

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Friday, February 08, 2019

TIME: 9:00 A.M.

PLACE: Room EW41

MEMBERS: Chairman Clow, Vice Chairman Kerby, Representatives Shepherd, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Goesling, Marshall, Raymond, Wisniewski, McCrostie, Abernathy, Berch

**ABSENT/
EXCUSED:** None

GUESTS: Hannah Liedkie and Trinity Nicholson, ACCSES-Idaho; Katherine Hansen, Community Partnerships of Idaho; Terry D. Fredrickson, New Day Products, Inc.; Mel Leviton, Idaho State Independent Living Council; Kelly Keele, Transitions, Inc.; Ann Joslin and Stephanie Bailey-White, Idaho Commission for Libraries; Cassie Mills, Vocational Services of Idaho; Dr. Linda Clark, SBOE; Tracy Warren, Idaho Council on Developmental Disabilities; Teresa Pitt and Nanna Hanchett, Idaho Division of Vocational Rehabilitation; Matt Wimmer, Idaho Department of Health and Welfare; Dwight Johnson, ICTE; Kimberly Derr, Panhandle Special Needs of Idaho; Lisa Colon Durham and Marilyn Whitney, SDE; Maureen Stokes, Witco/ACCSES-Idaho; Randy and Sandy Spray; Shannon Purvis and Jane Donnellan, EES/IDVR; Tiffani Leslie, The Arc/ACCSES-Idaho; Carole Nemnich, Goodwork Associates

Chairman Clow called the meeting to order at 9:01 am

MOTION: **Rep. Goesling** made a motion to approve the minutes of the February 5, 2019, meeting. **Motion carried by voice vote.**

RS 26781: **Rep. Ehardt** presented **RS 26781**, proposed legislation that will allow parents to opt-in to classes where sexually explicit material would be taught. It also clarifies that sexually related materials must be made available to parents to review and anyone who comes into the classroom to teach must abide by already existing Idaho Code.

MOTION: **Rep. Moon** made a motion to introduce **RS 26781**.

In response to Committee questions, **Rep. Ehardt** stated she had not consulted with any stakeholder associations, but has heard from many parents.

**VOTE ON
MOTION:** **Chairman Clow** called for a vote on the motion to introduce **RS 26781**. **Motion carried by voice vote.**

Chairman Clow turned the gavel over to **Vice Chairman Kerby**.

MOTION: **Rep. DeMordaunt** made a motion to approve the minutes of the January 15, 2019, January 24, 2019, January 29, 2019 and January 30, 2019 Ehardt Subcommittee meetings. **Motion carried by voice vote.**

**DOCKET NO:
47-0102-1801:** **Shannon Purvis**, Extended Employment Services (EES) Program Manager, Idaho Division of Vocational Rehabilitation (IDVR), presented **Docket No. 47-0102-1801**, which addresses rules and minimum standards governing EES. The rule defines terms and clarifies language regarding records retention and documentation, and expands and clarifies referral and eligibility processes for EES.

Hannah Liedkie, ACCSES-Idaho; **Trinity Nicholson**, Panhandle Special Needs, Inc.; **Terry Fredrickson**, New Day Products, Inc.; **Maureen Stokes**, Witco, Inc.; and **Mary Nyland**, Citizen spoke **in opposition** to **Docket No. 47-0102-1801, Section 500.03.c**.

They felt the language in **Paragraph c** was too strict and burdensome to meet the needs of people with disabilities seeking employment. Requiring eligible applicants to first use Medicaid Waiver funding raised concerns about access, particularly in rural Idaho, because many service providers do not offer Medicaid Waiver funding and only offer IDVR EES-supported employment. They testified many people do not want to apply for a Medicaid Waiver due to stigma associated with Medicaid. They expressed concern about differing provider reimbursement rates for Medicaid Waiver and EES employment services and suggested waiting until a cost study is completed this summer before adding this language. They also stated EES and Medicaid Waiver served a different clientele, to some degree, and people whose best fit would be EES would be forced over to Medicaid. Since this rule went into effect, the EES wait list has disappeared, but they disputed that it was because individuals were instead receiving services through Medicaid Waiver. Rather, they suggested individuals either chose not to apply for Medicaid Waiver funding, or did not realize they needed to apply.

Katherine Hansen, Community Partnerships of Idaho; **Mel Leviton**, Idaho State Independent Living Council; **Kelly Keele**, Transitions, Inc.; **Cassie Mills**, Vocational Services of Idaho; **Tracy Warren**, Idaho Council on Developmental Disabilities; and **Matt Wimmer**, Idaho Department of Health and Welfare spoke **in support** of **Docket No. 47-0102-1801, Section 500.03.c**.

They stated the disputed language brings clarity regarding eligibility for services and argued it is the providers, not the individuals receiving services, that oppose this change. By moving those who are eligible for a Medicaid Waiver off the EES wait list, it allows more people to receive services. Providers can better leverage federal Medicaid dollars and be more cost efficient with state fund dollars that pay for EES. They stated individuals receive the same service, whether through Medicaid Waiver or EES funding and the cost study is already working to address reimbursement disparities between the two programs.

Ms. Purvis was recognized to close testimony on **Docket No. 47-0102-1801**. She noted ongoing stakeholder collaboration to achieve parity between programs and stated IDVR's data shows those who were removed from the EES wait list have still been able to access needed services. The elimination of the wait list allows EES to serve individuals who do not have access to other funding sources.

ORIGINAL MOTION:

Rep. Mendive made a motion to approve **Docket No. 47-0102-1801**, with the exception of **Section 500.03.c**.

Reps. Ehardt and **Moon** spoke **in support** of the original motion.

SUBSTITUTE MOTION:

Rep. Berch made a substitute motion to approve **Docket No. 47-0102-1801**.

Reps. Raymond and **McCrostie** spoke **in support** of the substitute motion.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Rep. Berch requested a roll call vote. **Motion failed by a vote of 4 AYE and 11 NAY.** Voting in favor of the motion: **Reps. Raymond, McCrostie, Abernathy** and **Berch.** Voting in opposition to the motion: **Chairman Clow, Vice Chairman Kerby, Reps. Shepherd, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Goesling, Marshall** and **Wisniewski.**

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote.

Vice Chairman Kerby turned the gavel over to **Chairman Clow**.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 10:53 am.

Representative Kerby
Chair

Erica McGinnis
Secretary