

Dear Senators MORTIMER, Thayn, Buckner-Webb, and
Representatives CLOW, Kerby, McCrostie:

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. 55-0103-1901).

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 11/21/2019. 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 12/20/2019.

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 01, 2019

SUBJECT: Division of Career Technical Education

IDAPA 55.01.03 - Rules of Career Technical Schools - Proposed Rule (Docket No. 55-0103-1901)

Summary and Stated Reasons for the Rule

This proposed rule revises the method to calculate funding for career technical schools. The current method relies on average daily attendance, which this rule replaces with an enrollment-based method. The change is being made because the current method does not result in funding that conforms to actual costs.

Negotiated Rulemaking / Fiscal Impact

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

Statutory Authority

This rulemaking appears to be within the Division's statutory authority.

cc: Division of Career Technical Education
Tracie Bent

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may 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 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1901

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, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-2202 through 33-2212, Idaho Code.

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 16, 2019.

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 current process of using Average Daily Attendance to calculate funding for career technical schools does not align with the actual costs associated with delivering a program through a career technical school. Amendments to this section of rule would modernize career technical school funding, including strategies to reduce the reporting burden and data entry obligations. The proposed amendments would update the funding structure to an enrollment-based approach that includes funding based on capstone enrollment, number of technical skill assessments taken, and total credit hours enrolled in intermediate, capstone, and work-based learning courses. Additional amendments would further define work-based learning, clarify other required components of a career technical school and make technical corrections.

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: 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 July 3, 2019 Idaho Administrative Bulletin, **Vol. 19-7, page 282**.

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 tracie.bent@osbe.idaho.gov or (208) 332-1582. 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 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0103-1901
(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)~~

~~**032. Capstone Course.** A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-28-18)~~

~~**043. Career Technical Schools.** Schools meeting the requirements of Section 33-1002G, Idaho Code, 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 junior or senior enrolled in the capstone course. ()~~

~~**05. Credit Hours.** The total number of enrolled credit hours reported to the State Department of Education for qualifying intermediate, capstone, and work-based learning courses. ()~~

~~**06. EDUID.** Education Unique Identifier. ()~~

~~**07. Enrollment Units.** The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. ()~~

~~**058. 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)~~

~~**09. Intermediate Course.** A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course, and is offered in grades 9 through 12. ()~~

~~**10. Participation Total.** The total number of technical skill assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. ()~~

~~**11. 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. ()~~

12. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. ()

~~006~~12. -- 099. (RESERVED)

100. STATEMENT OF PURPOSE.

The purpose of this rule is to clearly define general implementation criteria, the criteria for approval for funding, the ~~added cost unit calculation, the procedure to follow in calculating average daily attendance (ADA)~~ enrollment-based funding calculation, the process to follow for fund distribution, and program accountability for Idaho Career Technical Schools. (3-30-01)()

~~101. CAREER TECHNICAL SCHOOL GENERAL APPROVAL CRITERIA.~~

~~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)

101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. The lab should be appropriately designed for the type of program and the number of students enrolled. The program should have state-of-the-art equipment, current technology and strong links to business and industry. (3-30-01)

02. Career Technical School Program. Each program of a career technical school shall: (3-30-01)

a. Deliver a sequence of career technical education courses that culminate in a capstone course. (3-28-18)

b. Meet all of the required technical competency credit standards established by the state board of education. (3-28-18)

c. Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-28-18)

d. ~~Implement instructional delivery methods that integrate advances in industry technologies~~ Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. (3-28-18)()

e. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education. (3-28-18)

f. Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (3-28-18)

g. Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (3-28-18)

h. Promote the development of leadership. (3-28-18)

103. APPLICATION PROCESS.

~~A 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~~ fifteenth of April 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, the aggregate total of the students who completed the technical skill assessment for the program the student was enrolled in, and the total credit hours reported by each school for intermediate, capstone, and work-based learning courses. If any approved program within a career technical school does not enroll students from more than one (1) high school during the ~~reporting period, the enrolled students may not be counted as part of the school's average daily attendance for that reporting period~~ previous academic year, the program will not be included in the current year funding calculation. If the overall enrollment ~~school~~ exceeds more than eighty-five percent (85%) of students from any single high school during ~~previous~~ the 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. The distribution of individual career technical school funding will be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative credit hours. Qualifying pathway enrollment will be reported to the Department of Education. The Division of Career Technical Education will gather aggregate participation total data from the independent technical skill 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.

~~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)~~

106. (RESERVED)

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

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories. (3-30-01)(____)

01. 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 30th 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 30th. (3-30-01)(____)