

MINUTES
HOUSE EDUCATION COMMITTEE
SHEPHERD SUBCOMMITTEE
State Board of Education Rules

DATE: Thursday, January 09, 2014

TIME: 9:00 A.M.

PLACE: Room EW41

MEMBERS: Chairman Shepherd, Representatives Nielsen, Boyle, Agidius, Clow, Mendive, Pence, Rubel

**ABSENT/
EXCUSED:** None.

GUESTS: Tamara Baysinger, OSBE; Tracie Bent and Amy Nelms, State Board of Education; Kayla Carter, Pamela Dell, Rena Gilbertson, and Chase Hutchinson, American Heart Association; Jane Wittmeyer, Coalition of Idaho Charter School Families

Chairman Shepherd called the meeting to order at 9:05 a.m.

Dennis Stevenson, Assistant Administrative Rules Coordinator, Division of Internal Management Systems, Department of Administration, spoke to the Committee on the role of legislators during the process of rule-making. He said the analysis of the Rules was on the agency web-site in addition to the notes explaining the legislative intent.

DOCKET NO. 08-0105-1301: **Tracie Bent**, Chief Planning and Policy Officer, State Board of Education (SBE), presented **Docket No. 08-0105-1301**. She said the Rule was "house-keeping" in nature. She said during the 2013 Legislature, **S 1027** was passed consolidating the majority of the state run scholarship programs. That proposed change repeals this entire Chapter of Administrative Rules. There are no changes to the Pending Rule and it is being adopted as originally proposed.

MOTION: **Rep. Boyle** made a motion to recommend approval of **Docket No. 08-0105-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 08-0106-1301: **Tracie Bent**, SBE, presented **Docket No. 08-0106-1301**. She explained that during the 2013 Legislature's consolidation process of the majority of state run scholarship programs, the Leveraging Education Assistance Partnership Program was negated. In response to a question, **Ms. Bent** stated that it was a matching, grant-type scholarship and when the funds from the state were no longer there, the federal funds disappeared. She said the section of Rule regarding the administration of that scholarship is being repealed.

MOTION: **Rep. Clow** made a motion to recommend approval of **Docket No. 08-0106-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 08-0109-1301: **Tracie Bent**, SBE presented **Docket No. 08-0109-1301**. She spoke to Rules governing the GEAR UP Idaho Scholarship Program. She said the change in the Rule clarifies definition of educational costs, designates student application timelines and removes unnecessary language regarding funds.

Ms. Bent explained that the scholarship can be retained if a student decides to leave his or her post secondary studies. This period cannot exceed four years. She said students leave for a variety of reasons, and then resume their studies and pick up the scholarship after a two or three year deferment.

In response to questions from the committee, **Ms. Bent** said that the language deleted did not change the scholarship, the requirements remain the same. The changes only make the application more user-friendly. She explained that if a student receives a PELL grant, the monies given by the state shall not exceed the amount required for the semester of books, tuition and fees. She said the scholarship did not cover child care costs. She also explained the scholarship is state funded but that the Idaho institutions provide monies or matching funds through work-study employment and other compensations.

MOTION: **Rep. Pence** made a motion to recommend approval of **Docket No. 08-0109-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 08-0112-1301: **Tracie Bent**, SBE, presented **Docket No. 08-0112-1301**. She told the Committee the Idaho Minority and "At Risk" Scholarship was another scholarship affected by the consolidation of the state run scholarship programs. She said the proposed change repeals the entire section of Administrative Rule, bringing it into alignment with the changes made to statute during the 2013 Legislature. She explained the scholarship is now part of the Idaho Opportunity Scholarship.

MOTION: **Rep. Mendive** made a motion to recommend approval of **Docket No. 08-0112-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 08-0113-1301: **Tracie Bent**, SBE, presented **Docket No. 08-0113-1301**. She said the change in Administrative Rules to the Opportunity Scholarship Program removes redundant language in Idaho Code, clarifying residency for tuition purposes, student eligibility, academic eligibility, and streamlining the renewal application process. She explained the amendments affected academic eligibility, continuing eligibility requirements for applicants, and the deadline for submitting applications. She said clarifying language specified that the grade point average used shall be the cumulative grade point average (GPA).

In response to questions from the committee, **Ms. Bent**, said the Idaho Opportunity Scholarship is a hybrid, encompassing both merit and need-based. She said the most significant change was to raise the GPA requirement from a 2.0 to a 3.0 or better, on a scale of four point zero (4.0). She indicated there was no requirement for drug testing and the student, need only to meet the academic standards and entrance requirements of the institution.

In response to a question regarding home school and GED students ability to qualify for the scholarship, **Ms. Bent**, said there were SAT and ACT components that would screen those students unable to meet academic standards. **Rep. Rubel** referenced page 27, Sections 2a and 2b of pending rule, **Docket No. 08-0113-1301**. She said the requirements did not seem to fit for home school and GED students. She said it appeared the students would need to have entered a college and gathered a grade of 3.0 or better, to receive the scholarship. She said she would like to see the language changed to include the ACT and SAT scores be entrance qualifiers for home school and GED students.

MOTION: **Rep. Agidius** made a motion to recommend approval of **Docket No. 08-0113-1301** to the full committee. **Motion carried by voice vote.**

**DOCKET NO.
08-0201-1302:**

Tracie Bent, SBE, presented **Docket No. 08-0201-1302**. She said the amendments to this Administrative Rule add the new cut scores for students who wish to use the GED exam to earn their Idaho High School Equivalency Certificate, and that the Rule adds language to grandfather in those students who took the GED assessment prior to January 2014. She explained that the GED Testing Service has redone the GED test and brought it into alignment with the 21st Century Skills Initiative. The new exam will become a completely online exam and will be allowed to be administered by private higher education institutions as well as the American Council on Education. She indicated this was a change at the national level made by the company who owns the rights to the GED assessment. The Rule also clarifies that the minimum score to pass the exam is set by the GED Testing Service, removes the requirement that test takers have to be Idaho residents, and requires that test takers show proof of identification. She also said an error in the previous Rule has been corrected in **Docket No. 08-0201-1302**.

In response to questions from the committee, **Ms. Bent**, said test takers needed two kinds of identification to take the test. She explained testing centers were given latitude in identity verification. She also explained GED did intensive data gathering to insure test takers are academically prepared and that there is a potential to further elevate standards.

To further questions, **Ms Bent**, said DANTES was an acronym for Defense Activities for Non Traditional Education Support. It allows Veterans to come into the program by a separate path. She indicated the new standards for the GED would help remove the remediation process faced by many Idaho GED students when entering post secondary institutions.

MOTION:

Rep. Clow made a motion to recommend approval of **Docket No. 08-0201-1302** to the full committee. **Motion carried by voice vote.**

**DOCKET NO.
08-0203-1301:**

Tracie Bent, SBE, presented **Docket No. 08-0203-1301**. She said the changes in the Rule bring Idaho's high achieving school awards into alignment with changes made to the award system as outlined in Idaho's accountability workbook. Changes were made to the workbook to bring it into compliance with Idaho's Elementary Secondary Education Act (ESEA) waiver request. She indicated the awards now consider of both student proficiency and the yearly growth of the school's assessment scores. The amendments also corrected an error in the eligibility requirements, removing a requirement that was not included in the state's ESEA waiver.

In response to questions, **Ms. Bent**, explained the Five-Star School Award represents the top 10 percent of Idaho schools. She said being a Five-Star School does not guarantee distinguished school status, however, most Distinguished School Awards are presented to those in the top 10 percent.

Rep. Pence made a motion to recommend approval of **Docket No. 08-0203-1301** to the full committee. **Motion carried by voice vote.**

**DOCKET NO.
08-0204-1301:**

Tracie Bent, SBE, said **Docket No. 08-0204-1301** brought the Rules into compliance with the 2013 Legislative statutes regarding Public Charter Schools. She introduced **Tamara Baysinger**, Director, Public Charter School Commission.

Tamara Baysinger, Director, Public Charter School Commission explained **Docket No. 08-0204-1301** to be an Administrative Rule that updates accountability and updates the definition for eligible authorizers. She said the Rule spells out the compliance of terms and conditions of the Performance Certificate.

In response to a question regarding priority of preference, Section 6 of the Administrative Rule, **Ms. Baysinger**, said much of the language had been stricken in an effort to be clear and avoid repeating the language in the statute.

Jane Wittmeyer, President, Idaho Coalition of Charter School Families, was called upon to testify before the subcommittee. She said the coalition was involved in the recommendation process. She indicated the coalition agrees with some of the changes, but also disagrees with some. She said they will be evaluating the changes over the next few years.

In response to a question regarding the presence of true, negotiated rulemaking within the process of adapting the docket, **Ms. Bent** said the process was followed for posting the Rule and going to stakeholder groups as well as the administration. She indicated that since content in the Rule was required in statute, there was not a lot of negotiating possible.

Rep. Clow indicated that in Section 2, line 3 of the Administrative Rule, **Docket No. 08-0204-1301**, there seems to be words left out after the deleted four lines. **Ms. Bent** said she would discuss the Section with **Mr. Stevenson** to see if it could be changed as a technical correction.

MOTION: **Rep. Clow** made a motion to recommend approval of **Docket No. 08-0204-1301** to the full committee. **Motion carried by voice vote.** **Rep. Boyle** requested that she be recorded as voting **NAY**.

DOCKET NO. 08-0301-1301: **Tamara Baysinger**, Director, Public Charter School Commission, presented **Docket No. 08-0301-1301**. She explained the changes under consideration brought the Rule into alignment with the legislative changes made in 2013 and clarified the process for the implementation of the new accountability measure requirements. She said specific changes remove the requirement for an annual programmatic operations audit and student goals attainment report. Additional changes removed duplicative language contained in the public hearing process.

To a question posed about the collection of fees, **Ms. Baysinger** stated, **Docket No. 08-0301-1301** was not a Fee Rule, however, the Rule gives more leverage to the authorized chartering entity to collect the authorizer fee.

MOTION: **Rep. Pence** made a motion to recommend approval of **Docket No. 08-0301-1301** to the full committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:55 a.m.

Representative Shepherd
Subcommittee Chair

Jean Vance
Secretary