

# IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1603

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is August 11, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105 and 33-4602, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

Thursday, October 13, 2016 - 6:00 PM	Monday, October 17, 2016 - 6:00 PM	Monday, October 24, 2016 - 6:00 PM
Lewis & Clark State College	College of Western Idaho	Marshall Public Library
Williams Conference Center	Nampa Campus	Minnie Howard Community Room
Clearwater Room	Aspen Building, Room 108	113 S. Garfield Avenue
500 8 <sup>th</sup> Avenue	6002 Birch Lane	Pocatello, ID 83204
Lewiston, ID 83501	Nampa, ID 83687	

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rule will address changes made to the Advanced Opportunities funded by the state. Separate sections of the rule previously authorized programs known as the “8 in 6” Program and the Mastery Advancement Program. The new provisions in Section 33-4602, Idaho Code merge some of the opportunities from these programs with the program known as the Fast Forward Program. The temporary and proposed rule changes repeals the section of rule specific to the Mastery Advancement Pilot Program and adds provisions and clarity to the Advanced Opportunities section on the administration of the new Early Graduation Scholarship.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is written to comply with the changes set forth by the passage of House Bill 458 and will confer a benefit on those students who participate in the Advanced Opportunities Programs for the 2016-2017 school year.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no known fiscal impact beyond what has already been identified in House Bill 458.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The “Notice of Intent to Promulgate Rules - Negotiated Rulemaking” was published in the April 6, 2016 Idaho Administrative Bulletin, Volume 16-4, pages 27-28.

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**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or mamccarter@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016. Written comments will also be accepted during the scheduled public hearings.

DATED this 19<sup>th</sup> Day of August, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800  
Fax: (208) 334-2228

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1603  
(Only Those Sections With Amendments Are Shown.)**

**106. ADVANCED OPPORTUNITIES ~~(EFFECTIVE JULY 1, 2008).~~**

**01. Advanced Opportunities Requirement.** All high schools in Idaho shall be required to provide Advanced Opportunities, as defined in Subsection 007-01, or provide opportunities for students to take courses at the postsecondary campus. (3-29-12)( )

~~**02. Dual Credit.** A student participating in the Dual Credit for Early Completers program (33-1626, Idaho Code) need not have completed a senior project prior to being eligible. However, a student must still complete a senior project by the end of grade twelve (12) or the student's final year of high school. (3-29-12)~~

**02. Advanced Opportunities Early Graduation Scholarship Funding (Effective July 1, 2016).** ( )

**a. Scholarship Calculation.** ( )

i. The statewide average daily attendance-driven funding per enrolled pupil shall be calculated by adding the previous fiscal year's statewide distributions for salary-based apportionment, benefit apportionment and discretionary funds, and dividing the total by the previous year's statewide public school enrollment for all grades. ( )

ii. The statewide average daily attendance-driven funding per enrolled pupil shall be recalculated each fiscal year. ( )

iii. All benefits paid for scholarships and to public schools shall be based on the statewide average daily attendance-driven funding per enrolled pupil figure for the fiscal year in which the benefit is paid. ( )

**b. Payments to Idaho Colleges and Universities.** ( )

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i. Annual scholarship payments will be made in one installment during the first semester in which the student is enrolled, regardless of the number of years early the student graduated. Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payment is made. ( )

ii. The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 30 for the fall semester and January 30 for the spring semester. ( )

c. Payments to Public Schools. ( )

i. Public schools shall report to the State Department of Education, no later than June 15 of each school year, students who have graduated early. ( )

ii. The State Department of Education will make a single annual payment to public schools no later than October 1 of each year for all early graduates who are not attending the public school that school year as a result of early graduation. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**117. ~~MASTER ADVANCEMENT PILOT PROGRAM (MAPP).~~ (RESERVED).**

~~01. Definitions. The following definitions apply only to Section 117 of these rules.~~ (4-7-11)

~~a. Challenge Exam. A test that is rigorous and covers the full depth and breadth of knowledge of a specific course. A challenge exam is more difficult than an End-of-Course exam which typically is counted only for a portion of a student's final grade and covers only a sampling of the course content.~~ (4-7-11)

~~b. Elementary. School grades K-6~~ (4-7-11)

~~c. Local Education Agency (LEA). A school district or a charter school that operates independently of any district and reports to the Idaho Public Charter School Commission.~~ (4-7-11)

~~d. Secondary. School grades 7-12~~ (4-7-11)

~~f. Alternate pathways. An alternate method for a student to receive a high school diploma early. The methods may include but are not limited to: portfolios, accelerated classes, online and independent study.~~ (4-7-11)

~~02. LEA Participation.~~ (4-7-11)

~~a. LEAs must apply for the MAPP program no later than September 2010. LEAs will not be allowed to participate in the program after the initial sign up period.~~ (4-7-11)

~~b. LEAs may request from the State Department of Education in writing of the intent to opt out of the program during the six (6) year pilot.~~ (4-7-11)

~~c. The State Department of Education will create and review LEA application submissions.~~ (4-7-11)

~~d. LEAs may choose to include all or as few as one (1) school within the district.~~ (4-7-11)

~~e. LEAs may participate in the secondary pilot or the elementary pilot or both.~~ (4-7-11)

~~f. LEAs must include in the application a plan for public involvement and parental notification of the program.~~ (4-7-11)

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- 03. Secondary Pilot Program.** (4-7-11)
- a.** To be eligible for the secondary pilot program LEAs must meet the following criteria: (4-7-11)
- i.** LEAs will provide a detailed plan for implementing the program. This plan will include at a minimum: a process for students to request a Challenge Exam, review of the exam scores and providing advice on course or grade advancement. (4-7-11)
- ii.** Participating districts shall use and apply the “Standards for Educational and Psychological Testing” (AERA, 1999) if creating district challenge exams. (4-7-11)
- iii.** LEAs may choose to incorporate scores from national standardized test approved by the State Department of Education. The State Department of Education shall create and make public a list of approved tests. (4-7-11)
- b.** The State Department of Education, in cooperation with the vendors of the national standardized tests, will provide a list recommending the course of mastery and the standard (score) at which students would be successful in the next course. (4-7-11)
- c.** LEAs may require students to reimburse the LEA for any of the assessments administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district. (4-7-11)
- d.** LEAs may provide alternate pathways to students for early graduation. (4-7-11)
- 04. Elementary Pilot Program.** (4-7-11)
- a.** To be eligible for the elementary pilot program LEAs must meet the following criteria: (4-7-11)
- i.** Elementary school participation in MAPP allows for schools to use measures other than assessments. LEAs must submit a plan including how students will be measured and advanced either to the next grade or class. (4-7-11)
- ii.** The State Department of Education will review the plans and provide direction or suggestions. (4-7-11)
- iii.** The State Department of Education will provide information on two research based advancement programs for elementary schools as suggested models. LEAs may submit a plan that is different from the suggested models. (4-7-11)
- b.** LEAs may require students to reimburse the LEA for any of the assessments administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district. (4-7-11)
- 05. Reporting.** LEAs are required to submit to the State Department of Education, no later than June 10, the following data for all schools within the district regardless of whether the school is a site for MAPP: (4-7-11)
- a.** Comprehensive list of all students who participated in MAPP, including the students who graduated early and the number of years that each student graduated early. (4-7-11)
- b.** Detailed information on the performance of participating students on Challenge Exams or other measures used. (4-7-11)
- c.** The number of requests for Challenge Exams or advancement and the requests granted. (4-7-11)
- d.** School and District disciplinary and/or behavioral incidents. (4-7-11)
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- ~~e. School and District graduation and dropout rates. (4-7-11)~~
- ~~f. Number of students in each school and for the LEA participating in advanced placement concurrent enrollment, or college courses while still students in the LEA. (4-7-11)~~
- ~~**06. Early Graduation Eligibility. (4-7-11)**~~
- ~~a. Students must have attended an Idaho public school for four full school years, as defined in IDAPA 08.02.01, "Rules Governing Administration, State Board of Education Rules, Subsection 250.01, immediately prior to graduation to be eligible for a Mastery Scholarship. (4-7-11)~~
- ~~b. Students must have completed all LEA and State graduation requirements within eleven (11) full school years or nine thousand nine hundred (9,900) hours to be eligible for a one (1) year mastery scholarship, within ten (10) full school years or eight thousand nine hundred ten (8,910) hours to be eligible for a two (2) year mastery scholarship or within nine (9) full school years or seven thousand nine hundred twenty (7,920) hours to be eligible for a three (3) year mastery scholarship. (4-7-11)~~
- ~~c. Students must attend an Idaho public college or university for the entirety of the scholarship period in order to receive the scholarship payment. (4-7-11)~~
- ~~d. Students are eligible for a maximum of three (3) years of mastery scholarship. (4-7-11)~~
- ~~e. Students must enroll at an Idaho public college or university immediately within two (2) years following early graduation in order to receive scholarship funds. (4-7-11)~~
- ~~**07. ADA and Scholarship Funding. (4-7-11)**~~
- ~~a. Guidelines; (4-7-11)~~
- ~~i. The statewide average daily attendance driven funding per enrolled pupil shall be calculated by adding the previous fiscal year's statewide distributions for salary based apportionment, benefit apportionment and discretionary funds, and dividing the total by the previous year's statewide public school enrollment for all grades. (4-7-11)~~
- ~~ii. The statewide average daily attendance driven funding per enrolled pupil shall be re-calculated each fiscal year. (4-7-11)~~
- ~~iii. All benefits paid for scholarships and to LEAs shall be based on the statewide average daily attendance driven funding per enrolled pupil figure for the fiscal year in which the benefit is paid. (4-7-11)~~
- ~~b. Payments to Idaho Colleges and Universities. (4-7-11)~~
- ~~i. Annual scholarship payments will be made in two (2) equal installments, one (1) each at the beginning of each semester. (4-7-11)~~
- ~~ii. Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payments are made. This proof must be obtained for each semester in which scholarship payments are made. (4-7-11)~~
- ~~iii. Students may apply to the State Department of Education to receive a multi year scholarship over fewer years if the student will graduate from an Idaho public college or university in less than the number of scholarship years. (4-7-11)~~
- ~~iv. The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 15 for the~~
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~~first semester and January 15 for the second semester. (4-7-11)~~

~~e. Payments to LEAs (4-7-11)~~

~~i. The State Department of Education will make a single annual payment to eligible LEAs by no later than October 1 of each year for all early graduates who are not attending the LEA that school year as a result of early graduation. (4-7-11)~~

~~ii. Payments will not be made to LEAs who fail to meet the reporting requirements. (4-7-11)~~

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