

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023

SUBJECT

Proposed Rule – Docket No. 55-0103-2301 Rules of Career Technical Schools

REFERENCE

June 2021	Board approved omnibus temporary rule, Docket 55-0000-2100 reauthorizing all non-fee administrative rules in IDAPA 55.
October 2021	Board approved proposed omnibus rule, Docket 55-0000-2100, incorporating proposed rules approved in August 2021.
November 2021	Board approved pending omnibus rule, Docket 55-0000-2100.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 55.01.03, Rules of Career Technical Schools
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act
Executive Order 2020-01
Section 33-1002G, Idaho Code and Sections 33-2202 through 33-2205, Idaho Code.

BACKGROUND/DISCUSSION

Administrative rules are made up of three types of rules: temporary rules, proposed rules and pending rules. Temporary and proposed rules may be promulgated jointly with a single docket number or temporary rules may be promulgated as a standalone rule. Guidance for the rulemaking process is provided by the Office of Administrative Rules Coordinator, Division of Financial Management through the Idaho Rule Writer’s Manual.

Executive Order 2020-01, Zero Based Regulations, created an ongoing review process for all existing rules as of June 30, 2020. Each rule chapter is required to be reviewed by the agency that promulgated the rule according to a schedule established by the Division of Financial Management (DFM) no later than legislative adjournment *sine die* in 2026. The agency review schedule is required to be staggered across agencies and within agencies with five or more rule chapters. Administrative rules promulgated under the Board’s authority include IDAPA 08, IDAPA 55, and IDAPA 47. The Board’s administrative rules review schedule may be found at www.dfm.idaho.gov

Notice of Intent to Promulgate Rules was published in the June 7, 2023 (Vol 23-6) Idaho Administrative Rules Bulletin for the following Rule Docket Numbers:

- Docket No. 08-0102-2301 – IDAPA 08.01.02 Rules Governing the Postsecondary Credit Scholarship Program – Rule Repeal
- Docket No. 08-0201-2301 – IDAPA 08.02.01 Rules Governing Administration – Temporary Rule to expire 6/30/23

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023

- Docket No. 08-0203-2301-IDAPA 08.02.03 Rules Governing Thoroughness – Negotiated Rulemaking
- Docket No. 08-0401.2301 – IDAPA 08.04.01 Rules of the Idaho Digital Learning Academy – Zero-Based Regulation Chapter Rewrite
- Docket No. 55-0103-2301 – IDAPA 55.01.03 – Rules of Career Technical Schools – Zero-Based Regulation Chapter Rewrite
- Docket No. 55-0104-2301 - IDAPA 55.01.04 – Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants

Notice of Intent to Promulgate Rules was published in the July 7, 2023 (Vol 23-7) Idaho Administrative Rules Bulletin for the Following Rule Docket Numbers:

- Docket No. 08.0113.2301 – IDAPA 08.01.13 Rules Governing the Opportunity Scholarship – Temporary Rule effective 7/1/23
- Docket No. 08.0113.2302 – IDAPA 08.01.13 Rules Governing the Opportunity Scholarship – Negotiated Rulemaking

Two meetings for the purpose of gathering initial public feedback were held at the OSBE office on June 22, 2023 and June 23, 2023. The Division of Career Technical Education (DCTE) provided recommended revisions. No additional feedback or requests to participate in the negotiated rulemaking process was received by either the DCTE or OSBE staff.

Proposed revisions are submitted for Board approval as Attachment 2.

IMPACT

If the State Board of Education approves the proposed rule, it will be submitted to the Division of Financial Management Office of the Administrative Rules Coordinator and will be published as a proposed rule.

A 21-day public feedback period follows the publication of proposed rules. During this time stakeholders and members of the public may provide additional feedback on the drafted text. Based on comments received during the feedback window 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 for final publication 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.

If the State Board of Education does not approve the proposed rule, the existing rule will remain in effect.

ATTACHMENTS

Attachment 1 – Notice of Intent to Promulgate Rules

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023

Attachment 2 – Proposed Rule Docket No. 55-0103-2301- Rules of Career Technical Schools

BOARD STAFF COMMENTS AND RECOMMENDATIONS

IDAPA 55-01.03 Rules Governing Career Technical Schools have been thoroughly reviewed for simplification and streamlining.

The proposed rule amendments will streamline the language currently established in IDAPA 55.01.03, remove duplicative language within the rule and remove provisions that are established in Section 33-1002G, Idaho Code.

Staff recommends approval.

BOARD ACTION

I move to approve proposed rule – Docket Number 55-0103-2301, as submitted in Attachment 2.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-2301

**NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING**

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-101, 33-105, 33-107, 33-1002G, 33-1629, 33-2202, 33-2207, and 33-2211 in Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held no later than June 23, 2023.

Specific meeting dates, times, and locations of scheduled meetings, details are forthcoming and will be provided on the agency website and on Townhall.Idaho.gov.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made at least one (1) day prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested persons wishing to participate in the negotiated rulemaking may do so by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Responses must be received by June 23, 2023.

Should a sufficient number of persons respond to this notice, negotiated meetings will be scheduled. All scheduled meetings shall be posted and made accessible on the agency website at the address listed below and via Townhall.Idaho.gov at least 48 hours before the meeting.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

In accordance with [Executive Order 2020-01](#), this rulemaking will be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Board of Education website at the following web address: <https://boardofed.idaho.gov/board-policies-rules/board-rules/education-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2023.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023**

ATTACHMENT 1

**STATE BOARD OF CAREER TECHNICAL EDUCATION
Rules of Career Technical Schools**

**Docket No. 55-0103-2301
ZBR Negotiated Rulemaking**

DATED this 5th day of May 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208) 488-7586
fax: (208) 334-2632

55.01.03 – RULES OF CAREER TECHNICAL ~~SCHOOLS~~CENTERS

000. LEGAL AUTHORITY.

~~The State Board of Education is designated as the State Board for Career Technical Education and is responsible to execute the laws of the state of Idaho relative to career technical education, administer state and federal funds, and through the administrator of the State Division of Career Technical Education, coordinate all efforts in career technical education (Sections 33-1002G and 33-2202 through 33-2212, Idaho Code).~~ (3-31-22)

001. SCOPE.

These rules serve the administration of Career Technical ~~schools~~centers in Idaho and define the duties of the State Division of Career Technical Education. (3-31-22)

002. -- 004. (RESERVED)

005. DEFINITIONS.

01. **Administrator.** A designated school administrator, holding a career technical education program administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015.04.b, and who oversees and monitors the career technical school-center programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-31-22)

02. **Capstone Course.** A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-31-22)

~~03. **Career Technical Schools.** Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality.~~ (3-31-22)

043. **Concentrator Student.** A junior or senior student enrolled in the career technical education program capstone course. (3-31-22)

~~05. **Credit Hours.** The total number of earned credit hours reported to the state longitudinal data system for qualifying intermediate, capstone, and work-based learning courses.~~ (3-31-22)

064. **EDUID.** ~~Education Unique Identifier.~~Division. The Division of Career Technical Education. (3-31-22)

075. **Enrollment Units.** The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. (3-31-22)

086. **Intermediate Course.** A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course and is offered in grades 9 through 12. (3-31-22)

097. **Participation ~~Total~~Data.** The ~~total~~ number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. (3-31-22)

1008. **Technical Skills Assessment.** An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. (3-31-22)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023**

ATTACHMENT 2

~~1409.~~ **Work-based Learning Course.** A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School-Center program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. (3-31-22)

006. -- 101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools-centers are intended to deliver high-end career technical education programs that go beyond the scope of traditional career technical education. Labs are appropriately designed for the type of program and the number of students enrolled. The program has state-of-the-art equipment, current technology and strong links to business and industry. (3-31-22)

02. Career Technical School-Center Program. Each program of a career technical school-center shall: (3-31-22)

a. Deliver a sequence of career technical education courses that culminate in a capstone course. (3-31-22)

~~**b.** Meet all of the required technical competency credit standards established by the state board of education. (3-31-22)~~

eb. Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-31-22)

dc. Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. (3-31-22)

ed. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education Division. (3-31-22)

~~**f.** Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (3-31-22)~~

~~**g.** Enroll students from at least two (2) high schools. No single high school will comprise more than eighty five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (3-31-22)~~

he. Promote the development of leadership. (3-31-22)

103. APPLICATION PROCESS.

New and renewal applications for career technical school-center funding must be received by the Division of Career Technical Education Division on or before the fifteenth of April for the following fiscal year. (3-31-22)

104. CAREER TECHNICAL SCHOOL-CENTER ADDED COST UNIT FUNDING AND ELIGIBILITY.

~~Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is distributed based on the number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skills assessment~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023**

ATTACHMENT 2

for the program the student was enrolled in, and the total earned credit hours reported by each school for intermediate, capstone, and work-based learning courses. ~~If any approved program within a career technical school does not enroll students from more than one (1) high school during the previous academic year, the program will not be included in the current year funding calculation. If the overall school enrollment exceeds more than eighty five percent (85%) of students from any single high school during the previous school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding.~~ Eligibility requirements based on student enrollment numbers are determined at the program level. Charter schools who have an established attendance area that overlaps with more than one school district boundary may report students as coming from the high school whose attendance zone they reside in for establishing the enrollment eligibility criteria. (3-31-22)

105. CAREER TECHNICAL SCHOOL-CENTER FUNDING CALCULATION.

The distribution of individual career technical school-center funding will be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative earned credit hours. Qualifying pathway enrollment will be reported to the State. The Division ~~of Career Technical Education~~ will gather participation data from the independent technical skill assessment providers annually. (3-31-22)

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL-CENTER UNIT FUND DISTRIBUTION.

~~Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories.~~ (3-31-22)

01. Payment Distribution. ~~Added cost support unit f~~unds shall be distributed by the Division ~~of Career Technical Education~~ in two (2) payments on a timeline established by the Division. (3-31-22)

~~a. Seventy percent (70%) of the total appropriated funds for which career technical schools are eligible shall be distributed no later than September 30th each year. Funding will may not be distributed to a center until prior to the previous year enrollment units are being reported and ~~the Division of Career Technical Education has verified~~ aggregate participation data being verified.~~ (3-31-22)

~~b. The remaining funds shall be distributed no later than June 30th.~~ (3-31-22)

108. ACCOUNTABILITY.

01. Assessment Process. The Division ~~of Career Technical Education~~ shall develop an assessment process that includes measures and standards for career technical school-center programs. (3-31-22)

02. Reporting. No later than October 15 of each year, career technical schools-centers will submit a report to the Division ~~of Career Technical Education~~, detailing their enrollment at the program level by high school. Centers that fail to report the required data by the established timelines may not be eligible for funding until the subsequent fiscal year. (3-31-22)

03. Administrator Responsibility. The administrator of each career technical school-center shall be responsible to provide onsite administration of the career technical school-center. The administrator ~~will submit all required career technical school reports requested by~~ is responsible for all career technical center reports submitted to the Division ~~of Career Technical Education~~. (3-31-22)

~~04. Accreditation. Each career technical school shall be accredited following Board of Education requirements. This accreditation shall be appropriate for the individual type of career technical school that is developed.~~ (3-31-22)

~~05. School Improvement Plan. The administration, faculty and staff at each career technical school is~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023**

ATTACHMENT 2

~~responsible to develop and implement a local school improvement plan based on the assessment process developed by the Division of Career Technical Education. (3-31-22)~~

109. -- 999. (RESERVED)