



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators THAYN, Lent, Ward-Engelking and,
Representatives CLOW, Kerby, McCrostie

FROM: Trevor Ahrens - Legislative Drafting Attorney

DATE: November 03, 2022

SUBJECT: Temporary Rule

IDAPA 08.02.03 - Rules Governing Thoroughness - Adoption of Temporary Rule - Docket No.
08-0203-2203

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Trevor Ahrens at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2203

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 20, 2022.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-116, and 33-1612, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The temporary rule would replace the existing incorporated by reference documents, Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors and Idaho Alternate Assessment Achievement Standards (IDAA), with those approved by the Board at the October Board meeting.

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

In order to comply with statewide assessments that are part of our state and federal accountability system, achievement level descriptors, commonly referred to as cut scores, are necessary for meeting the federal requirements in the Elementary Secondary Education Act for identifying those schools whose students' achievements identified on the assessment is in the lowest 5% of our public schools. Currently, cut scores for all statewide assessments are incorporated by reference into IDAPA 08.02.03. As with all incorporated by reference documents, when these cut scores are updated, the rulemaking process is required to update the version incorporated into the administrative rule. The current cut scores are based on the previous versions of the two assessments and are no longer appropriate for scoring the assessments administered in Spring 2022. Without the temporary rule, the State Department of Education will not be able to appropriately score the two assessments or meet the federal requirements for identifying low-performing schools.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: 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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent at tracie.bent@osbe.idaho.gov or (208)332-1582.

DATED this 20th day of October, 2022.

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

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0203-2203
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

- a.** Arts and Humanities Categories: (3-15-22)
 - i.** Dance, as revised and adopted on August 11, 2016; (3-15-22)
 - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-15-22)
 - iii.** Media Arts, as adopted on August 11, 2016. (3-15-22)
 - iv.** Music, as revised and adopted on August 11, 2016; (3-15-22)
 - v.** Theater, as revised and adopted on August 11, 2016; (3-15-22)
 - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-15-22)
 - vii.** World languages, as revised and adopted on August 11, 2016. (3-15-22)
- b.** Computer Science, adopted on November 28, 2016. (3-15-22)
- c.** Driver Education, as revised and adopted on August 10, 2017. (3-15-22)
- d.** Health, as revised and adopted on August 11, 2016. (3-15-22)
- e.** Information and Communication Technology, as revised and adopted on August 10, 2017. (3-15-22)
- f.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-15-22)
- g.** Physical Education, as revised and adopted on August 11, 2016. (3-15-22)
- h.** Social Studies, as revised and adopted on November 28, 2016. (3-15-22)
- i.** College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)

02. The English Language Development (ELD) Standards. The WIDA 2020 English Language Development (ELD) Standards statements as adopted by the State Board of Education on August 26, 2021. Copies of the document can be found at <https://wida.wisc.edu>. (3-15-22)

03. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors. Achievement Level Descriptors as adopted by the State Board of Education on ~~April 14, 2016~~ October 20, 2022. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>.

~~(3-15-22)~~(10-20-22)T

05. The Idaho Content Standards Core Content Connectors. The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

a. English Language Arts, as adopted by the State Board of Education on August 10, 2017. (3-15-22)

b. Mathematics, as adopted by the State Board of Education on August 10, 2017. (3-15-22)

c. Science, as adopted by the State Board of Education on June 19, 2019. (3-15-22)

06. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on ~~October 18, 2017~~ October 20, 2022. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ~~(3-15-22)~~(10-20-22)T

07. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

09. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on October 17, 2018. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)