

**STATE DEPARTMENT OF EDUCATION
OCTOBER 18, 2017**

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1	DEVELOPMENT IN K-12 EDUCATION	Information Item
2	ELEMENTARY SCHOOLS WITH LESS THAN 10 PUPILS ADA	Information Item
3	PENDING RULE – DOCKET NO. 08-0203-1702 – COLLEGE ENTRANCE EXAM	Motion to Approve
4	PENDING AND TEMPORARY RULE - DOCKET NO. 08-0203-1708 – IDAHO ENGLISH LANGUAGE PROFICIENCY ASSESSMENT ACHIEVEMENT STANDARDS	Motion to Approve
5	PENDING RULE – DOCKET NO. 08-0203-1711 – IDAHO STANDARDS ALTERNATE ASSESSMENT ACHIEVEMENT STANDARDS	Motion to Approve
6	ASSESSMENT ITEM REVIEW COMMITTEE RECOMMENDATIONS – BIAS AND SENSITIVITY REPORT	Motion to Approve

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SUBJECT

Developments in K-12 Education

BACKGROUND/DISCUSSION

Sherri Ybarra, Superintendent of Public Instruction, will share developments in K-12 education with the Board, including:

- FY2019 Public School Budget Request
- New SDE Portal to Access ISEE
- IRI Briefing
- Parent Portal

ATTACHMENTS

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Attachment 2 – Public School Foundation Program (excludes IESDB)	Page 5
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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

Approval to operate an elementary school with less than ten (10) pupils in average daily attendance.

REFERENCE

November 1999	Board approved delegation of approval of elementary schools with less than ten (10) pupils pursuant to Section 33-1003(2)(f) to the Superintendent with a required annual report to the Board consisting of the districts that have requested approval and whether or not they were approved.
October 2015	Superintendent reported to the Board that four (4) districts had requested approval and four (4) were approved.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-1003 (2)(f), Idaho Code

BACKGROUND/DISCUSSION

Section 33-1003 (2)(f), Idaho Code, states that *“Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.”* At the November 1999 meeting, the State Board of Education delegated authority to the State Superintendent of Public Instruction to approve elementary schools to operate with less than ten (10) pupils in average daily attendance. A report listing the elementary schools that have requested to operate with less than ten (10) average daily attendance and whether approval was granted is to be provided to the State Board of Education annually at the September meeting. The Board no longer convenes a regularly scheduled September Board meeting; therefore, the report is being brought to the Board at the regularly scheduled October Board meeting.

Eight (8) schools have requested to operate with less than ten (10) average daily attendance during the 2017 – 2018 school year. Superintendent Ybarra has approved all of the requests (Attachment 1).

IMPACT

These approved schools will generate state funding for their school districts, per Chapter 10, Title 33, Idaho Code.

ATTACHMENTS

Attachment 1 – List of approved schools

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

The Superintendent has approved eight schools to operate with less than 10 students for the 2017-2018 school year. In 2015 the Superintendent reported

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having approved four schools, two elementary and two joint elementary – junior high schools for the 2015-2016 school year. There is no documentation of a report to the Board in 2016.

Section 33-107(4)(d) and (e), Idaho Code allows the Board to:

- (d) Delegate to its executive secretary, the superintendent of public instruction, if necessary to enhance effectiveness and efficiency, such powers as he requires to perform duties and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;
- (e) Delegations of powers under this subsection must be adopted as statements of agency action by the state board, as provided in section [33-105\(2\)](#), Idaho Code, and pursuant to a process that provides for notice, opportunity for input and formal adoption by the state board...

Statements of agency action are adopted through the Board's Governing Policies and Procedures approval process. To comply with section 33-107(4), Idaho Code, this delegation will need to be incorporated into Board policy. Furthermore, the original delegation and annual reporting requirement was made by the Board at the November 18-19, 1999 Board meeting. In 2014, the Board amended its bylaws to require all Board action that "impacts the ongoing future behavior of the agencies and institutions to be incorporated into Board Policy." To allow for future delegation of this duty the Board will need to amend Board Policy incorporating the delegation and reporting requirements. Board staff will bring forward an amendment to Board Policy in the future to incorporate the delegation and reporting requirements.

BOARD ACTION

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

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SUBJECT

Pending Rule – Docket No. 08-0203-1702, Rules Governing Thoroughness, College Entrance Examination

REFERENCE

August 2013	The Board approved removal of the ACCUPLACER as an acceptable college entrance examination.
August 2015	The Board approved removal of the Compass exam as an acceptable college entrance examination for students graduating after 2017.
June 2017	The Board approved Proposed Rule Docket No. 08-0203-1702.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105 and 33-1612, Idaho Code
IDAPA 08.02.03.105.03, College Entrance Examination

BACKGROUND/DISCUSSION

IDAPA 08.02.03.105.03 requires a student to take the SAT or ACT before the end of their eleventh grade year to meet graduation requirements. A rule change effective March 2016 removed the Compass assessment as an option to meet the requirement for students graduating after 2017. The final administration of the Compass assessment was on November 1, 2016, which potentially impacts students graduating in 2018. This pending rule change will allow students who took the Compass exam prior to its final administration to meet the college entrance exam (CEE) graduation requirement.

The rule change clarifies when a student with disabilities can be exempted from the CEE requirement. Individualized Education Program teams will also be able to consider the ACCUPLACER Placement Assessment as an acceptable CEE for students with disabilities to meet the CEE graduation requirement.

Also, to accommodate a variety of circumstances preventing students from completing the CEE, a form provided by the Department will be available for school counselors or administrators to submit exemption requests. This form will allow schools to present an alternative test or provide explanation of extenuating circumstances prohibiting a student from meeting the CEE requirement. The request will be reviewed and approved by the Superintendent of Public Instruction or the Superintendent's designee.

A Notice of Intent to Promulgate Rules was published in the April 5, 2017, edition of the Administrative Bulletin. Six (6) public meetings were held across the state between April 11 and 20, 2017. No comments were received during the public meetings, and five (5) written comments in favor of the suggested amendments were received through the SDE's public comment online submission form.

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A Notice of Rulemaking - Proposed Rule was published in the August 2, 2017, edition of the Administrative Bulletin, and no public comments were received during the August 2 – August 23 public comment period. As a result, no changes were made between the proposed rule and the pending rule.

IMPACT

The passage of this pending rule will allow students who participated in the Compass assessment on or before its final administration to meet the CEE graduation requirement. The rule will also allow students with disabilities receiving services to use the ACCUPLACER Placement Assessment when more appropriate for the student. Students with extenuating circumstances will have an opportunity to use other assessments or be exempt from the CEE requirement.

ATTACHMENTS

Attachment 1 – Pending Rule, Docket No. 08-0203-1702

Page 5

STAFF COMMENTS AND RECOMMENDATIONS

At the August 2013 Board meeting the Board approved the removal of the Accuplacer as an eligible assessment for meeting the college entrance exam graduation requirement. The Board found that during the first year of the implementation of the college entrance exam requirement some alternative schools had all of their students take the Accuplacer assessment without giving them the choice or encouragement to try the SAT or ACT. Department staff at that time (2013) reported that the reasons behind this was that the school district staff did not believe the students would “go-on” to postsecondary education, therefore there was no need for them to take the SAT or ACT. The original purpose of the college entrance exam requirement was to show students who would not normally or voluntarily take a college entrance exam that they were capable of doing well on the exam, additionally, any areas of weakness identified by the assessment could also be addressed during their senior year.

The proposed amendment to subsection 105.03.a. would allow students on an individualized education plan to use the Accuplacer placement exam to meet the college entrance exam requirement. The current codified rule allows students enrolled in a special education program with an individual education plan that specifies the student would need accommodations that would result in a non-reportable score on the assessment to choose to be exempt from the college entrance exam requirement. The new language would allow students who were on an individualized education plan but did not meet the same level of accommodations necessary for the exemption to take the Accuplacer in place of the SAT or ACT. The proposed changes to subsection 105.03.b (new subsection c.) would limit the existing exemption to those students receiving special education services through an individual education plan who have a plan that indicates they meet the requirements to take the ISAT-Alternate Assessment. The Alternate Assessment is available to those students with the most

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significant, cognitive disabilities for whom the general assessment is not appropriate.

At the August 2015 Board meeting the Board approved a proposed rule eliminating the Compass exam as an option for meeting the college entrance exam high school graduation requirement after the 2016-2017 school year. At that time it had been announced that the Compass was being discontinued and would not be available in the spring of 2017 when students normally take the exam, making the 2015-2016 school year the final year when the exam would be available for the entire school year. Board staff worked with the Department's Assessment staff at that time to make sure school districts were notified of the change. Due to a subsequent change in staffing at the Department level, not all school districts were notified that the Compass was no longer an eligible assessment for meeting the graduation requirement during the 2016-2017 school year, and some school districts had students take the assessment in the fall, not realizing, that it no longer met the graduation requirement. The proposed amendment regarding the Compass exam will allow for those students who took the exam in the fall, who will not be graduating until the 2017-2018 school year to use the Compass exam to meet the graduation requirement.

The proposed addition of subsection 105.3.d. would allow school district to apply to the Superintendent of Public Instruction or their designee to take a different college entrance exam or college placement exam than those specified in Administrative Code or to exempt the student completely from the requirement at their discretion.

BOARD ACTION

I move to approve Pending Rule Docket No. 08-0203-1702, Rules Governing Thoroughness - College Entrance Examination, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Temporary and Pending Rule Docket No. 08-0203-1708, Rules Governing Thoroughness, Incorporation by Reference – Idaho English Language Proficiency Assessment Achievement Standards

REFERENCE

November 2009	Board adopted The Idaho English Language Assessment Achievement Standards as temporary
August 2010	Board adopted The Idaho English Language Assessment Achievement Standards as pending, that were approved in November 2009
November 2015	Board approved pending rule changes to IDAPA 08.02.03.105
August 2016	Board removed the Idaho English Language Assessment (IELA) Achievement Standards
April 2017	Board approved Temporary and Proposed Rule Docket No. 08-0203-1708

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105, 33-1612, and 33-1617, Idaho Code
IDAPA 08.02.03.004, Rules Governing Thoroughness

BACKGROUND/DISCUSSION

This pending rule provides for the re-insertion of the Idaho English Language Proficiency Assessment Achievement Standards, a document incorporated by reference. The Idaho English Language Assessment (IELA) Achievement Standards were removed from code upon adjournment of the 2017 Legislature. New English Language Proficiency Assessment (ELPA) Achievement Standards need to be added in place of the old standards so schools have accurate identification of a student’s cut scores and corresponding six (6) achievement levels. Additionally, IDAPA 08.02.03.112.05.b refers to the Idaho English Language Proficiency Assessment definitions for levels of language proficiency and will no longer be referencing the correct incorporated by reference document when the standards are removed. The new standards will take place of the old standards and allow this reference in code to point to the correct incorporated by reference document.

A Notice of Rulemaking – Temporary and Proposed Rule was published in the June 7, 2017, edition of the Administrative Bulletin, and no public comments were received during the June 7 – June 28 public comment period.

Upon review of the proposed incorporated document during the comment period, Department staff determined that additional information would make the document easier for practitioners to use. The amendments are highlighted in Attachment 2:

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- Performance definitions, which had been presented to the Board in April as an attachment to the proposed and temporary rule but not included in the rule, have been added to the incorporated document.
- The full range of scores has been added to each of the Cut Scores & Proficiency Levels charts.

IMPACT

We are required to assess English Learner students in English language proficiency annually, pursuant to the federal Elementary Secondary Education Act, reauthorized under the Every Student Succeeds Act. If English Learner students are not tested, we will not meet federal requirements.

ATTACHMENTS

Attachment 1 – Pending and Temporary Rule, 08-0203-1708	Page 5
Attachment 2 – Idaho English Language Proficiency Assessment Achievement Standards	Page 8

STAFF COMMENTS AND RECOMMENDATIONS

Prior to the April 2017, Board approval, the Board last approved the English Language Assessment Achievement Standards in 2009. Since that time the achievement standards had become outdated. In 2015, the Board approved the request by the Department of Education to remove the 2009 Achievement Standards from administrative rule. The 2015 Pending Rule was not approved by the legislature due to concern over other amendments to IDAPA 08.02.03 that were included in the same docket. During the rulemaking process in 2016 the Department of Education requested the removal of the outdated IELA Achievement Standards be included with other changes to the state assessment and accountability system that were being promulgated that year by Board staff. The Board approved these amendments along with the creation of a new school accountability framework. The 2017 Legislature accepted all of the changes and they became effective at the close of the 2017 legislative session. The Department is now bringing forward updated achievement standards and updating the name of the assessment.

Approved proposed rules have a 21 day public comment period, following publication in the Administrative Bulletin, 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 are 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 are forwarded to the legislature for consideration during the next session and become effective at the end of the legislative session in which they are reviewed, if they are not rejected by the legislature.

Unlike proposed and pending rules, temporary rules go into effect at the time of Board approval unless an alternative effective date is specified by Board action.

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The Board approved the original temporary rule at the regular April 2017 Board meeting. The standards adopted by the Board and incorporated by reference into the temporary rule went into effect on April 20th, 2017. To maintain the consistency between the standards that are currently in place and those that will be in place at the end of the 2018 Legislative Session, should the legislature accept the pending rule, the Board will need to approve an amendment to the temporary rule in addition to approving the pending rule.

The only change to the rule language is to update the standards adoption date to the October 18, 2017 consideration date.

Staff recommends approval.

BOARD ACTION

I move to adopt the amended Idaho English Language Proficiency Assessment Achievement Standards as submitted in Attachment 2.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

AND

I move to approve Pending and amended Temporary Rule Docket No. 08-0203-1708, Rules Governing Thoroughness, Incorporation by Reference, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Pending Rule, Docket No. 08-0203-1711, Rules Governing Thoroughness, Idaho Alternate Assessment Achievement Standards

REFERENCE

May 2011	Board approved the Idaho Alternate Assessment Achievement Standards.
September 2015	Board approved a temporary rule amending the Alternate Assessment Achievement Standards and the performance level descriptions for the Idaho Alternate Assessment Achievement Assessment.
October 2016	Board approved a temporary rule extending the Alternate Assessment Achievement Standards and the performance level descriptions for the Idaho Alternate Assessment Achievement Assessment.
June 2017	Board approved proposed rule Docket No. 08-0203-1711

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105, 33-1612 and 33-2002, Idaho Code
IDAPA 08.02.03.004.06

BACKGROUND/DISCUSSION

This pending rule incorporates by reference the Idaho Alternate Assessment Achievement Standards into IDAPA 08.02.03

In 2011, Idaho joined the National Center and State Collaborative (NCSC), a project led by 24 states and five (5) centers to develop an alternate assessment based on alternate achievement standards for students with the most significant cognitive disabilities. The alternate assessment was developed to ensure that all students with significant cognitive disabilities are able to participate in an assessment that is a measure of what they know and can do in relation to the grade-level Idaho Content Standards. The adoption of the NCSC recommended standards was approved in May 2011, and amendments were approved by temporary rule by the State Board of Education in September 2015, and again in October 2016.

A Notice of Rulemaking – Proposed Rule was published in the August 2, 2017 Administrative Bulletin and no public comments were received during the August 2 – August 23 public comment period. Upon review of the proposed incorporated document during the public comment period, Department staff determined that the incorporated document would be more helpful to practitioners with the addition of

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text regarding performance levels and the addition of the Performance-Level Scale Score Ranges table. The table shows the scale score ranges for performance levels for each grade and content area. Staff also determined that the NCSC Mathematics and English Language Arts tables were erroneously included in the document, so the tables have been removed. These changes are highlighted in Attachment 2.

IMPACT

This pending rule is necessary to comply with the Individuals with Disabilities Act, the Elementary and Secondary Education Act, and the Every Student Succeeds Act.

ATTACHMENTS

Attachment 1 – Pending Rule Docket No. 08-0203-1711	Page 5
Attachment 2 – Idaho Alternate Assessment Achievement Standards, Performance Level Descriptors	Page 8

STAFF COMMENTS AND RECOMMENDATIONS

The alternative assessment is available to Idaho students who, based on the students' individualized education plan, are determined to be unable to take the Idaho Standards Achievement Test with or without accommodations or adaptations. These students have significant cognitive disabilities and the standard assessment is not appropriate.

The temporary rule approved by the Board in September 2015 expired at the end of the 2016 legislative session, converting the Idaho Alternate Assessment Achievement Standards to those approved by the Board May 18, 2011 (previous codified version). These standards are no longer in alignment with Idaho's alternate standards achievement test, commonly referred to as the ISAT-Alt and referenced as the Idaho Alternate Assessment in IDAPA 08.02.03.111. The Board was asked by the Department of Education to approve a new temporary rule incorporating the Alternate Assessment Achievement Standards approved by the Board at the September 2015 Board meeting into a new temporary rule in October of 2016. Due to the state deadlines regarding the submittal of proposed rules, the Board could not consider both a temporary and proposed rule at that time and approved a new temporary rule only. The rule approved by the Board in October of 2016 was extended during the 2017 legislative session, allowing it to remain in place until the legislature adjourns at the end of the 2018 legislative session. The extension made it unnecessary for the Board to consider a new temporary rule at the June 2017 Board meeting, allowing the rule to come forward as a proposed rule only.

In addition to the negotiated rulemaking process that is conducted prior to the drafting of proposed rules, proposed rules approved by the Board are published in the Administrative Bulletin and are required to have a 21 day public comment period. Following the close of the public comment period the proposed rule is

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brought back to the Board for consideration as a pending rule. If approved by the Board the pending rule will be forwarded to the legislature for consideration. If accepted by the legislature the rule will go into effect at the end of the 2018 legislative session, at the same time the extended temporary rule expires.

The Idaho Alternate Assessment Achievement Standards have been amended from the version that is currently in place under the temporary rule approved by the Board in 2016. Without amendment to the temporary rule those standards will stay in place until the temporary rule expires at the end of the 2018 Legislative Session and the new amended Idaho Alternate Assessment Achievement Standards take effect.

The only change to the language within the rule between the proposed and pending stages is to update the version date of the standards to the new consideration date. Changes to the standards themselves, are highlighted and start on page 45 of Attachment 2.

BOARD ACTION

I move to approve the amended Idaho Alternate Assessment Achievement Standards as submitted in Attachment 2.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

I move to approve the Pending Rule Docket No. 08-0203-1711, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Idaho Bias and Sensitivity Committee recommendations to remove items from the 2018 Idaho Standards Achievement Test (ISAT) administration.

REFERENCE

November 2014	The Board appointed thirty (30) committee members for a two (2) or four (4) year term. A list of ninety (90) additional members were appointed to perform a one-time review.
February 2015	The Board approved the removal of an audio clip and associated items per the recommendation of the committee members.
August 2016	The Board appointed new committee members.
December 2016	The Board approved the removal of the three (3) ELA items, one (1) grade 11 passage with five (5) associated items, one (1) grade 8 passage with eleven (11) associated items, and one (1) grade 6 math item.
August 2017	The Board appointed new committee members.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-134, Idaho Code – Assessment Item Review Committee

BACKGROUND/DISCUSSION

In accordance with Section 33-134, Idaho Code, the Board approved a review committee of thirty (30) individuals from each of the six (6) educational regions in the state, representing parents of students, teachers, administrators, and school board members in Idaho’s public education system. The committee reviews the computer adaptive test questions on the summative ISAT developed by Smarter Balanced, in English language arts (ELA)/Literacy and Math, for bias and sensitivity.

The committee is authorized to make recommendations to the Board and the State Department of Education to revise or eliminate summative computer adaptive test questions from the assessment forms. The Board shall make the final determination regarding the adoption or rejection of the committee's recommendations.

The Bias and Sensitivity Committee is recommending the removal of the following items from the 2018 ISAT by Smarter Balanced Assessment:

- One (1) Grade 4 ELA Item

IMPACT

As a result of previous recommendations by the Bias and Sensitivity Committee and approval of these recommendations, Idaho requires a separate item configuration for the online delivery of the ELA assessment. The ongoing costs associated to generate the separate test configuration is \$57,000 annually. The recommendation from the 2017 review committee does not incur additional costs.

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ATTACHMENTS

Attachment 1 – 2017 Bias and Sensitivity Committee Report	Page 3
Attachment 2 – Idaho Bias and Sensitivity Review	Page 12
Attachment 3 – LABS Guidelines Handout	Page 32
Attachment 4 – Content Rater and Rules	Page 34

STAFF COMMENTS AND RECOMMENDATIONS

Pursuant to Section 33-134, Idaho Code, the Assessment Item Review Committee (commonly referred to as the Bias and Sensitivity Committee) is charged with reviewing all summative computer adaptive test questions for bias and sensitivity, this includes the Idaho Standards Achievement Test for English Language Usage and Mathematics. Following the review process the committee may make recommendations to the Board for removal of any test questions that the committee determines may be bias or unfair to any group of test takers, regardless of differences in characteristics, including, but not limited to disability status, ethnic group, gender, regional background, native language or socioeconomic status.

The Idaho Standards Achievement Test developed by the Smarter Balanced Assessment Consortium is refreshed each year through the addition of new assessment items. As part of Idaho’s participation in the consortium we have access to the refreshed assessment and new assessment items. The committee reviews only the new items that are added each year. Items are added in both mathematics and English language usage. In 2015 361 combined items were added, in 2016 798 items were added and in 2017 1,051 items were added.

Assessment items are confidential and available for use by all states participating in the Smarter Balanced Assessment Consortium. Publically disclosing the assessment item would compromise its validity for use by other states. To maintain the integrity of the assessment items the specific item being requested for removal has been made available to Board members prior to the Board meeting and are not available to the public for review.

BOARD ACTION

I move to adopt the recommendation of the Assessment Review Committee for the removal of the one (1) English language arts item as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

OR

I move to reject the recommendation of the Assessment Review Committee for the removal of the one (1) English language arts item as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____