

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, January 16, 2018

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Mortimer, Vice Chairman Thayn, Senators Winder, Nonini, Den Hartog, Guthrie, Crabtree, Buckner-Webb, and Ward-Engelking

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Mortimer** called the Education Committee (Committee) to order at 3:00 p.m.

**RS 25626** **Relating to Career Technical Education; Amend and Revise. Amy Lorenzo**, Director of Policy and Organizational Planning, Career and Technical Education (CTE) presented **RS 25626**. She said this legislation is to modify Idaho code § 33-2202 to formally expand the definition of CTE to include grades seven and eight, as appropriate.

**MOTION:** **Senator Nonini** moved to send **RS 25626** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**RS 25660** **Relating to Higher Education; Amend and Technical Corrections. Tracie Bent**, Chief Planning and Policy Officer, Office of the State Board of Education (SBE) presented **RS 25660** and explained this legislation pertains to the provisions for Eastern Idaho Technical College (EITC) and the formation of the new community college in eastern Idaho. Any wording pertaining to Eastern Idaho Technical College needs repealed and updated to the College of Eastern Idaho (CEI).

**DISCUSSION:** **Chairman Mortimer** asked if there are changes other than the technical name changes. **Ms. Bent** replied in the negative. She explained this legislation contains only technical changes. Additional legislation will be coming forward to address CEI financial requests.

**Senator Winder** asked if there will be legislation for seed money and funding the new college. **Ms. Bent** replied most of the funding for CEI will be through the Joint Finance - Appropriations Committee (JFAC). She stated the other legislation she referenced, should this Committee choose to hear it, would be related to the distribution from the liquor fund that are designated for the community colleges.

**MOTION:** **Senator Thayn** moved to send **RS 25660** to print. **Senator Crabtree** seconded the motion. The motion passed by **voice vote**.

**RS 25667** **Relating to Education; Amend, Revise, and Technical Corrections. Ms. Bent** presented **RS 25667** and said this legislation pertains to the Professional Standards Commission (PSC). She detailed the makeup and purpose of the professional standards commission which can be found in Idaho code § 33-1252. She said the majority of changes in this bill are to update language to meet current standards. There is an additional section that will clarify the PSC board's ability to appoint its members.

**MOTION:** **Senator Guthrie** moved to send **RS 25667** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**PASSED THE  
GAVEL:**

Chairman Mortimer passed the gavel to Vice Chairman Thayn.

**DOCKET NO.  
08-0111-1701**

**Registration of Postsecondary Educational Institutions and Proprietary Schools.** **Ms. Bent** said that all the proposed changes to the rules before the Committee have been negotiated. She then described the process of negotiated rule making.

**Ms. Bent** presented **Docket No. 08-0111-1701** and explained this rule pertains to the authorization of postsecondary and proprietary schools. She defined each type of school and explained that the changes to the rule are to simplify the process for the schools to become registered. It also adds language to assure that schools attest to meeting the occupational requirements. The changes also state that the SBE does not review course curriculum.

**MOTION:**

**Senator Guthrie** moved to accept **Docket No. 08-0111-1701**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.  
08-0113-1701**

**Rules Governing the Opportunity Scholarship Program.** **Ms. Bent** presented **Docket No: 08-0113-1701** and stated the proposed change updates the statutory reference. The update also includes technical changes and the process whereby a student who has received a General Education Diploma (GED) can establish a grade point average (GPA). This gives them the ability to apply for the Opportunity Scholarship. The rule changes also establish guidelines for the SBE to round up a GPA as necessary. The technical changes in the document reflect current, accurate terminology and guidelines for online applications. The rule outlines the process for priority eligibility for receiving the scholarship. She stated the wording of the appeals section of the rule has been modified to align with statute.

**MOTION:**

**Senator Ward-Engelking** moved to accept **Docket No. 08-0113-1701**. **Chairman Mortimer** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.  
08-0202-1703**

**Rules Governing Uniformity – Accreditation.** **Ms. Bent** presented **Docket No. 08-0202-1703** and refers to section Idaho code § 33-119. She said the current language conflicts with Idaho Code and has been stricken to avoid confusion. She explained there is some redundancy in the rules and those areas have been stricken. The technical changes align with the current language. **Ms. Bent** explained the addition of the section pertaining to Residential Schools is to meet health and safety standards as established by Idaho code § 39-1210 to become an accredited school.

**DISCUSSION:**

**Senator Winder** asked if the children's home in Lewiston, Idaho is a residential school. **Ms. Bent** referred the question to Dale Kleinert, Director, AdvancED Idaho. He replied in the affirmative and said the school is under the purview of the Idaho Department of Health and Welfare (DHW).

**Senator Winder** asked if this change will have a negative impact on that school. **Mr. Kleinert** replied they are in support of this rule change and have worked with DHW and SBE. He explained some of their residential institutions have used this gap to bypass the DHW requirements. He explained some institutions are accredited, but do not meet health and welfare safety standards. Currently, accreditation is based on academic standards not on building safety. He concluded this rule change is important for the safety of children.

**Vice Chairman Thayn** asked if this would have a negative impact on the schools to the point of shutting them down. **Mr. Kleinert** replied it could add cost to an institution to comply to the safety standards to achieve accreditation.

**Senator Den Hartog** asked if the SBE is approaching it from a rule due to the failed legislation last year. **Ms. Bent** replied last year's legislation may have been viewed as an overreach. SBE decided to bring it back through rules with only the health and safety of a school meeting the standards set by the DHW.

**Chairman Mortimer** asked if the SBE received any public comment from the residential schools and asked how many residential schools would be affected. **Ms. Bent** replied the only public comment came from advanced education, who expressed support for the rule.

**Senator Winder** asked if this was a negotiated rule. **Ms. Bent** replied in the affirmative. She explained it was for both the accreditation and the residential school portions of the rule. She said none of the schools contacted about the rule change responded. **Senator Winder** asked how notice was given. **Ms. Bent** replied it was posted on the SBE website and in the press releases for the SBE Board meetings.

**Senator Guthrie** said because of the potential shutdown and additional costs to residential schools, he would like some time to review the rule and what the ramifications would be to the residential schools.

**Vice Chairman Thayn** asked Ms. Bent if the SBE could contact some of the residential schools and inquire about the possible impact if this rule was approved. **Ms. Bent** replied she would send notification to the residential schools the SBE is aware of and request that information.

**Vice Chairman Thayn** asked how long it would take to receive the information. **Ms. Bent** replied she would report back to the Committee as to how long it would take the residential schools to supply that information.

**MOTION:**

**Senator Winder** asked for unanimous consent to hold **Docket No: 08-0202-1703** for two weeks and contact the House Education Committee Chairman regarding this decision. This will give the Committee time to get information from the schools and to appreciate the impact to the schools. There were no objections.

**DOCKET NO.  
08-0202-1705**

**Rules Governing Uniformity – Definitions.** **Ms. Bent** presented **Docket No: 08-0202-1705** and explained the proposed amendments of this rule are technical corrections. She explained the definition for institutional recommendation was written specific to teachers, yet the rule also applies to administrators. The terminology changes throughout the rule updates the wording to current usage and aligns with Idaho Code.

**Ms. Bent** explained the additional rule language is regarding both professional endorsements and requirements for administrators for the recertification process. This addition provides wording that permits consistent and uniform reviews of the applications for recertification. **Ms. Bent** said the section regarding the code of ethics for interim certificated educators is identical to the requirements for a standard certificate. She stated the unnecessary language in the rule is no longer applicable and has been removed. She explained the proposed additions in the sections are for clarification. She detailed the impact of the changes.

**Ms. Bent** spoke about the proposed changes in the evaluation process which clarify the process and procedures. She explained the additional language was removed due to expiration. She stated the other changes are to eliminate and align rules to meet the statutes enacted from the prior year. She said the additions to the evaluation define which staff member are subject to the rules.

**DISCUSSION:**

**Vice Chairman Thayn** asked if the SBE conducts those reviews for the recertification application process. **Ms. Bent** replied it is typically performed by the State Department of Education (SDE).

**Vice Chairman Thayn** asked what criteria had been used before this rule change. **Ms. Bent** replied this change defines the criteria and makes it easier for the administrator to select a course that meets the criteria outlined in Idaho Code.

**Chairman Mortimer** asked which staff members are included in the interim code of ethics. **Ms. Bent** replied this applies to individuals who are on an interim certificate.

**Senator Den Hartog** asked which agency is responsible for ensuring the professional in-service is in alignment with the individualized professional learning plan. **Ms. Bent** replied the school districts are responsible and explained how they accomplish the in-service training.

**Vice Chairman Thayn** asked what happened to an individual's certificate if the credits are not taken in the specified time. **Ms. Bent** replied there are provisions through the SDE for that individual.

**Chairman Mortimer** asked why the percentage in the principal evaluation changed from 67 percent to a majority percentage. **Ms. Bent** replied it is to bring it into alignment with the same language for professional practice and student achievement for instructional staff.

**Senator Guthrie** asked who approved the preparation programs prior to the proposed rule change of the SBE. **Ms. Bent** replied all preparation programs pursuant to Idaho Code must be approved by the SBE. She gave an example of a out-of-state candidate seeking certification.

**MOTION:** **Senator Crabtree** moved to accept **Docket No. 08-0202-1705**. **Senator Ward-Engelking** seconded the motion.

**Vice Chairman Thayn** relayed his concerns about the details and stated the renewal process is very prescriptive. **Ms. Bent** replied the wording is in line with current practices. She said administrators suggested this section of the rules and the SBE worked with the groups to design this section. While they are detailed, there is room for variation between the programs.

The motion passed by **voice vote**.

**DOCKET NO. 08-0202-1707** **Rules Governing Uniformity – Program Operations.** **Ms. Bent** presented **Docket No. 08-0202-1707** and explained in the prior year there were amendments to the transportation portions of Idaho Code, particularly in Idaho code § 33–1006, that allow for school activities to be reimbursable expenses for transportation. The proposed language adds more specificity to the reimbursable activities.

**MOTION:** **Chairman Mortimer** moved to approve **Docket No. 08-0202-1707**. **Senator Nonini** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO: 08-0202-1708** **Rules Governing Uniformity – Idaho Educator Credential.** **Ms. Bent** presented **Docket No: 08-0202-1708** and reported this rule was negotiated; over 100 people testified regarding this rule. She explained these proposed code changes pertain to the certificates for the occupational specialists: Career Technical Education (CTE) teachers and administrators. **Ms. Bent** explained the changes are to clarify which agency will issue their certificate. Removal of irrelevant language and rules have been updated to meet current practices. She said the most significant changes are to time requirements for certification and the requirements to maintain the certificate. Many of the additions are a duplication of information for the ease of reference.

**Ms. Bent** explained the options and requirements available to candidates to receive the CTE administrator certificate. She detailed the requirements and criteria necessary for an industry based occupational specialist certificate. She addressed the age increase for certification. **Ms. Bent** reviewed the changes made to the hours and years of experience necessary to be certified. She explained to qualify for an occupational certificate they must meet one of the outlined options. **Ms. Bent** explained the standards to the three occupational certificates and how a candidate can work to achieve the certificate. The proposed changes in the rule include updating the language to current usage and standards.

**Senator Den Hartog** asked what is the reason for the age change. **Ms. Bent** replied it was based on feedback from those who attended the negotiated meeting and the Division of CTE. She explained the consensus was that an 18-year-old applicant would not have the life experience necessary to be certified.

**Senator Den Hartog** stated if a person has met all the requirements, an age restriction is unnecessary. **Ms. Bent** replied during the negotiated process the result was an increase in age rather than the proposal to strike the age.

**Senator Crabtree** asked if eliminating the age limitation was discussed. **Ms. Bent** replied in the affirmative. She replied the discussion revolved around age, experience, and hours of work experience.

**Senator Ward-Engelking** said it seems the new requirements are more restrictive. She asked if it will make it difficult to fill the position. **Ms. Bent** replied the criteria is the same, however, the language has been written to be more understandable. She stated CTE participated in the process and supports the changes.

**Senator Den Hartog** stated it seems these changes make it difficult to obtain a certificate and creates a barrier for the CTE programs.

**MOTION:** **Senator Den Hartog** moved to accept **Docket No. 08-0202-1708**. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Thayn passed the gavel to Chairman Mortimer.

**ADJOURNED:** There being no further business at this time, **Chairman Mortimer** adjourned the meeting at 4:34 p.m.

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Senator Dean M. Mortimer  
Chair

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LeAnn Mohr  
Secretary