

Dear Senators MORTIMER, Thayn, Buckner-Webb, and
Representatives VANORDEN, McDonald, Kloc:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Career Technical Education:

IDAPA 55.01.03 - Rules of Career Technical Schools - Proposed Rule (Docket No. 55-0103-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 12/06/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/07/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

FROM: Principal Legislative Drafting Attorney - Elizabeth Bowen

DATE: November 16, 2018

SUBJECT: Division of Career Technical Education

IDAPA 55.01.03 - Rules of Career Technical Schools - Proposed Rule (Docket No. 55-0103-1801)

Summary and Stated Reasons for the Rule

This rule changes the funding formula for career technical school funding. Currently, funding is based on average daily attendance and support units; this rule would base funding on enrollment. Other changes are also made to existing language, including the removal of outdated terms and the inclusion of several new definitions.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted, and there is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

I.C. 33-2205, 33-2211, and 33-1002G.

cc: Division of Career Technical Education
Tracie Bent

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1801

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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-2205, 33-2211 and 33-1002G.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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:

The proposed amendments would move career technical school funding from a model based on student average daily attendance and support units to one based on the number of students enrolled in a capstone course during the previous academic year and the number of students completing a technical skills assessment for the program in which the student was enrolled. Additional amendments remove redundant language that is found in Section 33-1002G, Idaho Code, outdated terms and adds definitions for terms used in the rule.

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 resulting from this rulemaking: None, Career Technical School Funding is appropriated by the Legislature, the funding calculation is used to distribute the funds appropriated, regardless of amount, and do not add to or subtract from the amount.

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 July 4, 2018 Idaho Administrative Bulletin, [Vol. 18-7, page 207](#).

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 Tracie Bent at (208) 332-1582 or tracie.bent@osbe.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 24, 2018.

Dated this 31st day of August, 2018.

Tracie Bent, Chief Planning and Policy Officer
State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0103-1801
(Only Those Sections With Amendments Are Shown.)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-28-18)

~~**02. Attendance Zones.** For purposes of Section 33-1002G, Idaho Code, each high school is classified as an attendance zone. The attendance zone requirement can be met by having students from at least two (2) high school zones within a district or at least two (2) high school zones in different districts participate in the career technical school. A minimum of fifteen percent (15%) of the total student body must reside in attendance zones apart from the attendance zone of the majority of students. Cooperative Service Agencies must meet the fifteen percent (15%) attendance criteria on a program by program basis. (3-30-01)~~

~~**03. Capstone Course.** A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-28-18)~~

04. Career Technical Schools. Schools designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (3-28-18)

~~**04. Concentrator Student.** A student with junior or senior status enrolled in a capstone course. ()~~

~~**05. EDUID.** Education Unique Identifier. ()~~

~~**06. Enrollment Units.** The total number of individual EDUIDs that are reported as enrolled in a capstone course during the previous academic year. ()~~

~~**07. Field Experience.** Paid or unpaid work experience such as business/industry internship, clinical experience, supervised occupational experience, job placement, school-based enterprise, or similar work experience setting. The field experience must be of sufficient duration and depth to add to the technical competencies of the student. (3-30-01)~~

~~**08. Participation Total.** The total number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. ()~~

~~**09. Technical Skill Assessment.** An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. ()~~

(BREAK IN CONTINUITY OF SECTIONS)

~~**101. CAREER TECHNICAL SCHOOL GENERAL APPROVAL CRITERIA. (RESERVED)**
For approval, applying career technical school's district must meet at least four (4) of the five (5) criteria listed in Section 33-1002G, Idaho Code. Approval criteria. (3-28-18)~~

- ~~01. High School Attendance Zones. Two (2) or more high school attendance zones. (3-30-01)~~
- ~~02. Dual Credit. (3-30-01)~~
- ~~03. Field Experience. (3-30-01)~~
- ~~04. Funded as a Separate School. (3-30-01)~~
- ~~05. Separate Site or Cooperative Service Agency. Located at a separate site or approved by the State Board of Education as a cooperative service agency. (3-30-01)~~

(BREAK IN CONTINUITY OF SECTIONS)

103. APPLICATION PROCESS.

~~New and renewal~~ Applications for career technical school funding must be received by the Division of Career Technical Education on or before ~~the first Friday in July~~ **April 15** for the following fiscal year. (3-30-01)()

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

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is based on the ~~average daily attendance (ADA) of students enrolled in the career technical school~~ **number of students enrolled in a capstone course during the previous academic year and the aggregate total of students who completed the technical skill assessment for the program the student was enrolled in.** If any approved program within a career technical school does not enroll students from more than one (1) high school during the ~~reporting period~~ **previous academic year**, ~~the enrolled students may not be counted as part of the school's average daily attendance for that reporting period~~ **the program will not be included in the current year funding calculation.** If the overall **school** enrollment exceeds more than eighty-five percent (85%) of students from any single high school during the **previous** school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding. (3-28-18)()

105. CAREER TECHNICAL SCHOOL ~~AVERAGE DAILY ATTENDANCE~~ FUNDING CALCULATION.

~~The Division of Career Technical Education shall use the enrollment and attendance submitted to the division of career technical education by the school district to calculate career technical school average daily attendance (ADA) in accordance with applicable laws and rules (Section 33-1002, Idaho Code). Students in attendance at a qualifying career technical school shall be reported as aggregate hours and/or aggregate attendance. The aggregate hours and aggregate attendance will be combined to calculate the ADA for the career technical school~~ **Career technical school funding shall be calculated based on the career technical schools unit value. The career technical school unit value shall be the total number of enrollment units combined with the aggregate participation total for each capstone course. Enrollment units shall be reported to the Department of Education. The Division of Career Technical Education shall gather aggregate participation total data from the independent technical skills assessment providers annually.** (3-28-18)()

~~01. Aggregate Hours. The daily hours of all students enrolled in approved intermediate and capstone courses who attend less than two and one-half (2.5) hours per day shall be added together and reported as weekly aggregate hours. (3-28-18)~~

~~02. Aggregate Attendance. Students enrolled in approved intermediate and capstone courses who attend more than two and one-half (2.5) hours per day are to be reported as aggregate attendance. (3-28-18)~~

106. CAREER TECHNICAL SCHOOL ADDED COST UNIT CALCULATION. (RESERVED)

~~The Division of Career Technical Education shall use the career technical school average daily attendance (ADA) as the basis for added cost unit funding. (3-30-01)~~

~~01. **State Support Unit Value.** The added cost support unit value shall be based on state salary-based apportionment, state paid employee benefits (less state unemployment), base support, and safe environment distribution factors found in the Public School Support Program. (3-30-01)~~

~~02. **Support Unit Divisor.** Added cost support units for career technical schools shall be calculated by using the secondary support unit attendance divisor of eighteen and one-half (18.5) as shown in Section 33-1002(6), Idaho Code. (3-30-01)~~

~~03. **Added Cost Support Factor.** The added cost support factor for career technical schools shall be calculated by multiplying point thirty three (.33) times the added cost support units generated in the career technical school. (3-30-01)~~

~~04. **Estimated Distribution.** The estimated distribution shall be calculated by multiplying the state support unit value by the added cost support factor. (3-28-18)~~

107. CAREER TECHNICAL SCHOOL ~~ADDED COST~~ UNIT FUND DISTRIBUTION.

01. Value Determination. Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. ~~(3-30-01)~~()

02. Payment Distribution. Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (3-30-01)

a. Seventy percent (70%) of the total ~~estimated appropriated~~ funds for which career technical schools are eligible shall be distributed no later than September 30 each year ~~following receipt of first period attendance data from the approved career technical schools.~~ Funding will not be distributed until ~~reports have been received and approved by the division of career technical education from each approved schools~~ the previous year enrollment units and the Division of Career Technical Education has verified aggregate participation total data. ~~(3-28-18)~~()

b. ~~Based on actual support units generated during the year, the balance shall be distributed each year by July 15th.~~ The remaining funds shall be distributed no later than June 30. ~~(3-30-01)~~()