



STATE BOARD OF EDUCATION MEETING
December 7, 2020

Office of the State Board of Education
Len B. Jordan Building
650 W State Street, 3rd Floor
Boise, Idaho

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Monday, December 7, 2020, 3:00 p.m. (Mountain Daylight Time)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. IDAPA 08.04.01 – Idaho Digital Learning Academy – Partial Waiver – Proctored Exams – Action Item
2. Temporary and Pending Rule – Docket 08-0201-2001 – FTE Enrollment and Attendance Reporting – Action Item
3. Temporary Rule – Docket 08-0201-2002 – FTE Enrollment Reporting and Average Daily Attendance Computation – Action Item

The State Board of Education tentatively plans to convene weekly for a virtual Special Board Meeting during the COVID-19 pandemic to receive updates on the status of public education in Idaho and to take action as necessary.

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TAB	DESCRIPTION	ACTION
1	IDAPA 08.04.01 – IDAHO DIGITAL LEARNING ACADEMY - PARTIAL WAIVER – PROCTORED EXAMS	Action Item
2	TEMPORARY AND PENDING RULE – DOCKET 08-0201-2001 – FTE ENROLLMENT AND ATTENDANCE REPORTING	Action Item
3	TEMPORARY RULE – DOCKET 08-0201-2002 – FTE ENROLLMENT REPORTING AND AVERAGE DAILY ATTENDANCE COMPUTATION	Action Item

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IDAHO DIGITAL LEARNING ACADEMY

SUBJECT

IDAPA 08.02.01 – Rules of the Idaho Digital Learning Academy – Partial Waiver – Proctored Exams

REFERENCE

April 13, 2020 Board approved partial waiver of IDAPA 08.04.01.102.01. waiving the proctored final exam requirement for the remainder of the 2019-2020 academic school year

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, 08.02.01.007 and 08.04.01.102.01.

BACKGROUND/DISCUSSION

Pursuant to IDAPA 08.04.01.102.01., all Idaho Digital Learning Academy (IDLA) courses require the student take a comprehensive final exam at an approved site under proctored conditions. Since many school districts and charter schools are operating in virtual or hybrid environments, it is not possible for IDLA to conduct all final exams under proctored condition. During the 2020 spring semester soft closure, IDLA requested, and the Board approved the waiver of this provision for the remainder of the 2019-2020 academic school year. IDLA is now requesting the Board waive this provision again for the 2020-2021 academic year. This waiver does not preclude IDLA from requiring proctored exams at the end of the Spring semester, but allows them the flexibility to adjust final exam requirements as the situation at the time merits.

IMPACT

By waiving the proctored exam requirement, IDLA will still be able to provide for different methods for assuring students have met the requirements of the course and learned the content without requiring them to be physically present for a comprehensive final exam at an approved site under proctored conditions.

STAFF COMMENTS AND RECOMMENDATIONS

IDAPA 08.02.01.007 authorizes the Board to waive education rules not required by state or federal law. This authorization grants the Board the authority to provide school districts and charter schools with added flexibility to respond to unforeseen circumstances. Waivers approved by the Board are specific and time limited.

The Board has been requested to consider the waiver of IDAPA 08.04.01.102. Exams. This section requires each student to take a comprehensive final exam at an approved site under proctored conditions for each IDLA course they are taking. These proctored exams are typically done at the public school the student is enrolled in. While some schools could serve in a limited capacity to accommodate

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these exams and still meet appropriate public health protocols, the limited capacity would not be able to accommodate all of the students participating in IDLA courses during the 2020-2021 school year. Accommodating these proctored exams also adds a burden on schools that are already trying to accommodate social distancing guidelines and sanitation protocol.

Staff recommends approval.

BOARD ACTION

I move to waive IDAPA 08.04.01.102.01. proctored final exam requirement for the 2020-2021 academic school year.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Temporary and Pending Rule – Docket 08-0201-2001, Rules Governing Administration - Full-time Equivalency Enrollment Reporting

REFERENCE

August 2019	Board considered and rejected a proposed rule, Docket 08-0102-1901, setting reporting requirements for enrollment FTE and directed staff to bring back a temporary rule at the conclusion of planned visits in each of the regions to gather feedback.
October 2019	Board approved temporary rule establishing the enrollment FTE in a substantially similar format as presented at the Regular August Board meeting.
August 2020	Board approved temporary and proposed rule setting reporting criteria for average daily attendance and full-time equivalent enrollment reporting and waived the GED application fee.
November 23, 2020	Board approved amended temporary and pending rule Docket 08-0201-2001, establishing FTE enrollment reporting methodology and allowing average daily attendance to be calculated based on the FTE enrollment numbers.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1001, 33-1002, 33-1003, 33-1003A, 33-1027, 33-1028, and 33-1619, Idaho Code
Idaho Administrative Code, IDAPA 08.02.01, Rules Governing Administration

BACKGROUND/DISCUSSION

Pursuant to Section 33-1027, Idaho Code, the Board must establish in rule the methodology for reporting FTE Student Enrollment. The Board approved a temporary rule during the 2019-2020 rulemaking establishing the initial methodology for this reporting requirement on a pilot basis for reporting during the 2019-2020 school year. When the Coronavirus pandemic hit in March, staff from the Board, school districts, charter schools and State Department of Education (Department) staff to make adjustments to the methodology based on the first year's reporting. Between March and June, the Governor's K-12 emergency council, additional school district and charter school administrators and business officers, and Department staff expressed grave concerns on how they would be able to track and report attendance for calculating average daily attendance when students were moving between on-line and in-person learning or participating in hybrid courses where they were not physical present in the school building every day. The Board was asked to consider an administrative rule that would allow for averaging of the FTE student enrollment numbers reported to be used in the calculation for determining average daily attendance and the subsequent support units used for determining the majority of the public schools' funding each year.

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A new temporary and proposed rule was brought forward and approved by the Board at the August 2020 Regular Board meeting. The new rule incorporated much of what was included in the 2019 rule on FTE student enrollment reporting and incorporated a methodology for using FTE enrollment for reporting average daily attendance. The portion of the temporary and proposed rule for reporting and calculating FTE enrollment looks at students who attend one school district or charter school (i.e. local education agency or LEA) and those students that attend more than one LEA. Section 33-1027, Idaho Code, requires the FTE be based on the courses in which the student is enrolled. Because LEAs are authorized to set their own local school year schedules, there are variances in types of schedules around the state. Schools having semester schedules, trimester schedules, or year-round schedules with varying lengths of time for class periods, this complicates the calculations for sharing the FTE enrollment between schools when they share students. Additionally, within these three types of annual schedules there are some LEAs that have four-day school weeks with longer class periods, some with block schedules where the student has a class two or three days a week with alternating classes over a two week period, and the more traditional shorter class periods with the course being taken each day of the week. Due to these complexities, consensus could not be reached in 2019 on a methodology by which to fractionalize the number of courses. The current calculation for average daily attendance is based on weighting students' attendance when shared between two or more LEAs by the 2.5 hours (half-day) or 4 hours (full-day) used for calculating average daily attendance. Using this concept, the courses could be broken out to minutes per week, with 1 FTE equaling 1,200 minutes per week or more. This is consistent with the current four-hour requirement to be counted as a full day of attendance when calculating average daily attendance.

As a result of the statutory requirement limiting each student to no more than one (1) FTE, each LEA that serves students taking more courses than a full course load through two or more LEAs must report less FTE for that student than what they would report for a student taking a full course load from one LEA. While some students in grades 7 through 12 may be eligible for overload course funding through the Fast Forward (Advanced Opportunities) program, this funding is not equivalent to the funding provided through the public schools appropriation for a full day of average daily attendance. Additionally, this program is not available to students in grade 6 or lower that may be enrolled in two or more LEAs and take more courses than what would normally be consider a full day.

Board and Department staff worked with representatives from the school districts to develop the provisions for reporting FTE enrollment proposed in Docket 08-0201-2001. In addition to seeking stakeholder feedback, Board staff and Board member Critchfield spoke with Utah and Washington education staff on how they count and fractionalize enrollment numbers. Both indicated they use some form of course time or minutes courses are in session to calculate FTE enrollment.

Board staff have worked with Department staff and a group of administrators and school district business officers to come to consensus on a methodology that

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would broaden the narrow definition of daily attendance to accommodate for students receiving instruction through different blended learning modalities as well as when buildings are required to close or have only limited access and student instruction in continuing remotely. This would include virtual courses and hybrid courses as well as instances where a student is attending in-person and then the building needs to close and the student transitions for a short period of time to virtual learning or when a student or group of students were attending in-person instruction must quarantine and receive instruction remotely during this time period. The consensus of the group was the proposed rule approved by the Board at the August 2020 Regular Board meeting. This rule allowed school districts and charter schools to use the enrollment reporting mechanism established for reporting FTE student enrollment to identify the amount of time a student is receiving instruction as a proxy for the historical in-person attendance used for calculating average daily attendance.

The temporary and proposed rule sets the FTE student enrollment reporting methodology required by Section 33-1027, Idaho Code, and amends the average daily attendance reporting methodology to allow for average daily attendance to be calculated based on the FTE enrollment methodology starting in fiscal year 2021.

At the August 2020 Regular Board meeting when the Board considered the temporary and pending rule there was no data available to estimate the number of support units the FTE student enrollment averages would generate when used to calculate average daily attendance. Department staff informed the Board, that using the FY 20 attendance numbers and the FY 20 FTE student enrollment numbers they found the FTE student enrollment numbers increased the number of support units in an amount that would have generated a fiscal impact increase of approximately \$8M to the public schools budget. This estimate was calculated using statewide averages and across the board percentage increases. To determine the actual fiscal impact one would need to be able to look at the increases in specific grade bands and special categories, including exceptional education and alternative schools. This level of data was not available in August.

In November, the Board considered amendments to the temporary and pending rule that make up Docket 08-0201-2001. Amendments were based on comments received from both Department staff and school district and charter school personnel. At that time, staff received a report on preliminary FTE enrollment numbers for the FY 21 school year. Preliminary numbers reported in FY2021 showed a higher variance between projected average daily attendance and FTE equivalent enrollment than identified in the earlier projections using FY 20 data. This variance is primarily due to the difficulty schools are experiencing with reporting attendance for students being instructed through remote and hybrid learning models. Even with this variance, the preliminary FTE enrollment numbers are showing an estimated 4% decline in overall students across the system in FY 21. Should this trend bear out, the majority of the school districts and charter schools would see a reduction in their state funding that is generated based on support units. These preliminary estimates are prior to applying the

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average daily attendance protection for school districts that is established in Section 33-1003, Idaho Code. The funding calculated off of the mid-term support units constitutes the majority of the state funding distributed to school districts and charter schools each year. The Department gave LEAs until December 4th to correct their data used for calculating mid-term support units. Once all corrections have been made, data will be available to calculate the exact variances. It is estimated at this time that corrected data will not result in a greater number of support units than was approved in the FY2021 public schools budget.

Following the Board's action approving pending rule Docket 08-0201-2001 at its November 23, 2020 Special Board meeting, the Division of Financial Management expressed concerns with the potential ongoing fiscal impact of using FTE student enrollment for calculating average daily attendance. The Division has requested the Board reconsider including this provision in the final pending rule that would take effect when the 2021 Legislature adjourns. The Division has given permission for the Board to promulgate a second temporary rule that will incorporate the provisions for using average FTE student enrollment to calculate average daily attendance during the current fiscal year and to resubmit the pending rule, Docket 08-0202-2001, without this provision. The original deadline for all pending rule submittals to be considered by the 2021 Legislature was November 30th.

IMPACT

Removing the provisions allowing average FTE student enrollment to be used for calculating average daily attendance from the pending rule will mean the temporary rule provisions will expire when the 2021 Legislature adjourns. The legislature has historically adjourned prior to the end of the fiscal year. If the legislature adjourns prior to funding calculations being run to determine the best 28 weeks average daily attendance and the distribution of the discretionary funds, an additional temporary rule will need to be promulgated to maintain the use of the average FTE student enrollment methodology for calculating average daily attendance for the full 2020-2021 school year.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0201-2001 – FTE Student Enrollment and Attendance Reporting

STAFF COMMENTS AND RECOMMENDATIONS

Proposed amendments to the pending rule incorporate technical adjustments identified during the public comment period based on data uploaded by the school districts in October and November. These are the same amendments the Board approved at the November 23rd Special Board meeting. One additional amendment has been made to the pending rule, removing all proposed amendments to IDPA 08.02.01.250.06. Average Daily Attendance.

Administrative rules are made up of three types of rules: temporary, proposed and pending. Temporary and proposed rules may be promulgated jointly with a single docket number or temporary rules may be promulgated as a standalone rule. A rule must go through the proposed rule and pending rule steps to become a final

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

- provides protection of the public health, safety, or welfare; or
- is to come into compliance with deadlines in amendments to governing law or federal programs; or
- is conferring a benefit.

Temporary rules that are approved prior to the start of a legislative session expire at the end of that legislative session unless action is taken by the legislature to extend the rule. The legislature does not see temporary rules unless there is a specific request to extend the temporary rule past the close of the legislative session. Proposed rules approved by the Board are published in the Idaho Administrative Rules Bulletin. Following publication there is a 21-day comment period. Based on received comments and Board direction, changes may be made to proposed rules prior to entering the pending stage. Pending rules are then brought back to the Board for consideration. Once 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. Temporary rules may also be amended during the time they are in effect.

Staff recommends approval.

BOARD ACTION

I move to rescind the motion to approve the amendments to the temporary and pending rule Docket 08-0201-2001 on November 23, 2020.

AND

I move to approve the pending rule Docket 08-0201-2001, establishing full-time equivalent student enrollment reporting, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAPA 08
TITLE 02
CHAPTER 01

08.02.01 – RULES GOVERNING ADMINISTRATION

(BREAK IN CONTINUITY OF SECTIONS)

007 **DEFINITIONS** (originally approved by the Board October 2019)

01. Course. A unit of instruction that may be determined based on the amount of instructional time or predetermined level of content and course outcomes.

02. Virtual Course. A course where instruction is provided in an on-line or virtual format and does not necessarily include face-to-face instruction.

(BREAK IN CONTINUITY OF SECTIONS)

250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.

(Section 33-512, Idaho Code)

(4-1-97)

01. Required Instructional Time. Excluding transportation to and from school, lunch periods, passing times, and recess, schools must schedule at least the following instructional times: kindergarten, four hundred fifty (450) hours per year or equivalent amount of instruction through an online, distance, or blended learning format; grades one through three (1-3), eight hundred ten (810) hours per year or equivalent amount of instruction through an online, distance, or blended learning format; grades four through eight (4-8), nine hundred (900) hours per year or equivalent amount of instruction through an online, distance, or blended learning format; and grades nine through twelve (9-12), nine hundred ninety (990) hours per year or equivalent amount of instruction through an online, distance, or blended learning format. The equivalent amount of instruction shall be based on the amount of time reported for the same course or amount of coursework delivered in an in-person setting. (4-1-97)

02. Required Attendance. All pupils will complete four (4) years of satisfactory attendance in grades nine through twelve (9-12) to graduate from an accredited high school, except those who are approved for early graduation. (4-1-97)

03. Day in Session When Counting Pupils in Attendance. (4-1-97)

a. A school day for grades one through twelve (1-12) may be counted as a “day in session” when the school is open in session and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours or its equivalent of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. (4-1-97)

b. Half-day Session. A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. Students attending less than half-day in session may have their hours aggregated by week for reporting purposes. (4-1-97)

c. Teacher In-service Activities. For grades one through twelve (1-12), not more than twenty-two (22) hours may be utilized for teacher in-service activities, based on the district approved calendar. In the event a school district chooses to utilize full days instead of half-days, the attendance reported for these full days will be the average of the attendance for the other days of that same week. (4-1-97)

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ATTACHMENT 1

04. Day of Attendance - Kindergarten. A day of attendance for a kindergarten pupil is one in which a pupil is ~~physically present for a period of two and one-half (2 1/2) hours~~ under the direction and guidance of a teacher ~~for a period of two and one-half (2 1/2) hours~~ while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half-day increments. **Students attending less than half-day in session may have their hours aggregated by week for reporting purposes.** ~~Attendance reports for any day in the school year will reflect only those students physically present.~~ Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. (Section 33-1001(5), Idaho Code.) (4-1-97)

05. Day of Attendance (ADA) - Grades One Through Twelve (1-12). A day of attendance is one in which a pupil is ~~physically present for the full day~~ under the guidance and direction of a teacher or other authorized school district personnel while school is in session or is a homebound student under the instruction of a teacher employed by the district in which the pupil resides, with the exception as stated in "day in session" above. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in full or half-days. ~~Attendance reports for any day in the school year will reflect only those students physically present or under homebound instruction.~~ (Section 33-1001(4), Idaho Code) (4-1-97)

06. Average Daily Attendance. In a given school year, the average daily attendance for a given school is the aggregate days attendance divided by the number of days school was actually in session. (Section 33-1001(2), Idaho Code) (4-1-97)

07. Full-Time Equivalent (FTE) Enrollment Reporting.

a. Kindergarten students enrolled in one LEA for a total number of courses that equal 600 or more minutes per week shall equal 0.5 FTE. Grade 1 through grade 12 students enrolled in one LEA for a total number of courses that equal 1,200 or more minutes per week shall equal one (1) FTE.

b. Kindergarten students enrolled in one or more LEAs for a total number of courses at all LEAs that equal 600 minutes per week or less, the FTE shall be based on the percentage of time each student's courses are of 600 minutes. Grade 1 through grade 12 students enrolled in one or more LEAs for a total number of courses at all LEAs that equal 1,200 minutes per week or less, the FTE shall be based on the percentage of time each student's courses are of 1,200 minutes.

c. Kindergarten students enrolled in more than one LEA for a total number of courses at all LEAs that equal 600 or more minutes per week and less than or equal to 750 minutes the FTE shall be fractionalized based on percentage of time for which the student is enrolled. Grade 1 through grade 12 students enrolled in more than one LEA for a total number of courses at all LEAs that equal 1,200 or more minutes per week and less than or equal to the respective amounts in the following subsections the FTE shall be fractionalized based on percentage of time for which the student is enrolled:

- i. Kindergarten: 750 minutes.**
- ii. Grade 1 through grade 3: 1,350 minutes.**
- ii. Grade 4 through grade 8: 1,500 minutes.**
- iii. Grade 9 through grade 12: 1,650 minutes.**

d. Students enrolled in more than one LEA for a total number of courses at all LEAs that equal more than the following minutes the FTE shall be based on the percentage of time for which the student is enrolled:

- i. Grade 1 through grade 3: 1,350 minutes.**
- ii. Grade 4 through grade 8: 1,500 minutes.**
- iii. Grade 9 through grade 12: 1,650 minutes.**

e. Courses in LEAs with block scheduling that results in students attending courses for a period greater than one week in order to encompass all courses the student is enrolled in for the term will use average minutes per week over the applicable time period to determine the courses minutes per week.

f. Students enrolled in an alternative summer school or alternative night school program of two hundred twenty-five (225) or more hours of instruction may be counted as an additional point two five (.25) FTE. Alternative summer school enrollment will be included in the October 1 reporting period.

g. Students enrolled in an alternative summer school or night school program of less than two hundred twenty-five (225) hours FTE will be determined based on the proportional share of two hundred twenty-five (225) hours the program consists of.

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h. Students enrolled in more than one LEA in grade 7 through grade 12 shall count enrollment at all LEAs for determining eligibility of overload courses identified in Section 33-4601 and 33-4602, Idaho Code.

(BREAK IN CONTINUITY OF SECTIONS)

650. GENERAL EDUCATION DEVELOPMENT TESTS/IDAHO HIGH SCHOOL EQUIVALENCY CERTIFICATE.

The primary objective of the State Board of Education is to have all students complete their formal education and graduate from high school. However, students who drop out of school and believe it is in their best interest to take the (General Education Development) GED. test may do so under the following conditions and, upon successful completion of all GED requirements, may apply for an Idaho High School Equivalency Certificate (HSEC). (4-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

04. Idaho High School Equivalency Certificate. The State Department of Education will issue an Idaho High School Equivalency Certificate (HSEC) to eligible applicants. ~~The normal fee for issuing a certificate is ten dollars (\$10); however, this fee will be waived for military service personnel and veterans.~~ To be eligible to receive an HSEC, an applicant must submit the following documents to the Division of Career Technical Education:
~~(3-25-16)~~ T(8-26-20)

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SUBJECT

Temporary Rule – Docket 08-0201-2002, Rules Governing Administration - Full-time Equivalency Enrollment Reporting

REFERENCE

August 2019	Board considered and rejected a proposed rule, Docket 08-0102-1901, setting reporting requirements for enrollment FTE and directed staff to bring back a temporary rule at the conclusion of planned visits in each of the regions to gather feedback.
October 2019	Board approved temporary rule establishing the enrollment FTE in a substantially similar format as presented at the Regular August Board meeting.
August 2020	Board approved temporary and proposed rule setting reporting criteria for average daily attendance and full-time equivalent enrollment reporting and waived the GED application fee.
November 23, 2020	Board approved amended temporary and pending rule Docket 08-0201-2001, establishing FTE enrollment reporting methodology and allowing average daily attendance to be calculated based on the FTE enrollment numbers.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1001, 33-1002, 33-1003, 33-1003A, 33-1027, 33-1028, and 33-1619, Idaho Code
Idaho Administrative Code, IDAPA 08.02.01, Rules Governing Administration

BACKGROUND/DISCUSSION

Temporary Rule Docket 08-0201-2002, is a companion rule to the pending rule in Docket 08-0201-2001. The temporary rule takes all of the language negotiated through Docket 08-0201-2001, establishing full-time student enrollment reporting methodologies and the administrative/technical corrections to provisions for eligible days of attendance and adds language removed from the pending rule, Docket 08-0201-2001, allowing an average of the FTE student enrollment to be used in calculating average daily attendance.

IMPACT

Approval of the temporary rule, Docket 08-0201-2002, would allow averaging of the FTE student enrollment numbers to be used for calculating average daily attendance until such time as the 2021 Legislature adjourns.

ATTACHMENTS

Attachment 1 – Temporary Rule Docket 08-0201-2002 – FTE Student Enrollment and Attendance Reporting

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STAFF COMMENTS AND RECOMMENDATIONS

While school districts and charter schools are still required to report attendance during the pandemic, the numbers reported to-date seem to indicate wide variances on how schools are reporting attendance for students receiving all or a portion of their instruction remotely.

Preliminary data indicates a variance in average daily attendance calculated based on daily attendance numbers from approximately 289,317 ADA to approximately 302,708 when ADA is calculated using the average reported FTE enrollment. For the 2019 – 2020 school year, the mid-term statewide average daily attendance was reported by the State Department of Education (Department) at 293,916.39. The Department allowed school districts and charter schools until December 4th to correct their data reported through the first Friday in November. These data are then used by the Department to calculate the state distribution factor based on average daily attendance and mid-term support units for each local education agency, and to determine the public school budget payments that goes out to schools in February and May. The fiscal impact to the FY 21 public schools budget cannot be calculated until the Department completed their work of calculating mid-term support units. The support unit calculations are impacted by the grade ranges students fall into as well as other special categories established in chapter 10, Title 33 or Idaho Code. At this time, it is estimated the calculated mid-term support units using average daily attendance calculated from FTE enrollment numbers will be close to those estimated in the FY 21 original appropriation.

Staff recommends approval.

BOARD ACTION

I move to approve the temporary rule Docket 08-0201-2002, establishing full-time equivalent student enrollment reporting for the current school year and allowing average FTE student enrollment to be used for calculating average daily attendance, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAPA 08
TITLE 02
CHAPTER 01

08.02.01 – RULES GOVERNING ADMINISTRATION

(BREAK IN CONTINUITY OF SECTIONS)

007 DEFINITIONS

01. Course. A unit of instruction that may be determined based on the amount of instructional time or predetermined level of content and course outcomes.

02. Virtual Course. A course where instruction is provided in an on-line or virtual format and does not necessarily include face-to-face instruction.

(BREAK IN CONTINUITY OF SECTIONS)

250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.

(Section 33-512, Idaho Code)

(4-1-97)

01. **Required Instructional Time.** Excluding transportation to and from school, lunch periods, passing times, and recess, schools must schedule at least the following instructional times: kindergarten, four hundred fifty (450) hours per year or equivalent amount of instruction through an online, distance, or blended learning format; grades one through three (1-3), eight hundred ten (810) hours per year or equivalent amount of instruction through an online, distance, or blended learning format; grades four through eight (4-8), nine hundred (900) hours per year or equivalent amount of instruction through an online, distance, or blended learning format; and grades nine through twelve (9-12), nine hundred ninety (990) hours per year or equivalent amount of instruction through an online, distance, or blended learning format. The equivalent amount of instruction shall be based on the amount of time reported for the same course or amount of coursework delivered in an in-person setting. (4-1-97)

02. **Required Attendance.** All pupils will complete four (4) years of satisfactory attendance in grades nine through twelve (9-12) to graduate from an accredited high school, except those who are approved for early graduation. (4-1-97)

03. **Day in Session When Counting Pupils in Attendance.** (4-1-97)

a. A school day for grades one through twelve (1-12) may be counted as a “day in session” when the school is open in session and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours or its equivalent of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. (4-1-97)

b. **Half-day Session.** A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. Students attending less than half-day in session may have their hours aggregated by week for reporting purposes. (4-1-97)

c. **Teacher In-service Activities.** For grades one through twelve (1-12), not more than twenty-two (22) hours may be utilized for teacher in-service activities, based on the district approved calendar. In the event a school district chooses to utilize full days instead of half-days, the attendance reported for these full days will be the average of the attendance for the other days of that same week. (4-1-97)

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ATTACHMENT 1

04. Day of Attendance - Kindergarten. A day of attendance for a kindergarten pupil is one in which a pupil is ~~physically present for a period of two and one-half (2 1/2) hours~~ under the direction and guidance of a teacher for a period of two and one-half (2 1/2) hours while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half-day increments. Students attending less than half-day in session may have their hours aggregated by week for reporting purposes. ~~Attendance reports for any day in the school year will reflect only those students physically present.~~ Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. (Section 33-1001(5), Idaho Code.) (4-1-97)

05. Day of Attendance (ADA) - Grades One Through Twelve (1-12). A day of attendance is one in which a pupil is ~~physically present for the full day~~ under the guidance and direction of a teacher or other authorized school district personnel while school is in session or is a homebound student under the instruction of a teacher employed by the district in which the pupil resides, with the exception as stated in “day in session” above. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in full or half-days. Attendance reports for any day in the school year will reflect only those students physically present or under homebound instruction. (Section 33-1001(4), Idaho Code) (4-1-97)

06. Average Daily Attendance. Average daily attendance will be reported by averaging the full-time equivalent enrollment by week for students receiving instruction. To be considered as a student receiving instruction the student must have regular contact with the applicable instructional or pupil service staff member and be completing assignments as applicable to the grade range and course the student is enrolled in. For funding purposes enrollment in an alternative summer school program shall be based on the student attending 225 hours or more or the proportional share of hours up to one (1) average day of attendance. In a given school year, the annual average daily attendance for a given school is the aggregate scheduled days of attendance divided by the number of days school was actually in session. (Section 33-1001(2), Idaho Code) (4-1-97)

07. Full-Time Equivalent (FTE) Enrollment Reporting.

a. Kindergarten students enrolled in one LEA for a total number of courses that equal 600 or more minutes per week shall equal 0.5 FTE. Grade 1 through grade 12 students enrolled in one LEA for a total number of courses that equal 1,200 or more minutes per week shall equal one (1) FTE.

b. Kindergarten students enrolled in one or more LEAs for a total number of courses at all LEAs that equal 600 minutes per week or less, the FTE shall be based on the percentage of time each student’s courses are of 600 minutes. Grade 1 through grade 12 students enrolled in one or more LEAs for a total number of courses at all LEAs that equal 1,200 minutes per week or less, the FTE shall be based on the percentage of time each student’s courses are of 1,200 minutes.

c. Kindergarten students enrolled in more than one LEA for a total number of courses at all LEAs that equal 600 or more minutes per week and less than or equal to 750 minutes the FTE shall be fractionalized based on percentage of time for which the student is enrolled. Grade 1 through grade 12 students enrolled in more than one LEA for a total number of courses at all LEAs that equal 1,200 or more minutes per week and less than or equal to the respective amounts in the following subsections the FTE shall be fractionalized based on percentage of time for which the student is enrolled:

- i. Kindergarten: 750 minutes.
- ii. Grade 1 through grade 3: 1,350 minutes.
- ii. Grade 4 through grade 8: 1,500 minutes.
- iii. Grade 9 through grade 12: 1,650 minutes.

d. Students enrolled in more than one LEA for a total number of courses at all LEAs that equal more than the following minutes the FTE shall be based on the percentage of time for which the student is enrolled:

- i. Grade 1 through grade 3: 1,350 minutes.
- ii. Grade 4 through grade 8: 1,500 minutes.
- iii. Grade 9 through grade 12: 1,650 minutes.

e. Courses in LEAs with block scheduling that results in students attending courses for a period greater than one week in order to encompass all courses the student is enrolled in for the term will use average minutes per week over the applicable time period to determine the courses minutes per week.

f. Students enrolled in an alternative summer school or alternative night school program of two

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hundred twenty-five (225) or more hours of instruction may be counted as an additional point two five (.25) FTE. Alternative summer school enrollment will be included in the October 1 reporting period.

g. Students enrolled in an alternative summer school or night school program of less than two hundred twenty-five (225) hours FTE will be determined based on the proportional share of two hundred twenty-five (225) hours the program consists of.

h. Students enrolled in more than one LEA in grade 7 through grade 12 shall count enrollment at all LEAs for determining eligibility of overload courses identified in Section 33-4601 and 33-4602, Idaho Code.