

MINUTES
HOUSE EDUCATION COMMITTEE

- DATE:** Monday, January 23, 2012
- TIME:** 9:00 A.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, Cronin
- ABSENT/
EXCUSED:** Representative Nielsen
- GUESTS:** Rep. JoAn Wood; Robin Nettinga, Penni Cyr, and Paul Stark, Idaho Education Association (IEA); Phil Homer and Harold Ott, Idaho Association of School Administrators (IASA); Tracie Bent, State Board of Education (SBE); Dennis Stevenson, Department of Administration; Benjamin Davenport, Risch Pisca; Caitlin Lavelle, Gallatin; Karen Echeverria, Idaho School Boards Association (ISBA); Luci Willits, State Department of Education; Brian Kane, Office of the Attorney General
- Chairman Nonini** called the meeting to order at 9:00 a.m.
- MOTION:** **Rep. Thayn** made a motion to approve the minutes of January 18, 2012. **Motion carried by voice vote.**
- RS 21001:** **Rep. JoAn Wood** presented **RS 21001**. She explained that there is a need to be more circumspect in providing information to school districts. This RS provides a 30 day period for providing information when a new teacher is being hired. It also provides greater clarity relating to "provisional employment" of certified personnel.
- Karen Echeverria**, Idaho School Boards Association, responded to a question, stating that allowing the legislation to take effect on July 1, 2012 would be fine.
- MOTION:** **Rep. Shepherd** made a motion to introduce **RS 21001**.
- In response to questions, **Rep. Wood** explained that school boards have been concerned with the amount of material they have been receiving, and the people gathering information have found that the process is onerous.
- VOTE ON MOTION:** **Chairman Nonini** called for a vote on the motion to introduce **RS 21001**. **Motion carried by voice vote.**
- MOTION:** **Rep. Nessel**, a member of the Marriott Subcommittee on Rules, made a motion to approve the minutes of the January 12, 2012 meeting of the Marriott Subcommittee on Rules. **Motion carried by voice vote of subcommittee members.**
- DOCKET NO. 08-0202-1101:** **Rep. Marriott** presented **Docket No. 08-0202-1101**. In May of 2010, the National Congress on School Transportation enacted changes affecting Idaho's school transportation program. The State Department of Education has made changes to school transportation operations at the local level, as well as to reimbursements, and the student transportation matrix. These reflect the changes made in the Standards for Idaho School Buses and Operations (SISBO) manual, which is incorporated into the rule by reference.
- MOTION:** **Rep. Nessel** made a motion to approve **Docket No. 08-0202-1101**. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1102: **Rep. Marriott** presented **Docket No. 08-0202-1102**. In August of 2007, the State Board of Education eliminated the Idaho State Accreditation process and adopted the Northwest Association of Accredited Schools (NAAS) standards for accreditation purposes due to the fact that a duplication of efforts existed between the two processes.

NAAS has changed their name to the Northwest Accreditation Commission (NWAC) to better reflect their organizational structure. The standards by which schools are accredited in Idaho have not changed as a result of the name change.

In response to questions, **Rep. Marriott** stated that the subcommittee did not discuss the NWAC being purchased by another group.

MOTION: **Rep. Wills** made a motion to approve **Docket No. 08-0202-1102**. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1103: **Rep. Marriott** presented **Docket No. 08-0202-1103**. This pending rule adds the Exceptional Child Certificate to the endorsements section of Idaho Code. This certificate must include an endorsement because it is not a stand alone certificate. Secondly, this rule clarifies language that relates to English as a Second Language. Currently the rule allows for interpretation that any Modern Language could meet the four (4) semester credit hour requirement. A student could complete four (4) credits of English, for example, to meet the requirement. The intent of the endorsement is that the candidate needs four (4) semester credit hours of Modern Foreign Languages.

MOTION: **Rep. Pence** made a motion to approve **Docket No. 08-0202-1103**. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1104: **Rep. Marriott** presented **Docket No. 08-0202-1104**. The Professional Standards Commission (PSC) approved the need for an interim certificate for the reinstatement of an expired certificate. This rule allows for greater flexibility and a shorter timeline for Idaho trained educators to return to the teaching field. It allows for a three (3) year interim certificate to be issued to any Idaho trained educator whose certificate has expired.

MOTION: **Rep. Bateman** made a motion to approve **Docket No. 08-0202-1104**. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1105: **Rep. Marriott** presented **Docket No. 08-0202-1105**. This simply adds back references to the National Council for Accreditation of Teacher Education (NCATE) due to public comments and confusion that occurred between the proposed rule stage and the pending rule stage.

MOTION: **Rep. Nessel** made a motion to approve **Docket No. 08-0202-1105**. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1106: **Rep. Marriott** presented **Docket No. 08-0202-1106**. This rule corrects citations to Idaho Code. It also clarifies information related to the Students Come First laws requiring parent input and student growth and achievement be included in teacher evaluations. It makes the teacher evaluation framework more consistent with Charlotte Danielson's Framework for Teaching, Second Edition, as referenced in the rule.

MOTION: **Rep. Chadderdon** made a motion to approve **Docket No. 08-0202-1106**. **Motion carried by voice vote.**

DOCKET NO. 08-0203-1101: **Rep. Marriott** presented **Docket No. 08-0203-1101**. This rule updates alternate achievement standards for the alternate assessment. If achievement standards are not approved and consequently the ISAT-Alt scoring cannot be completed, Idaho could lose \$105,000 of its Title I administrative funding in the form of a compliance fine from the U.S. Department of Education.

MOTION: **Rep. Pence** made a motion to approve **Docket No. 08-0203-1101**. **Motion carried by voice vote.**

DOCKET NO. 08-0203-1103: **Rep. Marriott** presented **Docket No. 08-0203-1103**. This removes references to the Direct Writing Assessment (DWA) and Direct Math Assessment (DMA).

MOTION: **Rep. Chadderdon** made a motion to approve **Docket No. 08-0203-1103**. **Motion carried by voice vote.**

DOCKET NO. 08-0203-1104: **Rep. Marriott** presented **Docket No. 08-0203-1104**. This clarifies that high school students do not have to complete their senior projects prior to enrollment in dual credit classes.

MOTION: **Rep. Wills** made a motion to approve **Docket No. 08-0203-1104**. **Motion carried by voice vote.**

Rep. Trail requested to revisit **Docket No. 08-0202-1102**, related to accreditation.

Luci Willits, State Department of Education, answered questions related to **Docket No. 08-0202-1102**. She stated that the Northwest Accreditation Commission (NWAC) still exists. The NWAC was purchased by a large conglomerate called Advanced Ed. This has resulted in higher fees, duplication of efforts, and some issues that relate to charter schools. Idaho's State Department of Education is discussing potential options for addressing problems. She will keep the committee informed as the process moves forward.

DOCKET NO. 08-0201-1101: **Luci Willits**, State Department of Education, presented **Docket No. 08-0201-1101**. The Students Come First law requires district negotiations with personnel to be conducted in open sessions that are available for public attendance. This rule clarifies that open negotiations should adhere to Idaho's Open Meeting Law Manual. It also clarifies the definition of "salary". She provided a written opinion from the Office of the Attorney General for the committee's review.

Paul Stark, Idaho Education Association, testified in opposition to **Docket No. 08-0201-1101**. He believes this would not allow a proper separation of powers. He stated that the Administrative Procedures Act in Idaho statute does not allow the approval of this docket. Because the Administrative Procedures Act requires specific authorization for rule making, he does not agree with the Attorney General's opinion that the State Board of Education can be given broad rule making authority. He is also concerned that there is a contradiction between statute and the pending rule in the area of benefits.

In response to questions, **Mr. Stark** stated that authority may be granted as discretionary or mandatory. Specific grants of authority can be for individual purposes.

Karen Echeverria, Idaho School Boards Association (ISBA), spoke in favor of **Docket No. 08-0201-2201**. She stated that the ISBA supports this rule.

In response to questions, **Ms. Echeverria** explained that issues that came up during negotiations this year were bell schedules, grievances, and lunch duty, all of which fall under the benefits category.

Brian Kane, Office of the Attorney General, stated that his office has reviewed these rules and has reached the conclusion that they are legally defensible. There is always a legal risk, however, the way this rule has been adopted is consistent with statutory authority.

Dennis Stevenson, Department of Administration, responded to questions. He stated that specific authority versus broad authority comes down to semantics. In many cases, agencies are given broad authority. If there is not a place in statute giving rule making authority, rule making authority does not exist.

MOTION: **Rep. Hartgen** made a motion to approve **Docket No. 08-0201-1101**.

SUBSTITUTE MOTION: **Rep. Chew** made a substitute motion to reject **Docket No. 08-0201-1101**.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested on the substitute motion. **Substitute motion failed by a vote of 4 AYE, 13 NAY, 1 absent/excused. Voting in favor** of the motion: **Reps. Trail, Pence, Chew and Cronin. Voting in opposition** to the motion: **Reps. Shirley, Block, Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nettet and Nonini. Rep. Nielsen was absent/excused.**

ROLL CALL VOTE ON ORIGINAL MOTION: Roll call vote was requested on the original motion. **Original motion carried by a vote of 14 AYE, 3 NAY, 1 absent/excused. Voting in favor** of the motion: **Reps. Shirley, Block, Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nettet and Pence. Voting in opposition** to the motion: **Reps. Trail, Chew and Cronin. Rep. Nielsen was absent/excused.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:58 a.m.

Representative Nonini
Chair

Mary Tipps
Secretary