

IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1704

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 Section(s) 33-105, 33-1612, and 33-2002, 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 18, 2017.

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 rulemaking amends the adoption date of the Idaho Special Education Manual, an incorporated document. The Idaho State Board of Education approved amendments to the Idaho Special Education Manual on August 10, 2017. The updated manual replaces the outdated terms “deafness” and “hearing impairment” with “deaf or hard of hearing.” The definition of “deaf or hard of hearing” now includes language regarding the child’s access, comprehension, and/or use of linguistic information through hearing. In addition, state eligibility criteria for “deafness” and “hearing impairment” have been replaced by criteria for “deaf or hard of hearing.” The modified eligibility criteria, used by evaluation teams when determining the disability category for a student, compliment the updated definition of “deaf or hard of hearing.” Other changes to the manual include minor language corrections or deletions necessary to maintain document consistency and to align with Idaho’s Consolidated State Plan under the Every Student Succeeds Act, Idaho Code, or teacher certification standards.

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 April 5, 2017 Idaho Administrative Bulletin, volume 17-4, pages 34 – 35.

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:

This document is currently incorporated by reference. Incorporation by reference is necessary to ensure compliance with state and federal regulations regarding the education of individuals with disabilities. Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the proposed changes to the Idaho Special Education Manual can be found on the State Department of Education’s website at sde.idaho.gov/topics/admin-rules/.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or csilva@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 October 25, 2017.

DATED this 10th Day of August, 2017.

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**

08.02.03 - RULES GOVERNING THOROUGHNESS

000. LEGAL AUTHORITY.

All rules in this Thoroughness chapter (IDAPA 08.02.03) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under sections 33-116, 33-118, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. (4-5-00)

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.02.03 “Rules Governing Thoroughness.” (4-5-00)

02. Scope. These rules shall govern the thorough education of all public school students in Idaho. (4-5-00)

002. WRITTEN INTERPRETATIONS.

Any written interpretations are on file at the office of the State Board of Education at 650 West State Street, Boise, Idaho 83702. (3-15-02)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the Rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted pursuant to the Idaho Administrative Procedure Act and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (4-5-00)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

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 www.boardofed.idaho.gov. (3-29-10)

a. Arts and Humanities Categories: (3-24-17)

i. Dance, as revised and adopted on August 11, 2016; (3-24-17)

ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)

iii. Media Arts, as adopted on August 11, 2016. (3-24-17)

iv. Music, as revised and adopted on August 11, 2016; (3-24-17)

v. Theater, as revised and adopted on August 11, 2016; (3-24-17)

vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)

vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)

- b. Computer Science, adopted on November 28, 2016. (3-24-17)
- c. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d. English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e. Health, as revised and adopted on August 11, 2016. (3-24-17)
- f. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h. Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i. Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j. Science, as revised and adopted on December 15, 2016. (12-15-16)T
- k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l. Career Technical Education Categories: (3-29-17)
 - i. Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
 - ii. Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
 - iii. Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
 - iv. Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
 - v. Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
 - vi. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

02. The English Language Development (ELD) Standards. The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

04. 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 April 20, 2017. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-20-17)T

05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors. Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-17)

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by

the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at www.boardofed.idaho.gov. (5-8-09)

07. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on September 3, 2015. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (10-20-16)T

08. 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 www.boardofed.idaho.gov. (4-2-08)

09. 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 [Error! Hyperlink reference not valid.](#) (4-2-08)

10. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on ~~November 28, 2016~~[August 10, 2017](#). Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (~~3-29-17~~)