduate in 2017 or 2018 will be the total amount of available funds divided by the total number of eligible applicants.

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**IMPACT**

The proposed changes will bring the rule regarding the student eligibility in alignment with the federal program requirements.

**ATTACHMENTS**

Attachment 1 – Proposed Rule Changes to IDAPA 08.01.09

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to proposed rule IDAPA 08.01.09, repealing IDAPA 08.01.09 in its entirety.

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

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**SUBJECT**

Temporary/Proposed Rule 08.02.01.801, Rules Governing Administration – Continuous Improvement Plans

**REFERENCE**

June 2014	Board approved temporary and proposed rule 08.02.01 – Strategic Planning, creating the requirements for training reimbursement
November 2014	Board approved pending rule IDAPA 08.02.01 – Strategic Planning
June 2015	Board approved a legislative idea to implement the Task Force subcommittee recommendation on continuous improvement plan reporting
August 2015	Board approved proposed rule 08.02.01.801 – Continuous Improvement Plans, updating the terms to bring the rule in alignment with legislative changes.
September 2015	Board approved legislation to implement the Task Force subcommittee recommendation on continuous improvement plan reporting
November 2015	Board approved pending rule 08.02.01.801 – Continuous Improvement Plans.

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-320, 33-1212A, Idaho Code

**BACKGROUND/DISCUSSION**

Pursuant to Section 33-320, Idaho Code, as amended (HB 560, 2016), the State Board of Education (Board) is required to establish “statewide student readiness and improvement metrics” in three (3) grade bands (elementary, middle, and secondary grades) as well as in reading readiness in grade 1 through 4. School district are then required to report these metrics in their annual Continuous Improvement Plans. Pursuant to Section 33-1212A, Idaho Code, as amended (SB 1290, 2016) requires the Board to specify minimum student outcomes for school districts to use when reporting on the effectiveness of their college and career advising and mentoring programs and requires school districts to report these outcomes as part of their Continuous Improvement Plans.

The proposed amendments to IDAPA 08.02.01.801 will set out these metrics and outcomes, as well as administrative reporting requirements. To properly determine progress in any of these areas requires the use of multiple measures. The proposed metrics will provide for a statewide minimum that is used consistently around the state allow school districts to select any additional measures they wish to use to inform them of their students readiness levels at the given grade bands.

Board staff discussed with stakeholder groups options on measures that are

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currently used statewide and would not require the creation of a new measure that may not be able to be tracked in all districts. Based on these discussions the following minimum metrics are being proposed:

- Career and college readiness metric: college entrance exam
- High school readiness metric: proficiency on the 8<sup>th</sup> grade Idaho Standards Achievement Test
- Grade 7 readiness metric: proficiency on the 6<sup>th</sup> grade Idaho Standards Achievement Test
- Grade 4 reading readiness metric: proficiency at the 3<sup>rd</sup> grade level on the statewide reading assessment
- Grade 3 reading readiness metric: proficiency at the spring 2<sup>nd</sup> grade level on the statewide reading assessment
- Grade 2 reading readiness metric: proficiency at the spring 1<sup>st</sup> grade level on the statewide reading assessment
- Grade 1 reading readiness metric: proficiency at the spring kindergarten grade level on the statewide reading assessment

Improvement metrics would show the percent of year over year growth at each level.

The addition of the statewide student readiness and improvement metrics at the three grade levels is the implementation of one of the Accountability and Autonomy Task Force subcommittee recommendations in 2014. The addition of the reading readiness metrics was a result of legislative action regarding the reading literacy initiative.

**IMPACT**

Approval of the proposed rule will bring the rule in compliance with section 33-320 and 1212A, Idaho Code and provide the school districts guidance on the new reporting requirements.

**ATTACHMENTS**

Attachment 1 – Temporary/Proposed Rule Changes to  
IDAPA 08.02.01.801

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule

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must meet one of three criteria: provides protection of public health, safety, or welfare; or is to come into compliance with deadlines in amendments to governing law or federal programs; or is conferring a benefit. This rule qualifies as temporary rules as it brings the state in compliance with HB 560 (2016) and Section 33-320, Idaho code and SB 1290 (2016) and Section 33-1212A.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to temporary and proposed rule IDAPA 08.02.01.801 as submitted in Attachment 1.

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

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**SUBJECT**

Temporary/Proposed Rule, IDAPA 08.02.01 – Rules Governing Administration –  
Literacy Growth Targets

**APPLICABLE STATUTES, RULE OR POLICY**

Section 33-1616, Idaho Code

**BACKGROUND/DISCUSSION**

HB 526 (2016) amended Section 33-1616, Idaho Code requiring the Board set student trajectory growth to proficiency benchmarks and timelines for Kindergarten through grade 3. The proposed amendments add a new section to IDAPA 08.02.01 setting trajectory growth targets at the statewide level. Board staff in conjunction with feedback from the Idaho School Boards Association and the Idaho Association of School Administrators representatives and historical statewide performance levels on the statewide reading assessment are proposing the following growth targets by grade level.

Year 1 and 2:

<b>Grade</b>	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>% Growth</b>	1.0%	1.0%	1.0%	1.0%

Years 3 through 6:

<b>Grade</b>	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>% Growth</b>	1.8%	2.0%	1.6%	1.2%

The proposed growth targets, if met, would result in the following percent of students being at grade level in reading literacy by 2022 as follows:

<b>Grade</b>	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Percentage</b>	88.4%	79.9%	76.7%	80.4%

The proposed rule would base these proficiency targets on the spring administration of the statewide reading assessment. The proposed targets would need to be re-evaluated each year and readjusted based on changes to the statewide reading assessment. Additionally, the rule would need to be adjusted for out years as we moved through the timeline.

It is also important to the note that these numbers are statewide growth targets and should not be applied to a single school or school district. Each school district will set their own benchmark or targets through their Continuous Improvement Plans. These targets will be based on their specific student populations and school district resources.



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**IMPACT**

The approval of this proposed rule will bring the Board into compliance with new provisions contained in Section 33-1616, Idaho Code, and set statewide growth trajectory targets.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.01.02

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria: provides protection of public health, safety, or welfare; or is to come into compliance with deadlines in amendments to governing law or federal programs; or is conferring a benefit. This rule qualifies as temporary rules as it brings the state into compliance with HB 526 (2016) and Section 33-1616, Idaho Code.

Staff recommends approval.

**BOARD ACTION**

I move to approve the temporary and proposed rule IDAPA 08.02.01 Rules Governing Administration, Literacy Growth Targets as submitted in Attachment 1.

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

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**SUBJECT**

Temporary/Proposed Rule, IDAPA 08.02.01 – Rules Governing Administration –  
Statewide Average Class Size

**APPLICABLE STATUTES, RULE OR POLICY**

Section 33-1616, Idaho Code

**BACKGROUND/DISCUSSION**

HB 476 (2016) amended Section 33-1004, Idaho Code setting additional provisions for determining the statewide average class size that is used in calculations related to school district staff allowances. Prior to Fiscal Year 2016 (FY 2016), school districts were allowed to employ 9.5% fewer positions than what was funded based on their instruction and pupil service staff allowances. Beginning in FY 2016, this percentage is reduced by 1% for each year the school districts average class size was at least one (1) student greater than the statewide average class size.

Pursuant to Section 33-1004, Idaho Code the determination of this factor must be based on “multiple figures determined through analysis of like and similarly situated districts and use of the divisor breakdown established in Section 33-1002, Idaho Code.” The divisor breakdown in Section 33-1002, Idaho Code establishes divisors for school districts based on grade levels and average daily attendance calculations, as well as divisors for alternative schools. The Board and Department of Education staff analyzed the groupings of school districts based on the various divisors applied to a single school district.

The proposed rule amendments would add a new section to IDAPA 08.02.01, Rules Governing Administration setting out the provisions for determining the statewide average class size based on the divisors specified in Section 33-1002, Idaho Code. The proposed breakdown would be as follows:

- Group 1. Group 1 shall consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades 1 through 3 and twenty-three (23) for grades 4 through 6, and a secondary divisor of eighteen point five (18.5).
- Group 2. Group 2 will consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades 1 through 3 and twenty-three (23) for grades 4 through 6, and a secondary divisor less than 18.5.
- Group 3. Group 3 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of nineteen (19) or twenty (20) for grades 1 through 6, and a secondary divisor of less than eighteen point five (18.5).
- Group 4. Group 4 will consist on school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of less than nineteen (19) for

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grades 1 through 6, and a secondary divisor of less than eighteen point five (18.5).

The proposed groupings were shared with the Idaho School Boards Association and Idaho Association of School Administrators representatives and they were comfortable with the analysis and subsequent groupings.

**IMPACT**

Approval of the temporary and proposed rule would set out the method by which the statewide average class size for the use in support unit calculations is determined.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.01.02

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria: provides protection of public health, safety, or welfare; or is to come into compliance with deadlines in amendments to governing law or federal programs; or is conferring a benefit. This rule qualifies as temporary rules as it brings the state in compliance with HB 476 (2016) and Section 33-1004, Idaho Code.

Staff recommends approval.

**BOARD ACTION**

I move to approve the temporary and proposed rule IDAPA 08.02.01.803 Rules Governing Administration, Statewide Average Class Size as submitted in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 08.02.02 – Rules Governing Uniformity – Teacher Certification Requirements

**REFERENCE**

August 2014	Board approved proposed rules incorporating a tiered certification structure into administrative rule as well as reorganization of the section and cleanup of out of date language.
November 2014	Board approved the pending rule incorporating the proposed changes. (The 2015 Legislature rejected the proposed rule)
May 2015	Board approved a temporary rule broadening the language regarding the alternate route to certification – content specialist.
August 2015	Board approved proposed rule amendments reorganizing the teacher certification section and adding language necessary due to the adoption of the career ladder.
November 2015	Board approved pending rule amendments reorganizing the teacher certification requirement (IDAPA 08.02.02)

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.02.02  
Section 33-1201, Idaho Code

**BACKGROUND/DISCUSSION**

In late 2014, as part of the of the Career Ladder subcommittee work on tiered certification, it was discovered that there were a number of current practices regarding teacher certification that were not in alignment with Idaho statute or Idaho Administrative Code. Those practices that were not in alignment with Idaho statute were immediately corrected. In 2015 Board staff, working with the State Department of Education staff and additional education stakeholders, discussed those practices that had developed over time and the current certification requirements to identify which areas of the administrative rules should be changed and which practices needed to be changed to be compliant with Administrative Code. At the same time this group discussed issues around the state and national teacher shortage and ways that the certification requirements could be amended to maintain a high standards of professionalism while still providing flexibility to the school district. There was consensus from the group that there was not a desire to lower the minimum standards for certification and that there was a potential to do long term harm to the profession and students alike.

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The group specifically discussed alternate and non-traditional routes that individuals could use to enter the teaching profession and the classroom. With the exception of small technical changes, it was felt that current requirements provide opportunities for individuals to enter the profession without following the traditional teacher preparation program route as well as pathways for individuals to add additional content area endorsements to their certificates. There was concern that in some areas our teacher mentoring programs were weak or under-resourced and it was felt that these programs were critical for assuring inexperienced teachers had the proper support in place to help them become effective teachers.

The majority of the proposed changes to IDAPA 08.02.02 address the issue of teachers assigned to classrooms outside of the grade ranges they are eligible to teach through their endorsements. Overall the group felt this change could result in increasing the pool of teachers that were available by removing the barrier of having to earn an additional certificate when in reality they were qualified to teach the subject areas and grade ranges if they met the endorsement requirements. This model would include the creation of additional grade ranges on some endorsements which would allow teachers to earn endorsements in those grade ranges they felt comfortable teaching in. At the same time, mechanisms would remain in place for teachers to earn additional endorsement for their certificates similar to the process for earning additional certificates.

The combination of the current standard elementary and secondary certificates address the issue of a teacher teaching outside of the grade range of their certificates without creating a disruption to individuals who currently hold certificates; this will ultimately result in the overall simplification of Idaho's standard instructional certificates.

Additional amendments to IDAPA 08.02.02 include; amendments to the administrator evaluation submittal timeline to bring them in alignment with legislative changes made during the 2016 Legislature; amendments to the certificated staff evaluations regarding student achievement to bring them into alignment with the student achievement requirements that are part of the career ladder; the creation of middle school/grades endorsement grade ranges; and updates to the occupational specialist certificates. The middle school/grades endorsements address the issue of individuals who have already obtained endorsements for grades 6 through 9 that did not previously exist and is in alignment with the single instructional certificate model.

## **IMPACT**

The proposed amendments would result in simplifying Idaho's instructional certificates and resolve the issue of individuals teaching outside of their eligible grade ranges.

## **ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.02

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**STAFF COMMENTS AND RECOMMENDATIONS**

The proposed changes to the standard certificates will result in a need for additional review of some of the endorsements to assure full alignment. It is recommended that this work be conducted by the Professional Standards Commission for consideration by the Board in 2017. Those endorsements that were identified as needing immediate edits to work with the new certification model are being brought forward at this time.

Amendments to IDAPA 08.02.02 that have been proposed by the Professional Standards Commission that are impacted by these changes have been incorporated into the proposed rule amendments being considered.

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to Proposed Rule IDAPA 08.02.02, Rules Governing Uniformity, Teacher Certification Requirements as submitted in Attachment 1.

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

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## **CAREER TECHNICAL EDUCATION**

### **SUBJECT**

Proposed Rule IDAPA 08.02.03., Career Technical Education Secondary Programs – Content Standards

### **REFERENCE**

June 2016                                      Board approved the career technical secondary program standards.

### **APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-118, Idaho Code  
Section 33-1612, Idaho Code  
Section 33-2211, Idaho Code  
Idaho Administrative code, IDAPA 08.02.03, Rules Governing Thoroughness

### **BACKGROUND/DISCUSSION**

Similar to academic programs, content standards exist for our career technical programs. These content standards are developed with secondary and postsecondary instructors and industry representatives. In the past, interested stakeholders were pulled together to determine the existing program content standards. This work set the basis for the technical program at the secondary level and prepares the foundation for secondary program testing. Postsecondary instructors provided guidance into the postsecondary program, and industry representatives validated the outcomes with current needs of the particular industry occupations supported by the program.

Once the technical standards and student learning outcomes were developed and vetted through the initial development team, the learning outcomes were shared with a larger group of industry representatives. The Division of Career Technical Education (Division) asked industry representatives to rank each learning outcome as to their importance in the workplace. Each learning outcome was then scored and reflected in the program Technical Skills Assessment based on the level of criticality established by the representative community.

Each secondary career-technical program is evaluated regularly by the Division and held to these standards. Currently these standards are standalone documents updated and maintained by the Division. Board approval and subsequent incorporation of these standards into administrative code will elevate the importance of these standards to the same level as academic content standards, provide continuity between those career technical content areas that are taught by academic instructors and career technical instructors, and provide for more transparency in the standards setting process when future updates are made.



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**IMPACT**

Approval of the proposed rule changes will add the Career Technical Education (CTE) content standards, approved by the Board at the June 2016 Board meeting, into administrative rule in a similar fashion as the existing academic content standards. The standards being incorporated are the existing CTE content standards that are currently being used by our secondary CTE programs.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.03.004

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to the proposed rule IDAPA 08.02.03.004 as submitted in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 08.02.03.105, Rules Governing Thoroughness –  
Graduation Requirement - Proficiency

**REFERENCE**

August 2015	Board approved Proposed Rule IDAPA 08.02.03.105, which addressed several outstanding issues with the language that were caused in part by the partial rejection of the pending rule approved by the Board in 2014.
November 2015	Board approved pending rule changes to IDAPA 08.02.03.105
April 2016	Board adopted recommendations from the Accountability Oversight Committee to remove the graduation ISAT proficiency requirement.

**APPLICABLE STATUTE, RULE, OR POLICY**

IDAPA 08.02.03. Rules Governing Thoroughness, subsection 105.

**BACKGROUND/DISCUSSION**

As part of the transition to the Idaho Standards Achievement Test (ISAT) developed by Smarter Balanced and currently administered by AIR, the Board had approved changes to the graduation proficiency requirement in 2014. These changes in part moved the proficiency grade level requirement from grade ten (10) to grade eleven (11), exempting those students graduating in 2016 and 2017 from having to show proficiency on the assessment to graduate and allowed those students who showed proficiency in grade nine (9) to bank their scores. The exemption for those students graduating in 2016 had been in place since 2014. During the 2015 legislative session, the pending rule exempting students graduating in 2017, as well as moving the assessment to grade eleven (11), was rejected. The Board promulgated rules in 2015 to provide for an exemption of the proficiency requirement for students who took the assessment in 2015 (during the baseline year) and made technical corrections that were made necessary due to the partial rejection by the legislature during the previous year. The proficiency requirement for graduation purposes was first established by the Board in 2003, and was added to Administrative Code effective 2004, and became effective for students starting on January 1, 2006.

Since those initial discussions in 2015, the Board's Accountability Oversight Committee has forwarded a recommendation to the Board asking the Board remove the graduation proficiency requirement in its entirety. The Board adopted that recommendation at the April 2016 Board meeting and directed staff to bring back a proposed rule to implement the recommendation.

The proposed amendments to IDAPA 08.02.02.105.06 eliminate the proficiency in its entirety, elimination of the proficiency requirement includes the elimination of

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the alternate routes to proficiency as well. If accepted by the legislature high school students will no longer need to show proficiency on the ISAT to graduate and school districts will no longer need to submit alternate plans for graduation to the Board office.

**IMPACT**

Approval of the proposed rule will eliminate the ISAT proficiency graduation requirement in its entirety.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.03.105

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to Proposed Rule IDAPA 08.02.03.105, Rules Governing Thoroughness, Graduation Requirement - Proficiency as submitted in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 08.02.03.105, Rules Governing Thoroughness – Graduation Requirement – Civics Proficiency

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-1602, Idaho Code

**BACKGROUND/DISCUSSION**

During the 2015 legislative session, changes were made to Section 33-1602, Idaho Code requiring students to show they could meet the Idaho civics and government content standards either through the "civics test" or an alternate measure determined by the school district. During the 2016 legislative session it was discovered that districts did not understand what was allowed under an alternate measure. During the 2016 legislative session additional amendments were made to Section 33-1602, Idaho Code specifying that the applicability of this subsection to a pupil who receives special education services is governed by the pupil's individualized education plan (IEP). While this language provided some additional clarification showing that the "alternate path determined by the school district" were different than provisions applied to student on an IEP, Board staff were asked to still provide additional clarification through administrative rule.

The proposed rule amendments would add a new section to IDAPA 08.02.03.105 clearly stating that in addition to the "civics test" defined in Section 33-1602, a school district may choose an alternate path through single or multiple measures for a student to show they have met the state civics and government content standards.

**IMPACT**

Approval of the proposed rule would provide clarification on the alternate path a school district may use for measuring student civics proficiency.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.03.105

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action. To qualify as a temporary rule, the rule must meet one of three criteria: provides protection of public health, safety, or

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welfare; or is to come into compliance with deadlines in amendments to governing law or federal programs; or is conferring a benefit. This rule qualifies as temporary rules as it brings the state in compliance with Section 33-1602, Idaho Code. The requirement will be applied for the first time to students graduating in the 2016-2017 school year.

Staff recommends approval.

**BOARD ACTION**

I move to approve changes to Proposed Rule IDAPA 08.02.03.105, Rules Governing Thoroughness, Graduation Requirement – Civics Proficiency as submitted in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 08.02.03.111 through .114, Rules Governing Thoroughness – Comprehensive Assessment Program and Accountability Requirements

**REFERENCE**

August 2003	Board approved changes to Proposed Rule 08.02.03.112
June 2010	Board approved a one year waiver of IDAPA 08.02.03.111.07.b requiring the Department administer the Direct Math and Direct Writing Assessment
August 2010	Board approved temporary and proposed rule changes to IDAPA 08.02.03.111 requiring districts send out all assessment results within three weeks of receipt from the state
October 2011	Board approved pending rule changes to IDAPA 08.02.03.111
August 2011	Board approved a proposed rule amendment removing the reference to the Direct Math and Direct Writing Assessment from IDAPA 08.02.03.111, subsection 03, 06, and 07
October 2011	Board approved pending rule changes to IDAPA 08.02.03.111
August 2014	Board approved a one year waiver of 08.02.03.113. Reward Schools
January 2014	Board approved a one year waiver of 08.02.03.111.06 subsections j and k for one year
October 2015	Accountability Oversight Committee presented recommendations to the Board regarding changes to be made to the state's accountability system, in preparation for submission of a new ESEA waiver
February 2016	Board received an update on the timeline for the Accountability Oversight Committee to bring recommendations forward
April 2016	Accountability Oversight Committee presented recommendations to the Board regarding removal of the ISAT proficiency and college entrance exam graduation requirements. The Board adopted the recommendation that the ISAT proficiency graduation requirement be removed and rejected the recommendation that the college entrance exam graduation requirement be removed.

**APPLICABLE STATUTE, RULE, OR POLICY**

IDAPA 08.02.03., Rules Governing Thoroughness, subsection 111 through 114

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Elementary and Secondary Education Act as reauthorized by the Every Student Succeeds Act.

**BACKGROUND / DISCUSSION**

The Board originally embarked on the creation of provisions assessment and accountability in 1997. Since that time there have been many changes at the state and federal level regarding assessments and accountability. In January 2016, the Planning, Policy and Governmental Affairs Committee charged the Accountability Oversight Committee (AOC) with bringing forward recommendations to the Board that were in alignment with the Task Force recommendations for a new state accountability system (Recommendation 5 – 2013) and would meet the federal accountability requirements (the Board will be considering those recommendations under a different agenda item). Once adopted, those recommendations need to be incorporated into changes to Administrative Code, specifically, IDAPA 08.02.03.111 through .113. The original timeline for these recommendations was scheduled for the June 2016 Board meeting, however, the committee felt it needed to have additional time to conduct a survey to gather broader public input. Due to the rulemaking deadlines this means that the proposed amendments to administrative rule will have to be considered by the Board at the same meeting the Board is considering the recommendations themselves. The proposed rule approved by the Board will go through the standard rulemaking process. This includes a 21 day public comment period, potential changes to the rule based on those comments, final consideration by the Board in November 2016 of a pending rule and then consideration by the Legislature in 2017. Once accepted by the Legislature the rule would go into effect in the spring of 2017. The proposed amendments are based on the AOC recommendations. There will be an opportunity at the Board meeting to amend the proposed rule based on the provisions adopted by the Board at the August 2016 Board meeting.

The current timeline for implementing the Every Student Succeeds Act (ESSA) requires states have accountability and assessment provisions in place for the 2017-2018 school year. The Board discussed at the February 2016 Board meeting the desire to have provisions in place for one year prior to the first year required under ESSA, this would allow the state to assure the data was being collected consistently and accurately as well as look at the data to make sure it was actually measuring the right things prior to a school being held accountable to these measures for federal accountability purposes.

The proposed amendments to IDAPA 08.02.03.111 would make technical corrections that have been identified during the last year to the language around the requirements for the end of course science assessments and move the required administration of the Idaho Standards Achievement Test (ISAT) at the high school level to the 11<sup>th</sup> grade.

The proposed amendments to IDAPA 08.02.03.112 would remove outdated terms like “Adequate Yearly Progress” while at the same time referencing state level

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progress will be set by the State Board of Education. Existing language regarding the participation rate and definitions of schools and subgroups would remain the same. Finally, the measures that make up the framework will be incorporated into the rule at the category level, definitions and format of data collected will be approved by the Board based on the Data Management Council recommendations and the specific details around the recommended growth model will be approved by the Board at a later date.

The proposed amendments to IDAPA 08.02.03.113 would repeal the section in it's entirety. The current Distinguished School requirements were based on the Five Star system and are not applicable at this time. The Distinguished School awards were valued by the schools when granted and it is recommended that a new system be developed for recognizing and awarding high achieving schools by the Board, however, until that system is developed it is recommended that this section be repealed.

The proposed amendments to IDAPA 08.02.03.114 would make technical corrections, updating language to current references, however, it would not be substantially changed at this time.

**IMPACT**

Approval of the proposed rule is the first step in implementing a new accountability for the State of Idaho.

**ATTACHMENTS**

Attachment 1 – Proposed Rule IDAPA 08.02.03.111 through 114

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rule prior to entering the pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

**BOARD ACTION**

I move to approve changes to proposed rule IDAPA 08.02.03.111, 112, 113, and 114 Rules Governing Thoroughness – Comprehensive Assessment Program and Accountability Requirements, as submitted in Attachment 1.

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



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**SUBJECT**

Proposed Rule IDAPA 08.02.05, Rules Governing Pay for Success Contracting

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-125B, Idaho Code

**BACKGROUND/DISCUSSION**

Section 33-125B, Idaho Code was enacted by HB 170 (2015), the purpose of the legislation was to provide for an alternative means of fostering innovation in Idaho's schools, and to allow for a method by which the state could enter into an agreement with a private entity; whereby the entity bears the sole burden of financing the cost of a program up front and the state pays based on outcomes that are negotiated prior to entering into the contract. Section 33-125B, Idaho Code, additionally, establishes an oversight committee to review the proposal and indicate whether or not the Department of Education should commence negotiations. The oversight committee is made up of:

- The Chief Financial Officer for the Department of Education,
- The subject matter expert at the Department of Education,
- A representative from the State Controller's Office,
- The House of Representatives Education Committee Chairman, and
- The Senate Education Committee Chairman.

During the first year the program was available, one vendor submitted a proposal to the Department of Education based on feedback from this process it was determined that at a minimum submittal processes and timelines should be established in administrative rule.

The proposed rule would create an entirely new section of rule pertaining to Pay for Success Contracting. The rule will include information on where to submit the requests, and timelines for review of the request by the oversight committee

**IMPACT**

Approval of the proposed rule will set out the application process for vendors wishing to participate in the Pay for Success Contracting with the state.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 08.02.05

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the Pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

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**BOARD ACTION**

I move to approve the proposed rule IDAPA 08.02.05, Rules Governing Pay for Success Contracting, as submitted in Attachment 1.

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

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**UNIVERSITY OF IDAHO**

**SUBJECT**

Proposed Rule IDAPA 08.05.01, Rules Governing Seed and Plant Certification

**REFERENCE**

May 14, 2014	Board approved seed certification standards and temporary and proposed rule, IDAPA 08.05.01, Rules Governing Seed and Plant Certification - as presented.
August 14, 2014	Board approved pending rule, IDAPA 08.05.01.
April 16, 2015	Board approved amendment to seed certification standards.
May 20, 2015	Board approved temporary rule amendments to IDAPA 08.05.01 incorporating amended seed certification standards.
August 13, 2015	Board approved proposed rule changes to IDAPA 08.05.01 incorporating amended seed certification standards.
November 30, 2015	Board approved pending rule IDAPA 08.05.01, Rules Governing Seed and Plant Certification

**APPLICABLE STATUTE, RULE, OR POLICY**

Title 22 Chapter 15, specifically Sections 22-1504 and 22-1505, Idaho Code.  
Idaho Administrative Code, IDAPA 08.05.01, Rules Governing Seed and Plant Certification.

**BACKGROUND/DISCUSSION**

During the 2014 calendar year, the University of Idaho and the Board took action to address compliance within statutory requirements related to certification of seeds, tubers, plants and plant parts in the state of Idaho as contained in the Seed and Plant Certification Act of 1959 (Idaho Code Title 22 Chapter 15). The Board's action entailed incorporating into Board rules, by reference, the existing published Standards for Certification of the Idaho Crop Improvement Association, Inc. (ICIA). These existing published standards were created through a long established process involving the ICIA Board working in conjunction with committees for the various seed crops, composed of individuals representing the seed growers and processors, to create and then continuously update the standards. Standards, and any revisions to existing standards, are then presented to the Foundation Seed Stock Committee within the Agriculture Experiment Station at the University of Idaho for approval and then presented for approval by the University's Director of the Agriculture Experiment Station.

Through the ICIA's annual review process, the ICIA identified an amendment to the Rapeseed/Canola/ Mustard Certification Standards that would help to make these

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seeds produced in Idaho be more competitive. The proposed amendment would add to this specific standard the need to test these seeds for Sclerotinia bodies.

### **IMPACT**

Approval of the amendment as a proposed rule will allow the rule to move forward through the rulemaking process, making the changes permanent.

### **ATTACHMENTS**

Attachment 1 – Proposed Rule – IDAPA 08.05.01	Page 5
Attachment 2 – Standards for Seed and Plant Certification	Page 7
Attachment 3 – ICIA Review Notification	Page 11

### **STAFF COMMENTS AND RECOMMENDATIONS**

Fees paid to the Idaho Crop Improvement Association, Inc. cover the cost of testing, the ICIA has determined that the additional test can be covered under the current fee structure.

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. If approved, pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin and are then forwarded to the legislature for consideration. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

Staff recommends approval.

### **BOARD ACTION**

I move to approve changes to proposed rule IDAPA 08.05.01, as presented in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 47.01.01 – Division of Vocational Rehabilitation

**REFERENCE**

June 2015	Board approved pending rule to clarify language regarding the Divisions of Vocation Rehabilitation customer appeal and mediation process as well as technical changes. Board approved the Division of Vocational Rehabilitations Field Service Manual.
August 2015	Board approved pending rule change to IDAPA 47.01.01

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 47.01.01

**BACKGROUND/DISCUSSION**

The Idaho Division of Vocational Rehabilitation (IDVR) Field Service Manual contains internal processes to IDVR as well as eligibility and program requirements for the people and agencies IDVR serves. Currently this manual is incorporated by reference into Idaho Administrative Code, IDAPA 47.01.01. When a document is incorporated by reference into administrative rule it has the force and effect of law and can only be changed through Board approval and the rulemaking process. In 2015, IDVR has identified a number of processes in the Field Service Manual that belong more appropriately in a policies and procedures manual of the agency. Starting in 2015 IDVR began the process of identifying areas that belong in the manual versus those areas that more appropriately belong in administrative rule with the end goal of removing the Field Service Manual from Administrative Code altogether. The proposed amendments to the Field Service Manual and administrative rule, IDAPA 47.01.01 provided for consideration this year are phase 2 of a multi-year process.

Additional amendments are being made to update references to the Workforce Innovation and Opportunity Act and update the Order of Selection procedures with federal guidelines and best practices.

**IMPACT**

The proposed changes incorporate the updated Field Service Manual into rule and bring the rule compliant with federal order of selection guidelines.

**ATTACHMENTS**

Attachment 1 – Proposed Rule Changes to IDAPA 47.01.01	Page 3
Attachment 2 – Field Services Policy Manual – Redlined	Page 9

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Division of Vocational Rehabilitations Field Service Manual as submitted in Attachment 2.

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

**AND**

I move to approve changes to Proposed Rule IDAPA 47.01.01 as submitted in Attachment 1.

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

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**SUBJECT**

Proposed Rule IDAPA 47.01.02, Rules and Minimum Standards Governing Extended Employment Services.

**REFERENCE**

August 2006	Board approved the Temporary and Proposed Rules and Minimum Standards Governing Extended Employment Services.
November 2006	Board approved pending rule amendments to IDAPA 47.01.02.

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-2211 and 33-2303, Idaho Code

**BACKGROUND/DISCUSSION**

The Idaho Division of Vocational Rehabilitation (IDVR) is an agency of the Idaho State Board of Education. In July of 2004 Governor Kempthorne transferred the administration of the long term vocational support services in Idaho from the Department of Health and Welfare to Idaho Division of Vocational Rehabilitation. Legal authority to promulgate rules for the Extended Employment Services were established under House Bill 547 (2006). Rules promulgated at that time created IDAPA 47.01.02 establishing provider qualifications, defining eligible clients, and the services to be provided. There have been no updates to this section of Administrative Code since 2006.

**IMPACT**

IDVR does not anticipate any fiscal impact from the approval of these rules. The rules will provide guidance for community rehabilitation programs in the delivery of Extended Employment Services, information that will assist others in making appropriate referrals, and the authority for IDVR to intervene should providers fail to meet the standards set forth in the rules.

**ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 47.01.02

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**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 11, 2016**

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**BOARD ACTION**

I move to approve changes to proposed rule IDAPA 47.01.02, Rules and Minimum Standards Governing Extended Employment Services, as submitted in Attachment 1.

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

## **CAREER TECHNICAL EDUCATION**

### **SUBJECT**

Proposed Rule IDAPA 55.01.03, Career Technical Education Secondary Programs – Career Technical Schools

### **APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-2202 through 33-2212, Idaho Code  
Idaho Administrative code, IDAPA 55.01.03, Rules of Career Technical Schools

### **BACKGROUND/DISCUSSION**

Career Technical Schools are designed to provide high end career and technical programs at the secondary level. These programs help prepare students for high-skill and in-demand careers; schools are closely linked to postsecondary education and business and industry.

In order to be approved as a school, Career Technical Schools are required to meet a number of criteria, including specific attendance zone requirements, the offering of advanced opportunities for enrolled students, and be located at a separate site than a non-Career Technical Secondary or be approved as a cooperative service agency.

Operationally, Career Technical Schools are required to meet specific programmatic requirements, including programs that are based on industry standards, demonstrate a responsiveness to labor market skills, and promote the development of leadership, interpersonal and other workplace skills through career and technical student organizations.

### **IMPACT**

The impact of these changes will align Administrative Code to existing practices, will help ensure consistency in how funds for career technical schools are calculated, and will update the language regarding advanced opportunities to align with the language in Board Policy Section III.Y.

### **ATTACHMENTS**

Attachment 1 – Proposed Rule changes to IDAPA 55.01.03

Page 3

### **STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming pending rules. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a pending rule. Pending rules become effective at the end of the legislative session in which they are submitted.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 11, 2016**

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Staff recommends approval.

**BOARD ACTION**

I move to approve the changes to proposed rule IDAPA 55.01.03 as submitted in Attachment 1.

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