



Tracking #: A170-2017-7
Status: DFM Analyst: Recommended 03/16/17
 Gov's Office: Recommended 04/03/17
 DFM Admin: Approved 04/03/17

Administrative Rules Request Form

Agency Name: Education, Department of	Submitted on: 03/03/2017
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Person Authorizing Rule: Pete Koehler Phone: 208-332-6814	Email: pkoehler@sde.idaho.gov
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): Section 33-105, 33-1612, and 33-1617, Idaho Code	
Title, Chapter, and Possible Docket (IDAPA) Number: 08.02.03, Rules Governing Thoroughness	
This rule is: <input type="checkbox"/> Proposed <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Proposed/Temporary	Effective Date: 04/20/2017
If this is a temporary rule: <input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input checked="" type="checkbox"/> Conferring a benefit.	
Please explain: In order to score the assessments English Learner students took this year and provide score reports, we must adopt the cut scores. This temporary rule will allow for the proper and accurate identification of a student's proficiency levels, with the result that deficiencies can be readily identified and addressed to the benefit of the student.	
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):	
Agency has determined according to Idaho Code 67-5220(1):	
<input type="checkbox"/> This rule is to be negotiated Agency certifies that the rule : <input type="checkbox"/> has been <input type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3).	
<input checked="" type="checkbox"/> Negotiation of this rule is not feasible <input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <input checked="" type="checkbox"/> Other.	
Please explain: This rule is necessary to comply with the Every Student Succeeds Act (ESSA). The English Language Proficiency Assessment (ELPA) Achievement Standards were set by a standards review committee comprised of Idaho educators and will be available for public comment on our website.	
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds:	
No fiscal impact.	
Provide a short explanation of the need for this rule:	
This rule is needed in order to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The assessment is currently being administered for the Spring of 2017. This temporary rule is necessary to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.	

Does this rule adopt amendments to materials previously incorporated by reference? Yes No **Filename:** A170-2017-7.docx

Provide a short summary of the changes this rule makes:

This rule incorporates by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards into Rules Governing Thoroughness with a date of approval by the State Board of Education.

Provide a list of those persons or interested group(s) affected by the rule:

Students (English Learners), Educators, Parents

DFM Analyst: David Hahn **Recommendation:** Recommended Not Recommended Pending **Date:** 03/16/2017

Comments:

A temporary rule is needed to set the new English Language Proficiency Assessment Achievement Standards. Without a temporary rule, there will not be any cut score for the spring administration of English Language Learner Assessment.

Fiscal Impact Comments:

There is no known fiscal impact.

Special Assistant: Marilyn Whitney **Recommendation:** Recommended Not Recommended **Date:** 04/03/2017

Comments:

DFM Administrator Action: 04/03/2017

- Authorized to Advance to Rulemaking Process, DFM to review draft rule prior to publication
- Approved Not Approved