

Minutes of the Joint Legislative Oversight Committee

March 14, 2017

Lincoln Auditorium, Capitol, Boise, Idaho



Cochair Senator Cliff Bayer called the meeting to order at 8:04 a.m. Attending the meeting were Senators Mark Harris, Michelle Stennett, and Cherie Buckner-Webb, and Representatives Mat Erpelding (cochair), Maxine Bell, Caroline Nilsson Troy, and Elaine Smith. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff. Audience members included the following:

Senator Lori Den Hartog
Representatives Christy Perry, Tom Dayley, Priscilla Giddings, and Paulette Jordan

Approval of committee minutes

Senator Harris moved to approve the minutes of the meeting on March 2, 2017. Representative Erpelding seconded the motion, and it passed by voice vote.

Report update: *Risk of Bias in Administrative Hearings*

Amanda Bartlett, principal evaluator, said the initial report looked at all agencies required to hold evidentiary hearings with due process. These hearings were held to either make decisions or appeal agency decisions. Within the report, she had identified risk factors for bias in administrative hearings and safeguards to protect the process. She had categorized agencies' risk rankings into three categories: low, moderate, or high.

After the report's release in February 2016, the Legislature created an interim committee, and the committee had invited OPE to present its findings. The interim committee then reported three findings: (1) the administrative procedures act needed updating using the state administrative procedures act published by the National Conference of Commissioners of the Uniform State Laws as a model for subpoenas and discovery, (2) the process needed to be improved, especially safeguards for discovery, a code of ethics, and clarity in judicial review and training, and (3) the Legislature should make a statutory policy decision about whether agencies should continue to hold their own hearings or the state should consolidate hearings into a central hearing panel. Senate Bill 1155 had been drafted and was in the Senate Judiciary and Rules Committee. It was 40 pages of legislation that changed the administrative procedures act and administrative hearings.

Representative Troy said one of the most frustrating issues she had dealt with this past year was an administrative hearing. She asked if the bill had any guidelines or repercussions for an administrator who may not follow a procedure or had ethical violations. Amanda said the bill was still in committee and she could not speak to that question.

Cochair Erpelding asked whether agencies would be making substantial changes. If so, JLOC may want to hear an update again. Amanda said she was not aware of any initiatives that agencies were taking on their own.

Cochair Bayer asked Rakesh to speak to timelines and future considerations. Rakesh said OPE did not know what was in the bill and how it would materialize. Based on the questions from Representative Troy and Representative Erpelding, he recommended a follow-up in one year.

Representative Troy moved to conduct a follow-up review in one year. Representative Erpelding seconded the motion, and it passed by voice vote.

Requests for evaluation

Cochair Bayer said the committee would be considering requests for evaluation. The committee had received nine requests, and he would invite legislators to speak to their request for about 3-4 minutes. Afterward, Rakesh would review the topic selection process.

Commission of Pardons and Parole

Senator Michelle Stennett said the Commission of Pardons and Parole had struggled in past years with making changes. Three years ago a new director was appointed. She would like to know how the commission had improved, what it was working on, and what were its future goals.

School-Based Medicaid Program

Representative Tom Dayley said he had been working with the Department of Education, the special education directors, and the gentleman on the second floor for four years on this issue. Because legislation for the school-based Medicaid program was in a Senate committee and other good proposals were being considered by JLOC, he withdrew the request and would come back next year if needed.

Residential Care

Representative Caroline Nilsson Troy said Senator Stennett was inadvertently left off the list of requesters for the proposal. According to the Census Bureau, she said the 65+ sector represented the largest population growth in Idaho. She discussed the growing public health crisis of Alzheimer's and its effect on families.

She said she sponsored HCR24 in 2015 that established a task force to explore innovative ways to compensate family caregivers and prepare future generations for taking care of loved ones. Families could care for their loved ones up to a point but then must move them into a skilled nursing facility. Idaho did not have enough residential care facilities and barriers to having more included the cost of building a facility, the length of time to secure necessary permits and licenses, and an increased concern about the citation process. Idaho had surpassed the average number of citations, had a lower number of deficiency-free providers and a high number of immediate jeopardy citations, and yet had ranked high on actual quality measures. The high rate of citations had made recruiting quality administrators difficult.

Representative Troy said Idaho was looking at a perfect storm: growth of the 65+ population and barriers to successful skilled facilities. She said she hoped an OPE evaluation would lend understanding to some of the barriers for entry and help develop a successful partnership with the Division of Licensing and Certification at the Department of Health and Welfare.

Representative Erpelding asked whether Representative Troy was implying that the licensing division was too strict. Representative Troy said she was not implying anything but rather expressing concern about the length of time between a company establishing a skilled facility in the state and the day it received a license. In some cases, facilities had waited more than 18 months to get their license. She mentioned hearing about inspectors who cited new best practices without giving facilities a warning. She was also concerned about the use of emergency rooms as a short-term stopgap for people with Alzheimer's and behavioral health issues.

Cochair Bayer noted that Senator Stennett should be formally recognized as a requester.

Professional Engineers and Land Surveyors

Representative Priscilla Giddings said OPE had developed a 24-hour review on the topic. She said in one case potentially 25 property owners and up to \$1 million in legal fees were involved in disputes over the results of land surveyors. When two licensed state surveyors disagreed, the affected property owners must battle property lines out in court. She asked about the role that the Attorney General played. She said the BLM field manual had updated a number of techniques that could be used to settle disputes, but some surveyors may not be using these techniques. Representative Giddings said she was requesting an evaluation that would bring all stakeholders together to develop viable solutions for property owners and their rights. A study could be straightforward, limited in costs, create benefits for the state, and allow for a public discussion of property owners' concerns.

Senator Stennett said she had been involved with property battles on her farm. With new technology and improved GIS, the transition to technology would cause concerns. She asked what an evaluation would seek from the Attorney General. Representative Giddings said that when a dispute arose between two licensed surveyors, the only person to decide the true point on the ground was a judge—a decision that property owners were required to pay. If state-licensed surveyors were doing the work and disagreed, she asked why the financial burden fell on property owners to seek a final decision.

Representative Erpelding said that the board could be asked this question without the need of an evaluation. Representative Giddings said she had reached out to the board and legal team. She received a few responses but nothing thorough or with guidance to get answers. These answers needed an objective third-party review, especially in light of lawsuits.

Preventive measures for child welfare

Representative Perry thanked JLOC for the 2017 report *Child Welfare System*. The report showed the scope and connectedness of the system. The 2016 Foster Care Interim Committee had just started looking at this issue. She said three other areas needed expertise and research from OPE. The interim committee was requesting a study of (1) best practices and evidence-based preventive measures, which may help reduce the need for full intervention, (2) an understanding of the demographics and variables associated with crossover children who enter the child welfare system and the juvenile justice system, and (3) an understanding of supports for children who age out of the system or receive a guardian late in care.

Representative Troy said she had received a call from a foster care provider. The provider spoke with the OPE team during the study and expressed appreciation for having her voice heard. Representative Troy said studying the issue had been a huge cultural shift for Idaho and needed to be continued.

LHTAC services

Senator Den Hartog said this request had been presented several times over the years. She brought this request as a result of information learned from an independent review of the Idaho Transportation Department. She said the department had benefitted from the review and had shown excellent leadership. LHTAC served cities, counties, and highway districts across the state—over 289 jurisdictions. It had \$6.4 million in administration and pass through grants and administered more than \$30 million in federal aid funding to local highway districts. Over the years, questions had risen about contract practices and administration and overhead expenses. She said it was appropriate to look at the delivery system to make the most efficient use of dollars. Should some federal aid projects stay at LHTAC or be moved to ITD?

Representative Erpelding said LHTAC had training modules as well. He asked if she wanted OPE to review the modules or only look at highway dollars distribution. The two issues seemed to be interconnected. Senator Den Hartog said the study should also look at training.

Tribal liaison

Representative Jordan said she was following up on a request from Senator Buckner-Webb, who served on the Council on Indian Affairs and was a strong proponent of creating a tribal liaison. Representative Jordan said she was requesting a study to look at the function and success of surrounding states that had an office of Indian affairs. She said she believed such office would alleviate communication issues between the state and tribes and help establish better relations.

Child protection and the juvenile justice system

Senator Buckner-Webb said she served on the foster care committee and found needs were great for children in our communities. An evaluation of child protection and the juvenile justice system could demonstrate a connection between the two systems. She said the juvenile justice system was growing likely because the state was not addressing the needs of children appropriately.

Court-appointed special advocates (CASA)

Senator Buckner-Webb said an evaluation of CASA could assess whether it effectively advocated for children or had a deficit of resources. She cited an example of a CASA child put into care with her grandmother. The grandmother adopted her just before she turned 18, so the child lost benefits she would have received if she had stayed in the system.

Representative Erpelding asked whether Senator Buckner-Webb's request for child protection and the juvenile justice system could be combined with Representative Perry's proposal. Senator Buckner-Webb said yes. Representative Erpelding asked whether the questions about CASA could also be included. Senator Buckner-Webb deferred to Rakesh, and Rakesh said he would cover the question in his review of the topic selection process.

Topic selection

Cochair Bayer asked Rakesh to outline the topic selection process. Rakesh said the committee had receive nine requests from 13 Senators and 14 Representatives on a variety of topics. One request had been withdrawn and Senator Buckner-Webb's request for child protection and the juvenile justice system could be combined with Representative Perry's request for preventive measures because the two were similar. Both were a result of the child welfare report.

Rakesh said OPE had last worked with the Parole Commission in 2012. At that time, JLOC closed the report because the commission had ignored report recommendations. Since then, changes had taken place under a new director, and OPE could now do the work.

Residential care had some elements of administrative hearings, but it was about licensing requirements, best practices, and how Idaho operated as compared with the rest of the nation.

OPE had conducted a 24-hour review of land surveyors and could provide the review to JLOC. Rakesh said the 2016 report on administrative hearings had assessed the Professional Engineers and Land Surveyors Board for risk of bias. To understand disputes among land surveyors, he would likely need to hire experts. The pending legal case could restrict OPE's ability to look into issues.

Rakesh said CASA would be easier to do as a separate study. The request directly related to the child welfare report and was a timely request.

Rakesh said that LHTAC had been requested several times. OPE would need to hire consultants to conduct most of the work because technical expertise would be needed and the requested release date of December 1, 2017, would require a quick turnaround. A consultant would cost an additional \$300,000. Rakesh said a bill under consideration was asking OPE to conduct the study. Cochair Bayer said that putting a request in a bill had occurred several times in recent years. The request was not a legislative process but an opportunity for JLOC to consider the proposal.

Rakesh said the request for tribal liaison was tied to the PL280 report just released. It directly related to work recently completed.

Rakesh said OPE could take three to four requests. He asked members of the committee to pick their top four. After results of the ballot, they could discuss the requests and needed resources.

Staff handed out ballots and recorded the results of the members' votes:

1. Residential care—8 votes
2. Child protection and juvenile justice—7 votes
3. CASA—5 votes
4. Parole Commission—4 votes
5. LHTAC—3 votes
6. Land surveyors—2 votes and Tribal liaison—2 votes

Rakesh said the first three requests were large, the Parole Commission was medium depending on the work of the new director, LHTAC was large, land surveyors was small to medium, and tribal liaison was small. OPE could take three large projects, and JLOC could assign a fourth project if the release date could be flexible.

Senator Stennett said that given the numbers, the top three requests were most important. She could wait until next time for a study on the Parole Commission. Cochair Bayer invited Rakesh to comment. Rakesh said that if JLOC were to assign the top three requests and the Commission of Pardons and Parole, he would ask for flexibility in completing the commission study.

Senator Buckner-Webb said the vote supported the two most vulnerable populations—children and seniors. She said it demonstrated that JLOC was aware of what was happening in our communities.

Representative Erpelding moved to approve four studies for evaluation, in order of priority: residential care, child protection and juvenile justice, CASA, and if resources were available, the Commission of Pardons and Parole. Senator Harris seconded the motion, and it passed by voice vote.

Other business

Rakesh said JLOC had not taken action on the report *Distribution of State Funds for K–12 Public Education*, released in December 2016. OPE had nothing more it could do unless the interim committee asked for more information or the germane committees responded to the report.

Representative Erpelding moved to close the report *Distribution of State Funds for K–12 Public Education*. Representative Bell seconded the motion, and it was passed by voice vote.

The meeting adjourned at 9:28 a.m.

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Idaho State Senate

SENATOR MICHELLE STENNETT **MINORITY LEADER**

March 8, 2017

Joint Legislative Oversight Committee
Attn: Co-chair Senator Cliff Bayer
Attn: Co-chair Representative Mat Erpelding

Dear Senator Bayer and Representative Erpelding,

In response to your request for evaluation issues, I would like to submit a request for a study of the Idaho Commission of Pardons and Paroles, beginning in August 2014. I request an update on what the commission has done, what changes it has made, and what its vision is for the future in relation to its mission statement.

Respectfully,

A handwritten signature in cursive script that reads "Michelle Stennett".

Senator Michelle Stennett
District 26

Thomas E. Dayley
District 21
Ada County

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House of Representatives State of Idaho

To: Senator Clifford Bayer, Co-chairman
Representative Matthew Erpelding, Co-chairman
Joint Legislative Oversight Committee (JLOC)

From: Representative Thomas Dayley
Subject: School-Based Medicaid Program (SBMP)

Date: March 8, 2017

This is a request for a JLOC review of the Idaho School Based Medicaid Program (SBMP).

The Individuals with Disabilities Education Act (IDEA) requires schools to provide specialized services to students with special needs. The Idaho State Department of Education (SDE) indicates there are 29,689 Idaho students needing special education services. **How can we help better meet the needs of these students?**

To supplement the funding of this federally-mandated program, Federal law allows Medicaid-eligible students to access federal funding through the Medicaid program. The Idaho Department of Health and Welfare (DHW) is the designated agency to manage the Medicaid Program. The Code of Federal Regulations (CFR) also requires effective interagency (SDE and DHW) coordination to ensure special education or related services are provided. Funding is at the state FMAP rate, currently about 30% Idaho (these are local school district funds) and 70% Federal dollars. **It appears substantial state and local education dollars are being used to supplement this federally-mandated program where federal dollars are available but not being accessed.** The fiscal note for HB 43 approved by the House this year said it best how this can be achieved: "General Fund for services that do not draw a federal match...will be transferred...to leverage matching federal funds through Federal Medical Assistance Percentage (FMAP) funding."

As we search for ways to improve the SBMP in the DHW and SDE, it would be useful to find answers to some questions, including the following:

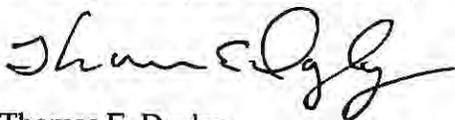
1. Review the interagency MOU between SDE and DHW. How is the interagency committee governed? How are the members selected? Are all the interests represented?
2. How well are Idaho schools accessing the available federal reimbursement dollars in the SBMP? A. How many SBMP dollars are potentially available to Idaho schools? B. How much SBMP money is being received by Idaho schools? C. How much SBMP money is not being accessed? D. How can Idaho SDE and the DHW more effectively facilitate access to these federal dollars? E. Is there a policy, law, or rule that creates a barrier to school districts accessing these dollars?

Attached is an example of one way to answer these questions using a formula used by members of the National Association of Medicaid Educators (NAME). The Legislative Oversight staff has also helped the Public School Funding Formula Interim Committee research funding for special needs students and this included school-based Medicaid funding. This study will add essential information to the Interim Formula Committee as well as state agencies.

3. What is the DHW estimate of the number of Idaho School-Based Medicaid-eligible students and the cost (federal and state) if all eligible students participated in the SBMP? DHW annually estimates the total Medicaid-eligible Idahoans and reports to the governor and the legislature the estimated cost of the SBMP for budgeting purposes. SBMP students are a component of that total and could be a component of this review and report.
4. School-based Medicaid reimbursements were \$7.1M in 2004, \$35.2M in 2010 and \$26.8M in 2014. What caused the dramatic fluctuation of the SBMP reimbursements in Idaho? Provide a report on the reasons for reimbursements by individual districts.
5. Of the 175 school districts, 140 have signed agreements with the Medicaid Division to participate as providers. Why have some schools dropped out or reduced participation in this program?
6. How have the audits of the SBMP been conducted in relation to community-based Medicaid providers? A. What are the primary audit exceptions? B. How many of the audit exceptions were for legally-defined reasons? C. How many audit exceptions were based on lack of knowledge or clerical-type errors? D. Were there any findings of fraud? E. How are best practices learned from audit exceptions being identified, communicated and used in training?
7. How have the penalties for violations in this program been administered? A. What are the reasons for penalties imposed (numbers, reasons, penalty dollars, etc) upon school-based Medicaid providers as compared to all community-based Medicaid providers? B. How does the SBMP provider penalty numbers compare to all of the Idaho program providers (numbers, reasons, penalty dollars)? C. What has been learned from the recent moratorium on penalties that will help training and education?
8. The DHW collected substantial dollars in penalties between FY2010 and FY2014. Where does the penalty money go in the DHW and how is it accounted for and used? Was it used for training or for other purpose?
9. Are there any regulatory requirements that could be adjusted to improve the overall operation of the program? For example, during the 2016 Legislative Session, education stakeholders testified against a DHW Rule pertaining to physician sign/date requirements.
10. How does the SBMP compare to other states? A. Participation in the program? B. Access to federal dollars? C. Training? D. Auditing? E. Best practices? F. Any other items found?
11. What can we learn from other states regarding best management practices in the implementation of SBMP?

It is anticipated that the information in this study can and will be efficiently used to assist the Public School Funding Formula Interim Committee, DHW, SDE and school districts to work together more effectively to administer the SBMP in Idaho. This study will also provide additional information to the legislature for use, as it makes policy decisions regarding the SBMP.

Thank you for your consideration,



Thomas E. Dayley
Idaho State Representative
District 21

School Based Special Needs Services

Funds Spent in 2016 vs. Potential Reimbursement

Report: School Based Services

Report Date: Feb. 1, 2017

As of December 1st, 2016, The Idaho State Department of Education (SDE), estimated that there are approximately 30,000 children in Idaho School Districts that are in need of Special Education. Federal Law, Individuals with Disabilities Education Act (IDEA), ensures a child with disabilities have the opportunity to receive an appropriate public education just like other child. IDEA guarantees students receive a variety of different medical services to assist in this process. The Federal Mandate has provided partial funding for this through Medicaid, a Federal program partially regulated by individual states. The Idaho Department of Health and Welfare (DHW), serves as the state agency designated to regulate the Idaho Medicaid Program within each school district. As of January 23, 2017, approximately \$37 million dollars were reimbursed to the Idaho State School Districts for SFY16.

The purpose of this Report is as follows:

To assess the total funding available to School Districts vs how much we currently use

- 1) Identify total students per district
- 2) Identify how much Districts are billing Medicaid?
- 3) Calculate the Potential Total Funds that are Available to Districts, using the Formula below
- 4) Interpret the Difference between the Potential Funding and the Current Funding

All Published Documents from SDE and DHW are most recent.

Please refer to the Reference page on the back regarding any questions within the text, i.e. formula, references, etc.

1	1	2	3	
Districts (SDE) - see (a) below	*Students Identified (SDE)	**Amount Billed to Medicaid(DHW)	Potential Total Funds	Difference
001 BOISE INDEPENDENT DISTRICT	2953	\$1,146,776.87	\$6,626,690.81	\$5,479,913.94
002 MERIDIAN JOINT DISTRICT	3605	\$2,792,619.60	\$8,089,813.87	\$5,297,194.27
003 KUNA JOINT DISTRICT	558	\$1,158,892.88	\$1,252,182.01	\$93,289.13
011 MEADOWS VALLEY DISTRICT	25	\$11,232.88	\$56,101.34	\$44,868.46
013 COUNCIL DISTRICT	32		\$71,809.72	\$71,809.72
021 MARSH VALLEY JOINT DISTRICT	125	\$7,254.63	\$280,506.72	\$273,252.09
025 POCATELLO DISTRICT	1330	\$637,241.69	\$2,984,591.53	\$2,347,349.84
033 BEAR LAKE COUNTY DISTRICT	134	\$171,896.95	\$300,703.21	\$128,806.26
041 ST MARIES JOINT DISTRICT	106	\$41,541.29	\$237,869.70	\$196,328.41
044 PLUMMER-WORLEY JOINT DISTRICT	72		\$161,571.87	\$161,571.87
052 SNAKE RIVER DISTRICT	107	\$110,827.33	\$240,113.75	\$129,286.42
055 BLACKFOOT DISTRICT	403	\$67,065.15	\$904,353.67	\$837,288.52
058 ABERDEEN DISTRICT	126	\$45,125.93	\$282,750.78	\$237,624.85
059 FIRTH DISTRICT	65	\$12,065.05	\$145,863.50	\$133,798.45
060 SHELLEY JOINT DISTRICT	206	\$243,882.35	\$462,275.08	\$218,392.73
061 BLAINE COUNTY DISTRICT	325	\$587,329.39	\$729,317.48	\$141,988.09
071 GARDEN VALLEY DISTRICT	20	\$15,901.25	\$44,881.08	\$28,979.83
072 BASIN SCHOOL DISTRICT	42		\$94,250.26	\$94,250.26
073 HORSESHOE BEND SCHOOL DISTRICT	28	\$1,624.60	\$62,833.51	\$61,208.91
083 WEST BONNER COUNTY DISTRICT	152	\$329,888.77	\$341,096.17	\$11,207.40
084 LAKE PEND OREILLE DISTRICT	395	\$149,895.36	\$886,401.24	\$736,505.88
091 IDAHO FALLS DISTRICT	1063	\$1,218,247.99	\$2,385,429.17	\$1,167,181.18
092 SWAN VALLEY ELEMENTARY DIST	11		\$24,684.59	\$24,684.59
093 BONNEVILLE JOINT DISTRICT	1176	\$3,593,484.81	\$2,639,007.24	-\$954,477.57
101 BOUNDARY COUNTY DISTRICT	186		\$417,394.00	\$417,394.00
111 BUTTE COUNTY JOINT DISTRICT	53	\$45,453.41	\$118,934.85	\$73,481.44
121 CAMAS COUNTY DISTRICT	13		\$29,172.70	\$29,172.70
131 NAMPA SCHOOL DISTRICT	1536	\$1,869,579.47	\$3,446,866.61	\$1,577,287.14
132 CALDWELL DISTRICT	667	\$488,419.35	\$1,496,783.87	\$1,008,364.52
134 MIDDLETON DISTRICT	355	\$512,919.27	\$796,639.09	\$283,719.82
136 MELBA JOINT DISTRICT	79	\$67,188.62	\$177,280.25	\$110,091.63
139 VALLIVUE SCHOOL DISTRICT	785	\$736,062.40	\$1,761,582.22	\$1,025,519.82
148 GRACE JOINT DISTRICT	50	\$7,295.79	\$112,202.69	\$104,906.90
149 NORTH GEM DISTRICT	21	\$3,643.35	\$47,125.13	\$43,481.78
150 SODA SPRINGS JOINT DISTRICT	92	\$13,783.58	\$206,452.95	\$192,669.37

151 CASSIA COUNTY JOINT DISTRICT	495	\$196,098.94	\$1,110,806.62	\$914,707.68
161 CLARK COUNTY DISTRICT	10	\$128,920.65	\$22,440.54	-\$106,480.11
171 OROFINO JOINT DISTRICT	130	\$512,580.15	\$291,726.99	-\$220,853.16
181 CHALLIS JOINT DISTRICT	40	\$22,832.70	\$89,762.15	\$66,929.45
182 MACKAY JOINT DISTRICT	19	\$17,169.30	\$42,637.02	\$25,467.72
192 GLENNS FERRY JOINT DISTRICT	61	\$172,299.41	\$136,887.28	-\$35,412.13
193 MOUNTAIN HOME DISTRICT	427	\$561,229.60	\$958,210.96	\$396,981.36
201 PRESTON JOINT DISTRICT	254	\$157,632.86	\$569,989.66	\$412,356.80
202 WEST SIDE JOINT DISTRICT	44	\$11,886.97	\$98,738.37	\$86,851.40
215 FREMONT COUNTY JOINT DISTRICT	203	\$44,851.64	\$455,542.92	\$410,691.28
221 EMMETT INDEPENDENT DIST	320	\$404,473.38	\$718,097.21	\$313,623.83
231 GOODING JOINT DISTRICT	131	\$981,077.69	\$293,971.05	-\$687,106.64
232 WENDELL DISTRICT	127	\$274,952.78	\$284,994.83	\$10,042.05
233 HAGERMAN JOINT DISTRICT	42	\$114,069.48	\$94,250.26	-\$19,819.22
234 BLISS JOINT DISTRICT	13	\$47,860.17	\$29,172.70	-\$18,687.47
242 COTTONWOOD JOINT DISTRICT	35	\$62,210.56	\$78,541.88	\$16,331.32
243 SALMON RIVER JOINT SCHOOL DIST	19	\$1,064.77	\$42,637.02	\$41,572.25
244 MOUNTAIN VIEW SCHOOL DISTRICT	169	\$166,732.63	\$379,245.09	\$212,512.46
251 JEFFERSON COUNTY JT DISTRICT	401	\$298,398.79	\$899,865.57	\$601,466.78
252 RIRIE JOINT DISTRICT	61	\$133,693.73	\$136,887.28	\$3,193.55
253 WEST JEFFERSON DISTRICT	38	\$18,251.09	\$85,274.04	\$67,022.95
261 JEROME JOINT DISTRICT	349	\$952,607.97	\$783,174.77	-\$169,433.20
262 VALLEY DISTRICT/ COUNTY OF JEROME	41	\$7,887.17	\$92,006.20	\$84,119.03
271 COEUR D'ALENE DISTRICT	911	\$1,010,776.48	\$2,044,332.99	\$1,033,556.51
272 LAKELAND DISTRICT	420	\$187,900.54	\$942,502.59	\$754,602.05
273 POST FALLS DISTRICT/ KOOTENAI COUNTY	537	\$890,014.34	\$1,205,056.88	\$315,042.54
274 KOOTENAI DISTRICT	22	\$37,062.66	\$49,369.18	\$12,306.52
281 MOSCOW DISTRICT	254	\$417,724.94	\$569,989.66	\$152,264.72
282 GENESEE JOINT DISTRICT	17	\$6,170.24	\$38,148.91	\$31,978.67
283 KENDRICK JOINT DISTRICT	33	\$64,905.84	\$74,053.77	\$9,147.93
285 POTLATCH DISTRICT	61	\$28,472.37	\$136,887.28	\$108,414.91
287 TROY SCHOOL DISTRICT	36	\$6,813.47	\$80,785.94	\$73,972.47
288 WHITEPINE JT SCHOOL DISTRICT	29	\$7,490.79	\$65,077.56	\$57,586.77
291 SALMON DISTRICT	108	\$180,867.85	\$242,357.81	\$61,489.96
292 SOUTH LEMHI DISTRICT	see c)	\$59,307.46	\$0.00	-\$59,307.46
302 NEZPERCE JOINT DISTRICT	24	\$15,741.60	\$53,857.29	\$38,115.69
304 KAMIAH JOINT DISTRICT	63	\$90,596.14	\$141,375.39	\$50,779.25
305 HIGHLAND JOINT DISTRICT	21	\$9,536.69	\$47,125.13	\$37,588.44
312 SHOSHONE JOINT DISTRICT	50	\$42,117.96	\$112,202.69	\$70,084.73
314 DIETRICH DISTRICT	22	\$35,027.32	\$49,369.18	\$14,341.86
316 RICHFIELD DISTRICT	27	\$74,415.61	\$60,589.45	-\$13,826.16
321 MADISON DISTRICT	486	\$1,900,567.01	\$1,090,610.14	-\$809,956.87
322 SUGAR-SALEM JOINT DISTRICT	113	\$296,530.30	\$253,578.08	-\$42,952.22
331 MINIDOKA COUNTY JOINT DISTRICT	508	\$769,942.44	\$1,139,979.32	\$370,036.88
340 LEWISTON INDEPENDENT DISTRICT	532	\$873,540.24	\$1,193,836.61	\$320,296.37
341 LAPWAI DISTRICT	118	\$245,916.50	\$264,798.35	\$18,881.85
342 CULDESAC JOINT DISTRICT	15	\$4,823.01	\$33,660.81	\$28,837.80
351 ONEIDA COUNTY DISTRICT	85	\$44,323.95	\$190,744.57	\$146,420.62
365 BRUNEAU-GRAND VIEW JOINT DIST	30	\$7,720.08	\$67,321.61	\$59,601.53
371 PAYETTE JOINT DISTRICT	160	\$27,753.98	\$359,048.60	\$331,294.62
372 NEW PLYMOUTH DISTRICT	94	\$22,231.95	\$210,941.06	\$188,709.11
373 FRUITLAND DISTRICT	197	\$14,979.95	\$442,078.59	\$427,098.64
381 AMERICAN FALLS JOINT DISTRICT	102	\$63,738.64	\$228,893.49	\$165,154.85
382 ROCKLAND DISTRICT	11		\$24,684.59	\$24,684.59
391 KELLOGG JOINT DISTRICT	169	\$251,706.54	\$379,245.09	\$127,538.55
392 MULLAN DISTRICT	15	\$17,306.97	\$33,660.81	\$16,353.84
393 WALLACE DISTRICT	81	\$27,252.92	\$181,768.36	\$154,515.44
401 TETON COUNTY DISTRICT	173	\$166,473.08	\$388,221.30	\$221,748.22
411 TWIN FALLS DISTRICT	950	\$2,555,923.96	\$2,131,851.09	-\$424,072.87
412 BUHL JOINT DISTRICT	104	\$403,929.31	\$233,381.59	-\$170,547.72
413 FILER DISTRICT	174	\$729,128.78	\$390,465.36	-\$338,663.42
414 KIMBERLY DISTRICT	136	\$24,464.62	\$305,191.31	\$280,726.69

415 HANSEN DISTRICT	53	\$94,611.61	\$118,934.85	\$24,323.24		
417 CASTLEFORD DISTRICT	18	\$89,835.25	\$40,392.97	-\$49,442.28		
418 MURTAUGH JOINT DISTRICT	24	\$9,878.44	\$53,857.29	\$43,978.85		
421 MC CALL-DONNELLY DISTRICT	121	\$180,391.96	\$271,530.51	\$91,138.55		
422 CASCADE DISTRICT	34	\$29,055.80	\$76,297.83	\$47,242.03		
431 WEISER DISTRICT	168	\$87,193.38	\$377,001.03	\$289,807.65		
432 CAMBRIDGE JOINT DISTRICT	20	\$32,751.60	\$44,881.08	\$12,129.48		
433 MIDVALE DISTRICT	15		\$33,660.81	\$33,660.81		
451 Victory Charter School	15	\$852.50	\$33,660.81	\$32,808.31		
452 Idaho Virtual Academy	264	\$647,986.98	\$592,430.20	-\$55,556.78		
453 Richard McKenna Charter High School	8		\$17,952.43	\$17,952.43		
454 Rolling Hills Charter School	37	\$824,540.98	\$83,029.99	-\$741,510.99		
455 Compass Charter School	29		\$65,077.56	\$65,077.56		
456 Falcon Ridge Charter School	17	\$4,231.71	\$38,148.91	\$33,917.20		
457 Inspire Virtual Charter School	94		\$210,941.06	\$210,941.06		
458 Liberty Charter	23	\$19,724.94	\$51,613.24	\$31,888.30		
460 The Academy [ARC]	39	\$29,315.33	\$87,518.10	\$58,202.77		
461 Taylors Crossing Charter School	29	\$20,996.20	\$65,077.56	\$44,081.36		
462 Xavier Charter School	34	\$79,222.35	\$76,297.83	-\$2,924.52		
463 Vision Charter School	45	\$8,789.94	\$100,982.42	\$92,192.48		
464 White Pine Charter School	50	\$127,704.14	\$112,202.69	-\$15,501.45		
465 North Valley Academy	21	\$66,779.90	\$47,125.13	-\$19,654.77		
466 iSucceed Virtual High School	20		\$44,881.08	\$44,881.08		
468 Idaho Science & Technology Charter	20		\$44,881.08	\$44,881.08		
469 Idaho Connects Online School	18		\$40,392.97	\$40,392.97		
470 Kootenai Bridge Academy	24		\$53,857.29	\$53,857.29		
472 Palouse Prairie Charter	16	\$6,030.47	\$35,904.86	\$29,874.39		
473 The Village Charter School District	39	\$108,767.35	\$87,518.10	-\$21,249.25		
474 Monticello Montessori Charter School	28	\$101,357.46	\$62,833.51	-\$38,523.95		
475 Sage International School of Boise	46		\$103,226.47	\$103,226.47		
476 Another Choice Virtual Charter District	124	\$508,512.95	\$278,262.67	-\$230,250.28		
477 Blackfoot Charter Community Learning Center	40	\$7,832.36	\$89,762.15	\$81,929.79		
478 Legacy Charter School District	18	\$12,437.13	\$40,392.97	\$27,955.84		
479 Heritage Academy District	23	\$68,599.06	\$51,613.24	-\$16,985.82		
480 North Idaho STEM Charter Academy District	see c)		\$0.00	\$0.00		
481 Heritage Community Charter District	44		\$98,738.37	\$98,738.37		
482 American Heritage Charter	12	\$19,614.75	\$26,928.65	\$7,313.90		
483 Chief Tahgee	26	\$46,305.70	\$58,345.40	\$12,039.70		
485 Bingham Academy Charter	10		\$22,440.54	\$22,440.54		
486 Upper Carmen Charter	see c)		\$0.00	\$0.00		
487 Forrest M Bird Charter	30		\$67,321.61	\$67,321.61		
488 Syringa Mountain Charter/Wood River Waldorf	see c)	\$12,871.42	\$0.00	-\$12,871.42		
489 Idaho College and Career Readiness Charter	see c)		\$0.00	\$0.00		
490 IDEA Idaho Distance Education Academy	51	\$16,308.89	\$114,446.74	\$98,137.85		
491 Coeur d' Alene Academy Charter	see c)		\$0.00	\$0.00		
493 North Star Charter	37		\$83,029.99	\$83,029.99		
494 Pocatello Community Charter	43	\$7,069.95	\$96,494.31	\$89,424.36		
555 CANYON-OWYHEE SPECIAL SERVICES AGENCY	37	\$573,237.74	\$83,029.99	\$470,247.27		
133 WILDER DISTRICT	75	COSSA see b)	\$168,304.03			
135 NOTUS DISTRICT	44	COSSA see b)	\$98,738.37			
137 PARMA DISTRICT	118	COSSA see b)	\$264,798.35			
363 MARSING JOINT DISTRICT	86	COSSA see b)	\$192,988.63			
370 HOMEDALE JOINT DISTRICT	105	COSSA see b)	\$235,625.65			
596 IDAHO SCHOOL FOR THE DEAF AND BLIND	83	\$167,549.85	\$186,256.46	\$18,706.61		
671 DEPARTMENT OF CORRECTION	24		\$53,857.29	\$53,857.29		
709 DEPARTMENT OF JUVENILE CORRECTION	77		\$172,792.14	\$172,792.14		
Summary	1	29689	2	\$36,999,477.06	\$66,623,712.65	\$29,624,235.60

* Dec. 1, 16 Count

**SFY16

Note:

- a) - List of District Names is from State Department of Education, SDE, this is the format they use when listing their Districts.
- b) - COSSA - Department of Health and Welfare groups specific Districts into the Canyon-Owyhee Special Services Agency. Thus funds from 2016 are included in District 555 of the table above.
- c) - Under Department of Education, any District/County with Student Count Under 10 shall not be displayed for Privacy of the Children and Family.

Districts In Black: This reflects districts that are appropriately engaged in the Medicaid Program. Some students require more services than others, thus the cost of services may exceed the statewide average cost per student.

* Also, Statewide Low Income Rate differs for each individual District, some Districts may be higher or lower, for the purpose of our calculations we have used the State Department of Educations Statewide Average. This means that these districts may not be in the Negative when using their individual Low Income Rate.

Districts in Red: Demonstrate districts not appropriately engaged in Medicaid funding.

Blank Cells Imply Districts that did not Bill Medicaid in the SFY16.

Note: Numbers are approximate/hypothetical based on an average using the formula listed below

3	FORMULA FOR POTENTIAL TOTAL FUNDS
Students Identified for Special education, may or may not qualify for Medicaid; even if they qualify for Medicaid their needs may not be billable. With that we have constructed a formula to calculate the approximate amount of funds necessary to support Elligible students with needs that are indeed billable.	

Step 1:	Identify total students in need of Special Educaton, Total and per District	29,689 Children (See Ref. 1)
Step 2:	Calculate Average payment per student using Excess Cost Rate, ECR: The estimate of additional spending for special education for Districts and Charter Schools *This includes the current inflation rate	\$7,836.46 (See Ref. 4)
Step 3:	Identify total students that qualify for Medicaid. Using Lunch Eligibility Data, we are able to determine the Statewide Low Income Rate. * * Important to note, Statewide Low Income Rate differs for each individual District, some Districts may be higher or lower, for the purpose of our calculations we have used the State Department of Educations Statewide Average.	49.33% (See Ref. 5)
Step 4:	Not all services to Medicaid eligible children are Medicaid billable. On average, of all a districts IEP's, 40% - 50% of services listed are Medicaid billable. Aprox. 45%	45.00%
Step 5:	Calculate State Federal Medical Assistance Percentage. Idaho = 71.24%. Then Calculate State Share Percentage = 28.76% or 29%	29.00% (See Ref. 6)
Step 6:	Using the numbers above we calculate an approximate for Potential Funding Statewide. To establish a Per District Relation, merely substitute Students Identified per District for Total students. This creates an approximate/average total of funding expected of that District for their Special Education students.	

3	Calculations
$\text{Excess Cost Rate} \times \text{Total Student w/ Sp. Ed.} = A$ $A \times \text{Low Income Rate} = B$ $B \times \text{Medicaid Billable Average} = C$ $C \times \text{Idaho FMAP} = D$ $C + D = \text{Total Potential Funds}$	

References:	Department:
1 Students Identified as needing Special Education	Report: 2015-2016 Child Count by District, Charter, and Agency - Idaho State Department of Education
2 School District Medicaid Payments	Idaho Department of Health and Welfare - Division of Medicaid
3 Formula for Potential Payment	Conference Fall 2016 - Lucy Scopino, Lorraine Thompson, Megan McCann
4 Excess Cost Rate Calculations	Public Education Funding in Idaho: Office of Performance Evaluations Idaho Legislature. See page 50
5 Statewide Low Income Rate - Lunch Eligibility Data by District	CNP Lunch Eligibility Reports - Idaho State Department of Education
6 Federal Medical Assistance Percentage	U.S. Department of Health and Human Services



House of Representatives

STATE OF IDAHO

CAPITOL BUILDING

P.O. BOX 83720

BOISE, IDAHO 83720 - 0038

March, 2017

OPE Request

Problem: The Survey Process

The number of available residential care homes/beds for Idahoans' with behavior, physical, and age-related issues is decreasing throughout Idaho while the demand for such living arrangements is increasing as the populations needing such care is increasing. The licensing and certification process, managed by the Department of Health and Welfare's Licensing and Certification division seems to be at the center of the issue. Operators of facilities caring for these individuals, stating a fear of fine-related citations and revocation of licenses as a result of the survey process used in monitoring these facilities are increasingly refusing to admit these types of residents, or being prevented from admitting such patients. Data appears to indicate that survey outcomes in Idaho are much more punitive than in other states and in many cases, does not reflect the actual care provided. Idaho residents are being transferred to hospitals and homes in Utah, Colorado and other states due to the lack of beds and homes within the state. The increased risk to providers for accepting these populations (children through elderly) into facilities appears to be creating a significant barrier to access to care. There is an urgent need for an independent, unbiased evaluation of the licensing and certification process of the Idaho Department of Health and Welfare to clearly identify and better understand the structural and cultural issues that are causing the system of care for these vulnerable populations to be increasingly dysfunctional for the Idahoans it is intended to serve.

Problem: Timeliness of Certification

In addition to the vulnerable children and elderly who are affected, there is a profound effect on the business community. Idaho's Licensing and Certification division uses significantly more surveyors per survey than other states and are continually delinquent in meeting the federal and state mandatory deadlines. This potential ineffective use of resources hinders them from completing a timely survey of a new facility. For instance, new skilled nursing facilities planning to open have been told it would be 18 months before the state could come to complete a survey, resulting in losses of \$1 million/month to the facility. The current system also leads to a costly and often unnecessary appeals process. Currently at least 50% of nursing home appeals are being overturned.

Magnitude of the Problems:

Those most often affected by this problem are vulnerable children and people suffering from dementia who have behavior problems. The costs of this problem are is extensive. In 2014, a study conducted by Boise State University's Center for the Study of Aging showed that Ada County spent over \$1-million on first responder calls related to people with dementia. St. Luke's hospital in Boise reports having an increasing inability to discharge patients with dementia and accompanying

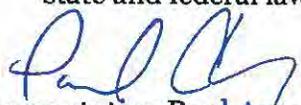
behavioral issues. In 2016, this one hospital alone, had to admit 20 patients with dementia to their medical/surgical unit, and one patient had to remain on a medical/surgical unit for 239 days due to the inability to find a long-term care facility in Idaho that would accept the patient. Many of these patients are Medicaid recipients, resulting in clinically inappropriate and extremely costly "housing" of these patients at the state's expense.

Study Objectives:

- Identify the extent to which the current licensing and certification structure, culture and system is affecting the availability of beds for those with behaviors, including: discharges, license suspension, facility closures and the timeliness of new facility licenses being issued.
- Identify a process for allowing residents with behavioral issues to remain in their place of residence.
- Identify a process for collaboration and partnership between providers and the division of Licensing and Certification that protects residents with behavioral issues, and improves their access to care.
- Review best practices by CMS, other states, and within the Department of Health and Welfare and identify how Idaho can learn from and adopt these practices.
- Identify a procedure for review of citations that are overturned.
- Identify training opportunities for surveyors and providers in survey practices.

Desired Outcomes and OPE Report Use:

- A Licensing and Certification system that ensures quality care and safety for residents and partnerships with providers to achieve the best outcomes.
- OPE findings, conclusions, and recommendations will be used to ensure the Department's licensing and certification program is working efficiently, effectively, and in compliance with state and federal laws and regulations.



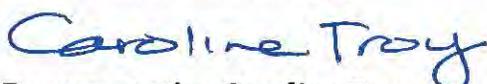
Representative Paul Amador



Representative Megan Blanksma



Representative Mike Moyle



Representative Caroline Troy



Representative Janet Trujillo



Representative Kelley Packer



Senator Mark Harris



Senator Brent Hill



Senator Dan Johnson

Priscilla S. Giddings
District 7
Bonner, Clearwater, Idaho, and
Shoshone Counties

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COMMITTEES
State Affairs
Resources & Conservation
Local Government

House of Representatives State of Idaho

March 9, 2017

Joint Legislative Oversight Committee
Boise, ID 83702

Dear Senator Bayer and Representative Erpelding,

A study is requested on the proceedings of the Idaho Professional Engineers and Land Surveyors Board.

The questions of concern:

1. To what extent does the IPELS Board adhere to Idaho Rules of Administrative Procedure and in what parts, if any, have they opted out?
2. Does IPELS investigate which method of surveying was used when complaints are filed against surveyors (such as proportioning method or retracement method); and if so, how does that information impact the Board's decision to discipline or not discipline a surveyor?
3. What mechanism is currently used or could be used in the future to ensure the hearing officer is neutral?
4. Does IPELS cover the costs or attorney fees for a surveyor accused of violating the Idaho surveyor practices Act? (Would it protect the public if IPELS was required to pay some of the attorney fees incurred by the accused?)
5. In the last five years, which federal agencies have provided an interpretation of law or fact related to an IPELS's disciplinary complaint directed at surveyor misconduct?
6. Has IPELS taken corrective action in the past? How was the action taken and what were the results?
7. In what years and in how many cases have surveyors been fined as much as \$500 for "indiscriminate criticism?" (Has IPELS determined if such disciplinary action has had a chilling on a surveyor's obligation to report to the Board when improper surveying is discovered?)
8. Does IPELS have the authority to direct a surveyor to enter upon lands for the purpose of relocating or establishing monuments despite the denial of permission to enter such land by the landowner?
9. When multiple surveyors claim two or more monuments in different locations represent the true location of a single survey corner, would it protect the public if the Idaho Attorney General was required to file a declaratory judgment lawsuit to determine which corner monument, is correct; and, as a part of said court determination, ask that the monument deemed incorrect be destroyed and all recorded information pertaining to the incorrect monument, expunged from the real estate records of the county?
10. Should IPELS interfere with Idaho District Court boundary lawsuits by attempting to de-license and thereby disqualify surveyors designated as expert witnesses?

The problems:

1. After requests, IPELS board withheld from public, board records of its proceedings.
2. Different techniques used by surveyors create disputes between surveyors causing property owner losses.
3. Current surveyors are afraid to question the board or other surveyors for fear of reprisal.
4. Surveyors unwilling to defend rights against board complaints because of high legal cost, forced to capitulate when otherwise they have legitimate objections.
5. Disciplinary complaints by IPELS against private surveyors who follow retracement surveying but are based on federal survey agency opinions creates uncertainty about program performance, inconsistency in compliance standards, misinformation, insufficient information for policy decisions, and uncertainty about the value of policy alternatives.
6. IPELS charter does not allow it to make decisions as to a controlling corner in a boundary dispute, but has, in the past, used disciplinary action to determine which corner is superior.
7. IPELS stifles surveyor input as to improper surveying in the field by fining whistle blowing reports of improper surveying.
8. Where no dispute exists as to the location of boundaries or corner monuments, IPELS has ordered a surveyor to enter lands to move monuments without the landowner's permission.
9. Inconsistent surveys create multiple reference points in different locations for the same corner forcing property owners to file expensive law suits, placing burden for legal costs on property owners when instead, the state should be responsible for inaccuracy caused by disputing state licensed surveyors.
10. IPELS proposed 2017 legislation that interfered with a pending lawsuit.

The magnitude of the problems:

All landowners in Idaho can or will be affected if IPELS continues its current operations. In a few cases, almost a million dollars in legal fees and other costs have been expended by private landowners to correct the boundary line changes created by state-licensed surveyors. Because of the highly technical aspects of surveying, most citizens cannot determine correctness of procedures used until after the surveying is completed. Afterwards, vulnerable landowners discover the effects of misplaced monuments which results in a loss of property, and then it is too late to protest and a lawsuit is the only remedy. There are several contested issues that impact multitudes of land owners in Latah County along Orchard Loop Road and in the Cities of Harpster and Grangeville in Idaho County. The potential unintended consequences could affect every property owner in Idaho from the rippling effect of moving one boundary, which pushes another and then another. Currently, there are about 25 property owners directly affected and these landowners have spent more than a million dollars on legal expenses and comparative surveys in an effort to understand what has been done to their property by state-licensed surveyors.

Currently, the value of lost property is approaching a million dollars. Individual citizens with no professional surveying or engineering background and no legal training, are extremely vulnerable to state-licenses surveyors changing their property boundaries. If current operations are not corrected, current Idaho surveying practices that are permitted by IPELS will continue to negatively impact thousands of property owners all over the state.

Desired outcomes:

A study that helps determine potential outcomes or legislation that will protect property owners from disputing state-licensed surveyors.

Study findings that help formulate legislation, educate stakeholders, ensure IPELS board accountability

March 9, 2017

Page 3

and establish standardized procedures for property owners to addresses improper surveys.
A thorough review of current IPELS practices compared to the allocated legal procedures.
Increased transparency of state operated board procedures.
Build trust and establish perception that Idaho has objective procedures for solving landowner and surveyor disputes.

Bringing these citizen's concerns to light will greatly reflect upon the legislature's steadfastness in ensuring property ownership that is free from errant losses, ensuring greater regulatory board accountability and improving government transparency. We greatly appreciate your efforts and steadfastness in reviewing this situation.

Sincerely,



Priscilla S. Giddings

District 7 Legislators



Representative Shepherd

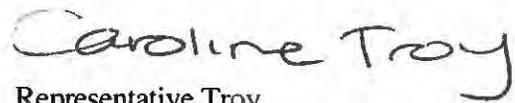
Senator Crabtree



District 5 Legislators



Representative Jordan



Representative Troy



Senator Foreman

CHERIE BUCKNER-WEBB
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ADA COUNTY



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Idaho State Senate

SENATOR CHERIE BUCKNER-WEBB Assistant Minority Leader

March 13, 2017

Joint Legislative Oversight Committee
Attn: Co-chair Senator Cliff Bayer
Attn: Co-chair Representative Mat Erpelding

Dear Senator Bayer and Representative Erpelding,

The recent report from the Office of Performance Evaluations identifies the importance and interconnectedness of the various aspects and partners of the child welfare system but focuses on services provided while children are in the child welfare system. There are at least three other key areas where children may be able to benefit from services and support: (1) preventive measures, (2) the connection between the child welfare system and the juvenile justice system, and (3) support for youth who are aging out of the child welfare system.

The Office of Performance Evaluations report provided information about evidence based preventative services and indicated that prevention is an area that Idaho can further explore. The information provided in the OPE report is an important first step in addressing the need for preventative services, however, more information is needed to determine how to help reduce the need for kids to have child protection and juvenile justice services. Further, we would like the Office of Performance Evaluations to provide information about the supports that are available youth who have been in the child welfare and juvenile justice systems.

Specifically, we would like the Office of Performance Evaluations to answer the following questions.

- Are preventative services identified and shared across the system?
- How many children in the child welfare system end up in the Juvenile Justice System or Department of Corrections?
- What supports are available for teens aging out of the child welfare system vs. adoption?

Sincerely,

A handwritten signature in black ink that reads "Cherie Buckner-Webb".

Senator Cherie Buckner-Webb

CHERIE BUCKNER-WEBB
DISTRICT19
ADA COUNTY



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Idaho State Senate

SENATOR CHERIE BUCKNER-WEBB

Assistant Minority Leader

March 13, 2017

Joint Legislative Oversight Committee
Attn: Co-chair Senator Cliff Bayer
Attn: Co-chair Representative Mat Erpelding

Dear Senator Bayer and Representative Erpelding,

In Idaho, Court Appointed Special Advocates (CASA) are volunteers who are appointed by the courts to investigate, report, and make recommendations surrounding the circumstances of children in child protection proceedings. The CASA program was designed to ensure that throughout court proceedings the best interests of abused and neglected children are represented.

In the 2017 report, Child Welfare System, the Office of Performance Evaluation found that CASA programs have some common implementation challenges: (1) program staff struggle to recruit enough volunteers to adequately represent all the children who are appointed an advocate, (2) volunteers have a variety of professional training and skills, and (3) program resources can only provide a limited amount of training. In the end, volunteers are not consistently familiar with the legal system and have differing levels of monitoring and report writing skills.

Considering these findings, we would like to request an evaluation to answer the following questions:

- Does the CASA program provide effective advocacy for the best interest of children in the child protection system in Idaho?
- Is there alignment between expectations, delivery of services, resources, and outcomes?
- Is the CASA program seen as an effective source of accountability for child and Family Services activities?
- What are the best practices for structuring and implementing CASA programs?
- What opportunities exist for improving the effectiveness of Idaho's CASA program?
- What impediments exist that affect the performance of Idaho's CASA program?

Sincerely,

A handwritten signature in black ink that reads "Cherie Buckner-Webb".

Senator Cherie Buckner-Webb



House of Representatives State of Idaho

To: Joint Legislative Oversight Committee

From: Representative Christy Perry and Senator Abby Lee

Subject: Child Protection Services

Date: March 13, 2017

The 2016 Idaho legislative interim committee which focused on foster care showed a genuine interest in vastly improving outcomes for children in foster care through a system wide corrective approach. More information was needed before legislative action was to be taken this year. The committee also eagerly awaited the study by the Office of Performance Evaluations commissioned by JLOC in 2016.

The recent report from the Office of Performance Evaluations delivered in February of 2017, identified the importance and interconnectedness of the various aspects and partners of the child welfare system but primarily focused on services provided while children are in the child welfare system. There are at least three other key areas where children may be able to benefit from services and support: (1) preventive measures, (2) the connection between the child welfare system and the juvenile justice system, and (3) support for youth who are aging out of the child welfare system.

There was particular interest from the legislative interim committee to address preventive measures. Although the recent OPE report did provide some information about evidence based preventive services, much more information is needed to determine which proactive measures may help reduce the need for children and families to receive child protection services.

There is also an interest in receiving more information regarding "cross over kids" or "dual status youth" as they are referred to. These children cross over between child protective services and the juvenile justice system. Are there services or actions which could be initiated at critical decision points to help prevent this cross over from occurring?

After speaking with a few former foster children it had become abundantly clear that supports to foster children who "age out" of the system are critically important. We would like the Office of Performance Evaluations to provide information about the supports that are available to youth who have been in the child welfare and juvenile justice systems. As well as, provide a clearer picture regarding how many of these youth go on to enter the adult corrections system.

Thank you for your consideration.

Christy Perry
Abby Lee



Idaho State Senate

SENATOR LORI DEN HARTOG

March 10, 2017

The Honorable Senator Cliff Bayer and Representative Erpelding
Co-Chairs, Joint Legislative Oversight Committee (JLOC)
Statehouse

H A N D D E L I V E R E D

RE: OPE Evaluation Proposal for Consideration: Efficacy of LHTAC Services

Dear Senator Bayer and Representative Erpelding,

Problem: The Local Highway Technical Assistance Council (LHTAC) was established in the late 1980's to assist local districts with engineering advice and guidance. Their role was later expanded (1994, Title 40, Chapter 24) to assist local governments and their highway districts with obtaining and administering federal funding for roadway projects within those jurisdictions. Concerns have been raised related to contracting practices and efficient use of funding particularly in the area of administration. Over twenty years have passed since the creation of LHTAC and many of the factors that led to its establishment have evolved.

Magnitude of Problem: The mission of LHTAC is to assist Idaho's local highway jurisdictions, including the cities, counties, and highway districts across the state with utilizing the available resources for maintenance and construction of Idaho's local highway system in the most efficient and effective manner possible. Their annual budget is approximately \$6.4 million including pass-through grants, and LHTAC administers in excess of \$30 million in federal-aid funding. Their reach extends throughout the state to 289 governmental jurisdictions.

Desired Information: It is requested that OPE study and analyze the following:

Determine the portion of LHTAC funds that are consumed by administration overhead, staff salaries and other non-construction and maintenance activities. Compare that to what expenses are for standard local transportation projects less administrative costs.

1. Examine contracting practices of LHTAC to determine whether or not state statutes and policies for contracting and procurement processes have been adhered to and that selection processes are fair and impartial.
2. Determine whether all resources including but not limited to, federal and state funds, have been properly accounted for, and over the last two state fiscal years, have been expended in compliance with all state and federal requirements.
3. Examine the following alternatives for efficiency and cost-effectiveness:
 - a. Have ITD assume responsibility for the work currently being done by LHTAC including but not limited to the management and distribution of federal highway aid dollars.
 - b. Have local highway jurisdictions complete the work themselves or through the use of contractors.
 - c. A combination of the above or other alternatives.

Anticipated Use of Information: The information could be used to assist the legislature in determining the advantages, disadvantages, practicality, and costs of possible alternatives to delivering the services currently provided by LHTAC.

We would like to have this study analysis completed by December 1, 2017 in time for the 2018 Legislative Session.

Thank you for your consideration.

Respectfully,



Senator Lori Den Hartog
Legislative District 22



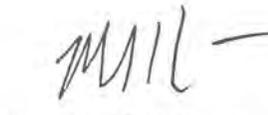
Senator Bert Brackett
Legislative District 23
Chairman, Senate Transportation



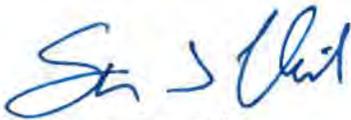
Senator Bob Nonini
Legislative District 3
Vice-Chairman, Senate Transportation



Senator Marv Hagedorn
Legislative District 14



Senator Mark Harris
Legislative District 32



Senator Steve Vick
Legislative District 2



Representative Joe Palmer
Legislative District 20
Chairman, House Transportation & Defense



Representative Paul Shepherd
Legislative District 7
Vice Chairman, House Transportation & Defense



Representative Jason Monks
Legislative District 22



Representative Terry Gestrin
Legislative District 8

From: [Rakesh Mohan](#)
To: [Margaret Campbell](#); [Amanda Bartlett](#); [Lance McCleve](#); [Tony Grange](#); [Hannah Crumrine](#); [Ryan Langrill](#); [Bryon Welch](#)
Subject: One more request
Date: Monday, March 13, 2017 6:11:54 PM

It is just the email.

From: Representative Paulette Jordan
Sent: Monday, March 13, 2017 5:44 PM
To: Rakesh Mohan <rmohan@ope.idaho.gov>
Subject: JLOC Study Request

Good afternoon Rakesh,

Via our most recent conversation, I would like to submit a follow-up request proposed by the Office of Performance Evaluations, which had indicated in its March 2017 evaluation report that a tribal liaison would be most appropriate to suit the findings within the study.

While Idaho adopted Public Law 280 in 1963, to assume partial jurisdiction over criminal and civil matters, it is of utmost concern with the five Tribes of Idaho and the State of Idaho to find meaningful balance that best serves all communities.

Thus it has been brought to the attention of the Idaho Council on Indian Affairs that, while Idaho has jurisdiction over seven matters, these matters are not fully addressed as needs met with the Tribes of Idaho.

It is the basis of the study to reflect upon the state's obligations under Public Law 280 and what processes other states have used to retrocede jurisdiction.

Utilizing the findings of this study, I request an additional study to delve into the creation of a full-time Tribal Liaison held within the Governor's Office. This role would fully address the necessary function of communication between the State and the five distinct Tribal Sovereign Nations of Idaho, who wish to continue to be good stewards of our lands and good partners in all matters related therein.

I believe a liaison to the Tribes of Idaho is long overdue, given many states already have an official state office relating to Tribal matters. However, a report indicating its potential positive impacts would be useful for future developments.

The Tribes have been here for thousands of years prior to the recent landings of European settlers, and it would serve every Idahoan a great deal of good to see these internal partnerships flourish for the sake of every citizen and all future generations alike.

Thank you for your time, diligence and commitment.

Appreciatively,

Paulette

Rep. Paulette E. Jordan
Legislative District 5
Benewah & Latah