

**STATE DEPARTMENT OF EDUCATION  
AUGUST 25, 2021**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	DEVELOPMENTS IN K-12 EDUCATION	Information Item
2	ESSA WAIVER TO ADDRESS FEDERAL ACCOUNTABILITY REQUIREMENTS FOR SY 2020-2021	Information Item
3	EMERGENCY PROVISIONAL CERTIFICATE – RECOMMENDATION PROCESS	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:

- Back-to-School Update
- Partnership with Department of Health and Welfare on Back to School Guidance
- New Superintendent Orientation
- Federal ESSER Funds Update

**BOARD ACTION**

This item is for informational purposes only.

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**SUBJECT**

ESSA waiver to address federal accountability requirements for SY 2020-2021

**REFERENCE**

August 2017	Board approved Idaho's Every Student Succeeds Act (ESSA) Consolidated Plan and approved the Department to submit the plan to the U.S. Department of Education on behalf of the Board.
February 2018	Board approved a revised Consolidated State Plan based on review and feedback from the US Department of Education.
December 2018	Board received the Accountability Oversight Committee 2018 Student Achievement Report and Recommendations.
February 2019	Board approved amendments to the Idaho Consolidated State Plan.
August 2019	State Board received an assessment and accountability update.
March 2020	Board approved a waiver submission to the U.S. Department of Education of several reporting and accountability requirements outlined in the Consolidated Plan in response to COVID-19 disruptions. The Board also waived the requirement in 08.02.03.111 for the administration of the Idaho Standard Achievement Test (ISAT) and alternate assessments for students with significant cognitive disabilities, in English Language Arts, Math and Science, in grades 3-8 and high school for the 2019-2020 school year. August 2017 Board approved Idaho's Consolidated Plan and its submission to the US Department of Education.
October 2020	Board received an update on assessment administration and accountability calculations for the 2020-2021 school year.
January 2021	Board approved an accountability addendum based on existing US Department of Education guidance for modifying calculations and identifications following the 2020-2021 school year.
April 2021	Board reviewed the proposed accountability waiver and postponed action pending waiver of the 95 percent participation rule in IDAPA 08.02.03.112.
June 2021	Board waived the 95 percent participation rule in IDAPA 08.02.03.112 and approved the accountability waiver and school identification for submission to the US Department of Education.

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**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-110, Idaho Code

Administrative Code, IDAPA 08.02.03 – Sections 111 and 112

**BACKGROUND/DISCUSSION**

The current state accountability system was established by the Board through the rulemaking process in 2016 and accepted by the Legislature in 2017, becoming effective starting in the 2017-2018 school year. The accountability system includes measures of performance and growth based on student performance on various metrics. Additionally, schools are identified for support and improvement within several categories required under Every Student Succeeds Act (ESSA).

During the latter half of the 2019-2020 school year, assessments and accountability were affected by COVID-19 disruptions. In March 2020, the Board waived the requirements in IDAPA 08.02.03.111 for the administration of the ISATs and alternate assessments in English Language Arts/Literacy, Mathematics, and Science. In the same meeting, the Board approved the submission of a waiver request to the U.S. Department of Education addressing various assessment and accountability requirements under ESSA. The U.S. Department of Education approved this waiver the same month. As part of this waiver, Idaho did not make any new accountability identifications following school year 2019-2020.

During school year 2020-2021, the State Department of Education introduced flexibility such as longer testing windows and remote assessment (where feasible) to support assessment. Idaho students were able to participate in all of the assessments described in Idaho's Comprehensive Assessment Program (IDAPA 08.02.03.111.06). However, the ongoing disruptions caused by COVID-19 and the assessment data missing from spring 2020 created ongoing accountability concerns.

In response, the State Department of Education worked with the Board's Accountability Oversight Committee (AOC) during November and December of 2020 to draft an accountability addendum following U.S. Department of Education guidance. The Board approved this addendum in January 2021 and the State Department of Education submitted the addendum request to the U.S. Department of Education in February 2021. Subsequently, the U.S. Department of Education released new guidance inviting states to apply for a more comprehensive accountability and identification waiver.

The State Department of Education drafted a proposed accountability waiver consistent with the previously-approved addendum decisions, along with additional modifications reflecting the new flexibility introduced by the U.S. Department of Education. The Board initially reviewed this waiver during their April meeting. In their June meeting, following the waiving of a related 95 percent participation requirement in IDAPA 08.02.03.112, the Board approved the

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accountability waiver for submission. The U.S. Department of Education approved the waiver later that month.

Consistent with the approved waiver request, Idaho's accountability system following the 2020-2021 school year:

- Does not make any new school identifications
- Does not adjust proficiency rates for ELA and Math participation below 95 percent
- Includes flexibility to adjust reporting for:
  - List of identified schools
  - Student growth
  - School quality and student success indicators
  - Progress toward meeting long-term goals and interim progress

Under the waiver, Idaho also assured the U.S. Department of Education that it would report on chronic absenteeism and technology access. Idaho also agreed to maintain support for all previously identified schools and to make new identifications following the 2021-2022 school year. School district and school performance is publicly reported by the Department through the [Idahoschools.org](http://Idahoschools.org).

**IMPACT**

Through the school report cards the public can view school and district performance on select accountability measures.

**STAFF COMMENTS AND RECOMMENDATIONS**

Section 33-110, Idaho Code, designates the State Board of Education as the State Educational Agency (SEA) and authorizes the Board to negotiate with the federal government, and to accept financial or other assistance to further the cause of education. The Elementary Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) of 2015 requires each state's SEA to submit plans outlining how they will meet the requirements of ESSA to be eligible for the federal funding attached to the requirements. States were allowed to submit individual plans for each Title contained in the law or they had the option to submit a single consolidated plan. Idaho, like most states, submitted a single consolidated plan. The Board approved Idaho's Consolidated State Plan at the August 2017 Board meeting. Provisions in ESSA (34 C.F.R. § 299.13(b) and 299.15(a) – Consultation and Stakeholder Engagement, 34 C.F.R. § 299.13(b) – Public Notice and Outreach and Input, and ESSA § 8540 Governor's Consultation) require much broader stakeholder engagement than was previously required under the Elementary and Secondary Education Act in the development of state plans.

In addition to codifying Idaho's accountability framework requirements for state and federal accountability in administrative rule, IDAPA 08.02.03.112.04. provides that the State Board of Education is responsible for determining methodologies for reporting progress and determining performance on the accountability measures. Any changes to the state accountability framework or the state comprehensive

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assessment program identified in IDAPA 08.02.03 must be promulgated through the negotiated rulemaking process prior to those amendments being made in the ESEA Consolidated State Plan. Methodologies for determining progress, setting growth and achievement targets, or identifying schools based on the performance measures can be changed through Board action without having to amend or waive any provisions in IDAPA 08.02.03. As the SEA, any amendments or requests for waivers to the ESEA Idaho Consolidated State Plan must be approved by the Board. Any amendments or waivers that conflict with the accountability provisions in IDAPA 08.02.03 would also require a waiver or amendment to those provisions. IDAPA 08.02.03, sets out the metrics used for school and district accountability and designates the State Board of Education as the body responsible for setting annual measurable progress goals and outcomes for schools not meeting those goals. Due to this flexibility, any amendments to the school identification process only require approval of a waiver or amendment to the provisions established in Idaho's Consolidated State Plan.

At the time the Board established the existing accountability framework the intention was to provide multiple measures of school and district performance that would provide a more complete picture of school performance and opportunities provided to students and that all of the accountability measures would be made publicly available.

**BOARD ACTION**

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**SUBJECT**

Emergency Provisional Certificate Application Process

**REFERENCE**

April 2019	Board approved Emergency Provisional Certificate Considerations and Recommendations
August 2019	Board approved a revision to Emergency Provisional Certificate Considerations and Recommendations

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-1203, Idaho Code

**BACKGROUND/DISCUSSION**

In accordance with Section 33-1203, Idaho Code, provisional certificates may be authorized by the State Board of Education (Board) in instances of declared emergency, and issuance of these provisional certificates is based on the candidate having not less than two years of college training.

When a local education agency (LEA) applies for emergency provisional certification on behalf of a hire, under the current process the application must be submitted to the Department two (2) to three (3) weeks in advance of a Professional Standards Commission (PSC) meeting. The Authorizations Committee of the PSC reviews every emergency provisional application to ensure compliance with code, to evaluate unique circumstances that may preclude the application from recommendation for approval, and to make recommendations to the Board. The Authorizations Committee provides a report to the full PSC, and the PSC votes to submit the recommendations of the Authorizations Committee to the Board for approval. An agenda item for emergency provisional certification is provided for consideration by the Board at the next meeting.

The agenda item provided to the Board offers a recommendation to “approve” or “not approve” for each emergency provisional application. When the agenda item is comprised only of applications that are recommended for approval, the agenda item is placed on the Board’s Consent agenda. When the agenda item includes one or more applications that are not recommended for approval, the agenda item may be placed on the Board’s regular agenda. Upon Board approval of the emergency provisional certificates, the LEA receives notice from the Department of the Board’s decision, which indicates to the LEA whether the candidate is provisionally certified and whether the position will be funded. An emergency provisional certificate is valid only for the school year in which it is issued.

During a session of the 2021 Senate Education Committee, senators asked if changes could be made to streamline the emergency provisional certification process. While addressing the approval timeline is not the Department’s only means by which to streamline the process, it will substantially and positively impact the process. From application submittal to approval by the Board, the approval

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timeline for an emergency provisional certificate application is lengthy. For example, if an LEA had submitted an emergency provisional application for PSC consideration on August 10, 2020, it would not have been reviewed by the PSC until their September 17-18, 2020, meeting, and it would not have been considered by the Board until their December 17, 2020, meeting. Likewise, an emergency provisional application submitted on September 1, 2020, for PSC consideration would not have been considered by the Board until their February 17-18, 2021, meeting. The length of the approval timeline is due to PSC and Board meeting scheduling and lead times for agenda item submission.

To significantly shorten the timeline of approval of emergency provisional applications, the Department requests that the Board approve the Emergency Provisional Certification Application Process (Attachment 1). Applications will no longer be reviewed and recommended by the PSC, rather they will be reviewed by the Department's certification staff based on the Board-approved process. An agenda item for emergency provisional certification applications will be provided for consideration by the Board at the next meeting of the Board that is within the six (6) week timeline of Board agenda item submission.

**IMPACT**

If the Board approves the Emergency Provisional Certification Application Process and no longer asks the PSC to review and provide recommendations, LEAs will know the certification and funding status of their provisional candidates two or more months earlier than the current process presently allows.

**ATTACHMENTS**

Attachment 1 – Emergency Provisional Certification Application Process

**STAFF COMMENTS AND RECOMMENDATIONS**

The state certification requirements are designed to assure there are qualified and highly effective teachers in the classroom and pupil service staff working with Idaho students. Pursuant to Section 33-1201, Idaho Code, "every person who is employed to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian shall be required to have and to hold a certificate issued under the authority of the State Board of Education." Section 33-1203, Idaho Code, prohibits the Board from authorizing standard certificates to individuals who have less than four (4) years of accredited college training except in occupational fields or emergency situations. When an emergency is declared, the Board is authorized to grant a provisional certificate based on not less than two (2) years of college training. School districts have been requesting, and the PSC has been recommending, that the Board approve provisional certificates in a number of different circumstances, including:

1. When a candidate holds a certificate, but lacks an endorsement in the applicable subject area. Current administrative code, IDAPA 08.02.02.021,



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provides for multiple alternative paths for individuals with a standard or interim certificate to add endorsements as well as alternative paths for individuals to receive an interim certificate while meeting the requirements for the standard certificate.

2. When a candidate has received an interim certificate but failed to complete the requirements of a standard certificate within the required time frame.
3. When a school district has conducted a failed search for a certificated teacher.
4. When a school district has received previous approval for an individual to be granted an emergency provisional certificate and is now requesting a new approval for a second year.

The two year college training minimum requirement in Section, 33-1203, Idaho Code, is undefined. The State Department of Education (SDE) has historically used 32 credits as the indicator for two (2) years of college training. Board Policy III.P.7. Full-Time Students defines a full-time student as taking 12 or more credits (or equivalent) per semester. An individual with 48 or more credits would be considered to have received two years of college training under Board Policy III.P.

Section 33-512, Idaho Code, defines substitute teachers as “as any individual who temporarily replaces a certificated classroom educator...” Neither Idaho Code, nor administrative rule, limits the amount of time a substitute teacher may be employed to cover a classroom. In some cases, school districts use a long-term substitute prior to requesting provisional certification for the individual. In many cases the individual that the school district is requesting emergency certification for has been in the classroom as a long-term substitute for the entire term. Setting an application deadline for each term would help to manage the timing of when the requests come to the Board to ensure school districts have certificated instructional staff in the classroom in a timely fashion.

In April 2019, SDE brought forward to the Board a request for direction on how the Board would like requests for Emergency Provisional Certificates to be processed. At that time, SDE requested that applications for Emergency Provisional Certification go through the Professional Standards Commission for recommendation prior to coming to the Board. The Board approved the request. There is no statutory requirement that the Professional Standards Commission review and make recommendations on the issuance of provisional certificates or any other certificate. The Professional Standards Commission’s statutory responsibilities are set forth in Sections 33-1254 and 33-1258, Idaho Code, and include making recommendations to the Board around educator preparation program standards and certification standards as well as standards of ethics, conduct and professional practices applicable to teachers in Idaho public schools.

A process for approving provisional certificates was approved by the Board at the April 2019 Regular Board meeting to limit the timeline for Emergency Provisions Certificated to come to the Board. The approved provisions required requests for the current school year to come to the Board at no later than the April Regular

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Board meeting. The process was amended at the August 2019 Regular Board meeting to provide an extension of this timeframe “subject to extenuating circumstances” such as when an LEA loses a staff member after the January Commission meeting deadline. In order to meet the April Board meeting agenda material deadline in March of each year the certification request is required to be submitted in January to make it through the Commission/Department process.

The process for bringing recommendations to the Board for emergency provisional emergency certification is subject to the discretion of the Board and could be amended to remove the Commission and the requests for emergency provisional certification could be processed and reviewed by SDE staff and the Director of Certification could make the recommendations to the Board for consideration.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Emergency Provisional Certification Application Process as provided in Attachment 1.

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

## Emergency Provisional Certificate Application Process

The Emergency Provisional Certificate allows a school district or charter school to request one-year certification/endorsement in an emergency situation for a candidate who does not hold the required Idaho certificate/endorsement to fill a position.

As per Idaho Code §33-1203, "... in emergencies, which must be declared, the state board may authorize the issuance of provisional certificates based on not less than two (2) years of college training.

The process for approval of Emergency Provisional Certificate Applications are as follows:

1. As per IDEA, an Emergency Provisional Certificate shall not be used for special education.
2. The applicant must pass a background check as required by Idaho Code §33-130.
3. The applicant must have two years of college training, which is defined as 48 semester credits.
4. In order to meet emergency requirements, all applications must include the following:
  - a. Date the school district or charter school declared an emergency.
  - b. Date applicant was hired to serve in the position that requires certification/endorsement.
  - c. Summary of recruitment efforts which lead to the emergency.
5. Applications received after January 1 of the school year must be due to the school district or charter school losing a staff member after January 1 of the school year.
6. The Emergency Provisional Certificate is approved as a one-time basis per individual except under extenuating circumstances. An explanation of extenuating circumstances must be included with a second-year application.

NOTE – IF AN INDIVIDUAL WANTS TO CONTINUE TEACHING IN A SCHOOL DISTRICT OR CHARTER SCHOOL, THEY NEED TO WORK TOWARD CERTIFICATION USING A STATE-BOARD APPROVED ROUTE TO CERTIFICATION.

State Department of Education Certification Staff will review applications based on the above Board-approved process and an agenda item listing the candidates that have met the above Board-approved process will be placed on the next meeting of the Board within the six (6) week timeline of Board agenda item submission. If necessary, a special Board meeting may be called.