

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, January 14, 2013

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Durst and Buckner-Webb

**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.

**CONVENED:** **Chairman Goedde** called the Education Committee to order at 3:08 p.m., and a silent roll was taken.

**PASSING OF GAVEL:** **Chairman** passed the gavel to **Vice Chairman Mortimer**.

**RULES REVIEW:** **Vice Chairman Mortimer** reviewed the committee's progress on rules review to date. He noted discussion concerning manuals incorporated by reference on Rule 08-0202-1203. Copies have now been distributed to the committee on the State Department of Education manual, on the portion being reviewed this year, Idaho Standards for Initial Certification of Professional School Personnel, as well as the World Class Instructional Design and Assessment Consortium, English Language Development Standards. Since the manuals are lengthy and detailed, **Vice Chairman Mortimer** recommended that this rule be held until Monday. **Chairman Goedde** explained that the committee has review authority over these manuals because they are written by the State government. The Idaho Department of Vocational Field Services Manual also will be reviewed.

**MOTION:** **Senator Thayn** moved, seconded by **Chairman Goedde**, to approve Docket No. 08-0111-120, Idaho College Work Study Program. The motion carried by **voice vote**.

**MOTION:** **Senator Nonini** moved, seconded by **Senator Fulcher** to approve Docket No. 08-0111-1201, Registration of Post-Secondary Educational Institutions and Proprietary Schools. The motion carried by **voice vote**.

**MOTION:** **Senator Thayn** moved, seconded by **Chairman Goedde** to approve Docket No. 08-0114-1201 Idaho Rural Physician Incentive Program (Chapter Repeal). The motion carried by **voice vote**.

**MOTION:** **Senator Durst** moved, seconded by **Senator Nonini**, to approve Docket No. 08-0202-1201, Endorsement Revisions. The motion carried by **voice vote**.

**MOTION:** **Senator Thayn** moved, seconded by **Senator Pearce**, to approve Docket No. 08-0202-1202, Waiver of Mathematics In Service Program. The motion carried by **voice vote**.

**DOCKET NO. 08-0202-1203** **Vice Chairman Mortimer** reminded the committee that Docket No. 08-0202-1203, Standards Revision, will be held until Tuesday, January 15, 2013 to allow additional time to review manuals incorporated by reference.

**DOCKET NO.  
08-0202-1204**

**Vice Chairman Mortimer** next called for Docket No. 08-0202-1204, Rules Governing Uniformity, defining "Teacher Leader" and clarifying credential renewal requirements. **Lucie Willits**, State Department of Education, reminded the Committee that this is a supplemental document inadvertently omitted from the original rules bulletin. **Vice Chairman Mortimer** stated that this Docket would be held until Tuesday, January 16, 2013.

**DOCKET NO.  
08-0202-1206**

**Tracie L. Bent**, State Board of Education, presented Docket No. 08-0202-1206, Alternate Route to Certification. **Ms. Bent** explained that the majority of changes were to revise language that had expired and been replaced by new rules in 2006. These 2006 rules allow an alternate route to public school teacher certification, rather than through a traditional route, for people with strong content knowledge. The changes specify that alternative route individuals can be considered "Teacher of Record" (TOR) for the class. The changes additionally allow that alternate route content teachers are not required to have a Bachelor's Degree as long as they had completed all requirements for the degree except for student teaching or practicum requirements. The alternative route to certification also includes those with content specialist designation.

The rule is further amended in Subsection .044 to allow an extension of time for mentoring required by the alternate route, and deletes the para-educator to teacher route because it does not meet minimum No Child Left Behind requirements. **Senator Durst** asked if other precedent exists in the current certification process that would allow someone to become TOR prior to certification. **Vice Chairman Mortimer** recognized **Christina Linder**, Director of Certification for Professional Standards, who testified that in two instances someone without full certification could be designated TOR: first, if a person possessed a provisional certificate, which is not a full Idaho certificate, and is valid for one year, one time in the classroom; and, second, a long term substitute teacher could be designated as TOR. **Senator Durst** expressed his concern in removing the Bachelor's Degree requirement. **Senator Nonini** referenced Section .044.1.a. asked if the language of this section, "must hold a Bachelor's Degree or ..." (emphasis added) was new language as well, and Ms. Bent replied affirmatively. **Vice Chairman Mortimer** recognized **Ed Hawley**, Administrator of Rules who confirmed that the word "or" probably should have been underlined.

**MOTION:**

**Senator Pearce** moved, seconded by Senator Patrick, to approve Docket No. 08-0202-1206; **Vice Chairman Mortimer** called for discussion, and **Senator Durst** requested an substitute motion.

**SUBSTITUTE  
MOTION:**

**Senator Durst** moved, seconded by **Senator Buckner-Webb**, to approve all sections of Docket No. 08-0202-1206 with exception of changes to subsection .044. **Senator Thayn** expressed support for the original motion, pointing out that a content specialist is often the perfect person; local schools and superintendents can deal with requirements. He felt this subsection presents a justifiable exception.

**Vice Chairman Mortimer** called for a vote on the substitute motion. **Senators Durst and Buckner-Webb** voted in support. The substitute motion failed.

**Vice Chairman Mortimer** called for a vote on the original motion by **Senator Pearce**, seconded by **Senator Patrick** to approve Docket No. 08-0202-1206. The motion passed. **Senators Durst and Bucker-Webb** dissented.

**DOCKET NO.  
08-0203-1201**

**Vice Chairman Mortimer** again recognized **Ms. Bent** to present Docket No. 08-0203-1201, Recognition of Home Schooling. This rule adds language which clearly states that a student who has been home schooled and "receives such instruction as commonly and usually taught in the public schools of the State of Idaho" will be recognized as having received a secondary education. When those students then attend a post-secondary institution, they are not required to take the GED. **Senator Pearce** indicated that he had spoken with the attorney who represents the home school community, and they support this rule.

**MOTION:**

**Senator Pearce** moved, seconded by **Senator Buckner-Webb**, to approve Docket No. 08-0203-1201, Recognition of Home Schooling. The motion passed by **voice vote**.

**08-0203-1202**

**Luci Willits**, State Department of Education, introduced Docket No. 08-0203-1202, Adolescent Relationship Abuse and Sexual Assault. **Ms. Willits** first described the lengthy vetting process before a rule comes before the legislature and explained that concern by the Idaho Coalition Against Sexual and Domestic Violence gave rise to this rule. The descriptive summary begins on p. 59; the actual change is on p. 72 which adds "adolescent relationship abuse and sexual assault prevention and response" to a list of "school climate" policies which each district in the State must have. The State does not say what that policy needs to be; it only requires that policies be in place in the stated areas.

**Senator Fulcher** asked **Ms. Willits** to articulate what is meant by the phrase "school climate" in this section. **Ms. Willits** explained that "school climate" is a broad topic concerning day to day operations of a school. **Chairman Goedde** asked if any school district in Idaho would likely have a similar understanding of what that term means. **Ms. Willits** answered in the affirmative, explaining that this is a phrase that has been used for at least ten years. **Chairman Goedde** pointed out that "gun-free schools" was included in the list; however **Chairman Goedde** believes that the phrase "gun-free schools" conflicts with the policy of the State of Idaho. **Chairman Goedde** noted that when the subject of arming teachers first was raised, he reviewed a code cite which allowed teachers to be armed at the direction of the trustees, and which applied to Security Resource Officers (SROs) as well. **Chairman Goedde** pointed out that our schools are not gun-free now, and so it is not an accurate statement. **Ms. Willits** responded that the language is currently active, and if the legislature wishes to make a different policy, then a change would be required in describing it to the districts. **Ms. Willits** agreed that the SDE can certainly look at clarifying the language. **Chairman Goedde** asked **Ms. Willits** to investigate this matter further before the committee votes on the rule.

**Senator Patrick** noted that the date "4/1/97" had been stricken from the bottom of the list of policy areas, and **Ms. Willits** confirmed that the last time changes were made was, indeed, April 1997. **Senator Patrick** stated that the number of SROs has risen, and wonders how the code cited by **Chairman Goedde** fits with this list. **Ms. Willits** restated that Section 160 only requires that schools have a policy, but does not dictate what that policy is; therefore, SROs can be an allowable policy within a given district. **Senator Nonini** asked if **Ms. Willits** was aware of policies in place now that would prohibit a student, under this rule, from having a rifle in his vehicle for after-school hunting. **Ms. Willits** offered to find an answer to that question.

**Ms. Willits** again reminded the committee that the requested rule change only concerned the addition of sexual abuse and assault language. **Senator Nonini** asked if the committee could only accept or reject the rule change, or if the committee had authority to reject the existing rule. **Mr. Hawley** affirmed that the committee can reject an entire section, or ask the department to write a temporary rule, which would be a preferable path. **Vice Chairman Mortimer** summarized that Section 160 affects the districts; it does not necessarily say that they must have gun-free schools, and each district has its own option of making a policy on these issues. **Senator Nonini** asked if there were districts who allowed guns in school or if they were prohibited by this "gun-free schools" phrase. **Senator Nonini** asked **Vice Chairman Mortimer** to allow presentation of additional information before voting on this rule.

**DOCKET NO.  
08-0203-1206**

**Vice Chairman Mortimer** next called Docket No. 08-0203-1206, Professional Development, and called again on **Ms. Willits** to present. **Ms. Willits** explained that this rule was changed only to include a definition of Professional Development which heretofore had not been defined, even though the State engages actively in professional development of its educators. A discussion ensued concerning Common Core State Standards which were also referenced in this rule, and whether or not a definition of those standards existed elsewhere that would give rise to a fuller understanding of them. **Chairman Goedde** assured the committee that he would arrange a presentation on Common Core State Standards in the near future.

**MOTION:**

**Chairman Goedde** moved, seconded by **Senator Patrick**, to approve Docket No. 08-0203-1206. The motion passed by **voice vote**.

**DOCKET NO.  
08-0203-1204**

**Ms. Willits** stated that Docket No. 08-0203-1204, fee rule, Allocation of Funds, revises the definition of the stakeholders who review curricular materials. This rule also sets forth the fee (\$60) charged to textbook publishers to handle that review. **Senator Durst** questioned whether some issue had arisen which resulted in the redefinition of the review committee. **Ms. Willits** replied that the new definition was broader and allowed more flexibility. **Vice Chairman Mortimer** then recognized **Russ Joki** from the audience. **Mr. Joki** is one of many parents who oppose fees for public education. He had no comment on this particular rule, but indicated that he would appear before the committee in the future.

**MOTION:**

**Senator Patrick** moved, seconded by **Senator Buckner-Webb**; to approve Docket No. 08-0203-1204, Fee Rule, Allocation of Funds. The motion passed by **voice vote**.

**DOCKET NO.  
08-0201-1301**

**Ms. Willits** presented Docket No. 08-0201-1301, temporary rule, Collective Bargaining and Negotiations under Students Come First laws. She stated that because the voters repealed the Students Come First laws in November 2012, the language concerning collective bargaining and negotiations was no longer relevant and needed to be removed.

**MOTION:**

**Senator Durst** moved, seconded by **Senator Thayn**, to approve Docket No. 08-0201-1301, temporary rule, Collective Bargaining and Negotiations under Students Come First Laws. The motion passed by **voice vote**.

**PASSING OF  
GAVEL:**

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

**ADJOURNED:**

Having no further business before the committee, **Chairman Goedde** adjourned the meeting at 4:17 p.m. until Tuesday, January 15, 2013 at 3:00 p.m.

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Senator Goedde  
Chairman

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Elaine Leedy  
Secretary