

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 9-10, 2017**

TAB	DESCRIPTION	ACTION
1	IDAHO STATE UNIVERSITY ANNUAL PROGRESS REPORT	Information Item
2	IDAHO CAREER TECHNICAL EDUCATION ANNUAL REPORT	Information Item
3	COLLEGE OF EASTERN IDAHO TAXING DISTRICT 2 EXPANSION	Motion to Approve
4	2018 LEGISLATION	Motion to Approve
5	BOARD POLICY I.J. USE OF FACILITIES – FIRST READING	Motion to Approve
6	BOARD POLICY IV. E. DIVISION OF CAREER TECHNICAL EDUCATION – FIRST READING	Motion to Approve
7	MASTER EDUCATOR PREMIUM STANDARDS AND RUBRIC	Motion to Approve
8	PROPOSED RULE IDAPA 08.02.03.115 DATA COLLECTION	Motion to Approve
9	PROPOSED RULE DOCKET NO 08-0401-1701 IDAHO DIGITAL LEARNING ACADEMY	Motion to Approve
10	PROPOSED RULE DOCKET NO 08-0501-1702 SEED CERTIFICATION	Motion to Approve
11	PROPOSED RULE DOCKET NO 47-0101-1701 FIELD SERVICE POLICY MANUAL	Motion to Approve
12	PROPOSED RULE DOCKET NO 55-0103-1701 RULES OF CAREER TECHNICAL SCHOOLS	Motion to Approve
13	PROPOSED RULE DOCKET NO 55-0104-1701 IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START – UP GRANTS	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 Idaho State University 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.

Idaho State University will provide a tour for Board members as follows:

10:00 a.m. – 12:00 p.m. – Campus Bus Tour Stops:

- William M. and Karin A. Eames Advanced Technical Education and Innovation Complex
- Engineering Research Center
- Informatics Research Institute
- Idaho Accelerator Center

12:00 p.m. – Lunch – Pond Student Union, Wood River Room

IMPACT

Idaho State University utilizes an Institutional Effectiveness and Assessment Council framework to support mission fulfillment. Use of ISU's strategic plan drives the College's integrated planning, programming, budgeting, and assessment cycle and is the basis for the institution's annual budget requests and performance measure reports to the 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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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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BOARD ACTION

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

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SUBJECT

Addition of Territory to College of Eastern Idaho Community College District

REFERENCE

January 27, 2017	Idaho State Board of Education (State Board) approved resolution recommending the formation of a community college district in Bonneville County.
June 15, 2017	Board approved trustee zones for the College of Eastern Idaho.
July 5, 2017	Board approved appointment of College of Eastern Idaho board of trustees.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-2103 - 05, Idaho Code

BACKGROUND/DISCUSSION

On May 16, 2017, Bonneville County voters approved, by a vote of 71.4% to 28.6%, creation of the College of Eastern Idaho (CEI) to be a successor entity to Eastern Idaho Technical College (EITC).

Idaho Code §33-2105 provides that “any territory not in an existing community college district may become a part of a community college district by a [simple majority] vote of the school district electors resident of said territory” (Note: the term “territory” is undefined). To initiate the process, “a petition signed by not less than one hundred (100) school district electors of the territory proposed to be added to the community college district, or twenty percent (20%) of the school district electors within the territory, whichever is the lesser, describing the boundaries of the territory, and a true copy thereof, shall be filed with the board of trustees of the community college district.”

Next, the community board of trustees must send its recommendations and the petition, to the State Board. The State Board then must “consider” the petition “as it is required to consider a petition for the formation of a community college district.” If the State Board approves the petition, it must so notify the board of trustees of the community college district and the board of county commissioners of the home county of the community college district.

On July 26, 2017, the Bingham County Commissioners presented a petition to the CEI Board of Trustees to join the CEI Community College District (CEI District). The CEI Board of Trustees approved the petition; and its recommendation along with the original petition were hand-delivered to the State Board office on July 27, 2017.

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The Board has 30 calendar days, exclusive of the first day (i.e. receipt of petition) and inclusive of the last day, in which to make its recommendation. Thus, the Board must notify the parties not later than Friday, August 25, 2017.

Section 33-2103, Idaho Code, sets forth minimum requirements for the formation of a community college district, as follows:

- 1) The community college district must contain the area, or any part thereof, of four (4) or more school districts and the area or any part thereof, of one (1) or more counties;
- 2) Aggregate enrollment in grades nine (9) through twelve (12) is not less than 2,000 students; and
- 3) The market value of real and personal property value of the proposed district must not be less than \$100,000,000.

The statute further directs that “the state board of education in considering a petition filed pursuant to Section 33-2104, Idaho Code, shall verify all the above requirements, as well as determine the number of the students expected to attend and the facilities available, or to be made available, for operation of the school.”

In addition, Section 33-2104, Idaho Code, requires the Board to review the following information in determining whether to approve any petition:

- 1) Existing postsecondary opportunities within the proposed district;
- 2) Number of prospective students for the proposed community college;
- 3) Financial viability of the new community college with income from tuition and sources as provided by law.

Section 33-2103, Idaho Code Requirements:

1) Number of Local School Districts

The area of the proposed district includes the area (in whole or in part) of five (5) school districts:

Aberdeen School District
Blackfoot School District
Firth School District
Shelley School District
Snake River School District

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2) Aggregate Enrollment of High School Students

	2012-13	2013-14	2014-15	2015-16	2016-17
Aberdeen	224	226	210	197	200
Blackfoot	1,198	1,235	1,170	1,233	1,257
Firth	240	242	242	221	240
Shelley	616	620	639	652	660
Snake River	521	535	563	553	580
Total	2,799	2,858	2,824	2,856	2,937

3) Taxable Market Value

The market value for assessment purposes as shown by the equalized assessment rolls of real and personal property” for Bingham County for calendar year 2016 was \$1,707,211,024 (source: Gary Houde, Senior Research Analyst, Idaho Tax Commission, August 1, 2017).

4) Facilities Available

Most courses would be delivered on the CEI campus or online. Courses may also be delivered at high schools in Bingham County depending on community demand and space availability.

Section 33-2104, Idaho Code Requirements:

1) Existing Opportunities for Postsecondary Education

Historically, EITC only offered career technical education courses leading to a certificate or associate of applied science degree. Enrollment is capped in many programs due to accreditation requirements or the physical and equipment limitation of some career technical courses. Fall 2016 headcount was 676, while full-time equivalent was 470. With the formation of CEI in Bonneville County, academic courses leading to the Associate of Arts degree will begin being offered in fall 2017. This will significantly increase access to affordable postsecondary options.

University Place is a higher education center located in Idaho Falls. Idaho State University offers certificates, associates and baccalaureate degrees. The University of Idaho offers certificate and baccalaureate degrees. Both universities also offer graduate programs. Below is a five-year history of aggregate enrollment at University Place.

Academic Year	2011-12	2012-13	2013-14	2014-15	2015-16
Headcount*	3,590	3,153	3,054	2,972	2,466
FTE**	1,416	1,316	1,203	1,168	1,170

Beginning in 2013 College of Southern Idaho (CSI) began offering lower division academic transfers courses from a satellite campus in Idaho Falls.

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Below is a two year history of enrollment at this campus. CSI will phase-out its program offerings in Idaho Falls as CEI brings on its own academic courses.

Fall Semester	2015	2016
Headcount*	152	200
FTE**	82	111

Idaho State University in Pocatello is a comprehensive regional research university offering a full complement of programs leading to certificates and associates, baccalaureate, master's, doctorate and professional degrees.

Academic Year	Fall 2012	Fall 2013	Fall 2014	Fall 2015	Fall 2016
Headcount***	11,574	11,163	10,980	10,336	9,785
FTE**	8,450	8,147	8,331	8,145	7,831

* unduplicated

** unduplicated; FTE = 30 credit hours

*** Campus headcount is based on the campus where the course originates. If a student is enrolled in courses that originate from more than one campus the student count is duplicated.

2) Projected Enrollment

EITC administration provided the following enrollment projections (assuming a community college district made up only of Bonneville County).

	Current	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Headcount by semester	700	1,500	2,300	2,950	3,400	3,950	4,400
Growth in headcount per year		114%	53%	28%	15%	16%	11%
General Education (lower division) Students		770	1,530	2,110	2,500	3,000	3,360
Career Technical Education (CTE) Students	700	730	770	840	900	950	1,040

The six-year projection came from a review of the College of Western Idaho's growth pattern, the application of CSI's student enrollment in Idaho Falls and some demographic multiplying factors (e.g. population of the Idaho Falls metropolitan statistical area).

While historic population growth in Bingham County is essentially flat, the need for a workforce with some form of postsecondary education remains strong throughout the state.

2000 Census	2010 Census	Annualized Chg (2000-10)	2015 Estimate	Number Chg	Annualized Chg (2010-15)
41,735	45,607	0.9%	44,990	(617)	(0.3%)

3) Financial Viability

In summer 2016 a financial pro forma was prepared in consultation with EITC administration. The pro forma was also vetted with Board staff and legislators. The pro forma uses the following material revenue assumptions:

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- a) Tuition = \$120 per credit hour
- b) Projected enrollment growth as depicted in #2, above.
- c) District property tax assessment at \$15 per \$100,000 of assessed value
- d) \$5 million one-time General Fund appropriation from the state community college start-up account (per H459 and S1429 (2016)), for the first fiscal year of operation
- e) Phased-in request for state General Fund support commensurate with enrollment increases
- f) \$200,000 liquor funds [contingent on amendment to Idaho Code §23-404(1)(b)(iii) and appropriation]
- g) Transfer of all EITC real and personal property to the community college district. As such, no new infrastructure would be needed with use of existing EITC facilities, furniture, fixtures and equipment.

Based upon the projected revenues and expenditures set forth above, the State Board of Education has already determined the community college district to have sufficient revenues with which to support normal college expenditures. The proposed addition of Bingham County to the community college district would enhance the financial viability of CEI.

IMPACT

Approval of the resolution as provided in Attachment 1 will allow for an election to be called in Bingham County for creation of a community college district pursuant to the requirements of Sections 33-2105 and 34-106, Idaho Code.

Section 33-2104A, Idaho Code, provides that “a proposal to redefine the boundaries of trustee zones of a community college district shall be initiated by its board of trustees at the first meeting following ... the electors’ approval of the addition of territory pursuant to section 33-2105, Idaho Code. The board of trustees shall submit the proposal to the state board of education within one hundred twenty (120) days following the ... election.”

ATTACHMENTS

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Attachment 2 – CEI Board of Trustees Recommendation	Page 5
Attachment 3 – Example Petition to Join CEI District	Page 7
Attachment 4 – County Clerk Affidavit Certification of Signatures	Page 9

STAFF COMMENTS AND RECOMMENDATIONS

Staff finds that the petitioners and CEI Board of Trustees duly satisfied the requirements for the addition of territory to a community college district set forth in Section 33-2105, Idaho Code.

Staff recommends approval of the Petition.

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BOARD ACTION

I move to approve the Resolution set forth in Attachment 1 recommending the addition of territory made up of the boundaries of Bingham County to the current territory of the College of Eastern Idaho community college district.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Legislation – 2018 Session

REFERENCE

June 2016 The Board approved 18 legislative ideas to be submitted through the Governor's Executive Agency Legislation process for the 2018 Session and authorized the Executive Director to identify additional potential legislation for submittal.

BACKGROUND/ DISCUSSION

The Board approved legislative ideas and authorized the Executive Director to submit additional ideas identified by Board staff to the Governor's Office through the Executive Agency Legislative process at the June 2017 Board meeting. The attached legislation summaries have been submitted as legislative ideas and have now been approved by the Governor's Office to move forward through the legislative process for the 2018 Legislative Session or have been rejected as indicated in the summary. The next step in this process is approval of the legislative language. The legislation that is approved at this time will be submitted to the Governor through the Division of Financial Management for consideration. All legislative proposals approved by the Governor will then be forwarded to the Legislative Services Office for final drafting and submittal to the Legislature. As part of this final processes, staff will work with the Governor's Office, Legislators, and other education stakeholders to make final amendments to the actual language in conformance with the policy direction approved by the Board. Those items not approved by the Board at this time will be pulled and will not move forward through the process.

The Board approved eighteen (18) legislative ideas at the June 2017 Board meeting. Two (2) additional legislative ideas were identified and authorized by the Executive Director for consideration. The Governor has requested that all agencies and Board's limit their legislation during the 2018 Legislative session to those items that are the most critical. For the Board, we have received feedback from the Governor's Office that given consideration of what may come forward from the Higher Education Task Force, the Governor's Office would like the Board to be very strategic about the legislation that is run this year. Of the twenty (20) total legislative ideas, one (1) has been pulled by the institution who submitted it, three (3) have been rejected. One (1) was rejected due to the fact that the Division of Human Resources has proposed the same legislative idea, and the Governor's Office has approved the Division to move forward with the legislation. The other two (2) were rejected because they would have repealed old sections of Idaho Code that have either been found to be in conflict with the United States Constitution or have not been funded in a number of years and are now irrelevant. The feedback staff has received is that the repeals from a policy perspective are supported, however, they do not currently have any impact and could wait until next year to be repealed. The deadline for submitting legislative language is August 18th, 2017. An exception to the deadline will be made for any legislation that is necessary to implement recommendations from the Higher Education Task Force.

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ATTACHMENT

Attachment 1 – Legislative Summaries
Attachment 2 - Draft Legislative Language

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IMPACT

Any legislation not approved by the Board will be withdrawn from the Executive Agency legislative process. The Board office will continue to work with the Governor's Office, the Division of Financial Management and Legislative Services Offices (LSO) to finalize approved legislation prior to the start of the 2018 legislative session.

STAFF COMMENTS AND RECOMMENDATIONS

The legislation approved by the Board at this stage will be submitted to the Governor's Office and the Division of Financial Management. Following review by the Governor's Office, the legislation will then be submitted to the Legislative Services Office. Following review by the Legislative Services Office, the legislation will be turned into Bill's (RS'ed) and then submitted to the legislature. During any one of these stages additional technical changes to legislation may be necessary or the Board may choose to withdraw any piece of legislation.

BOARD ACTION

I move to approve the proposed legislation in substantial conformance to the form provided in Attachment 2 and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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BOISE STATE UNIVERSITY/UNIVERSITY OF IDAHO

SUBJECT

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

REFERENCE

- April 2011 The Board approved additions to Policy I.J. to make permanent the conditions under which the Board can approve the sale or consumption of alcohol in conjunction with NCAA football games (section 2.c). Prior to this policy change, the institutions were bringing requests for exceptions to Policy I.J. annually to allow for the consumption of alcohol in suite areas and at pregame corporate events.
- June 2015 The Board approved requests from the universities to establish secure areas for pregame events for ticket holders with structured alcohol service for the 2015 football season.
- June 2016 The Board denied requests from the universities to establish secure areas for pregame events for ticket holders with structured alcohol service for the 2016 football season. In addition the Board denied the request by the University of Idaho to allow game patrons for home football games to bring alcohol for personal consumption to designated tailgating areas.
- June 2017 The Board deferred consideration of proposed amendments to Board Policy I.J. until such time as a single proposal could be brought forward from the universities.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I. J. Use of Institutional Facilities and Services.

BACKGROUND/DISCUSSION

For the past eleven seasons, the Board has approved the allowance of alcohol service and consumption prior to and during home football games in conjunction with the terms and guidelines outlined in Policy I.J., Section 2.c. For one season, 2015, the Board approved expanded alcohol service at controlled pregame events for all ticket holders. Prior to this, the universities had only sought to plan pregame events for sponsors to entertain clients, in alignment with conditions outlined in Policy I.J.

The proposed policy revisions:

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- Designate certain venues where alcohol may be served for campus events to include certain NCAA athletic events under the same conditions as has been provided in Board policy. The institution President could then approve the plan, subject to annual Board approval, and issue a permit in those limited facilities as happens with other campus events where alcohol is served. The Board would receive an annual report instead of being required to consider annual permission.
- Add the ability for a CEO to permit a designated pregame event for valid ticket holders under conditions prescribed in Board policy.
- Remove the word “written” in various places to avoid confusion over whether email or digital transmissions are allowed.
- Outside of athletic events, the change will also update prior requirements to have a defined seating area where alcohol beverages may be possessed and consumed at entertainment events. This section of policy is problematic with concerts, performances and similar events and for their promoters as it is difficult to set aside a section of seating for patrons consuming only non-alcoholic beverages – or vice versa.
- Add a new section 2.d addressing conditions under which game patrons and their private guests may consume alcohol at private tailgates.

IMPACT

Approval will still require the annual Board approval process and allow the request of certain venues and provide conditions in policy that allow Presidents to permit alcohol services in conjunction with prescribed athletic events.

ATTACHMENTS

Attachment 1 – proposed policy revisions, Section I.J.

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STAFF COMMENTS AND RECOMMENDATIONS

In response to the desire from various Board members to limit the requests for waivers of the Board’s policies, Boise State University and the University of Idaho are jointly proposing amendments to the Board’s policy regarding the service of alcohol in institution facilities or on institution properties (Board Policy I.J.). Idaho Administrative Code, IDAPA 38.04.07.305.02 prohibits the consumption or distribution of alcohol in common spaces of State facilities, and 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 I.J. 2.6 currently allows the presidents of the institutions to approve

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waivers of the prohibition against alcohol service and allow service of alcohol for events on campus (under specified conditions that are not in conjunction with student athletics events) and then immediately report to the Board staff on those events. Alcohol service may be allowed with prior Board approval in conjunction with NCAA football pregame events. Alcohol service in conjunction with any other student athletic event is prohibited.

The proposed policy revisions:

1. eliminate the requirement that the personal invitation be written and the requirement for an invitation in the in-suite/club room areas (an event ticket is required),
2. eliminate language requiring areas where alcoholic beverages are consumed to be clearly marked and separated from other areas and that additional space be provided outside of the areas where alcohol is possessed and consumed to accommodate those that do not wish to be present where alcohol is being consumed.

The proposed amendment to the policy regarding the sale or consumption of alcohol in conjunction with NCAA football games would:

1. expand permission to allow alcohol service at all NCAA athletic events (not just football) and would confine the service to specific venues and sports listed in the policy;
2. allow youth to be present in the alcohol service areas as long as they are under the direct supervision of an adult;
3. allow individuals who have purchased admission and their ticketed guests to enter alcohol service areas without a written personal invitation from the institution President.

Five venues at Boise State University, one venue at Idaho State University and two venues at the University of Idaho are identified as approved locations.

In addition to the amendments proposed by the universities 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 insurance coverage required by Risk Management for permitted events.

BOARD ACTION

I move to approve first reading of changes to Board policy section I.J. as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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DIVISION OF CAREER TECHNICAL EDUCATION

SUBJECT

Board Policy IV.E. Career Technical Education, First Reading.

REFERENCE

October 2014 Board approved the second reading of amendments to Board Policy IV.E., incorporating the Idaho Agricultural Education Quality Program Standards approved August 2014, by reference.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section IV.E

BACKGROUND/DISCUSSION

These proposed amendments to Board policy IV.E. Division of Career Technical Education will formalize the definitions of existing career technical education program types to ensure consistency among all programs statewide. Career technical education programs fall into two categories, clusters and pathways. Each program structure has specific operational requirements which align with federal requirements under the Carl D. Perkins Act. Adding the definition of “cluster program” and “pathway program” to Board policy will provide teachers and administrators with the exact expectations of each program type, as well as allow the Division to make more clear assessments of program quality and foster program accountability for all secondary programs statewide.

This new language also formalizes the definitions of career technical education assessments, including the requirements for when students are required to take either or both assessments. The term “technical skill assessment” will be formally defined. This assessment is a requirement for all career technical education concentrators, and the definition will help ensure that teachers only administer the test to the appropriate students. The term “workplace readiness assessment” will be formally defined, and the requirements for which career technical students are required to take the assessment be included. The definition complements the Career Technical Education Workplace Readiness Standards, which were adopted by the Board in 2016, and incorporated by reference into IDAPA 08.02.03.004.

IMPACT

The policy will have a positive impact on program delivery, as it will provide a clear framework for how career technical programs should be structured and delivered. There will be no fiscal impact, as the definitions of required assessments reflect current practices. Long term fiscal impact will be determined as the number of students taking the assessment(s) increases.

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ATTACHMENTS

Attachment 1 – Board Policy IV.E. – First Reading

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STAFF COMMENTS AND RECOMMENDATIONS

Board Policy IV.E. details policies and procedures specific to the Division of Career Technical Education (Division) and the statewide career technical programs it administers that do not fall under the other Board policies. The Division may from time to time bring forward requests for amendments to either the Board's policy or they may bring forward policies specific to their internal management for Board approval and action. The Division of Career Technical Education has been going through a process of identifying practices that have developed over the years, but were not brought forward to the Board for formal approval. Formal Board approval of these practices through policy provides for a higher level of transparency and consistency of implementation.

Staff recommends approval.

BOARD ACTION

I move to approve the first reading of Board Policy IV.E. Career Technical Education as provided in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Master Educator Premium – Final Standards, Scoring Rubrics and Templates

REFERENCE

May 9, 2016 Board approved the Master Teacher Premium standards.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-1004I, Idaho Code

BACKGROUND/DISCUSSION

Section 33-1004I, Idaho Code established the Master Teacher Premium in 2015 to recognize and financially reward outstanding instructional staff. In 2017 the Board proposed and the Legislature enacted changes to the premium, adding pupil service staff and renaming it the Master Educator Premium (Premium).

To be eligible for the Premium, educators must meet certain minimum requirements, as well as show evidence of mastery of instructional techniques and professional practices. Evidence may be shown through a process established by the State Board of Education (Board) or a locally established processes approved by the Board. Those educators recognized as Master Educators will earn an additional \$4,000 per year for three years. Following the initial three-year period, educators are eligible to receive the Premium on an annual basis based on continued eligibility.

Pursuant to Section 33-1004I, Idaho Code, to qualify for the Premium, an educator must have a minimum of eight (8) years teaching experience (the three (3) years immediately preceding the award must be continuous). Additionally, for three (3) of the previous five (5) years of instruction, the educator must show:

1. Mastery of instructional techniques and professional practice through artifacts demonstrating effective teaching and successful completion of an annual individualized professional learning plan; and
2. Majority of students meeting measurable student achievement criteria.

The process/plan for educators to show evidence of mastery, if developed at the district level, must be developed by a committee of educators, administrators and stakeholders and be approved by the Board. District plans may be set up in a way that recognizes groups of educators based on measurable student achievement goals aligned with school district approved continuous improvement plans. These groups may be school-wide or may be smaller groups, such as grade level or subject matter groups. If the school district process allows for premiums to be based on a group, each educator in a group must meet all the requirements to be eligible to receive the funds. If a school district does not develop its own plan, the eligible educators in the school district may apply to the Office of the State Board of Education based on the state plan.

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A Master Teacher Premium Committee convened to provide recommendations to the Board on the state level plan for teachers to show evidence of mastery. The committee consisted of teachers, administrators and stakeholders as prescribed in statute. The committee met from June through December of 2015 to develop a plan and criteria for identifying a Master Teacher, which was presented and approved at the May 2016 Board meeting.

Sub-committees made up of participants of the original Master Teacher Premium and a subcommittee consisting of pupil service providers convened from June through July 2017. The first subcommittee was convened to establish a scoring rubric based on the standards already approved for instructional staff. The second subcommittee was formed to review the standards in light of the addition of pupil service providers, and were tasked with developing recommendation on standards for pupil service staff that were aligned to the instructional staff standards and develop a scoring rubrics to assess the portfolios. The subcommittees ultimately developed a Master Educator Premium Plan that would work for both instructional and pupil service staff, in which evidence of mastery can be demonstrated through the submittal of a portfolio. The committees are recommending the original standards remain the same, with some slight changes to the characteristics to be universally applicable to each type of professional. Characteristics that are repetitive would also be compressed to ensure that points available for direct contact with students were weighted more heavily than points available for leadership outside of the classroom. Both groups were confident that the changes to the standards would be non-substantive when compared to the original plan approved by the Board in May 2016. Portfolios submitted for the Master Educator Premium will be a collection of artifacts and evidence of exemplary practice illustrating each of the 22 characteristic that fall within the five Master Educator Standards:

- Leadership
- Professional Collaboration and Partnerships
- Students and Learning Environment
- Content, Instruction and Assessment
- Professional Growth

Instructional and pupil service staff will begin submitting their portfolios to the state for review prior to the close of FY19. The reviews will be conducted by Idaho educators (peers). Individual Idaho educators will apply to be reviewers of the portfolios. Individuals that are selected to be reviewers will receive training on grading the portfolios. Individual portfolios will be reviewed by no less than two reviewers. The committee will design a process for resolving discrepancies in scoring, such as a third reader or scoring consultation.

It is intended that the portfolios created by staff designated as Master Educators will be available for review as examples of outstanding teaching/service for other

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professionals to use to enhance their own practices.

IMPACT

Approval of the revised standards and scoring rubrics round out the state plan to include pupil service providers, and will provide guidance to districts on what is considered an acceptable level of rigor if they choose to develop their own plan (which must be submitted to the Board for approval). Teachers and pupil service staff will also have specific guidelines to collect evidence in the 2017- 2018 school year if they are interested in submitting a portfolio prior to the July 1, 2019 effective date of the Master Teacher Premium.

The standards and rubrics are modeled on materials developed by Ohio that are used to assess and designate Master Teachers. Based upon the information gathered from data analysts in the Ohio Department of Education, not more than 4% of Ohio's teachers submit portfolios, with less than 2% qualifying for the designation.

ATTACHMENTS

Attachment 1 - Master Educator Premium Committee Member	Page 4
Attachment 2 - Master Educator Premium ePortfolio Submission Guidelines and Template	Page 6
Attachment 3 - Master Educator Scoring Rubric for Instructional Staff	Page 20
Attachment 4 - Master Educator Scoring Rubric for Pupil Service Staff	Page 36
Attachment 5 - Revised Standards: Definitions and Characteristics	Page 52
Attachment 6 - Fiscal Impact Calculations	Page 56

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the revised Master Educator Premium Standards and Characteristics, and associated rubrics and submission template.

BOARD ACTION

I move to approve the Master Teacher Premium Plan as outlined in Attachment 2, including the standards and characteristics specified in Attachment 5.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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SUBJECT

Proposed Rule IDAPA 08.02.03.115, Rules Governing Thoroughness, Data Collection

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-133 and 33-1626, Idaho Code
Idaho Administrative Code, IDAPA 08.02.03, Rules Governing Thoroughness, subsection 115 Data Collection

BACKGROUND/DISCUSSION

Pursuant to Section 33-133, Idaho Code, the state “data system” is made up of the state’s elementary, secondary and postsecondary longitudinal data system, additionally any new “personally identifiable student data” added to the data system must be approved by the Governor and the legislature. New data points may be added on a provisional basis, however, to remain in the system as an ongoing data element the data element must be approved. Approval is accomplished through the administrative rule making process. Section 33-133, Idaho Code requires...” (2) the Idaho State Board of Education must submit any new provisional student data collection to the governor and the legislature for their approval within one (1) year in order to make the new student data a permanent requirement through the administrative rule process...”

Currently the state longitudinal data system for elementary and secondary data does not include grade point average (GPA). GPA is used at the state level for determining acceptance at public postsecondary higher education institutions as part of the Board’s Direct Admissions Initiative and in determining eligibility and ranking of students who apply for the Idaho Opportunity Scholarship. Currently, a predicted GPA is calculated for students participating the in the Direct Admissions Initiative and school district counselors must verify the GPA for secondary students who apply for the Idaho Opportunity Scholarship. Allowing this data point to be collected on an ongoing basis will allow for a more consistent application of the Direct Admission requirements and streamline and speed up the process for verifying and awarding Idaho Opportunity Scholarships. For the 2017-2018 school year, 5,238 new applicants applied for the Idaho Opportunity Scholarship. Six-hundred and ninety-one (691) of the applicants were ineligible due to GPA.

IMPACT

Approval of the proposed rule will allow the rule to move forward to the public comment period. Should the pending rule be approved by the Board and accepted by the legislature it will add grade point average as an ongoing data element in the state longitudinal data system.

ATTACHMENTS

Attachment 1 – Proposed Rule changes to IDAPA 08.02.03.115

Page 3

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STAFF COMMENTS AND RECOMMENDATIONS

Once approved by the Board, the proposed rule will be published in the administrative bulletin and a 21-day public comment period commences. Unlike the negotiated rulemaking meetings the public comment period only requires the public be given an opportunity to comment on what has already been drafted. Formal public hearings may also be conducted as part of the 21-day comment period. Public hearings provide a forum for the public to give input and are not generally conducted in a manner that allows for discussion of the rule changes being proposed. Following the close of the public comment period, changes may be made to the proposed rule in response to the comments received. The rule is then brought back to the Board with changes if applicable, as a pending rule. If the pending rule is approved by the Board it is published in the Administrative Bulletin and forwarded to the Legislature for consideration.

Pursuant to Section 67-5220, Idaho Code, prior to initiating formal rulemaking procedures, an agency must determine if conducting negotiated rulemaking is a feasible undertaking. If the agency determines it is not feasible, it may proceed to formal rulemaking and explain in the notice of proposed rulemaking why it was not feasible to conduct negotiated rulemaking. When determining the feasibility of negotiated rulemaking, certain issues must be considered. These may include the following:

- Does the rule meet the requirements for a temporary rule and is urgent in nature;
- Is the rule simple in nature with limited variability?
- Are those who will be affected by the rule changes easily identifiable?
- Are those affected likely to reach a consensus on the proposed changes?
- Is the remaking being done to comply with a state or federal mandate or court order and cannot be negotiated?

Do to the simple nature of this rule and GPA already being a commonly defined term it was determined that negotiated rulemaking was not feasible and negotiated rulemaking was not conducted. Interested parties will have the ability to comment on whether or not the data element should be added during the 21-day comment period. The comments received will be shared with the Board at the time the Board considers the pending rule.

Staff recommends approval.

BOARD ACTION

I move to approve changes to the proposed rule IDAPA 08.02.03.115, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAHO DIGITAL LEARNING ACADEMY

SUBJECT

Proposed Rule Docket 08-0401-1701, Rules of the Idaho Digital Learning Academy

REFERENCE

November 1, 2006 Board approved Pending Rule – Docket No. 08-0401-0601, Idaho Digital Learning Academy

April 20-12, 2006 Board approved proposed rule amendment to IDAPA 08.04.01. Rules of the Idaho Digital Learning Academy

APPLICABLE STATUTE, RULE, OR POLICY

Chapter 55, Title 33, Idaho Code

BACKGROUND/DISCUSSION

The 2002 Idaho Legislature created the Idaho Digital Learning Academy (IDLA) as an online, school-choice learning environment (Title 33, Chapter 55, Idaho Code). IDLA is a state virtual school providing Idaho students with greater access to a diverse assortment of courses and receives an annual appropriation from the Idaho legislature. This virtual school serving grades 7 thru 12 was created to address the educational needs of all Idaho students, including traditional, home schooled, at-risk, and gifted learners. Pursuant to Section 33-5504, Idaho Code, the Board of Education promulgated rules for IDLA in 2006 (effective March 2007). While IDLA's involvement with school districts, charters schools, public school students and the State Board of Education have expanded and evolved over the years, the provision outlined in IDAPA 08.04.01 have not and have become out of date.

The proposed rule amendments will update the IDLA's physical address and additional technical corrections bring the accreditation requirement language in alignment with terminology used elsewhere in Idaho Code Statute and Administrative Code and update provisions related to student work and ethical conduct.

IMPACT

Approval of the proposed rule would clarify 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 Page 3

STAFF COMMENTS AND RECOMMENDATIONS

The negotiated rulemaking process includes three opportunities for public engagement and comment. The first step in the process is the negotiation

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process. The start of the negotiated rulemaking is the notice of intent to promulgate rules. The notice of intent is required to include a non-technical summary of the substance and purpose of the rule and issues that will be involved. The purpose of the notice of intent is to allow the public and those affected by the rule to be informed about what is being considered and to participate in a negotiated process in which the agency discusses the areas that they want to amend or add to Administrative Code. The public has an opportunity to meet with staff and discuss their concerns or support of the changes and talk through why one change may be chosen to go forward over another. Following the close of the negotiated rulemaking meeting(s), the agency drafts the proposed rule, based on the feedback received during this meeting. Agencies are not required to include the feedback received during the negotiated rulemaking meetings, however, all parties generally leave the meetings with some indication or understanding of what will be going forward to the Board for consideration. Once the rule is drafted, it is then brought before the Board for consideration as a proposed rule. Once approved by the Board, the proposed rule is then published in the administrative bulletin and a 21-day public comment period commences. Unlike the negotiated rulemaking meetings the public comment period only requires the public be given an opportunity to comment on what has already been drafted. Formal public hearings may also be conducted as part of the 21-day comment period. Public hearings provide a forum for the public to give input and are not generally conducted in a manner that allows for discussion of the rule changes being proposed. Following the close of the public comment period, changes may be made to the proposed rule in response to the comments received. The rule is then brought back to the Board with changes, if applicable, as a pending rule. If the pending rule is approved by the Board it is published in the Administrative Bulletin and forwarded to the Legislature for consideration.

The notice of intent to promulgate this rule was published in the June 7, 2017 (Vol.17-6) Administrative Bulletin. One request was received to negotiate the rule outside of IDLA staff. Consensus was reached on the proposed amendments with all interested parties.

Staff recommends approval.

BOARD ACTION

I move to approve changes to Proposed Rule Docket 08-0401-1701, 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

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
August 11, 2016	Board approved proposed rule changes to IDAPA 08.05.01 incorporating amended seed certification standards (Rapeseed/Canola/ Mustard Certification Standards).
November 28, 2016	Board approved pending rule IDAPA 08.05.01, Rules Governing Seed and Plant Certification (Rapeseed/Canola/ Mustard Certification Standards)

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 required by the Seed and Plant Certification Act of 1959 (Idaho Code, Chapter 15, Title 22). The Board incorporated 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 committees consisting of ICIA Board established process of working with various seed crop, seed grower 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.

Through the ICIA's annual review process, the ICIA identified the need for an amendment to the Grain Certification Standards. The proposed rule would amend the Idaho Grain Certification Standards "Land Requirements" to allow irrigated fields producing certified class seeds to be used if they have not produced small grain for the previous crop year unless the small grain was of an equal or higher class of the same variety being planted. The current standards restricts the land use to field that have not produced visually indistinguishable grain for the two prior crop years unless the grain is of an equal or higher class of the same variety or unless a seedling inspection is conducted.

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IMPACT

Approval of the amendment as a proposed rule will allow the rule to move forward through the rulemaking process, allowing the rule to go for public comment.

ATTACHMENTS

Attachment 1 – Proposed Rule – Docket 08-0501-1701	Page 3
Attachment 2 – Standards for Seed and Plant Certification	Page 7
Attachment 3 – ICIA Review Notification	Page 9

STAFF COMMENTS AND RECOMMENDATIONS

The notice of intent to promulgate this rule was published in the July 5, 2017 (Vol.17-7) Administrative Bulletin. No requests were received to negotiate this rule beyond ICIA's initial process.

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 Docket 08-0501-1701, as presented in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Proposed Rule Docket 47-0101-1701 – Division of Vocational Rehabilitation

REFERENCE

June 2017	Board approved pending rule to clarify language regarding the Division of Vocation Rehabilitations supported employment, pre-employment transition and transition services for students and youth, and services for individuals employed or seeking employment at subminimum wage as well as technical changes. Board approved the Division of Vocational Rehabilitations Field Service Manual.
August 2017	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 (Division) Field Service Manual contains internal processes to the Division as well as eligibility and program requirements for the people and agencies the Division 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. Starting in 2015, the Division 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 Services Manual from Administrative Code altogether. The proposed amendments to the Field Services Policy Manual and administrative rule, IDAPA 47.01.01 provided for consideration this year is the continuation of this multi-year process.

Additional amendments are being made to update requirements and references imposed by the Workforce Innovation and Opportunity Act (WIOA). Three policies: supporting employment, pre-employment transition and transition services for students and youth, and services for individuals employed or seeking employment at subminimum wage were substantially modified/created to meet federal compliance and best practices.

IMPACT

The proposed changes incorporate the updated Field Services Policy Manual into rule and bring the rule compliant with federal guidelines per WIOA.

ATTACHMENTS

Attachment 1 – Proposed Rule Changes to IDAPA 47.01.01	Page 3
Attachment 2 – Field Services Policy Manual – Redlined	Page 5

STAFF COMMENTS AND RECOMMENDATIONS

Once approved by the Board, proposed rules are published in the Administrative Bulletin. Publication of the proposed rule starts the 21-day public comment period. At the close of the public comment period, based on comments received and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules are brought back to the board for approval prior to re-submittal to the Department of Administration for publication as a pending (or final rule) in the Idaho Administrative Bulletin. The Department of Administration then forwards all pending rules to the legislature for consideration during the next legislative session. Pending rules go into effect at the end of the session in which they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.

The notice of intent to promulgate this rule was published in the May 3, 2017 (Vol.17-5) Administrative Bulletin. No formal requests were received to negotiate the rule. The Division shared proposed changes at various stakeholder meetings around the state and invited stakeholders to provide feedback regarding proposed or needed changes. Feedback received was incorporated into the proposed amendments to the Field Services Policy Manual.

Staff recommends approval.

BOARD ACTION

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

Moved by _____ Seconded by _____ Carried Yes _____ No _____

AND

I move to approve Proposed Rule Docket 47-0101-1701 as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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DIVISION OF CAREER TECHNICAL EDUCATION

SUBJECT

Proposed Rule – Docket 55-0103-1701 – Rules of Career Technical Schools

REFERENCE

2000 Board approved rules creating IDAPA 55.01.03 –
Rules of Career Technical Schools

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, 55.01.03
Section 33-1002G, Idaho Code

BACKGROUND/DISCUSSION

Since the original approval by the Board of Education of rules governing career technical schools in 2000, and the adoption of the rules by the 2001 Legislature, this section has become outdated. Proposed amendments will update the rule language with current terminology, remove outdated language that no longer conforms to Idaho Code, streamline requirements for more efficient administration and make technical changes, like alphabetizing the definition section.

Funding for career technical schools was intended to be based on the existing data reporting structure that has school districts reporting required data to the Department of Education (Department), the data is then sent by the Department to the Division of Career Technical Education. This data transfer process has never functioned as intended, requiring school districts to self-report their career technical school related data directly to the Division of Career Technical Education (Division). The district self-reporting process has led to processing errors, reporting discrepancies, and an increased burden on district administrators and Division staff. The Division started the negotiated rulemaking process in April 2017. As part of the negotiated process the Division worked with career technical school administrators to clarify the types of courses that qualify for funding, outline the enrollment requirements that a career technical school must meet in terms of enrolling students from more than one high school, and define the qualifications of a career technical school administrator.

The proposed changes will also clarify the process for calculating and distributing funds to career technical schools. The long-term goal of the Division is to transition funding for career technical schools to an enrollment based approach. The Division has proposed legislation that the Board will be considering under another agenda item that, if enacted by the Legislature, will allow them to move in that direction. Enrollment-based funding will more closely align with how the infrastructure and costs for career technical school programs are calculated and will reduce the reporting burden for administrators. In the interim, these changes

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are a more accurate representation of the existing process and ensure consistency statewide.

IMPACT

The policy will have a positive impact on program delivery. Career technical schools will have a clear understanding of program expectations from year to year and which courses are eligible to receive funding. There will be no additional immediate fiscal impact, as these changes simply clarify the distribution of funds within any given appropriation.

ATTACHMENTS

Attachment 1 – Proposed Rule Docket 55-0103-1701

Page 5

STAFF COMMENTS AND RECOMMENDATIONS

Pursuant to Section 33-1002G, Idaho Code, Career Technical Schools are funded through added cost units. This section of code specifically requires:

“... In order for a school to qualify for funding as a career technical school, it must make application to the division of career technical education on or before the first Friday in July for the following fiscal year. All school programs must have a career technical component and meet at least four (4) of the five (5) following criteria:

- (1) The school serves students from two (2) or more high school attendance zones with a minimum of fifteen percent (15%) of the total student body residing in attendance zones apart from the attendance zone of the majority of students.
- (2) The school offers a majority of its class offerings as dual credit opportunities in conjunction with an accredited institution of higher education.
- (3) All school programs involve at least one (1) supervised field experience.
- (4) The school is administered and funded as a distinct school separate from schools that qualify for computation as regular secondary support units.
- (5) The school is to be located at a separate site from regular high school facilities.
- (6) Hardship exemptions for the separate site requirement may be granted by the state board of education.
- (7) For funding purposes, students in attendance at a qualifying career technical school will be reported in full or half days. The state board of education will develop rules that will determine funding in instances where students attend a career technical school on a regular basis, but in increments of time that total less than 2.5 hours per day.

The hierarchy of state policy when there is a conflict between Administrative Code (rule) and Idaho Statute, the statute governs. In rule-writing it is considered a best practice to not duplicate requirements in statute unless doing so provides additional clarification and ease of understanding of the administrative requirements in rule. The Division is proposing amendment to Section 33-1002G, Idaho Code, under a separate agenda item. Should the proposed rule be

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approved by the Board and enacted by the Legislature, the Division will bring back a temporary rule to the Board for consideration to bring the rule into compliance with the new funding methodology.

The proposed amendments to IDAPA 55.01.03. subsection 104, would allow for the Division to make partial payments to a school that does not meet all of the eligibility requirements to qualify as a career technical school. Section 33-1002G, Idaho Code, does not authorize the Division to make partial payments is a school does not meet the minimum eligibility requirements specified in Idaho Statute. Board staff will work Division staff to explore available options in this area. Any identified changes will be brought back to the Board for consideration, if approved, as a pending rule.

Once approved by the Board, proposed rules are published in the Administrative Bulletin. Publication of the proposed rule starts the 21-day public comment period. At the close of the public comment period, based on comments received and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules are brought back to the Board for approval prior to re-submittal to the Department of Administration for publication as a pending (or final rule) in the Idaho Administrative Bulletin. The Department of Administration then forwards all pending rules to the legislature for consideration during the next legislative session. Pending rules go into effect at the end of the session in which they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.

Staff recommends approval.

BOARD ACTION

I move to approve Proposed Rule Docket 55-0103-1701 as submitted in attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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DIVISION OF CAREER TECHNICAL EDUCATION

SUBJECT

Proposed Rule Docket 55-0104-1701, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants

REFERENCE

August 2014	Board approved the proposed amendments to IDAPA 55.01.14., the program quality standards, and the first reading of amendments to Board Policy IV.E. incorporating the standards into Board Policy.
October 2014	Board approved second reading of amendments to Board Policy IV.E. incorporating the Agriculture Education Program standards.
November 2014	Board approved pending rule Docket 55-0114-1501.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section IV.E.2. Section 33-1629, Idaho Code

BACKGROUND/DISCUSSION

These proposed amendments to IDAPA 55.01.14 reflect two years of the Idaho Quality Program Standards (IQPS) Incentive Grant and Agricultural Education Program Start-Up Grant implementation. Following the second round of grant awards, Agriculture and Natural Resource teachers requested a review of the existing language. This review was intended to ensure the structure and award of the grants continued to align with legislative intent and were serving the intended purpose of improving the quality of programs.

The Division entered into negotiated rulemaking in April 2017, as well as conducted a series of focus groups with teachers to identify the strengths and weaknesses of the current process. Teachers identified changes in two main areas: the first creates a “carry forward” function within the grant that would allow qualified teachers priority consideration for a subsequent grant cycle, in the event that a qualified teacher does not receive funds in the year they are eligible. In years that the number of qualified teachers exceeds available funds, those teachers would be placed at the top of the consideration list the following year. The second change expands the window of time that a new program is eligible for the start-up grant from one year to three years of program approval.

The Division has also changed the funding structure of the grants. Rather than funding the grants using a reimbursement process, districts will now receive their entire grant award around October of each year and then file an annual report with the Division documenting the appropriate use of funds.

IMPACT

The policy will have a positive impact on expanding the number of teachers who will receive the award. Under the existing structure, a teacher who receives the award in one year can continue to receive the award indefinitely, making it difficult for new teachers to participate in the grant. Under the new structure, teachers will have an additional incentive to continue to apply for the grant, as they are guaranteed to eventually receive funding, assuming they continue to meet the eligibility requirements. The changes also have a positive impact for new programs, as districts can request start-up funds beyond the initial year of approval. This additional flexibility is particularly beneficial for those districts where a program is approved but not started within the first year.

There will be no additional immediate fiscal impact, as these changes simply clarify the distribution of funds within the existing grant structure. Long term fiscal impact will be determined if the number of teachers who qualify for the grant increases and if the Legislature appropriates additional funds for either grant program.

ATTACHMENTS

Attachment 1 – Proposed Rule Docket 55-0104-1701

Page 5

STAFF COMMENTS AND RECOMMENDATIONS

The Idaho Legislature enacted Section 33-1629, Idaho Code, Agricultural and Natural Resource Education Programs during the 2014 session. The statute establishes an Agricultural and Natural Resource Education Program that provides incentive grants for high quality programs that meet the standards approved by the Board and provides start-up grants for school district to start high quality programs. In addition to the two grant programs the statute establishes a Quality Program Incentive Fund that public and private funds may be deposited into for use toward the grant programs. The Division is proposing legislation that would create a similar program for career technical education programs other than agricultural and natural resource education programs. This proposal is included in the 2018 legislation under a separate agenda item.

Once approved by the Board, proposed rules are published in the Administrative Bulletin. Publication of the proposed rule starts the 21-day public comment period. At the close of the public comment period, based on comments received and Board direction, changes may be made to proposed rules prior to entering the pending stage. All pending rules are brought back to the board for approval prior to re-submittal to the Department of Administration for publication as a pending (or final rule) in the Idaho Administrative Bulletin. The Department of Administration then forwards all pending rules to the legislature for consideration during the next legislative session. Pending rules go into effect at the end of the session in which they are reviewed, if they are not rejected by the legislature. The legislature may reject a rule in whole or in part.

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The notice of intent to promulgate this rule was published in the April 5, 2017 (Vol.17-4) Administrative Bulletin.

BOARD ACTION

I move to approve Proposed Rule Docket 55-1014-1701 as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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