

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, January 17, 2012

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour

**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**ANNOUNCEMENTS:** **Chairman Goedde** moved **Docket No: 30-0101-1101** library rules to the top of the agenda to be heard before **Docket No: 08-0203-1102** online rules. He then set forth the guidelines for testifying on the online courses implementation to the rules. He stated that the State Education Board was charged to make the rules for implementing online courses. Only the appropriate testimony regarding the rule will be allowed. **Chairman Goedde** then turned the gavel over to **Vice Chairman Mortimer**.

**DOCKET NO: 30-0101-1101** **Ann Joslin**, State Librarian for Idaho Commission for Libraries explained the rule change saying that last year a temporary rule was adopted to implement recommend changes in the talking book lending program. There is no fiscal impact. The recommendation is to remove the digital book check out limitation. The Deputy Attorney General recommends this rule change and suggests the individual agencies set guidelines for lending of digital books. She is asking that the committee approve the pending rule.

**MOTION:** **Senator LeFavour** moved, seconded by **Senator Winder** that the committee accept **Docket 30-0101-1101**. The motion carried by **voice-vote**.

**INTRODUCTION:** Chairman Goedde took a moment to introduce State Board of Education Board Member **Don Soltman** from Twin Lakes, Idaho.

**DOCKET NO: 08-0203-1102** **Tracie Bent**, State Board of Education, introduced **Docket No. 08-0203-1102** addressing online courses. She said that last year's legislature passed Section 33-1627 of the Idaho Code stating that the State Board of Education must promulgate the rules requiring the online courses for classes graduating in 2016. Additionally, Section 33-102a of the Idaho Code defines a online course as one that delivers a sequential program of synchronous and or asynchronous instruction primarily through the use of technology in which the instructor is not physically located at the school or at the place where the student is receiving instruction. Nothing in this definition shall prohibit face to face instruction as long as the majority of instruction is delivered as stated in the code. The Board of Education is not allowed to do anything that is contrary to the statute. The Board convened an online learning subcommittee, consisting of stakeholders from around the state. The members consisted of teachers, administrators, and school board member from rural and urban school districts. This committee was chaired by State Board Member **Don Soltman**.

The committee looked at and considered presentations on online learning that is taking place in higher educational institutions and some of the national standards. Definitions for online courses for the state of Idaho came from that research. The Board held seven public hearings around the state and 46 individuals testified. The majority of individuals were against the requirement. The committee considered the comments when presenting the first proposal to the State Board of Education. The State Board of Education's comment period received over 100 comments with the majority against the pending rule.

The first part of the online rule defines the definition for online learning, online course, and blended course. The majority of the changes were to the rule definitions. Two online credits are required for graduation one of which has to be an asynchronous course with 80% being delivered online. The second online course will be decided by the individual. Rules have been established for students who are in a 504 program or have an Individual Education Plan. Districts have the latitude to find digital providers for the courses they offer however there must be an Idaho certified teacher to teach the online course. The Idaho Education Network has completed its requirement of getting all high schools hooked up so broadband streaming is no longer a concern. Individual districts will determine the online courses that will be offered.

**Vice Chairman Mortimer** asked the committee if they would like to review the rule definition by definition or can they proceed to questions? They chose to ask questions.

**Senator Malepeai** asked **Ms. Bent** to explain what an asynchronous course is? **Ms. Bent** explained that it is a course that the student can take on their own time frame. The teacher uploads the course work and is not online the same time the student is taking the course: this is a normal learning mode in the workforce and the postsecondary institutions.

**Senator LeFavour** asked if there was additional burdens to the teachers on-site that do not teach the online courses? Would this eliminate teachers and is there a student teacher ratio in place for online courses? **Ms. Bent** answered that it is really up to each school district as to how they want to manage their teachers. Due to the extra reading and course work for online classes, it is not realistic to eliminate teachers. Teachers simply cannot teach more than 35 students at a time. Finally, **Ms. Bent** stated that these rules are for students requirements not teacher ratios.

**Senator Pearce** asked if this rule for the two credits online will define which classes to be offered? **Ms. Bent** replied that at this time no. Each school district can offer what they would like to offer. Each district has to meet the state standards for classes because of that, the online classes will also have to meet the state standards.

**Chairman Goedde** disclosed that he was a member of the committee of the State Board of Education and gave several examples as to how online courses have provided more opportunities for students in Idaho schools. Addressing class size he explained that the largest class for the Idaho Digital Academy is 16 students. But it is up to each district to determine the class size. He then asked **Ms. Bent** where the classroom books in Idaho were purchased and she indicated mostly out of state.

**Senator LaFavour** asked if there is a place in the rules that addressed where a struggling student would receive assistance? She also asked if there will be orientations to use the online process before the class convened. **Ms. Bent** replied that is left up to the individual school districts how to help struggling students. There will be orientations before the student takes a class. The Board of Education desires for students to learn online course skills in High School so they will be prepared for work and college.

**TESTIMONY:** **Vice Chairman Mortimer** stated the testimony from the audience will try to alternate in a pro and con format.

**TESTIMONY:** **Brianna LeClair** representing the Idaho Freedom Foundation (IFF) is in favor of the rules. Online education is efficient and effective, thereby saving money. The taxes are lowered and Idaho citizens then have more economic freedom. Please see the IFF report "Chuckling the Chalk: How digital learning is improving education in Idaho."

**Janet Orndorff** a trustee with Boise School District for 21 years and also a Past President of the Idaho School Board Association (ISBA) has concerns with the required asynchronous online requirement. She commended the Board for modifications to the rules and she respectfully asked for the removal of the required asynchronous course. She is not opposed to the asynchronous class just opposed to it as a requirement. She quoted a variety of reports quoting statistics that report the failure of online courses

**Chairman Goedde** asked if she was testifying on behalf of the groups she mentioned or on her own behalf? **Ms. Orndorff** stated that her position for online course requirements is in line with the ISBA resolution and that she is a trustee with the Boise School District.

**Senator Winder** asked **Ms. Orndorff** if there were courses in the high schools that have similar completion rates to the asynchronous courses; such as advanced placement classes. He stated that it would be better to learn online procedures in high school than to fail an online class in college. **Ms. Orndorff** said that there is a current 80% completion rate for online classes in the Boise School District. She didn't have anything more specific. Her concern is that if this goes through it doesn't provide the support system to students to help them understand how to take an online course.

**Senator Toryanski** asked if the asynchronous course is removed what then would be the Boise School Districts' position. **Ms. Orndorff** stated that the Boise School District will not have a problem with the rule.

**TESTIMONY:** **Julie Browning** a resident from District 19 representing her family and their children, who are currently enrolled in Idaho Virtual Academy, testified for the rule changes. See attached testimony.

**Senator LaFavour** asked if she was a home school teacher. **Ms. Browning** stated that she was not a certified teacher and she doesn't teach her children as each has assigned teachers. Idaho Digital Learning Academy (IDLA) has Illuminate sessions for the students where they have time with the teacher to discuss any concerns. Illuminate is mostly for the math and literature segments of school.

**TESTIMONY:** **Janet Sylvester** from Meridian representing herself had many questions about the rules and the definition. **Vice Chairman Mortimer** asked if she was for or against the rule and she stated that because it was not clearly written she was against. To have her questions answered **Vice Chairman Mortimer** suggested she speak to the State Board of Education to get those resolved.

**TESTIMONY:** **Dr. Linda Clark**, Superintendent Joint School District No. 2 testified in support of the online course requirements. The intention of her district is when this goes in effect all freshmen will be required to take an online class. She does however, encourage the Board to drop the rule for required asynchronous credits. This will allow families to decide how their student will take the online courses.

**TESTIMONY:** **Karen Echeverria**, Executive Director of the Idaho School Board Association testified that it is good to have the 2 credit requirement but not to require one asynchronous class. **Chairman Goedde** asked if she thought local districts were not flexible to not changing the requirements. **Ms. Echeverria** stated that they were not. **Senator Andreason** asked her to submit her concerns in writing to the committee.

**TESTIMONY:** **Penni Cyr** representing the Idaho Education Association (IEA) is pleased that only 2 online credits are required. The IEA supports that students need to learn courses online but the decision as to the type of online course should be made with the student and the parents. There is nothing in the rule that states a certified teacher of the subject be available to help the student. Technology is making teachers more important than ever. Other graduation requirements have only mandated content not the delivery of the course information.

**TESTIMONY:** **State Superintendent Tom Luna** testified that this is the most comprehensive education reform in the country. See the attached testimony.

**Senator Toryanski** asked if the staggered roll out of computing devices is a cause for concern. **Superintendent Luna** replied it is a three year roll out and a third of the students will only have the computing devices but there are Idaho Education Network (IEN) classrooms in all the high schools so those that don't have the computing devices can still take the courses. Having the device opens up learning opportunities but with IEN in the schools there are even more opportunities. **Senator Toryanski** then asked if the Student Comes First legislation had not been passed, could the State Board of Education require it? **Superintendent Luna** replied yes, it is the State Board of Education that sets the High School graduation requirements. **Chairman Goedde** then noted that the requirement for graduation is in statute and to remove it would take legislative action. **Superintendent Luna** agreed.

**Chairman Goedde** stated that, from the testimony, the major obstacle is the asynchronous course, and asked **Superintendent Luna's** his position on asynchronous courses? **Superintendent Luna** replied that if removing the required asynchronous course would remove their concern, then he would support that, but would not support not having asynchronous courses available to students.

**Vice Chairman Mortimer** returned the gavel to **Chairman Goedde**.

**ADJOURN:** **Chairman Goedde** decided to hold this testimony and all rule acceptances until tomorrow January 18, 2012 at 3:00 PM. The meeting was adjourned at 4:55 PM.

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Senator Goedde  
Chairman

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LeAnn South  
Secretary