

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
APRIL 28, 2026**

<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>IDAHO DIGITAL LEARNING ACADEMY – PROPOSED FEES</b>	Action Item
<b>2</b>	<b>IDAHO STATE DEPARTMENT OF EDUCATION – ED FLEX APPLICATION</b>	Action Item
<b>3</b>	<b>IDAHO STATE DEPARTMENT OF EDUCATION – ESEA WAIVER APPLICATION</b>	Action Item

**IDAHO DIGITAL LEARNING ACADEMY**

**SUBJECT**

Idaho Digital Learning Academy – Proposed Fees

**REFERENCE**

2002	Idaho Legislature created Idaho Digital Learning Academy (IDLA) as an online, school-choice learning environment.
2021-2023	Impacts of the Covid-19 pandemic led to increased demand for online learning, leading to growth in district and school use of IDLA's services.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Code § 33-5502  
IDAPA 08.04.01 Rules Governing the Idaho Digital Learning Academy

**BACKGROUND/DISCUSSION**

The 2002 Idaho Legislature created the Idaho Digital Learning Academy (IDLA) as an online, school-choice learning environment (Title 33 Chapter 55, Idaho Code). Now doing business as Idaho Digital Learning Alliance, IDLA is a statewide virtual school providing Idaho students and school districts with access to online course opportunities.

During the 2026 legislative session, the Idaho Legislature passed two laws affecting IDLA's budget and operations. Senate Bill 1438 reduces IDLA's fiscal year 2027 (FY27) budget by \$13.5 million, while House Bill 940 amends Idaho Code Section 33-5502, placing limitations on both IDLA's services and fee structure. The statutory language regarding IDLA's services now specifies that IDLA's purpose is to "fill resource gaps and is not intended to supplant regularly scheduled courses or full instructional programs" offered by local school districts or charters. "Courses offered shall include credit recovery, dual credit, courses not offered by small or rural districts, courses required by the state of Idaho for graduation, and overload courses." State funding for IDLA may not be used for driver's education or courses where all enrolled students are from a single district (custom sections) unless an emergency prevents a district from hiring or keeping a certified teacher for that course.

Per House Bill 940 (Attachment 2), IDLA's fees must be approved by the State Board of Education (Board). Fees for courses that meet state graduation requirements may not exceed forty dollars (\$40.00), while fees for courses not required for graduation must be at least one hundred dollars (\$100.00). "Fees shall offset the total state reimbursement, not to exceed four hundred and forty-five dollars (\$445.00)." Private entities will not receive any state reimbursement and shall be expected to pay the full course fee.

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The fee structure proposed by IDLA in Attachment 1 directly aligns with the statutory requirements.

**IMPACT**

Approval of the proposed fee policy (Attachment 1) will bring IDLA's fee structure into compliance with statutory amendments. IDLA will communicate the changes to districts and schools in advance of the summer session and will do additional outreach prior to the 2026-27 school year.

**ATTACHMENTS**

Attachment 1 – IDLA Proposed FY 27 Fee Policy

Attachment 2 – House Bill 940

**BOARD STAFF COMMENTS AND RECOMMENDATIONS**

Board staff has reviewed IDLA's proposed fee policy and confirmed that it addresses the amendments made to statute during the 2026 legislative session.

Board staff recommends approval.

**BOARD ACTION**

I move to approve the course fees of Idaho Digital Learning Academy doing business as Idaho Digital Learning Alliance, as presented in Attachment 1.

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



Idaho Digital Learning Alliance  
P. O. Box 10017  
Boise, ID 83707  
208.342.0207  
www.IDLA.org

## **IDLA 2026-2027 Fee Policy**

Updated 04/21/2026

### **Enrollment Fee**

Fees are charged per enrollment. An "Enrollment" shall be counted each time an Idaho school-age child enrolls in an IDLA course. An enrollment is eligible for state funding only if the student:

- Is a student enrolled in a public school or charter school and in grades 6 through 12
- Is enrolled in an Idaho school district or public charter school that is not entirely virtual; and
- Is not enrolled in a custom section unless the emergency clause is applicable.

If a student wants to enroll in an IDLA course that does not meet the criteria for state funding, the student may enroll if the school district or public charter school pays the course fees set by the State Board of Education. **Private entities do not receive any state reimbursement and are subject to the full course fee.**

**For Summer 2026, students are eligible to take up to 2 IDLA courses under this policy. Summer enrollments beyond that amount will be charged at the full fee of \$445 per course.**

**For the Fall 2026 and Spring 2027 terms, students enrolled in urban districts are eligible to take up to 2 reimbursable IDLA courses per semester under this policy. Students enrolled in rural districts are not subject to a semester course cap under this policy.** For purposes of this policy, IDLA will identify rural and urban districts in accordance with Idaho Code § 33-319 and the rural schools list published by the Idaho State Department of Education.

IDLA may cap total enrollments for the 2026-2027 academic year, including Summer 2026, in accordance with Board direction and available funding.

### **Priority Enrollment**

For each scheduled Fall and Spring registration session in the 2026-2027 academic year, IDLA will provide a one-week priority enrollment period for rural students before standard registration opens for all other students.

**IDLA Course Fee**

Enrollment Type	Enrollment Fee
Courses that meet a graduation requirement, including core courses, qualifying electives, and 8th Grade Career Exploration	\$40
Courses that do <b>not</b> meet a graduation requirement, including electives not used to satisfy a graduation requirement	\$100
Private School/Virtual School Individual Enrollment (Full Fee)	\$445

**Custom Session**

Enrollment Type	Enrollment Fee
Custom Section approved under the Emergency Clause	Standard fee applies based on course type
Custom Section not eligible for state funding	\$445 per enrollment

- **A custom section** is an IDLA course for which all enrollments are requested from a single school district or public charter school. Requires a minimum of 12 students.
- **Emergency clause** means IDLA may run a custom section if a teacher leaves unexpectedly and the school is unable to find a qualified replacement despite documented hiring efforts.

**Drop Deadline**

After the drop deadline, a grade is reported regardless of progress. Drops must be requested or confirmed by the Site Coordinator. Parent or guardian drop requests are accepted only for summer courses.

Flex courses: If a student is inactive for 14 days, the teacher will initiate an inactivity drop. Site Coordinators may confirm the drop or request more time.

Exceptions to the drop deadline may be requested for extenuating circumstances. Drop deadlines are listed on the Academic Calendar: <https://idla.org/resources/>

Cohort 9wk Credit Recovery Custom Sessions	Cohort 16wk (non-custom)	Flex
Friday - 2nd week of class	Friday - 3rd week of class	14th day after course access

**Invoices / Payment**

The enrolling school district or public charter school is responsible for all IDLA course fees for public school students. Districts and charters may not pass the IDLA fee on to

students or parents for any course required for graduation, or charge students or parents more than the actual IDLA fee.

For students enrolled in urban districts, no more than two IDLA courses per semester will be eligible for reimbursement under this policy. Additional enrollments may proceed only at the full course fee of \$445 per course. Students enrolled in rural districts are not subject to this semester reimbursement cap.

Fees are charged if a student stays enrolled past the drop deadline, regardless of progress. Invoices are sent after the drop deadline and must be paid within 30 days. If payment is not made within 90 days, the account will be placed on hold until it is paid.

### **Refunds**

Refunds are issued for any course dropped by the drop deadline or if orientation is not completed. If a student disenrolls from an IDLA course within the withdrawal window, the fee shall be returned to the payer. Courses receiving funding through the Advanced Opportunities (AO) program will be refunded after IDLA receives the AO payment.

### **Scholarships**

IDLA will establish a scholarship process for eligible students, subject to available funds and board approval. Scholarships, if offered, may not be used to bypass statutory eligibility requirements. Scholarships are limited. Site coordinators may request a scholarship through their local Regional Coordinator.

### **Exclusions**

- Students who have failed a course funded by a scholarship and have not successfully completed one subsequent IDLA course
- Custom Session courses
- Courses entered for Advanced Opportunities funding
- DC courses, exams, or textbooks

### **Dual Credit**

If a student wants to enroll in an IDLA course to earn dual credit, the school district or the student must pay the course fee. If the dual credit course meets a graduation requirement, the fee is \$40. If the dual credit course does not meet a graduation requirement, the fee is \$100. For students enrolled in urban districts, Dual Credit courses count toward the two reimbursable courses per semester cap.

### **Private School and Individual Student Enrollments**

Private schools, individual students, and other private entities may enroll in IDLA courses at the full course fee. No state reimbursement applies to these enrollments. Eligibility for any state tax credit or other financial benefit is determined by the student, parent, or school, not by IDLA. Rural and urban district classifications apply only to public school districts and public charter schools for purposes of reimbursement under this policy.

### Advanced Opportunities

Per the State Department of Education, funding is available to students in grades 7–12 enrolled in IDLA courses during the 2026–2027 fiscal year and applies only to IDLA course fees.

#### Eligible Courses

- Overload Course: A non-dual credit course taken for high school credit outside the normal school day and in addition to the student’s full high school course load.
- Dual Credit Course: A college course that earns credit on both high school and college transcripts.

#### Exclusions

- Credit recovery or retake courses
- Custom Session Dual Credit courses
- Tests and textbooks

#### Request Funding Window

Period for submitting or removing funding requests.

#### Verification Deadline

School staff must confirm or remove funding requests to prevent incorrect funding.

Reasons for removal:

- Student withdrew after the drop deadline (W)
- Student is failing (F)
- The student needs to pay for the course

#### Submission Deadline

Final deadline to submit or remove funding requests.

#### Deadlines

Term	Request Funding Window	Verification Deadline	Submission Deadline
Summer 2026	March 30 - June 19, 2026	Aug 21, 2026	Aug 28, 2026
Fall 2026 Trimester 1	March 30 - October 9, 2026	Nov 8, 2026	Nov 20, 2026
Spring 2027	Nov 16, 2026 - March 5, 2027	May 7, 2027	May 21, 2027

#### IDLA After Submission Deadline

Courses funded by Advanced Opportunities (AO) will be recorded on the student’s high school transcript. Students who fail (F), withdraw (W), or do not complete a funded course will be flagged and must successfully complete a similar course at their own expense to regain funding eligibility. Incomplete grades are not considered failures. If a course does not receive AO funding, the school will be invoiced.

**IDLA Reversals**

Reversals are rare and considered only for students facing extenuating circumstances. Site Coordinators must request reversals on behalf of their students by emailing [registrar@idla.org](mailto:registrar@idla.org).

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**Policy Authority**

This fee policy is adopted pursuant to IDLA board authority to set fees charged to school districts, public charter schools, private schools, individual students, and other public or private entities for participation in IDLA courses and final approval from the State Board of Education.

LEGISLATURE OF THE STATE OF IDAHO  
 Sixty-eighth Legislature Second Regular Session - 2026

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 940

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-5502, IDAHO CODE, TO REVISE PRO-  
 2 VISIONS REGARDING THE CREATION OF THE IDAHO DIGITAL LEARNING ACADEMY  
 3 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5504, IDAHO  
 4 CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF THE ACADEMY BOARD OF  
 5 DIRECTORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5505,  
 6 IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SEC-  
 7 TION 33-1020, IDAHO CODE, TO REVISE PROVISIONS REGARDING IDAHO DIGITAL  
 8 LEARNING ACADEMY FUNDING; AND DECLARING AN EMERGENCY AND PROVIDING AN  
 9 EFFECTIVE DATE.  
 10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 33-5502, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 33-5502. CREATION -- LEGISLATIVE FINDINGS -- GOAL. (1) There is hereby  
 15 created the Idaho digital learning academy, a ~~public school-choice~~ learn-  
 16 ing environment ~~which that~~ joins the best technology with the best instruc-  
 17 tional practices. The Idaho digital learning academy as provided for in this  
 18 chapter, is not a single department of state government unto itself, nor is  
 19 it a part of any of the twenty (20) departments of state government autho-  
 20 rized by section 20, article IV, of the constitution of the state of Idaho,  
 21 or of the departments prescribed in section 67-2402, Idaho Code. It is leg-  
 22 islative intent that the Idaho digital learning academy operate and be rec-  
 23 ognized not as a state or local agency or department, but as a governmental an  
 24 entity whose creation has been authorized by the state, ~~much in the manner as~~  
 25 ~~other single purpose districts.~~

26 (2) The legislature finds that it is in the best public interest to cre-  
 27 ate the Idaho digital learning academy based on findings that indicate:

28 (a) Technology continues to impact ~~all facets of life, including the~~  
 29 ~~education of students of school age and adult learners~~ the education of  
 30 students in this state;

31 (b) Systems for delivery of education are as diverse as the learners;  
 32 and

33 (c) ~~Public school systems~~ Idahoans are seeking high quality educa-  
 34 tional choices ~~within the public system,~~ and schools and other edu-  
 35 cation providers are aligning curriculum and assessment with state  
 36 achievement standards; ~~and.~~

37 ~~(d) The development of a comprehensive digital learning environment is~~  
 38 ~~cost prohibitive for individual school districts.~~

39 (3) The goal of the digital learning academy is to provide choice, ac-  
 40 cessibility, flexibility, quality, and equity in curricular offerings for  
 41 students in this state. The digital learning academy shall function as a re-  
 42 source to fill instructional gaps and is not intended to supplant regularly

1 scheduled courses or full instructional programs offered by a student's lo-  
 2 cal school district or public charter school. Courses offered shall include  
 3 credit recovery, dual credit, courses not offered in small or rural school  
 4 districts, courses required by the state of Idaho for graduation, and over-  
 5 load courses.

6 SECTION 2. That Section 33-5504, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8 33-5504. DUTIES OF THE ACADEMY BOARD OF DIRECTORS. The board shall be  
 9 responsible for ensuring that academy procedures and courses are in compli-  
 10 ance with the rules of the state board of education and applicable statutes  
 11 of the state of Idaho. In addition, the board shall:

12 (1) Recommend policies to be established by rule of the state board for  
 13 effecting the purposes of this chapter.

14 (2) Employ or contract with staff as necessary and purchase such sup-  
 15 plies and equipment as are necessary to implement the provisions of this  
 16 chapter, which purchases shall be exempt from the state procurement act in  
 17 chapter 92, title 67, Idaho Code. The percentage of personnel costs spent on  
 18 staff classified as administration shall not exceed thirty percent (30%) of  
 19 the total budget.

20 (3) ~~To enter~~ Enter into contracts with any other governmental or public  
 21 agency whereby the board agrees to render services to or for such agency in  
 22 exchange for a charge reasonably calculated to cover the costs of rendering  
 23 such service.

24 (4) ~~To accept~~ Accept, receive, and utilize any gifts, grants, or funds  
 25 and personal and real property that may be donated to it for the fulfillment  
 26 of the purposes outlined in this chapter.

27 (5) Employ or contract with necessary faculty and teaching staff who  
 28 are fully certificated Idaho teachers or administrators, to design and del-  
 29 iver planned curriculum content. The academy shall be exempt from the pro-  
 30 visions of sections 33-513, 33-514, 33-514A, 33-515 and 33-515A, Idaho Code,  
 31 and shall be exempt from chapter 53, title 67, Idaho Code. All teaching and  
 32 educational staff of the academy shall be exempt, at will employees. The  
 33 number of such staff shall largely be dictated by the number of courses under  
 34 development, the number of courses offered, and the number of students par-  
 35 ticipating in academy programs.

36 (6) Obtain ~~housing~~ office space where actual operations of the academy  
 37 are conducted by academy staff.

38 (7) Contract with a service provider for delivery of academy courses  
 39 online which shall be accessible twenty-four (24) hours a day, seven (7) days  
 40 a week.

41 (8) Ensure that the academy is accredited as established by rule of the  
 42 state board of education.

43 (9) Develop policy for earning credit in courses based on mastery of  
 44 the subject, demonstrated competency, and meeting the standards set for each  
 45 course.

46 (10) Provide for articulating the content of certain high school  
 47 courses with college and university courses in order to award both high  
 48 school and undergraduate college credit.

1 (11) Develop policies and practices ~~which~~ that provide strict applica-  
 2 tion of time limits for completion of courses.

3 (12) Develop policies and practices on accountability, both by the  
 4 student and the teacher, and in accordance with the provisions of section  
 5 33-5507, Idaho Code.

6 (13) Develop policies and practices that prioritize courses provided  
 7 in section 33-5502, Idaho Code.

8 ~~(13) (14) Manage the moneys disbursed to the academy board from the su-~~  
 9 ~~perintendent received by the academy.~~

10 ~~(14) (15) Set~~ Subject to approval by the state board of education, set  
 11 fees charged to school districts for student participation; fees charged  
 12 for summer school; and fees charged to students and adults for professional  
 13 development offerings any user of academy courses, including but not lim-  
 14 ited to public school districts, public charter schools, private schools,  
 15 individual students, and other public or private entities. Fees for all  
 16 courses required by the state department of education for graduation shall  
 17 be no more than forty dollars (\$40.00). Fees for all courses not required for  
 18 graduation shall be at least one hundred dollars (\$100). Fees shall offset  
 19 the total state reimbursement, not to exceed four hundred forty-five dol-  
 20 lars (\$445). Private entities shall not receive any state reimbursement and  
 21 shall be subject to the full course fee.

22 ~~(15) (16) Contract with a certified public accounting firm to conduct an~~  
 23 ~~annual audit of the Idaho digital learning academy.~~

24 SECTION 3. That Section 33-5505, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 33-5505. DEFINITIONS. As used in this chapter:

27 (1) "Academy board," also referred to in this chapter as "the board"  
 28 means the board of directors of the Idaho digital learning academy as such  
 29 board is created in section 33-5503, Idaho Code.

30 ~~(2) "Host district" means an Idaho school district where the fiscal op-~~  
 31 ~~erations of the Idaho digital learning academy are housed until January 1,~~  
 32 ~~2009.~~

33 (2) "Custom section" means an Idaho digital learning academy course  
 34 in which all enrollments are from one (1) school district or public charter  
 35 school.

36 (3) "Emergency clause" means that a custom section is reimbursable when  
 37 an unexpected departure of the teacher of record occurs and reimbursement  
 38 is approved by the board or when, after documented recruitment efforts are  
 39 made, the school is unable to hire a qualified teacher for the position.

40 ~~(3) (4) "Idaho digital learning academy" means an online educational~~  
 41 ~~course delivery program organized as a that is fully accredited school with~~  
 42 ~~statewide capabilities for the exclusive purpose of delivering accredited~~  
 43 ~~courses to Idaho resident students at no cost to the student unless the stu-~~  
 44 ~~dent enrolls in additional courses beyond full-time enrollment. Participa-~~  
 45 ~~tion in the academy by public school students shall be in compliance with~~  
 46 ~~academy and local school district policies. Adult learners and out-of-state~~  
 47 ~~students shall pay tuition commensurate with rates established by the state~~  
 48 ~~board with the advice of the superintendent, and such funds shall be included~~

1 ~~in the budget and audit of the academy's fiscal records.~~ in grades 6 through  
 2 12.

3 ~~(4)~~ (5) "State board" means the Idaho state board of education. The  
 4 board is authorized and directed, with the advice and recommendation of the  
 5 academy board of directors, to promulgate rules to implement the provisions  
 6 of this chapter.

7 ~~(5)~~ (6) "Superintendent" means the Idaho state superintendent of pub-  
 8 lic instruction.

9 SECTION 4. That Section 33-1020, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING.

12 (1)(a) An amount of four hundred forty-five dollars (\$445) per en-  
 13 rollment shall be distributed to support the Idaho digital learning  
 14 academy, created pursuant to chapter 55, title 33, Idaho Code. For the  
 15 purposes of this section, an "enrollment" shall be counted each time  
 16 an Idaho school age child enrolls in an Idaho digital learning academy  
 17 class course and continues to be enrolled in such class course past the  
 18 deadline to withdraw, where such withdrawal would not result in the  
 19 class course appearing on such child's transcript in any way. If a stu-  
 20 dent disenrolls from an Idaho digital learning academy course within  
 21 the withdrawal window, the fee shall be returned to the payer. A single  
 22 child enrolled in multiple ~~classes~~ courses shall count as multiple en-  
 23 rollments. Summer enrollments shall be included in the fiscal year that  
 24 begins that summer. A registered course shall be eligible for state  
 25 funding only if:

26 (i) The student is enrolled in an Idaho school district or public  
 27 charter school that is not entirely virtual;

28 (ii) The course is not a driver's education course; and

29 (iii) The student is not enrolled in a custom section unless the  
 30 emergency clause is applicable.

31 (b) If a student wants to enroll in an Idaho digital learning academy  
 32 course that does not meet the criteria for state funding under this sec-  
 33 tion, such student may enroll in such course if the school district or  
 34 public charter school pays the fees for the course as set by the state  
 35 board of education.

36 (2) The state department of education shall make an estimated distri-  
 37 bution of funds to the Idaho digital learning academy by no later than July  
 38 31 of each fiscal year, consisting of eighty percent (80%) of the estimated  
 39 funding for the fiscal year. The balance of all remaining funds to be dis-  
 40 tributed, pursuant to the calculations in this section, shall be distributed  
 41 by no later than May 15 of the same fiscal year. The state department of  
 42 education shall reconcile the enrollments prior to the May 15 payment and  
 43 withhold or recover any costs necessary to align the funding with verified  
 44 enrollments. The joint finance-appropriations committee shall consider  
 45 adjusting the per enrollment amount each legislative session by a percent-  
 46 age increase equal to the percentage increase approved for salary increases  
 47 for instructional and pupil service staff pursuant to section 33-1004B,  
 48 Idaho Code, and for administrative and classified staff pursuant to section  
 49 33-1004E, Idaho Code.

1       (3) The academy board of directors shall report to the state board of  
2       education during the 2027 legislative session on the status of courses and  
3       provide recommendations and a strategic plan on how to manage digital learn-  
4       ing throughout the state.

5       SECTION 5. An emergency existing therefor, which emergency is hereby  
6       declared to exist, this act shall be in full force and effect on and after  
7       July 1, 2026.

**IDAHO DEPARTMENT OF EDUCATION**

**SUBJECT**

Idaho State Department of Education – Ed-Flex Application

**REFERENCE**

August 2017	Board approved Idaho’s Consolidated State Plan for submission to the U.S. Department of Education.
February 2019	Board approved amendments to the Idaho Consolidated State Plan.
February 2024	Board approved technical corrections to the ESEA Consolidated State Plan.
June 2024	Board approved proposed amendments to the Idaho Consolidated State Plan, including adjustments to long-term goals for ISAT, graduation rates, and English Learner progress; and the ISAT growth model.
June 2025	Board received an update on federal flexibility options the Department was exploring.
December 2025	Board received a more detailed update on the Department’s plans to develop an ESEA waiver application and pursue Ed-Flex State Status.
February 2026	Board authorized the Department to negotiate with the U. S. Department of Education regarding the Ed-Flex application and ESEA waivers.

**APPLICABLE STATUTE, RULE OR POLICY**

Elementary and Secondary Education Act of 1965  
Education Flexibility Partnership Act of 1999, as amended by the Every Student Succeeds Act of 2015 (ESSA)  
Every Student Succeeds Act (ESSA):

- Title I, Part A (other than section 1111)
- Title I, Part C
- Title I, Part D
- Title II, Part A
- Title IV, Part A

Carl D. Perkins Career and Technical Education Act of 2006, as amended

**BACKGROUND/DISCUSSION**

At both the June 2025 and February 2026 meetings, the Idaho State Department of Education (Department) facilitated discussions with the Board regarding the Department’s proposal for Idaho to submit an Educational Flexibility (Ed-Flex) Program application. In February, the Board authorized the Department to negotiate with the U.S. Department of Education regarding the Ed-Flex application. Department staff met with the U.S. Department of Education’s Title I-A team to

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discuss the Ed-Flex application and ESEA waiver requests. Based on those conversations, Department staff determined that Ed-Flex waivers are not required for all the areas proposed to the Board at the February meeting. The updated requests for Ed-Flex authority areas include:

- 1) Carryover Authority Waivers: Allowing LEAs to carryover more than 15% of federal funds across fiscal years.
- 2) Title IV-A Spending Flexibility Waiver: Allowing LEAs flexibility with the Title IV-A categories and required percentage spending limitations in the three (3) categories.

The areas identified will give local education agencies (LEAs) more flexibility and local control in spending federal funds, allowing them to align their use of funds to their local strategic plans and goals. Additionally, a reduced administrative burden and capacity to develop plans for long-term use of federal funds will advance school improvement efforts and support sustainable interventions for students with the highest needs.

As outlined in the Ed-Flex application, Board and Department staff are proposing that the Board delegate authority for the review and approval of LEAs' waiver requests to the Department. When LEAs apply for waiver flexibility from the Department, they will be required to address their plans for spending the funds and how student achievement will be improved based on the flexibility.

The Ed-Flex Application is attached for Board approval.

**IMPACT**

With Board approval of Idaho's Ed-Flex application, the Department staff will send the application to the appropriate group at the U.S. Department of Education for approval.

If the U.S. Department of Education approves Idaho's Educational Flexibility (Ed-Flex) Program Application, LEAs will have the opportunity to seek waivers from the state rather than the federal government, giving them more control over their implementation of federal programs and use of funding. LEAs will experience shorter response times for their waiver requests and will have continuity in the program since waivers may be granted for up to five years.

**ATTACHMENTS**

Attachment 1 – Idaho Ed-Flex Application

**BOARD STAFF COMMENTS AND RECOMMENDATIONS**

The Department has been in communication with Board staff and the Accountability Oversight Committee (AOC) regarding their proposal to submit an Ed-Flex application. The AOC expressed support of the Department's suggested areas for Ed-Flex waiver authority ahead of the Board's February meeting. Since

then, the Department has reduced the number of authority areas from four (4) to two (2) based on guidance from the U.S. Department of Education that the two of the areas of flexibility the Department intends to extend to LEAs is already allowed under federal law.

Board staff are supportive of the Department's Ed-Flex Application, including the integrated suggestion that the Department be given authority to review and approve waiver requests submitted by LEAs under this program.

Board staff recommends approval.

**BOARD ACTION**

I move to approve Idaho's Application for the Educational Flexibility Program as provided in Attachment 1 and if the application is approved by the U.S. Department of Education, delegate the Idaho State Department of Education with the authority to review and approve LEA waiver requests submitted under the Ed-Flex Program.

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

# Application for the Educational Flexibility (Ed-Flex) Program



**U.S. Department of Education  
Issued:**

**June 13, 2019**

OMB Number: 1810-0737  
Expiration Date: March 31, 2027

## **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0737. Public reporting burden for this collection of information is estimated to average 40 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit under section 9207 of the Every Student Succeeds Act (ESSA). If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact the Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-3118 at [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov).

## Introduction

The Educational Flexibility (Ed-Flex) program is authorized under the Education Flexibility Partnership Act of 1999 and was reauthorized by section 9207 of the Every Student Succeeds Act (ESSA). The Ed-Flex program allows the Secretary to authorize a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more the included programs for any local educational agency (LEAs), educational service agency, or school within the State.

## Designation

Each eligible State participating in the Ed-Flex program shall be designated an Ed-Flex Partnership State.

## Covered Programs

This program permits Ed-Flex States to waive requirements of the following State-administered formula grant programs:

- Title I, Part A: Improving Basic Programs Operated by LEAs (other than section 1111)
- Title I, Part C: Education of Migratory Children
- Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk
- Title II, Part A: Supporting Effective Instruction
- Title IV, Part A: Student Support and Academic Enrichment Grants
- The Carl D. Perkins Career and Technical Education Act.

## Duration of Ed-Flex

The Secretary will approve the applications for a period of not more than five years. The Secretary may extend the authority of an Ed-Flex Partnership State if the Secretary determines that the authority of the SEA to grant waivers has been effective in enabling the State or affected LEAs, educational service agencies, or schools to carry out their State or local reform plans and to continue to meet the accountability requirements, and has improved student performance.

## Waivers Not Authorized

The Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements relating to:

1. Standards, Assessments, and Accountability requirements under section 1111 of the ESEA;
2. Maintenance of effort;
3. Comparability of services;
4. Equitable participation of students and professional staff in private schools;
5. Parental participation and involvement;
6. Distribution of funds to LEAs;
7. Serving eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the ESEA;

8. The selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that an SEA may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in the school attendance area of
  - a. such school or who attend such school is not more than<sup>1</sup> 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections;
9. Use of Federal funds to supplement, not supplant, non-Federal funds;
10. Applicable civil rights requirements; and
11. Any requirements that apply to the SEA.

An SEA may not grant any statutory or regulatory waiver unless the underlying purposes of the statutory requirements of the program for which a waiver is sought are met. Furthermore, requirements of the Individuals with Disabilities Education Act, or of any programs other than the ESEA programs referenced above and the Perkins program, may not be waived under the Ed-Flex waiver authority.

### State Oversight

Each Ed-Flex Partnership State must annually monitor the activities of LEA, educational service agencies, and schools receiving waivers through the Ed-Flex program.

### Report

Each Ed-Flex Partnership State must submit to the Department an annual report on the results of monitoring activities and the impact of the waivers on school and student performance. Each such State must include data demonstrating the degree to which progress has been made toward meeting the State’s educational objectives. The data, when applicable, must include:

1. Information on the total number of waivers granted for Federal and State statutory and regulatory requirements, including the number of waivers granted for each type of waiver;
2. Information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;
3. Information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and
4. An assurance from State program managers that the data reported are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

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<sup>1</sup> 5891b(c)(1)(G) currently prohibits waivers of the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that an SEA may grant a waiver to allow a school attendance area or school to participate in activities under Title I, Part A “if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school...” (emphasis added). We believe the emphasized language is an error and that this prohibition should mirror the language in ESEA section 8401(c)(10), which prohibits waivers of the selection of a school attendance area or school under sections (a) and (b) of section 1113 of the ESEA, except that the Secretary may grant a waiver to participate in activities under Title I, Part A “if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school...” (emphasis added).

## Public Notice and Comment

Each SEA seeking waiver authority and each LEA, educational service agency, or school seeking a waiver under the Ed-Flex program must:

1. Provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver on each agency's website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;
2. Provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;
3. Provide the opportunity in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and
4. Submit the comments received with the application of the agency or school to the Secretary or the SEA, as appropriate.

## Completing and Submitting an Application

Each SEA must address all of the requirements identified below in its application for Ed-Flex. The Department will review applications as they are received.

Complete applications should be submitted to the Title I mailbox at [OESE.TitleI-A@ed.gov](mailto:OESE.TitleI-A@ed.gov).

## Application Review

Within 90 days of receipt of a complete application, the Department will issue a written decision that explains why such application has been approved or disapproved, and the process for revising and resubmitting the application for reconsideration.

The Department may approve an application only if it determines that the application demonstrates substantial promise of assisting the SEA and affected LEAs, educational service agencies, and schools within the State in carrying out comprehensive educational reform, after considering:

1. The eligibility of the State
2. The comprehensiveness and quality of the educational flexibility plan
3. The educational flexibility plan ensures accountability for the activities and goals described in such plan;
4. The degree to which the State's objectives:
  - a. Are clear and can be assessed; and
  - b. Take into account the performance of LEA, educational service agencies, or schools, and students, particularly those affected by waivers;
5. The significance of the State statutory or regulatory requirements relating to education that will be waived; and
6. The quality of the SEA's process for approving applications for waivers of Federal statutory or regulatory requirements and for monitoring and evaluating the results of such waivers.

**Cover Page**

<b>Contact Information and Signatures</b>	
<b>SEA Contact</b> (Name and Position): Michelle Clement Taylor Chief Operations Officer Idaho Department of Education (IDE)	Telephone:  208-332-6963
Mailing Address: 650 West State Street PO Box 83702 Boise, Idaho 83702-0027	Email Address:  <a href="mailto:mtaylor@sde.idaho.gov">mtaylor@sde.idaho.gov</a>
<b>By signing this document, I assure that all application contents are true and complete to the best of my knowledge, and I affirm each assurance listed at the end of the document.</b>	
<b>Authorized SEA Representative (Printed Name)</b>  Debbie Critchfield Idaho State Superintendent  Kurt Liebich Idaho State Board of Education President	Telephone:  208-332-6900
<b>Signature of Authorized SEA Representative</b>	Date:
<b>Signature of Authorized SEA Representative</b>	Date:

**Eligibility Information**

*Please check the assurances and provide the necessary information below to demonstrate eligibility for the Ed-Flex program.*

1.  The SEA has:
  - a. Developed and implemented the challenging State academic standards, and aligned assessments, described in section 1111(b) of the ESEA, and is producing the report cards required by section 1111(h) of such Act; or
  - b. If the State has adopted new challenging State academic standards under section 1111(b)(1) of the ESEA, made substantial progress toward developing and implementing such standards and toward producing the report cards required under section 1111(h) of such Act.
  
2.  The SEA will hold LEAs, educational service agencies, and schools accountable for meeting the educational goals described in the local applications and for engaging in technical assistance and, as applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the ESEA.
  
3.  The SEA has waived or will waive State statutory or regulatory requirements relating to education while holding LEAs, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.
  - a. Describe the State’s authority to waive State statutory or regulatory requirements relating to education (i.e. provide legal citations to relevant statute or regulation).

Idaho is a local control state in which a (LEA)’s board is responsible for implementing applicable laws and regulations. School boards make decisions related to school and instructional calendars, curriculum personnel, and student support. They are also responsible for determining how the state and federal funds they receive are used to implement the LEA’s strategic plan and instructional goals. The Idaho State Board of Education (SBOE) and the Idaho Department of Education (IDE) have limited waiver authority, which includes a waiver of the 60 hours required for a high school credit (IDAPA 08.02.03.025.1a).

## Descriptions

1. Describe the process the SEA will use to evaluate applications from LEAs, educational service agencies, or schools requesting waivers of
  - A. Federal statutory or regulatory requirements; and
  - B. State statutory or regulatory requirements relating to education.

The Idaho State Board of Education will provide governance and oversight support to the waiver process, and is delegating authority for the review and approval of LEA waiver requests as outlined in this application to the Idaho Department of Education (IDE).

The IDE currently oversees waiver requests for ESEA programs (such as the Title IA 15% carryover limit) and other state rules in which waivers may be granted. The IDE will use the procedures for all waiver requests related to Ed-Flex authority. The process for reviewing and responding to the requests is as follows:

A. Federal statutory or regulatory requirements:

- Initial review by the appropriate Idaho Department of Education Federal Programs Team (FPT) coordinator to ensure the request is allowed under the federal law and includes all the required documentation.
- Further review by the FPT to determine the LEA's/school's ability to implement the education reforms to improve achievement for all students described in the waiver application.
- Determine the alignment of the request and corresponding performance measures to the LEA's Comprehensive Needs Assessment, their Strategic Performance Plan, and Idaho's ESEA Consolidated Plan.
- Review documentation of the LEA's public notice and/or stakeholder input.
- The FPT will then make a recommendation regarding the application to the ESEA director and the chief operation officer.
- The Department's ESEA director and COO will make the final determination for approval or denial and notify the LEA.

B. State statutory or regulatory requirements:

- Review by the appropriate IDE director to determine if the request includes all required documentation and is allowable under Idaho Code or IDAPA Rule.
- The director will make a recommendation to the appropriate IDE executive for approval.

Monitoring for both the state and federal waivers will leverage existing monitoring processes and data collection. LEAs will be required to participate in risk-based monitoring, site visits, annual reporting related to the waiver, and corrective actions (if needed). The FPT will review data from all participating LEAs to ensure compliance,

identify trends, and determine if student achievement is improving as a result of the Ed-Flex waivers.

2. Describe the State statutory and regulatory requirements relating to education that the State educational agency will waive.

The Idaho Board of Education and Idaho Department of Education are requesting the authority to waive ESSA statutory requirements for up to five years for LEAs requesting related waivers. The waivers will provide additional opportunities to improve student achievement and reduce administrative burdens.

Specifically, the areas of flexibility requested are as follows:

- Title I Part A: Section 1127 (a)(b) Carryover and Waiver  
The Department seeks to waive the requirement that LEAs not carry over more than 15% of allocated funds except for once every three years. The Department also seeks to allow up to 100% of Title I, Part A funds to be carried over every fiscal year.

Granting this request will allow Idaho LEAs if granted, to more effectively invest in long-term, evidence-based academic support and overall school improvement activities based on the individual school-wide plans and the LEA's board-approved strategic plan.

- Title IV Part A: Section 4106(e)(2)(C),(D),(E) and Section 4109(b)  
The Department seeks to waive the 20% spending requirement for Well-Rounded Educational Opportunities (WRE) and Safe and Healthy Students (SHS). It also seeks to waive the Effective Use of Technology (EUT)'s 15% spending cap for technology infrastructure for five years.

Removing these spending restrictions will allow LEAs to make systemic investments in Title IV Part A program areas to improve student well-being and safety while increasing academic achievement.

3. Describe the clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students.

The Ed-Flex waiver, along with existing ESSA flexibilities, will allow the IDE to continue to align federal programs and resources to State education priorities. This alignment will promote improved program coherence, increase student achievement, and enhance program efficiencies.

Idaho's educational objectives and priorities include the following:

Modernize education funding by:

- Working towards funding integrity based on student

demographics and outcomes.

- Blending and braiding of federal, state, and local funding to achieve strategic goals.

Improve student achievement through:

- Literacy instruction aligned to evidence-based practices (Science of Reading) for all students and grades.
- Numeracy instruction that builds procedural fluency, develops problem-solving skills, and promotes quantitative reasoning.

Position Idaho to attract and retain educators by:

- Assisting LEAs in recruiting and retaining high-quality educators through multiple pathways for certification, professional development opportunities, and mentoring programs to ensure students have access to effective instruction and support.
- Providing training and professional development opportunities to support LEAs in fostering safe, healthy, and engaging school climates.

Ensure students are career and life ready by:

- Aligning graduation requirements, courses, state assessments and programs for post-secondary readiness, whether college or career.
- Supporting students' well-being and behavioral health to ensure readiness to learn.

4. Describe how the educational flexibility plan is coordinated with activities described in Title I, Part A section of the SEA's approved consolidated State plan, consistent with subsections (b), (c), and (d) of section 1111 of the ESEA.

The IDE will ensure the Ed-Flex plan is aligned with the State's academic standards and assessments; statewide accountability system; and school improvement identification and support activities. When requesting a waiver, LEAs will address how student achievement will increase as a result of the increased flexibility. Additionally, alignment with the Idaho Consolidated State Plan and educational priorities will be required for approval of the request.

5. Describe how the SEA will evaluate (consistent with the requirements of Title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies, and LEAs affected by the waivers.

The IDE will evaluate student performance in participating LEAs on an annual basis using the process and procedures described in the Idaho Consolidated State Plan.

The Department will also gather and maintain high-quality data on program success by using all required Ed-Flex reporting metrics, comparing similar participating and non-participating LEAs, and incorporating statewide accountability measures to demonstrate short-and long-term trends.

Members of the public will be able to access Ed-Flex data, including LEA comparisons, on the Idaho Schools Report Card website.

6. Describe how the SEA met the requirements for Public Notice and Comment to:

- A. Provide the public with adequate and efficient notice of the proposed waiver authority, consisting of a description of the agency’s application for the proposed waiver authority, including a description of any improved student performance that is expected to result from the waiver authority.
- B. Provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public.

The following information was provided to the Idaho State Board of Education as part of our Public Notice, Comment, and Waiver review process.

Since April 2025, the Idaho Department of Education has acknowledged changes at the federal level and has been exploring ways to improve how the Every Student Succeeds Act (ESSA), the reauthorized version of the Elementary and Secondary Education Act (ESEA) of 1965, is administered.

The IDE began its efforts during the statewide Post-Legislative Tour in April and May, asking administrators to share their ideas about federal requirements for funding, accountability, and assessment. The Department updated the State Board of Education on its objectives during its June 2025 meeting.

The Department then convened a Federal Flexibility Workgroup to explore waiver options and Ed-Flex status at the beginning of this school year. Group members include administrators, federal program directors, assessment coordinators, and business managers who are exploring the options that make the most sense for Idaho.

The workgroup met from August to November and assisted in developing three initial recommendations, including:

- Spending and reporting flexibility in State administration for Title and IDEA programming.

- Assessment waivers for third grade ISAT ELA and eleventh grade ELA and math ISAT.
- Application for Ed-Flex state status.

These draft recommendations were out for public comment from mid-November 2025 through February 2026. As part of this process, the Department has also reviewed all federal program reporting and spending requirements directly administered by the State to remove any not explicitly required by federal law.

### **Summary of Public Comments:**

The IDE solicited public comment on the three recommendations from November 14, 2025, to February 2, 2026 (11-weeks).

The IDE received 45 comments from 47 respondents representing traditional public schools, public charter schools, virtual schools, classroom teachers, parents, and higher education. Additionally, comments were submitted from individuals in each of Idaho's six educational regions.

### **Spending and Reporting Flexibility in State Administration for Title and IDEA Programming**

The feedback received regarding this recommendation was overwhelmingly positive, with more than 30 of the 46 responses supporting increased spending and greater reporting flexibility for Title and IDEA programming.

Multiple respondents shared that current reporting requirements are onerous, especially for small and mid-sized districts where administrative time directly impacts the quality of support provided to students.

### **Assessment Waivers for Grade Three ISAT ELA and Grade 11 ELA and Math ISAT**

The feedback received regarding this recommendation was overwhelmingly positive, with more than 30 of the 46 responses supporting eliminating the grade three ISAT and replacing the single high school achievement test with a list of options for a student-selected assessment in the grade 11.

Multiple respondents identified testing fatigue as a significant concern, particularly in grade three, noting that it is the most heavily tested grade level in the K–12 system and may negatively impact student performance and engagement.

Comments for replacing the single high school achievement test were overwhelmingly positive, with multiple respondents sharing that a student-selected assessment aligned to multiple pathways and student goals restores instructional value to the grade 11 assessment.

**Ed Flex State Status**

The feedback on this recommendation was highly favorable, with respondents consistently emphasizing the advantages of expanded flexibility and increased decision-making authority at the state and local levels.

7. Submit as an attachment the comments received from Public Notice and Comment with the application of the SEA to the Department.

**IDAHO DEPARTMENT OF EDUCATION**

**SUBJECT**

Idaho State Department of Education – ESEA Waiver Application

**REFERENCE**

November 2016	Board approved pending rule creating the new statewide accountability system.
August 2017	Board approved Idaho’s Consolidated State Plan for submission to the U.S. Department of Education.
February 2019	Board approved amendments to the Idaho Consolidated State Plan.
March 2020	Board waived the requirement for the spring 2020 ISAT administration and approved a waiver for flexibility related to accountability for submission to the U.S. Department of Education.
April 2020	Board approved waiver for accountability requirements and ISAT/alternate assessment (IDAA) administration.
June 2021	Board approved proposed rule Docket 08-0203-2101 and federal accountability waiver.
February 2024	Board approved technical corrections to the ESEA Consolidated State Plan.
June 2024	Board approved proposed amendments to the Idaho Consolidated State Plan, including adjustments to long-term goals for ISAT, graduation rates, and English Learner progress; and the ISAT growth model.
June 2025	Board received an update on federal flexibility options the Department was exploring.
December 2025	Board received a more detailed update on the Department’s plans to develop an ESEA waiver application.
February 2026	Board authorized the Department to negotiate with the U. S. Department of Education regarding the Ed-Flex and ESEA waivers.

**APPLICABLE STATUTE, RULE OR POLICY**

Elementary and Secondary Education Act of 1965  
Every Student Succeeds Act Section 1111(a)(3), (b)(1), (2)  
Idaho State Board of Education Governing Policies & Procedures, Section V.B.8.  
Idaho Code §33-110  
Idaho Administrative code, IDAPA 08.02.03.111, 112, 114

## **BACKGROUND/DISCUSSION**

Per federal law, states may apply for waivers to some of the requirements outlined in the Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA). The Idaho State Department of Education (Department) has communicated with the Board about a potential waiver submission at three meetings since June 2025. In February 2026, the Department presented the Board with a draft waiver that included requests related to third grade testing, high school testing, and the length of testing exemptions for English learners.

After receiving Board approval in February to negotiate the ESEA Waiver with the U.S. Department of Education (ED), the Department has participated in discussions with the federal government. Based on those conversations, the Department has revised the ESEA Waiver Application to one request:

- Using the Grade 3 Spring IRI in place of the Grade 3 ISAT in English Language Arts (ELA).

The ESEA Waiver Application is provided in Attachment 1.

If the proposed changes move forward, the Department will develop a detailed implementation plan and provide training to educators as needed.

## **IMPACT**

Board approval of the ESEA Waiver Application as provided in Attachment 1 provides the Department with authorization to submit it to the U.S. Department of Education. Prior to submission, the application will be signed by the President of the Board and Superintendent Critchfield.

If the ESEA Waiver Application is approved by ED, the adjustments to third grade spring testing will begin in the 2027-28 school year. The proposed timeline allows the Department to develop and implement the necessary implementation plans and to work with the Board office to make updates to data infrastructure.

## **ATTACHMENTS**

- Attachment 1 – ESEA Waiver Application
- Attachment 2 – ISAT ELA and IRI Blueprint Comparison

## **BOARD STAFF COMMENTS AND RECOMMENDATIONS**

Board staff is supportive of the Department's efforts to identify opportunities for flexibility under ESEA. Based on internal and external feedback, staff recognizes that success of the proposed changes to third grade testing will be dependent on the Department identifying and addressing potential consequences and preparing to provide strong implementation support.

Public comment was received over the fall and discussed at the February Board meeting. The Board's Accountability Oversight Committee (AOC) also reviewed

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**APRIL 28, 2026**

the waiver drafts on January 7 and January 30, and provided the following feedback regarding the third grade testing proposal:

- The AOC supports a single spring ELA assessment for grade 3.
- The AOC raised concern about the potential for lower quality data with a less rigorous test.
- The AOC is also concerned about the lack of test items covering writing.

The AOC reviewed the current draft of the ESEA Waiver Application on April 20 (after public comment), and provided feedback as follows:

- The AOC recommended the Department implement studies to ensure the IRI by Amira (IRI) is valid and reliable, including an analysis of students' expected versus actual scores and a review of scoring corrections made by teachers during benchmark testing.
- The AOC recommends the development of scoring crosswalks to both the ISAT Claim 1 Reading score and full Composite score.
- If the change is implemented, the AOC recommends regular reviews of fourth grade ISAT ELA performance to determine the impacts of the third grade testing changes.

Board staff supports the Department's work on the ESEA Waiver Application and favors a single spring ELA test for third grade.

Two matters have been raised by AOC. First, the ultimate content of the test has not been determined. AOC has recommended the Department work with the testing vendors to develop an Expanded Grade 3 IRI with broader coverage of the state's academic content standards, including writing. The current vendors have expressed a willingness to collaborate, which presents an opportunity to create an assessment that supports students' transition from foundational reading to deeper application of their reading skills, and the potential to align the IRI and ISAT scales to support connections between these tests. Content that will no longer be covered if the IRI fully replaces the Grade 3 ISAT ELA is described in Attachment 2.

Second, the AOC recommends studying the new IRI to ensure validity and reliability. Amira has been responsive to the state's inquiries and has demonstrated commitment to continuing to improve the IRI. Accordingly, Board staff do not believe the completion of studies is needed prior to submission of the ESEA Waiver Application, and is confident that the Department will work with Amira and the Idaho Technical Advisory Committee (TAC) to design and complete appropriate future analyses.

PPGA will continue to engage with the Department on how districts will handle ongoing instruction and assessment of the grade three content standards related to reading comprehension, critical thinking, research, and writing.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
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**BOARD ACTION**

I move to approve the ESEA Waiver Application, as provided in Attachment 1, and authorize the Idaho State Department of Education to submit this request to the U.S. Department of Education.

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



## Idaho ESEA Waiver Application

### Assessment Waiver for Grade 3 ELA Achievement Testing

#### Summary:

Idaho has a longstanding commitment to ensuring that students become effective readers by third grade, and is one of only a handful of states that tracks both literacy growth and achievement for students in kindergarten through third grade with a statewide early literacy assessment, the Idaho Reading Indicator (IRI). Under the state's Early Learning Initiative, K-3 students have been required to take the IRI since 1999. Because both state and federal law require standards-aligned testing in core subjects, Idaho's third grade students take two high-stakes ELA assessments: the IRI and the ELA portion of the Idaho Standards Achievement Test (ISAT).

This waiver application proposes the following spring assessment requirements for grade three:

- ISAT mathematics
- IRI

The IRI is a norm-referenced early literacy assessment designed to evaluate the following foundational reading skills in alignment with the science of reading: phonics, phonemic awareness, fluency, vocabulary, and reading comprehension. The IRI informs instruction and interventions to improve literacy outcomes. Fall administration data is used as the state's universal screener to help educators identify students who may have characteristics of dyslexia and those who need additional support to develop strong reading skills. Idaho's Early Literacy Initiative is backed by a \$73 million state literacy intervention funding allocation that is distributed to districts and public charter schools. Half of the funding formula for the literacy intervention funds is based on growth and achievement on the IRI.

Last year, Idaho contracted with Amira Learning to implement an updated Idaho Reading Indicator to replace the iStation assessment, which had been in place since the 2017-2018 school year.

The new Amira IRI assessment is more rigorous than previous test versions, offering a more complex evaluation of students' reading abilities. The assessment no longer allows students to choose from four multiple-choice answers, asking them to respond in ways that are applied and constructive. Overall, the Amira assessment calls on deeper learning and more advanced test-taking skills.

The Department is working with Amira on the development of scale and cut scores for the criterion-referenced assessment for use starting with the fall 2027 assessment. The goal is to expand the IRI to meet the needs of Idaho students, families, state policymakers, and educators. Based on this timeline, we request that the grade three assessment waiver provisions be in place beginning with the 2027-2028 school year.

Debbie Critchfield, Superintendent of Public Instruction

**(208) 332-6800 | 650 W. State St., Boise, ID 83702 | [sde.idaho.gov](https://sde.idaho.gov)**

- **Identify the statutory or regulatory requirements to be waived:** Beginning with the 2027-2028 school year, we request the following sections of the Elementary and Secondary Education Act (ESEA) be waived for the state of Idaho: Title I, Part A, Section 1111 (c)(4)(B); Title I, Part A, Section 1111(b)(2)(B)(iii)
- **Describe how the waiver will improve student academic achievement:** Grade three is a transitional year for readers as they shift from building foundational reading skills to demonstrating their ability to apply those skills through deep comprehension, research, and writing. The emphasis on one statewide assessment as opposed to both the ISAT and IRI will allow for additional instructional time and reduce the amount of time testing for the same/similar standards. Using the IRI fall screener will allow teachers to adjust instruction to meet the needs of the students and determine if additional interventions are needed to ensure students are reading at grade level or above.
- **Describe the methods to be used to regularly monitor and evaluate the effectiveness of the plan:** In addition to the current data reviews conducted annually to meet ESEA School Identification requirements, the effectiveness of the plan will be reviewed by our Federal Programs/School Improvement team, the Accountability Oversight Committee, and the Idaho State Board of Education. Starting with the fall administration, data will be reviewed and compared to the previous spring. The spring results are compared to the fall results as well as the previous spring cohort at the student, school and district level. The review includes student group, grade level, school, district, and statewide data. Areas of emphasis for the reviews are aligned with the State Board of Education's and Idaho Department of Education's strategic plans and are adjusted by the prior year's data gaps. Our annual reviews will include a close look at the ISAT ELA data for grades four and five to determine if there are shifts or unexpected consequences due to the reduction of content previously assessed through the ISAT ELA assessment. To the extent possible, we will review sub-category (domain or claim) data for grades three, four, and five to further understand the impact of the change.
- **Describe how schools will continue to serve subgroups of students:** The requirements for IRI testing are virtually the same as for the ISAT. It assesses students in kindergarten through third grade, and all students in those grades are expected to participate in both fall and spring IRI testing. The IRI is also used extensively for in-progress monitoring each month, with the exception being English Learner students. Per Idaho Code Section 33-1618, students who have not been enrolled in an elementary school in the United States for two full years and who score below a 2.0 on the English Language Proficiency Assessment are exempted from taking the IRI. The adaptive nature of the test allows students with IEPs to demonstrate skills at their level using the online assessment, paper/pen version, or additional accommodations. Since the IRI is administered in kindergarten through third grade, it supports early identification of reading challenges, allowing educators to provide interventions based on the needs of the students.
- **If requirements for assessments or report cards are waived, describe how the state or district will maintain or improve reporting to the public and parents on student achievement and school performance:** For the grade three assessment, we are not requesting a waiver of report card requirements. The IRI statewide, district, school, and grade level results are available on the Idaho Report Card website to provide academic transparency to Idaho stakeholders. Currently, data is posted and broken out for all grades tested and the various subgroups with additional information to help users understand what's available.

### ISAT ELA and IRI Blueprint Comparison - Grade 3

<b>Content Category</b>	<b>Sub-Category</b>	<b>ISAT ELA</b>	<b>IRI by Amira</b>
<b>Reading</b>	Fluency		Oral Reading Fluency
	Vocabulary	Word Meanings	Word Meanings
		Language Use	
	Comprehension	Central Ideas	Central Ideas (-)
		Key Details	Key Details (-)
		Reasoning & Evidence	Reasoning & Evidence (-)
		Text Structures & Features	Text Structures & Features (-)
		Language Use	
	Analysis within / across Texts		
<b>Speaking / Listening</b>	Listening	Listen / Interpret	Listen / Interpret
<b>Writing</b>	Organization / Purpose, Evidence / Elaboration, and Conventions	Revise Brief Texts	
		Language & Vocabulary Use	
		Edit / Clarify (includes spelling)	Spelling (-)
<b>Research</b>	Research	Interpret & Integrate Information	
		Analyze Information / Sources	
		Use Evidence	

Note: (-) indicates the IRI assessment has some content, but less in breadth and depth than the ISAT ELA

#### **Reading Content on the IRI Dyslexia Screener only**

The IRI by Amira can adapt to give lower grade level content that is included in the dyslexia screener score only. The following early foundational reading skills can be assessed on the IRI through downward adaptation:

- Phonemic Awareness
- Decoding