

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1605

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-1002, and 33-1612, Idaho Code.

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

October 13, 2016 - 6:00 PM Lewis and Clark State College Williams Conference Center Clearwater Room 500 8 th Avenue Lewiston, ID 83501	October 17, 2016 - 6:00 PM College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, Idaho 83687	October 24, 2016 - 6:00 PM Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204
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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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule change will update the rules governing Alternative Secondary Programs which have not been updated in its entirety since April 1997. Additionally, the passage of House Bill 300 in 2015 added sixth grade to the grades eligible for alternative secondary program funding. The changes would update the terminology; include sixth grade as part of the student qualification; remove limited English proficiency as a qualifier; align the instruction section to current practices; and clarifies the obligation to follow the Individuals with Disabilities Education Act (IDEA).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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 as a result of this rulemaking: N/A

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, page 31.

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 proposed rule, contact Michelle Clement Taylor, Coordinator for School Choice, at (208) 332-6963 or at mtaylor@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 August 24, 2016, or during the scheduled public hearings.

DATED this 30th day of June, 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

**IDAPA 08
TITLE 02
CHAPTER 03**

110. ALTERNATIVE SECONDARY PROGRAMS (SECTION 33-1002; 33-1002C; 33-1002F, IDAHO CODE).

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. ~~Some-d~~ Designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours. (4-1-97)()

01. Student Qualifications. An at-risk youth is any secondary student grade ~~seven~~ six through twelve (~~7-6~~-12) who meets any three (3) of the following criteria, Subsections 110.01.a. through 110.01.~~fg.~~, or any one (1) of criteria in Subsections 110.01.~~gh.~~ through 110.01.~~mn.~~ (3-30-07)()

- a. Has repeated at least one (1) grade. (4-1-97)
- b. Has absenteeism that is greater than ten percent (10%) during the preceding semester. (4-1-97)
- c. Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program. (4-1-97)
- d. Has failed one (1) or more academic subjects in the past year. (4-1-97)()
- e. Is below proficient, based on local criteria and/or standardized tests. ()
- ef. Is two (2) or more ~~semester~~ credits per year behind the rate required to graduate or for grade promotion. (4-1-97)()
- fg. ~~Is a limited English proficient student who has not been in a program more than three (3) years.~~
Has attended three or more schools within the previous two years not including dual enrollment. (3-30-07)()
- gh. Has documented or pattern of substance abuse ~~behavior.~~ (4-1-97)()
- hi. Is pregnant or a parent. (4-1-97)
- ij. Is an emancipated youth or unaccompanied youth. (4-1-97)()
- jk. Is a previous dropout. (4-1-97)
- kl. Has serious personal, emotional, or medical ~~problems~~ issue(s). (4-1-97)()
- lm. ~~Is~~ Has a court or agency referral. (4-1-97)()

~~m.~~ Upon recommendation of the school district as determined by locally developed criteria for disruptive student behavior, Demonstrates behavior that is detrimental to their academic progress. (4-1-97)()

02. Instruction. Special instruction courses for at-risk youth enrolled in an alternative secondary program will include: (4-1-97)

~~a.~~ Academic skills that include language arts and communication, mathematics, science, and social studies Core academic content that meets or exceeds minimum state standards; (4-1-97)()

~~b.~~ A personal and career counseling component. (4-1-97)

~~eb.~~ A physical fitness/ and personal health component; (4-1-97)()

~~dc.~~ A state division approved vocational Career and technical education component approved by the state division of career technical education; (4-1-97)()

~~ed.~~ A personal finance, parenting, and child care component with parenting skills emphasized; and (4-1-97)()

~~e.~~ A personal and career counseling component. ()

03. Graduation Credit. Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences. (4-5-00)

04. Special Services. Special services, ~~where appropriate~~ for at-risk youth enrolled in alternative secondary programs, include the following where appropriate: (4-1-97)()

a. A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider. (4-1-97)

b. Direct social services that may include officers of the court, social workers, counselors/psychologists. (4-1-97)

c. All services in accordance with the student's Individualized Education Program. ()