

Minutes of the Joint Legislative Oversight Committee  
February 26, 2007  
West Conference Room, JR Williams Office Building  
Boise, Idaho

Co-chair Senator Shawn Keough called the meeting to order at 4:15 p.m. Attending the meeting were Senators Edgar Malepeai and Elliot Werk, and Representatives Maxine Bell, Donna Boe, and Cliff Bayer. Also present were Rakesh Mohan, Director, and Margaret Campbell, Administrative Coordinator, and all other OPE staff.

Co-chair Keough indicated that Representative Henbest and Senator McGee had been detained in germane committee meetings. She welcomed new members Malepeai, Werk, McGee, and Bayer to the committee. She also welcomed those in attendance, including individuals from the following agencies:

Representatives: Liz Chavez, Phylis King, Bob Nonini, Jerry Shively, and Donna Pence  
Division of Financial Management: Randy Tilley  
Department of Education: Tom Luna  
Board of Education: Dwight Johnson

**REPORT RELEASE: USE OF AVERAGE DAILY ATTENDANCE IN PUBLIC EDUCATION FUNDING**

**Senator Werk moved to receive the report on average daily attendance. Representative Boe seconded the motion, and it unanimously passed by voice vote.**

Mr. Mohan indicated that AJ Burns had been lead on the project with the assistance of four consultants. Mr. Bob Thomas, one of the consultants, was in town to participate in the presentation. AJ Burns, Principal Performance Evaluator, and Bob Thomas provided a summary of the report. Representative Bayer asked about the state's role in providing guidance. Ms. Burns said the state needed formalized guidance in three areas: (1) statutes, (2) administrative rule, and (3) the Department of Education's training manual to schools. She said the Board of Education played a role in considering changes to statutes and rules.

In response to Representative Bayer's question about attendance recording mistakes within 32 percent of the schools visited, Ms. Burns said those mistakes had been unintentional. Senator Werk asked for suggestions to determine what qualified as homework in an alternative school setting. Ms. Burns indicated the issue needed clarification.

Co-chair Keough invited Mr. Tom Luna, Superintendent of Public Instruction, to respond to the report. Mr. Luna said the department would work with the Board of Education to implement recommendations, as indicated in his formal written response.

Co-chair Keough invited Mr. Dwight Johnson, Executive Director of the State Board of Education, to respond to the report. Mr. Johnson said he was appreciative of the work OPE did to address the issues. He said the board would try to be responsive to the recommendations;

some of the issues would not be easy to resolve because it would require consensus among involved entities.

Co-chair Keough invited Mr. Randy Tilley, Acting Bureau Chief of the Division of Financial Management, to respond to the report. Mr. Tilley said the Governor did not provide a formal response to the report because he was not familiar with the policies; however, the Governor did indicate confidence in OPE and the agencies in resolving the issues.

In committee discussion, Senator Malepaei asked for more time to absorb the recommendations before considering action. Senator Werk said the report had been well done and asked whether JLOC gets involved in addressing the recommendations. Co-chair Keough said JLOC can ask agencies to follow up on the status of recommendations in 6–12 months. Regarding statute-oriented issues, she said JLOC typically initiates drafting of the statute and the co-chairs carry the bill.

Representative Bell said the Senate and House germane committees needed to consider the issues regarding virtual schools. She requested that OPE bring to the next meeting a list of needed rule changes and changes in the Department of Education's policies and procedures.

#### **OTHER BUSINESS**

Mr. Mohan said the committee had requested a follow-up of the 2004 report *School District Administration and Oversight* at its last meeting. The department had recently provided a letter indicating that it had recently started the process by hiring a new position, and Mr. Mohan recommended waiting six months to conduct follow-up review to give the department time to complete some work.

Co-chair Keough indicated that the committee will meet again in one week to hear a report on virtual charter schools.

**Senator Werk moved to adjourn the meeting.** The meeting adjourned at 5:15 p.m.