

REVISIONS in the Idaho Special Education Manual (2016)

The *Idaho Special Education Manual (2016)* was presented by the Idaho State Department of Education (SDE) and adopted by the State Board of Education (SBOE) June 16, 2016. Revisions from the *2015 Manual* to the *2016 Manual* include:

- Removing reference to No Child Left Behind (NCLB) due to the passage of the Every Student Succeeds Act (ESSA);
- Removing outdated references to psychosocial rehabilitation (PSR), as identified during public comment;
- Changing references to highly qualified teacher (HQT) to align with passage of ESSA (See *2015 Manual*, “Highly Qualified Special Education Teacher” section in Ch. 10 -- previously 3B, pgs. 160-162);
- Clarifying language regarding Idaho’s 10-day rule for parental objection to a district’s proposal for an Individual Educational Program and addressed in rule change: IDAPA 08.02.03.109a (See Ch. 5, Section J., pg. 99-100);
- Clarified language regarding school of attendance (See Ch. 6, Section 1B, 3, pg. 114)
- Adding additional resources to the Procedural Safeguards Notice and making the introduction more parent friendly (see Ch. 11, pg. 191) **NOTE:** The change is only a format change, and includes a revision of the parent introduction and resources. The 2014 of the Procedural Safeguards is still valid to use;
- Changing the manual to reflect federal guidance about mediation confidentiality agreements as addressed in rule change: IDAPA 08.02.03.109b (See Ch. 13, Section 3A, pg. 214), and replacing the *Mediation Confidentiality Agreement* with a *Notification of Mediation Confidentiality* (see Ch. 13, pg. 240);
- Clarifying that audio recordings will be made of Due Process Hearings, with transcripts for hearings available at district expense by parent request (See Ch. 13, Section 5.F.2.h., p. 227);
- Removed references to Appendices no longer attached to the manual; and
- Fixing typos throughout document.

Important Notice for LEA Adoption Requirements of Current Manual

Each district is required to adopt the current manual and submit assurance their board adopted the new manual as part of the IDEA Part B application. As part of the IDEA Part B application, districts should be able to provide evidence of their board’s decision in the form of minutes of the meeting in which the manual was adopted.

Public Comment:

Revisions within Idaho Education Rules, IDAPA 08.02.03.109, regarding Special Education were needed to adhere to federal regulations, as well as to clarify language and update the rules to reflect IDEA and current practice. Changes clarify the scope of the 10-day rule for objection to a

change in an individualized education program or placement (IDAPA 08.02.03.109.a) and align mediation procedures with federal regulations regarding not requiring a signed confidentiality agreement prior to mediation (IDAPA 08.02.03.109.b).

Negotiated rulemaking (**Docket No. 08-0203-1604**) was conducted on the revisions to rule regarding Special Education. 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 rules, public comment forms, and links to an online survey were available through the SDE website. In addition, stakeholder groups, including the Special Education Advisory Panel (SEAP) and the Directors Advisory Council (DAC), were notified of the intent by the SDE to promulgate rule. In April, six public meetings across the state were conducted expressly to receive comment. Two comments were received, both of which were considered and resulted in the modification of the manual.

1. A school district employee at the Idaho Falls public meeting asked how the recent change of the Highly Qualified Teacher status was going to be resolved. The Special Education Manual was modified in response to incorporate the policy change put forth from the Superintendent of Public Instruction SDE.
2. Through the online survey, one parent indicated the department's use of psychosocial rehabilitation was outdated. In response, the outdated term was removed from the manual.

Based on these results of the negotiated rulemaking process, the SDE forwarded the proposed *Idaho Special Education Manual* changes to the State Board of Education. A copy of the proposed changes to the *Idaho Special Education Manual* was posted online on June 6, 2016, for additional public comment 10 days by the State Board of Education. The changes were approved on June 16, 2016. The *2016 Idaho Special Education Manual* was posted on the SDE website on June 21, 2016, and replaces the earlier version.