

MINUTES
HOUSE EDUCATION COMMITTEE
MENDIVE SUBCOMMITTEE
Mendive

DATE: Thursday, January 18, 2018

TIME: 9:00 A.M.

PLACE: Room EW41

MEMBERS: Chairman Mendive, Representatives Boyle, Clow, Kloc(Mason)

**ABSENT/
EXCUSED:** None

GUESTS: Teresa Pitt, Idaho Division of Vocational Rehabilitation; Mike Keckler, State Board of Education; Kari Overall, Sue Wigdarski, Idaho Education Association; Amy Lorenzo, Steve Rayborn, Idaho Division of Career-Technical Education; Dennis Stevenson, Department of Administration; Harold Ott, Idaho Rural Schools Administrators and Idaho Association of School Administrators; Quinn Perry, Idaho School Boards Association

Chairman Mendive called the meeting to order at 9:00 a.m.

DOCKET NO. 08-0111-1701: **Tracie Bent**, Chief Planning and Policy Officer, State Board of Education, spoke to **Docket No. 08-0111-1701**, concerning registration of post-secondary educational institutions and proprietary schools. She explained the proprietary schools are not degree granting institutions, but Idaho Code requires the State Board of Education to authorize them. This rule docket makes technical updates. Section 201.05 is simplified, replacing appeals with written requests. Section 301.02(a) concerns approval standards for proprietary schools and requires an attestation that courses of study licensed by other Boards meet the requirements of those occupational boards, said Ms. Bent, and clarifies the State Board of Education does not review courses or program curriculum for these types of educational institutions. She explained this section was causing confusion for the proprietary schools, which were submitting their curriculum to the State Board of Education. In response to questions from the committee, Ms. Bent said the occupational licensing boards require these schools to submit their curriculum and courses. Ms. Bent said the negotiated rule-making process was followed, and the staff of the occupational boards were notified. Nobody from those boards participated.

MOTION: **Rep. Clow** made a motion to recommend that the full committee approve **Docket No. 08-0111-1701. Motion carried by voice vote.**

DOCKET NO. 08-0113-1701: **Tracie Bent** spoke to **Docket No. 08-0113-1701**, addressing the Opportunity Scholarship Program. She said technical corrections had been made, and the language had been cleaned up. Language has been added which allows the Board to round up a student's grade point average, to determine eligibility. For example, a grade reported as 2.998.35 from an educational institution would be rounded up to 3.0. Based on the way this rule was written, some students were not eligible for the scholarship who should have been. The Board was able to work with students' educational institutions to have the institutions round the grades up. The changes also allow the Board to round grades of students enrolled in postsecondary educational institutions, for purposes of renewing their scholarships. Another change is language referring to college exam scores used to determine eligibility, for students with general equivalency diplomas. The SAT has changed how tests are scored, so the previous score of 950, which matches an ACT score of 20, has been changed to 1,010, said Ms. Bent. Language has also been cleaned up to add

a designee, in section 04 (iii.) This rule docket also specifies the Board sets the monetary value yearly. The language in the appeals section has been cleaned up, said Ms. Bent, and specify that decisions based on specific requirements established in Idaho Code or administrative rules may not be appealed.

In response to questions from the committee, **Ms. Bent** said the reason for the language about non-electronic applications being deleted is the students can use public computers, such as at a library, school or the Board of Education, to complete the application, and it creates less work than paper applications. Although the Board receives calls from people asking for help on how to access the electronic application, nobody has requested a paper application. If an applicant requests a paper application, the Board will need to create one, because paper applications have not been requested for five years, she added. The language in section 02(a) was deleted because it is already in Idaho Code, said Ms. Bent.

MOTION: **Rep. Clow** made a motion to recommend the full committee approve **Docket No. 08-0113-1701. Motion carried by voice vote.**

DOCKET NO. 08-0202-1708: **Tracie Bent** spoke to **Docket No. 08-0202-1708**, concerning certification requirements for Career and Technical Educators. Language was cleaned up, and language referring to post-secondary teachers was removed, because this rule only applies to K-12 teachers. Language was added which clarifies these educators go to the Division of Career and Technical Education, regardless of which route they used to be certified. Language was cleaned up regarding agricultural science and technology. There was confusion about the re-certification requirement of six credits every five years applying to all certificates. Language regarding the CTE administrator certificate was also cleaned up. The most significant change, said Ms. Bent, is the provision of another route to a CTE administrator certificate for existing administrators in non-technical schools, which recognizes their experience. One change to the Industry-based Occupational Specialist Certificate is to raise the minimum age from eighteen to twenty-two, and require documentation of recent, gainful employment. The word "successful" as it relates to employment, because that is difficult to gauge. The minimum number of years or hours of recent, gainful employment was reduced from eight years to six years, and sixteen-thousand hours to twelve-thousand hours. Ms. Bent said there are three routes to this type of certificate: years of experience, years of experience plus a B.A., or a formal apprenticeship. The examination route is removed in this rule docket. Ms. Bent said this rule docket removes the reference to use of a pre-service workshop for the Limited Occupational Specialist Certificate.

In response to questions from the committee, **Ms. Bent** said the objective of the rule changes was to make the process easier, to increase the number of career-technical educators and administrators in the pipeline. The change from a minimum age of eighteen to a minimum age of twenty-two was suggested by the individuals participating in the rule-making process. That group consisted of those currently practicing in the field, as well as the teachers and administrators of those programs. They felt that an eighteen-year-old would not be prepared to teach a class. Also, some career and technical educators require additional licenses from their occupational bureaus, which require them to be older than eighteen, she added. The reason the journeyman route to teacher certification was stricken, said Ms. Bent, is that not all industries have a journeyman classification.

MOTION: **Rep. Boyle** made a motion to recommend the full committee approve **Docket No. 08-0202-1708. Motion carried by voice vote.**

DOCKET NO. 08-0203-1710: **Tracie Bent** spoke to **Docket No. 08-0203-1710**. She explained this rule docket concerns the CTE content areas. Last year, said Ms. Bent, the Board started moving the CTE content areas to Administrative Rule, to give them the same weight as the non-CTE areas. Some steps were missed in bringing this forward to the State Board for approval. The following areas have already been in place, but they are not addressed in Administrative Rule: Agricultural and Natural Resources; Business; Engineering and Technology; Skilled and Technical Sciences. The section on health sciences was a new section added, and the early childhood education is being amended, said Ms. Bent. In response to questions from the committee, Ms. Bent said the standards have existed in the Division of Career and Technical Education, but they are new to Administrative Rule. The Board conducted negotiated rule making, and the Idaho Division of Career-Technical Education sent notices to everyone who might be interested, but no individuals wanted to participate in this part of the negotiated rule making.

MOTION: **Rep. Boyle** made a motion to send **Docket No. 08-0203-1710** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

DOCKET NO. 47-0101-1701: **Ms. Bent** spoke to **Docket No. 47-0101-1701**, which makes changes to the field service manual of the Division of Vocational Rehabilitation. She said the language makes technical corrections to be in compliance with the ADA Workforce and Opportunity Act of 2014. The language makes a change to the definition section, which is a new definition for "ongoing support services," and is incorporated by reference, said Ms. Bent. The Board conducted negotiated rule making, said Ms. Bent, and the Division of Vocational Rehabilitation facilitated the process. All the changes to definitions are based on federal requirements, added Ms. Bent, and there are references to these federal requirements in the field service manual. For example, the definition of transitional employment is removed. Ms. Bent said the language also makes technical corrections and cleanups to the numbering. The language also updates how the Intake Review Process pieces are referenced, meaning the terminology, said Ms. Bent. The rule docket also adds the terminology for "disability," "significant disability," and "most-significant disability," she said. The rule docket adds updates to the Individualized Education Program, specifying that customers receive a copy of the IEP, and that a student may only have one active IEP at a time, said Ms. Bent. Old language is deleted, and new language about the IEP Review Process is added. The process for when a ticket to work is assigned to the Division of Vocational Rehabilitation has language changes, said Ms. Bent. Technical corrections make corrections to the numbering in the manual, and to the maximum fees allowed to employers for on-the-job training, said Ms. Bent. Some wording is changed, such as changing "additional" to "future," and smaller technical changes are made regarding the customers' appropriateness for employment. The policy for supportive employment includes language about "competitive" and "integrated" employment, and an addition of an allowance for less-than-competitive wage is included, said Ms. Bent. Also, a technical change was made to specify when post-employment services are not appropriate. This rule docket contains language addressing the pre-employment transition and delivery of pre-employment services, as well as a collaboration with employment skills, said Ms. Bent. A new section addresses services for individuals employed or seeking employment at sub-minimum wage, said Ms. Bent.

Ms. Bent introduced **Teresa Pitt**, Idaho Division of Vocational Rehabilitation, to answer committee questions. In response to questions from the committee, Ms. Pitt said some employers seek a certificate to pay less than minimum wage for the employment of disabled youth. This certificate is referred to as a 14-C Certificate, said Ms. Pitt, and it allows employers to pay at a rate commensurate with the performance of the employee. For example, if an employee is performing at 50% of the normal performance, the employer would pay 50% of the normal wage for that position. The Division of Vocational Rehabilitation has responsibilities regarding this rule, said Ms. Pitt, such as providing career counseling, information and referrals, and informing clients of other job opportunities than those offered at less-than-minimum wage. In response to questions from the committee, Ms. Pitt said the DVR website pages are fluid. If the Administrative Rules which include incorporation by reference pointed at specific resources on the website, the agency would have to go through administrative rule-making every time the website address is changed. In response to questions from the committee, Ms. Pitt said that \$3,000.00 is the maximum the DVR will pay an employer for on-the-job training for the vocational rehabilitation client. That amount is for the duration of the training, regardless of how long the training takes. This amount depends on the job position and the employer, and it is negotiated with the DVR counselor and the employer. The amount of time required for training, and the hourly rate the client will receive, if hired, is also negotiated and contracted with the employer, and is individualized to the client, said Ms. Pitt.

MOTION: **Rep. Clow** made a motion to send **Docket No. 47-0101-1701** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

DOCKET NO. 55-0103-1701: **Tracie Bent** spoke to **Docket No. 55-0103-1701**. She said this rule docket removes outdated language about career-technical schools which no longer conforms to Idaho Code. The language has not been updated since 2001, said Ms. Bent, and career-technical education (CTE) has come a long way since then. Some language updates are to remove the definition of dual credit, because it is defined in Idaho Code, and to replace "technical preparation" with "technical competency." The definition for Capstone Course has been added, added Ms. Bent. Language concerning what CTE schools should contain has been removed, and more current language has been added, said Ms. Bent. Funding is based on average daily attendance, said Ms. Bent, and the new language allows the Division to pro-rate funding, rather than withhold it, if the school does not meet the average daily attendance requirement. Updates to the section on payment distribution specify that seventy percent of the total estimated funds for which a career technical school is eligible shall be distributed each year following receipt of first-period attendance data, and that funding is not distributed until the reports have been received and approved by the division of career technical education from each approved school, said Ms. Bent. Because the Division has had difficulty receiving reports in a timely manner, a deadline of October 15 of each year is included in this rule docket, said Ms. Bent.

Ms. Bent introduced **Amy Renzo** from the Division of Career Technical Education. In response to questions from the committee, Ms. Renzo said one of the objectives of this rule docket is to hold harmless the schools currently meeting the requirements. The Board had 100% consent from stakeholders on this rule docket, she added. In response to questions from the committee, Ms. Bent said the old language defining "dual credit" was deleted, because this term is already defined in Idaho Code, and the definition was not consistent with the definition in Idaho Code.

MOTION: **Rep. Boyle** made a motion to recommend that the full committee approve **Docket 55-0103-1701**. **Motion carried by voice vote.**

DOCKET NO. 55-0104-1701: **Tracie Bent** spoke to **Docket No. 55-0104-1701**. She said the 2014 Legislature enacted the Agricultural Quality Incentive Funds, which grants money for agricultural education start-up funds. This allows teachers who did not receive funding in one year, to receive funding the next year, after the proposals are evaluated, she added. This rule docket adds language which specifies that, if a qualified teacher does not receive a grant in the year the teacher applies, that teacher will receive priority consideration for the grant the following year, said Ms. Bent. Language changing the deadline for grant proposals from July 15 to June 30, said Ms. Bent, for the purposes of providing funding up front, rather than on a reimbursement basis.

MOTION: **Rep. Boyle** made a motion to recommend the committee approve **Docket No. 55-0104-1701**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:29 a.m.

Representative Mendive
Chair

Jenifer Cavaness-Williams
Secretary