



# State Department of Education's Response to Negotiated Rulemaking on **ALTERNATIVE SECONDARY PROGRAMS**

**Docket No. 08-0203-1605**

Negotiated rulemaking was conducted on the revisions to rule regarding Alternative Secondary Programs. In compliance with Section 67-5220, Idaho Code, notice was published in the Administrative Bulletin. In addition, notice was distributed through a press release and on the State Department of Education's (SDE) website. A draft of the rule, public comment forms, and links to an online survey were available through our website.

As part of the negotiated rule making process for the Alternative Secondary Program rules, a meeting was held with alternative school administrators, counselors, and teachers. There were 25 attendees at the meeting representing all regions of the state.

In the review of the proposed changes two themes emerged related to the changes:

- 1) Insure the at-risk qualifiers be the same for all eligible grades.
- 2) Alternative schools do not have the capacity to meet the needs of all challenging students.

The following are additions to the originally proposed changes and the rationale:

- Adding below proficient based on local criteria and/or standardized tests as a criteria.
  - Criteria that is appropriate for middle school including 6<sup>th</sup> grade.
  - Criteria that can be used for all grade levels.
- Adding "attended three or more schools within the previous two years."
  - Criteria that considers mobility, which is a factor in poor academic performance.
- Adding "or pattern of" to "has documented substance abuse."
  - Criteria provide clarification and allows for inclusion before "documentation" occurs.
- Remove "upon recommendation of the ..." and replace with "Demonstrates behavior that is detrimental..."
  - Criteria links individual behavior to individual academic results.

The following items related to student criteria did not produce consensus among the group:

- Changing the grade point average.
  - No change to criteria.
- Adding "one or more years(s) below grade level proficiency"

- Adding “below proficiency” to the criteria related to failing classes covers this issue.
- Changing “academic” to “core”.
  - No change to the criteria.
- Adding specific criteria related to “homeless,” “foster care,” or “group home.”
  - Added “unaccompanied minor” to “emancipated youth.”
  - Considered that other criteria could be used to qualify the students in this category.
- Adding “since third grade” to the first criteria. (Has repeated at least one grade.)
  - No change to the criteria.

The comments related to the “Instruction” section of the rules were supportive of the proposed changes and suggested minor wording changes that increase clarity.

There was one comment submitted through the online SDE Negotiated Rules Survey relating to the availability of curriculum, but not the rule changes. Based on the results of the negotiated rulemaking process, the SDE is proceeding directly into formal rulemaking.