

MINUTES
SENATE EDUCATION COMMITTEE

- DATE:** Wednesday, January 18, 2017
- 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) meeting to order at 3:00 p.m.
- PRESENTATION: Career Technical Education (CTE) Student Leaders.****Dwight Johnson**, State Administrator, CTE, stated that today is Career Technical Education Student Day at the Legislature. He said the student leaders that are in attendance come from all the different seven student organizations across the state.
- Connor Brasse**, Idaho Falls, Idaho, **Elisabeth Stephens**, Mountain Home, Idaho, and **Hayden Atkinson**, Parma, Idaho presented information from the Technology Student Association (TSA), Future Health Professionals (HOSA), and Business Professionals of America (BPA) respectfully. Each student leader spoke about the conferences they attended, the friendships they developed, and how the organizations have influenced their career decisions.
- Committee Senators** asked them questions regarding the locations of the conferences they attended, additional credits or scholarships they may have earned, and their future plans. Each student answered to the satisfaction of the committee senators.
- RS 24872** **Relating to Education; Amending Idaho Code. § 22-1001; Revise Definitions and Make Technical Corrections.** **Blake Youde**, Chief Communications and Legislative Affairs Officer, State Board of Education (SBE), explained this is to clarify the career ladder. He reported the two main provisions in the document: 1.) clarifies teachers who serve as mentor teachers are included in the definition of instructional staff; and 2.) clarifies each data element of the performance requirement show teacher proficiency be reported to determine their movement on the career ladder. Mr. Youde said there are also two technical changes: 1.) amends the reference from Professional Technical Education to Career Technical Education; and 2.) a notation in the student achievement and growth options section that the Preliminary Scholastic Aptitude Test (PSAT) is a preliminary college entrance exam.
- MOTION:** **Senator Nonini** moved to send **RS 24872** to print. **Senator Buckner-Webb** seconded the motion. Motion passed by **voice vote**.

RS 24881C1

Relating to School Technology; Amending Idaho Code § 33-4801. Mr. Youde said this establishes the technology grant program and the support of state funding for classroom technology. He explained the amendment will require public school districts and public charter schools to submit to the State Department of Education (SDE) a plan for improving student academic and career technical achievement using technology in the classroom. The four year plan is based on a needs assessment, goals and objectives for using the technology, a schedule for implementation, and schedule for replacement/upgrades of technology, and a professional development plan for staff. There is an annual review of the plans and if there are changes, plans must be resubmitted to the SDE.

Vice Chairman Thayne asked why this program is being updated. **Mr. Youde** replied this change requires school districts to submit a technology plan showing how they will use the line item appropriation.

Senator Den Hartog asked if the technology plan is something that could be imbedded into a schools' strategic or continuous improvement plans. She stated she didn't need the answer today.

Chairman Mortimer said the definition for needs assessment is broad. When this returns to the Committee for a bill hearing, He would like clarification on the terminology of needs assessment.

MOTION:

Vice Chairman Thayne moved to send **RS 24881C1** to print. **Senator Winder** seconded the motion. Motion passed by **voice vote**.

PASSED THE GAVEL:

Chairman Mortimer passed the gavel to Vice Chairman Thayne.

**DOCKET NO:
08.0205.1601**

Rules Governing Pay for Success Contracting. **Tracie Bent**, Chief Planning and Policy Officer, SBE stated this rule is a new chapter. She explained H 170 created Idaho Code § 33-125 B which set up a mechanism for pay for success contracting. She explained the contracting and payment process the SDE has with vendors and gave detailed examples. The rule also establishes an oversight committee for the process. **Ms. Bent** said the administrative rule details the application procedures, timeframe for proposal evaluations, and contract negotiations.

Senator Den Hartog asked if Ms. Bent would review for the Committee the proposal evaluation, contract negotiation, and contract mentoring.

Ms. Bent explained the timeline and proposal evaluations. She said having that knowledge is essential before the contracts negotiations section of the rule can be understood. She explained the new sections of the rule to the satisfaction of the Committee.

Chairman Mortimer said he is concerned about the 45 day timeline for response from the oversight committee. He asked if this is enough time. He stated that he would prefer to have 60 days for them to respond. **Ms. Bent** replied the rule was negotiated with the interested party individuals. She gave an example of the use of the timeline by the parties affected. **Ms. Bent** said those involved responded that this timeline was adequate.

Chairman Mortimer asked if this rule meets the legislation that was brought forward. **Ms Bent** replied in the affirmative and referenced the Idaho Code § 33-125b. She read the code to the Committee, it detailed those members that sit on the oversight committee. She said the rule does not detail the members for the negotiation team.

Chairman Mortimer asked if it is in rule the House and Senate Education Chairs sit on the negotiation committee. **Ms. Bent** replied the oversight committee establishes who sits on the negotiation committee. In the rule, the Education Chairs are specified as sitting on the oversight committee. To allow for flexibility, side boards were not placed in these rules.

TESTIMONY: **Pete Koehler**, Chief Deputy Superintendent, State Department of Education (SDE) said there is no concern with the rule. But within the statute there is ambiguity regarding to how this money is to be paid to vendors. The SDE would like funding clarity. SDE understands this rule will reduce costs to acquire materials that benefit student learning. He said the SDE would like to know the source of the line item funding. The SDE's Chief Financial Officer and Deputy Superintendent of Finance have interpreted statute and as it stands there must be funding, their concern is that the rule doesn't specify how it will be funded. He reiterated that the SDE would like clarity of the statute.

Senator Ward-Engelking asked if new language will be brought forward to remedy the issue. **Mr. Koehler** replied in the affirmative. He explained the SDE and SBE are in conversation to clarify the language.

Senator Guthrie asked if the rule is to being brought forth too early. **Mr. Koehler** replied the SDE and Superintendent Ybarra would like clarity of the statute's meaning.

MOTION: **Senator Nonini** moved to accept **Docket No. 08.0205.1601**. **Chairman Mortimer** seconded the motion.

REMARKS: **Senator Nonini** said he has been a part of the meetings with the SDE and SBE. He affirmed that the meetings are going to be bringing amendments to the legislation. He does not think that pushing the rule forward will be a problem

Senator Guthrie asked if waiting on the rule would cause problems. **Ms. Bent** replied the rule would not be impacted by any changes in the funding and how the funding works. She explained the rule addresses the process of receiving a proposal and the timeline. She said if the rule is rejected it takes another year to address a new rule. That would delay the implementation for a year.

Motion passed by **voice vote**.

DOCKET NO: **08.0203.1608** **Rules Governing Thoroughness; Comprehensive Assessment Program and Accountability Requirements.** **Ms. Bent** explained that this rule amends the State's comprehensive assessment and accountability requirements contained in Idaho Administrative Code. She stated the rule determines the order and in what school grade the different statewide assessments are required to be administered. This also outlines the measures used to determine accountability. With a more reliable system there would be more autonomy in the public schools. She said the Governor's Task Force for Improving Education recommended an accountability system that met the minimum federal requirements and the State's need for accountably. She explained the reasoning for the accountably system. **Ms. Bent** said the authorization of Every Student Succeeds Act (ESSA) calls for a number of minimum requirements which includes the statewide assessment.

Ms. Bent said in the rule there are technical changes that update language and definitions based on current practices, as well as the addition of the definition for Idaho Standards Achievement Test, and the accountability measurements. She reviewed for the Committee the State's comprehensive assessment program additions to the rule which outlines each school's grade level assessment. She explained the section that was changed is to make it consistent with other existing language and in the future there will be updates.

Chairman Mortimer asked if the science testing is an additional requirement. **Ms. Bent** replied in the negative. This is an ongoing test and this outline removes the confusion.

Vice Chairman Thayn asked if all schools have to perform all the quality measures in the rule or is there some flexibility. **Ms. Bent** replied all schools are to report on all the measures in order to have a better understanding of the school's level of learning.

Vice Chairman Thayn commented to the Committee that these rules are part of the ESSA standards which have replaced the No Child Left Behind (NCLB) standards.

Senator Ward-Engelking said this is a major rewrite for defining school success and asked if there is a technology index. **Ms. Bent** replied in the negative. She explained the technology index was one of the original recommendations from the accountability oversight committee, but there is not a consistent way for measurement.

Senator Den Hartog said the colleges and universities are challenged financially by having to offer remedial courses. She asked if in the school accountability or quality discussion the institutions have the ability to discover which schools or districts these remedial students graduated from. **Ms. Bent** answered in the negative regarding the accountability. She explained the information is collected and reviewed by the SBE only to identify the statewide indicators not individual schools.

Senator Mortimer moved to accept **Docket No. 08.0203.1608**. **Senator Nonini** seconded the motion. Motion passed by **voice vote**.

**DOCKET NO:
47.0101.1601**

Rules of the Division of Vocational Rehabilitation- Field Service Manual (Manual). **Ms. Bent** explained that this division is under the SBE. This is a multi-year process to remove rules from the Manual and put them in rules. The long term goal is to eliminate the Manual. **Ms. Bent** stated the changes update provisions based on changes from the Workforce Investment Act, and the Innovation and Opportunity Act. She explained the updates are based on the changes from the federal government. She explained the incorporated document changes are to come into compliance with the federal requirements, the deletion of unnecessary language, and updates to order of selection.

Chairman Mortimer asked if the order of change is in regard to a change from the federal government. If yes, does that significantly change the priorities that were previously set? **Ms. Bent** replied in the affirmative. To answer how it affects the original priorities she referred the question to Teresa Pitt, Planning and Evaluation Manager, Division of Vocational Rehabilitation (DVR). **Ms. Pitt** explained the order of selection was not in compliance with the law. It is important that the State policy be accurate and compliant.

Chairman Mortimer asked if services for recipients will be affected. **Ms. Pitt** said that DVR is currently serving all eligible individuals and is not based on order of selection. As of now, nothing will change. She explained the change is a semantics issue; they are serving those with the most severe disabilities first followed to the least severe disabilities.

Senator Nonini asked how the severity of disabilities is determined. **Ms. Pitt** replied each state is allowed to determine a severity classification. The staff follows a specific criterion which did not change.

MOTION:

Senator Ward-Engelking moved to accept **Docket No: 47.0101.1601**. **Chairman Mortimer** seconded the motion. Motion passed by **voice vote**.

**DOCKET NO:
47.0102.1601**

Rules and Minimum Standards Governing Extended Employment Services. **Ms. Bent** said the changes are in regard to the extended employment services housed in the DVR programs. She explained the changes to the program are technical and updates. The rule was last amended in 2007 and is quite out-of-date from current practices.

Nanna Hanchett, Field Services Chief, Division of Vacation Rehabilitation, said she oversees the extended services program. She said the changes made are to bring the programs up-to-date with current practices. The following sections were changed to be inline with current practice; moved the services timeline to meet the State's fiscal year, explanations of provider requirements and guidelines, defined customers' eligibility and funding criteria, added reasons for case closure, and expanded the definition of some terminologies to meet industry standards.

Senator Den Hartog asked if the rules guide the agency and are out-dated, what is guiding the current practice. **Ms. Hanchett** replied that it was difficult to manage the system.

Senator Nonini asked if there is someone specific that determines the other reasons for services. **Ms. Hanchett** replied the "other" category really works well when the client does not qualify for the specific categories. The closure notes aid in the determination of categories.

Senator Nonini asked if the case notes are confidential. **Ms. Hanchett** replied in the affirmative. Specific individual information is confidential but the agency can give information in aggregate.

Chairman Mortimer asked if feedback from providers was allowed. **Ms. Hanchett** replied in the affirmative. She said the only feedback that wasn't allowed in the EES program was not in conflict with Medicaid waiver rules.

Chairman Mortimer asked her to give an example of the community work services program and Medicaid. **Ms. Hanchett** explained the individual process for community work in the vocational rehabilitation program does not impact the funding component. She said the individual can work and earn money without losing their Medicaid funding.

Chairman Mortimer moved to accept **Docket No. 47.0102.1601**. **Senator Ward-Engelking** seconded the motion. Motion passed by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Thayn passed the gavel to Chairman Mortimer.

ADJOURNED:

There being no more business, **Chairman Mortimer** adjourned the meeting at 4:41 p.m.

Senator Dean M. Mortimer
Chair

LeAnn Mohr
Secretary