

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, February 02, 2021

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Thayn, Vice Chairman Crabtree, Senators Den Hartog, Woodward, Lent, Johnson, Cook, Ward-Engelking, and Nelson

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 Thayn** called the meeting of the Senate Education Committee (Committee) to order at 3:00 p.m.

GUBERNATORIAL REAPPOINTMENT VOTES: **Senator Nelson** moved to send the Gubernatorial reappointment of Brian Scigliano to the Idaho Public Charter School Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Crabtree moved to send the Gubernatorial reappointment of Wanda Quinn to the Idaho Public Charter School Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

Senator Den Hartog moved to send the Gubernatorial reappointment of Sherrilynn Bair to the Idaho Public Charter School Commission to the floor with the recommendation that she be confirmed by the Senate. **Vice Chairman Crabtree** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Vice Chairman Crabtree** moved to approve the Minutes of January 19, 2021. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

Senator Woodward moved to approve the Minutes of January 20, 2021. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.

Senator Den Hartog moved to approve the Minutes of January 21, 2021. **Senator Lent** seconded the motion. The motion carried by **voice vote**.

H 0022 **Relating to Public Charter Schools; Removes a Dated Section of the Education Funding Formula in 33-5208, Chairman Clow**, Chair of the House Education Committee, presented **H 0022**, to the Committee.

DISCUSSION: **Senator Ward-Engelking** asked Chairman Clow why this wasn't a "sunset bill" (a one-year bill), why the cap needed to be removed, and whether the virtual charter schools turned away any students this year. **Chairman Clow** felt the law being changed wasn't necessary in the first place and that is why there was no sunset clause. As for turning away students, that did not occur as reported, as parents in many instances stopped the enrollment process.

Senator Ward-Engelking asked if both Idaho Virtual Academy and Inspire Connections Academy received funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. **Kelly Edginton**, Head of School, Idaho Virtual Academy, took the podium and said the school received CARES Act funding. **Vice Chairman Crabtree** stated this issue was not a charter school issue but a legal issue, as there is a law in place to prevent schools from exceeding the cap. **Chairman Clow** agreed that a law was in place, however the Virtual Charter School did not break that law as they haven't received funds yet. This bill seeks to make a change in that law. **Vice Chairman Crabtree** asked where the money should come from to pay the virtual schools. **Chairman Clow** said it would come from the same place traditional schools received their funding for increased enrollments.

Vice Chairman Crabtree asked why CARES Act funds did not cover the expenditures since it was due to the COVID-19 pandemic. **Chairman Clow** agreed that the expense was a result of the impact of COVID-19 on schools, but the 30-unit cap restriction is still an issue. **Senator Woodward** asked if the matter could have been avoided if the 30-unit limit issue were addressed sooner. **Chairman Clow** replied that yes, if the virtual schools knew about the cap limits, the students most likely would have ended back at their traditional schools. However the state would still be funding those schools for the students.

Senator Woodward asked how virtual charter schools are established, how their administrations are structured, and if they have a board and a principal. **Chairman Clow** said the Idaho Public Charter School Commission is their authorizer, but each school has their own Board of Directors and administrators.

Senator Woodward asked who is responsible for knowing the laws and rules in operating a virtual school. **Chairman Clow** stated there is shared responsibility between the school, the State Department and other agencies. **Senator Woodward** asked if the state is paying school districts twice for the same students this year due to COVID-19. **Chairman Clow** stated they are not.

Senator Den Hartog asked if a traditional school district would have a cap on enrollment if it opened a virtual school. **Chairman Clow** said there would be no cap. **Senator Den Hartog** highlighted data from the Oneida School District, which in the 2015-'16 school year had under 1,000 students and this year reported over 7,000 students. This growth did not violate the cap. **Chairman Thayne** asked if the charter school Commission notified the virtual schools of the 30 unit limit, and if so, when it notified them. **Chairman Clow** confirmed the Commission did not notify the schools of the cap.

TESTIMONY: **Ms. Edginton** testified in support of **H 0022**. **Ms. Edginton** said the 2020 school year enrollment at Idaho Virtual Academy was 1,736 students and this year it was 3,818. Idaho Virtual Academy received funding from the CARES Act and Elementary and Secondary School Emergency Relief funds to help offset expenses. **Ms. Edginton** said new families are still enrolling, and if **H 0022** does not pass, they would need to stop enrollment and eliminate staff to cut expenses.

DISCUSSION: **Senator Lent** asked why there is urgency in passing this bill. **Julie Oberle**, Chief Financial Officer, Idaho State Department of Education, took the podium and explained that time was short because she needed to send payment information by February 8, to accounting. If this bill does not pass, she will pay Idaho Virtual Academy based on 130 support units versus the 189 support units they reported. The next payment will not be made until May 15.

MOTION: **Senator Lent** moved that **H 0022** be held in Committee subject to the call of the Chair. **Vice Chairman Crabtree** seconded the motion. **Senator Den Hartog** voted nay. The motion carried.

DISCUSSION: **Senator Ward-Engelking** asked if money would be owed to schools again next year if **H 0022** passed and the 30 unit cap was removed. **Ms. Oberle** said she could not answer that question. **Senator Den Hartog** addressed Senator Lent and Vice Chairman Crabtree and asked what reasons they had for not moving this bill forward. **Vice Chairman Crabtree** said he would like to find a way to get this paid, but not as proposed, as he still finds the cap necessary. **Senator Woodward** said this bill addresses two issues, one for funding for virtual charter schools and the other for eliminating the cap.

S 1043 **Relating to Education; Amends Idaho Code 33-205 to Allow for Student Hearings in Executive Session.** Senator Zito stood to answer any questions from the Committee.

MOTION: **Senator Johnson** made a motion to send **S 1043** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

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

RS 28335 **Relating to Education; Creates an Optional Program that Encourages Parents to be Involved in Their Elementary Child's Education and Partner with Public School Teachers.** Chairman Thayn stood to answer any questions from the Committee.

MOTION: **Senator Den Hartog** moved to send **RS 28335** to print. **Senator Lent** seconded the motion. The motion carried by **voice vote**.

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

ADJOURNED: There being no further business at this time, **Chairman Thayn** adjourned the meeting at 4:17 p.m.

Senator Thayn
Chair

Florence Lince
Secretary