

MINUTES  
**HOUSE EDUCATION COMMITTEE**

- DATE:** Thursday, January 19, 2012
- TIME:** 9:00 A.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, Cronin
- ABSENT/  
EXCUSED:** None
- GUESTS:** Tracie Bent, Matt Freeman, State Board of Education (SBE); Tom Luna and Luci Willits, State Department of Education (SDE); Penni Cyr, Paul Starte and Bert Marley, Idaho Education Association (IEA); Janet Orndorff, Boise Schools; Tony Smith, Benton Ellis; Phil Homer and Rob Winslow, Idaho Association of School Administrators (IASA); Karen Echeverria, Idaho School Board Association (ISBA), Jan Sylvester, citizen
- Chairman Nonini** called the meeting to order at 9:00 a.m.
- MOTION:** **Rep. Nielsen**, a member of the DeMordaunt Subcommittee on Rules, made a motion to approve the minutes of the January 17, 2012 meeting of the DeMordaunt Subcommittee on Rules, with technical corrections. **Motion carried by voice vote of the subcommittee members.**
- RS 20833C1:** **Tracie Bent**, State Board of Education, presented **RS 20833C1**, which would change Idaho Code section 33-3724 to move the administration of the Physician Incentive Fund and the appointment of the related oversight committee to the Department of Health and Welfare.
- In response to questions, **Ms. Bent** stated that much of what is in the current rule would be incorporated in statute. Those changes in statute are included in this RS. The total amount that is awarded is subject to the amount that is in the fund. No more can go out than is taken in. Last year the fund contained approximately \$950,000. It is specified in statute that this fund can only be used for its designated purpose.
- Matt Freeman**, State Board of Education, responded to questions. He stated that the Rural Physician Incentive Fund uses surcharges and fees that are paid in the amount of about \$1600 per student from the Washington, Wyoming, Alaska, Montana, and Idaho Regional Medical Education (WWAMI) program, and from the University of Utah.
- MOTION:** **Rep. Wills** made a motion to introduce **RS 20833C1**. **Motion carried by voice vote.**
- RS 20854:** **Tracie Bent**, State Board of Education, presented **RS 20854**. She explained that Section 33-4104, Idaho Code, is the Interstate Compact on qualification for educational personnel and addresses the agreement to recognize the professional preparation and experience of educational personnel among the participating states. A review of the compact is done every five years. The review was done this past year by representatives from the participating states at a recent meeting of the National Association of State Directors of Teacher Education and Certification (NASDTEC). The new language was developed for the compact. The current statute incorporates actual language of the compact and is being updated to reflect the changes implemented by NASDTEC.

In response to a question, she stated that this does not necessarily only include border communities. Any state that chooses to become part of the compact would be subject to the rules.

**MOTION:** **Rep. Nielsen** made a motion to introduce **RS 20854**. **Motion carried by voice vote.**

**DOCKET NO. 30-0101-1101:** **Rep. DeMordaunt** stated that the first rule was **Docket No. 30-0101-1101**. This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. This change would allow for the increase in circulation of public library materials to eligible blind and physically handicapped persons who are registered with the Idaho Talking Book Service. The changes clarify the Talking Book Service circulation and loan processes and procedures, and provide a method for changes and updates by the Idaho Board of Library Commissioners.

**MOTION:** **Rep. Wills** made a motion to approve **Docket No. 30-0101-1101**. **Motion carried by voice vote.**

**DOCKET NO. 08-0104-1101:** **Rep. DeMordaunt** explained that **Docket No. 08-0104-1101** eliminates language delegating certification of determination of residency for the special graduate and professional programs administered by the State Board of Education. Current language results in a duplication of effort for those instances where an applicant may apply to more than one program. Striking this language will allow the Board to determine which institution should make the certification based on the program. His subcommittee unanimously voted to recommend that the full committee approve this pending rule.

**Tracie Bent**, State Board of Education, responded to questions, stating that when a student applies to a college or university, residency must be established. If the student moves away and comes back, residency must be reestablished.

**MOTION:** **Rep. Bateman** made a motion to approve **Docket No. 08-0104-11001**. **Motion carried by voice vote.**

**DOCKET NO. 08-0109-1101:** **Rep. DeMordaunt** explained that **Docket No. 08-0109-1101** outlines eligibility requirements and application processes for students who have participated in the Gear Up Idaho program to apply for the Gear Up Idaho Scholarship. The language has been patterned after the process currently used in applying for the existing Idaho Opportunity Scholarship. The subcommittee unanimously voted to recommend that the full committee approve this pending rule.

**MOTION:** **Rep. Thayn** made a motion to approve **Docket No. 08-0109-1101**.

During discussion on the motion, **Rep. Nielsen** stated that although he voted to recommend adoption of the rule during the subcommittee meeting, he has concerns about the Scholarship itself, as it is heavily geared toward financial need.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**DOCKET NO.  
08-0111-1102:**

**Rep. DeMordaunt** explained that **Docket No. 08-0111-1102** puts consumer protections in place and ensures that institutions provide information on things such as job placement. This rule change would incorporate new language previously approved by the State Board of Education as a temporary rule referencing the new enforcement section in Idaho Code, Section 33-2400, and student complaint processes required by the federal government. Language has also been added to clarify the registration requirement for start-up entities, the definition of Idaho presence, and approval standards for proprietary schools. Language that allows for an approval process for postsecondary institutions which are not accredited is removed.

**Rep. DeMordaunt** stated that this rule provides flexibility to the State Board of Education to determine exactly what is a proprietary school. The subcommittee unanimously voted to recommend adoption of the pending rule.

**Rep. Shirley** explained that this rule protects consumers and does clarify a definition of proprietary schools.

**MOTION:**

**Rep. Shirley** made a motion to approve **Docket No. 08-0111-1102**. **Motion carried by voice vote.**

**DOCKET NO.  
08-0114-1101:**

**Rep. DeMordaunt** presented **Docket No. 08-0114-1101**. He explained that current language requires the Rural Physician Incentive Fund award distribution to be made directly to the lender. Changes would allow for the award to be made directly to the physician who would then be required by signed affidavit to make payment to the lender for qualified education debt. Additional changes in the rule clarify the definition of a healthcare professional shortage area. The subcommittee recommended this rule for adoption, however, two of the five subcommittee members voted 'nay'.

**Rep. Hartgen** stated that sending the money directly to the physician could insert the state into a private relationship between the physician and the lender.

**Rep. Neilsen** concurred with **Rep. Hartgen**. He stated that he is concerned that paying the physician directly for a debt that is due a lending institution could open Idaho to lawsuits if the physician does not forward the payment to the lender.

**Rep. DeMordaunt** stated that ultimately the physician is the person liable for defaulting on a loan that was taken in his or her name.

**Tracie Bent**, State Board of Education, said that a relationship is created between the state and lenders when the state pays lenders directly. If the state sends payment to the physicians, who then forward those payments to their lending institutions, the state does not create relationships with lenders. The state does not have any agreement with or financial responsibility to lenders. The state is not a guarantor on student loans. The State Board of Education worked closely with the Office of the Attorney General to determine the correct language. It is believed that there is no liability to the state.

**MOTION:**

**Rep. Shirley** made a motion to approve **Docket No. 08-0114-1101**. **Motion carried by voice vote.** **Reps. Marriott, Trail, Nielsen,** and **Hartgen** requested that they be recorded as voting **NAY**.

**DOCKET NO.  
08-0203-1102:**

**Rep. DeMordaunt** explained that currently the State Board of Education is required to promulgate rules to implement the provisions of a new Idaho Code section, including the requirement for online course graduation requirements for the class of 2016. These rules clarify the definition of "online course", set the number of required "online learning" credits for graduation at two (2) credits, and identify an alternate measure for those students who may not be successful in an online learning environment. Of the two (2) credits required, one (1) shall be from an asynchronous online course. The second credit may be an online course or blended course credit. These requirements will be effective for all students who enter the ninth grade in the fall of 2012 or later.

This pending rule was heard in the Senate yesterday, on the condition that the State Board of Education will come back with a new rule striking the word "asynchronous". An asynchronous class is not taught live. The subcommittee voted to recommend adoption of this rule by the full committee, with one 'nay'. Testimony heard during the subcommittee meeting included opposition as well as support.

**MOTION:**

**Rep. Wills** made a motion to approve **Docket No. 08-0203-1102**.

**Rep. Wills** spoke to his motion, stating that this is a tiny step toward readying students for college. **Rep. Hartgen** agreed and stated that this rule as written allows the staff to exercise flexibility. He requested that Superintendent Luna comment.

**Superintendent Tom Luna**, State Board of Education, clarified that with the change made by the Senate, students will still complete two (2) online credits in order to graduate from high school. He stated that opposition to the rule did not seem to focus on the rule itself, but simply on the portion of the rule that stated one credit would be asynchronous. Synchronous, asynchronous, and blended online classes will still be available to school districts.

In response to questions, **Superintendent Luna** stated that one goal of "Students Come First" was to allow students to earn credits online. The goal did not include whether those courses would be synchronous, asynchronous, or blended. It was expected that districts could choose how they wanted to deliver online courses. He does not think that the change made in the Senate will have a negative impact. There are options for qualifications of adults who are assisting students in these online courses.

**Rep. Cronin** stated that he appreciates Superintendent Luna's willingness to compromise, and he believes the rule is better without an asynchronous requirement.

**Rep. Bateman** expressed his approval that this rule requires two (2) classes instead of eight (8). He stated that we should identify each student's strengths and build an individualized program for each one. He recommends allowing local districts to decide on their educational strategies.

**Rep. Thayne** does not believe a requirement for online classes is necessary, as many students will take these courses whether they are required or not, however, he does support this rule.

**Rep. Chew** stated that asynchronous online classes have not always been successful in other states.

**VOTE ON  
MOTION:**

**Rep. Nonini** called for a vote on the motion made by **Rep. Wills** to adopt **Docket No. 08-0203-1102**. **Motion carried by voice vote**. **Rep. Bateman** requested that he be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

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Representative Nonini  
Chair

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Mary Tipps  
Secretary