

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, January 09, 2014

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Nonini(Nonini), Thayn, Patrick, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Senators Pearce and Fulcher

**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 Senate Education Committee (Committee) to order at 3:01 p.m., and a silent role was taken.

**Chairman Goedde** announced that the Committee would start with rules review. But first, he introduced Anna Pietz, the new Senate Page, who would be working with the Committee for the first half of the session.

**Anna Pietz** stated that she is a senior at Capitol High School in Boise, and that after high school she would like to go into politics or work in government. Being a Senate Page is a perfect place for her because it is hands-on which she feels is the best way to learn.

**PASSED THE GAVEL:** Chairman Goedde then turned the meeting over to Vice Chairman Mortimer for rules review.

**Luci B. Willits**, Chief of Staff, Idaho Department of Education (Department) began by summarizing the rule-making process. The Department, or Mr. Tom Luna, Superintendent of Public Instruction, cannot make a rule on its own. Instead, there is a process that allows the Department to go through the Board of Education (Board), which is the rule-making body. The Board holds public meetings under open meeting laws, materials are placed online, and public comments may be received. Once that process is complete, the Board notifies the Department that it may proceed and the Department then conducts its own public comment period. Thus, by the time a rule comes before the Legislature, it has been quite thoroughly vetted, although some small errors sometimes occur.

**DOCKET NO. 08-0201-1301** **Ms. Willits** explained that this rule follows the temporary rule that was enacted in 2013, and repeals language regarding collective bargaining and negotiations under Students Come First (SCF). Since SCF was overturned by referendum in November 2012, this language is no longer applicable. If adopted, this rule will become permanent.

**Vice Chairman Mortimer** asked if the open meeting portion was put into another section. **Ms. Willits** replied that the open meeting section is not reflected in this rule because the open meeting rule has been placed in statute.

**MOTION:** **Senator Patrick** made a motion to adopt **Docket No. 08-0201-1301**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**Ms. Willits** stated that the purpose of this rule is two-fold: (1) to revise teacher evaluation standards with regard to student achievement and professional practice; and (2) to create principal evaluations standards. By way of background, **Ms. Willits** explained that in 2008, the Legislature authorized the Department to create a state-wide task force to develop teacher evaluation standards, which were approved by the Legislature in 2009. The state of Idaho chose to follow the Charlotte Danielson Framework for Teaching Second Edition, so that when she makes a change, the Department also requests a change in order to keep up with modern and best practices.

**Docket No. 08-0202-1301** reflects slight revisions in regard to "instructional outcomes". **Ms. Willits** explained that Senator (Nonini)Nonini had previously contacted her to inquire why the word "goals" was being replaced with the word "outcomes." The Department's research on the question revealed that outcomes refer to what students will learn, not what they will do, and thus permit viable methods of assessment. Outcomes should reflect different types of learning, such as knowledge, conceptual understanding and thinking skills. The other change on page 49 reflects the desire to have a wide range of stakeholders to give input on how evaluations are developed, specifically to include parents.

Additionally, Idaho previously had a law that fifty percent of a teacher's evaluation was based on student achievement. That was part of the SCF referendum repeal. But the need did not go away – it is required by federal law, as well as an agreement stating that a certain percentage of teacher's evaluation should be based on student achievement. The question is what is the right percentage? The Department created a task force that looked at both the principal and teacher provisions, and they looked at the Measures of Effective Teaching (MET) study. The task force concluded from their research that sixty-seven percent of teacher's evaluation should be based on professional practice – parent/guardian input, student input, and/or portfolios. Each school district determines the right combination. Each teacher must have at least two documented observations, one prior to January 1st, which gives adequate time for improvement, plus one additional observation. Whereas the former rule stated that fifty percent of the teacher evaluation would be based on student achievement, the new rule calls for thirty-three percent student achievement, including growth, and utilizing a state-wide measure.

**Ms. Willits** next discussed the portion of this rule which states that any principal evaluator must demonstrate proficiency by passing a proficiency assessment and by participating in two documented classroom observations, one of which shall be prior to January 1st. The 2013 Legislature provided funding to train principals in teacher evaluations.

**Senator Patrick** asked Ms. Willits about the passing rate for the principal assessments. To answer this question, **Ms. Willits** introduced Mr. Greg Alexander. **Mr. Alexander**, Director, Statewide System of Support, State Department of Education, stated that at the beginning of the school year, principals were notified that they could enroll in the training for evaluator proficiency. At this time, between 500-550 certified administrators, 10-20 certified administrators that may not be acting administrators, 10 special education directors, and 40-50 higher education educators have signed up for the training. The training is ongoing, and Mr. Alexander will report back to the Committee as to how many have completed the program. However, he believes that ninety-eight percent of those who have completed the training will be able to pass. **Ms. Willits** reviewed the teacher evaluation rating system of one, two, or three..

**Senator Ward-Engelking** questioned whether the criteria comprising the sixty-seven percent professional practice standards needed to include all items listed, or if it could be made up of just one or two. **Ms. Willits** replied that each school could decide for itself what they wanted. **Senator Ward-Engelking** also questioned whether an exception could be made in the required teacher evaluation which must occur prior to January 1st, for example, in the case of a teacher who joined the school later in the first semester. In consultation with Mr. Alexander, **Ms. Willits** replied that there was no provision at this time, but it was something the Department should probably include for the future, and thanked Senator Ward-Engelking for calling it to her attention.

**Senator Thayne** referenced the inclusion of parents in developing policies for teacher performance evaluations and asked for clarification about that inclusion. **Ms. Willits** explained that prior language had referenced parents, but that the new language emphasized the strong desire that parents be involved. **Vice Chairman Mortimer** questioned the disparity between stating that parents must be involved and the statement that districts could choose which criteria in the sixty-seven percent professional practice standards could be used. **Ms. Willits** explained that the reference to parents pointed to developmental discussion of what to include in teacher evaluations versus the actual criteria.

**Senator (Nonini)Nonini** stated that under SCF, the student achievement portion was fifty percent, and asked if professional practice was also fifty percent. **Ms. Willits** explained that SCF required fifty percent in student achievement, and also required parent input which could be any percentage. The task force found that most districts had some sort of parent input and some districts were beginning to include student input. Therefore, the task force added the professional practice element, together with parental and student input, as part of the menu from which districts could develop their sixty-seven percent.

**Ms. Willits** next stated that the section on principal evaluations is new and effective July 1, 2014, although it has been piloted previously in a temporary rule. Section 121, pages 53-55 are related to standards. These standards run throughout the rules presentations because not only are these domains, such as school climate, collaborative leadership and instructional leadership, among others, but they also appear in standards for administrators and also as endorsements. In other words, if principals and administrators are going to be evaluated on these standards, then these elements must also be part of their training so that there is alignment and consistency across the board. Some of the language in this section has appeared earlier, however the standards in this section are higher in quality, and listed more clearly.

Just as teachers have professional practice standards, so must principals, and the standards are the same for both. The districts can choose from the three elements of teacher input, student input and portfolios for that sixty-seven percent, while the other thirty-three percent remains with student achievement. All of the evaluation policy is laid out – the frequency shall be once per school year, and the district will develop an evaluation plan which will be submitted to the Department for approval. This is a significant rule because it adds professional practice and student achievement standards for principals, for teachers, and it creates a principal evaluation standard for the first time.

**Senator Ward-Engelking** asked who would evaluate the principals. **Ms. Willits** replied that typically it is the superintendent, but it is not specified in that manner. Section 05 on page 57 references the evaluation plan which each district will develop, and that plan would include the evaluator. **Senator Ward-Engelking** acknowledged that this rule has delineated the training which principals will undergo, and questioned whether the same type of training would be required of superintendents who evaluate principals. **Ms. Willits** yielded to **Mr. Alexander** who explained that in sixty percent of districts with 600 students or less the superintendent might also be the principal of the school, in which case one would look to the school board. Likewise large urban districts, such as Boise, have area directors, which is why this section did not get specific. The intent, however, is to train the superintendent or whoever is evaluating the principals. **Ms. Willits** added that ultimately the administrators are responsible to the board of trustees, and the board typically assigns the evaluator. **Senator Ward-Engelking** acknowledged that her question had been answered, and also stated that she does have a concern in this area.

**Senator (Nonini)Nonini** stated a strong concern that student achievement has become a lower percentage than in the past. Speaking as a teacher, she bases her own performance on how well her students are doing and would like to see student achievement as a higher percentage. She asked if the House Education Committee also had concern with this percentage. **Ms. Willits** replied that the House Committee expressed similar concern. She continued that the Department had tried to strike a balance: They formed a committee to review it, they did the research and held discussions. The first iteration had been only twenty-five percent, and the Department urged that the committee at least match the MET study of thirty-three percent. There were those who wished a higher percentage, some lower, but this rule is the result of committee work and the Department felt they needed to support the package which the committee delivered. In answer to procedural questions by Senator (Nonini)Nonini, **Vice Chairman Mortimer** outlined that the Committee could continue to ask questions, have discussions, or hold the rule in Committee for future discussion. **Vice Chairman Mortimer** indicated that if other members had concerns, as did he himself, then the appropriate action would be to hold the rule in Committee until all members were present. **Senator (Nonini)Nonini** again stated that student achievement is a very important element to consider.

**Senator Thayn** asked for clarification for the measure of student achievement. **Ms. Willits** replied that the measure is determined at the local level. The Department requires that one element is a state-wide test for accountability, however it does not say what percentage. It must include growth and multiple measures. Different districts have different measurements – some have interim assessments while others may have end-of-course assessments. The local district determines their own combination.

On a separate topic, **Senator Thayn** referenced data collection on page 67 and asked what data would be collected and who would hold that data. **Ms. Willits** responded that the data collected is the evaluation rating for the purposes of this section. Data collected regarding evaluations is held at the local level. The Department collects and holds the aggregate and does not include any individual teacher or principal. **Senator Thayn** asked for further clarification of the term "aggregate." **Ms. Willits** replied that when the Department conducts training and collects data on how the teachers are doing, it is an aggregate, not individual number. It is part of Principle 3, which is part of the ESEA Waiver with the federal government that requires policies and reporting. The Department reports a general number. For example, 250 out of 300 teachers in a district are "proficient" and the other 50 fall into the "basic" or "unsatisfactory" categories with corresponding aggregate numbers.

**Senator Buckner-Webb** expressed that, in looking at principal evaluations especially in small rural communities, it is important to delineate how they will be handled so that the principal evaluations will be appropriate and will also be great for students and communities. **Ms. Willits** agreed and stated that this is a process over time. The Department worked first on teacher evaluations, now principal evaluations, and the next logical step is to ensure that those evaluating the principals are as good as those evaluating the teachers, and that everything is fair and meaningful. She believes that principals affect student achievement as instructional leaders. Principal evaluations are Phase II, and the Department will be bringing Phase III in the future.

**Vice Chairman Mortimer** asked Ms. Willits to address the role that parents play, or don't play, in each of these evaluations – whether they give input and where they actually evaluate – in order to distinguish where they play a role in developing the evaluation and where they actually participate in evaluating teachers or principals. **Ms. Willits** stated that this question was an important one because when parents participate, they have a stake in the outcome and feel comfortable with the system. The Department gives the local districts a menu, and asks them to choose which elements to include. Parents must be involved in that process and be at the table. They help craft and create. Are they done? That is not specific in this rule. That is left to the district to decide. The Department really wants parental involvement, and a lot of school districts have done that in a meaningful way that does not seem threatening. It is a local choice.

**Senator Thayne** asked what broad effect the Department anticipates in the future as a result of parents participating in the process. **Ms. Willits** replied that it goes to the vision of better teachers with guidance of how to improve and share their craft with principals that are the instructional leaders their schools. The end goal is always student achievement, and no other purpose.

**Vice Chairman Mortimer** brought up a procedural matter concerning Senator (Nonini)Nonini's concerns with the student achievement section of this rule. He clarified that while the Committee cannot change the rule, it can reject the rule if it so chooses, but in order for the rule to be completely rejected and come back, it would take both bodies to reject it. If the Committee felt strongly that the percentage should be fifty percent, the Committee could reject the rule, but it would probably go into effect if the House Education Committee (House) has already passed it, or the Committee could have collaboration with the House. **Ms. Willits** indicated that the House had also held the rule. **Senator Thayne** stated that there had been discussion over the years that student achievement had not been well developed and that is perhaps why thirty-three percent is a bit lower, than it could be. The way the rule is written right now, it opens the door for some testing to see how some districts might employ different types of tests or end-of-course assessments and state-wide assessments. **Senator Thayne** indicated he did not have a strong opinion one way or the other but wanted to state some of the reasoning going into the discussion and decision. **Senator (Nonini)Nonini** asked if something was in place right now. **Vice Chairman Mortimer** replied that a temporary rule was in place and this rule is the formal adoption process. If the Committee were to approve it, the thirty-three percent would become permanent. **Ms. Willits** elaborated that a temporary rule is in effect which will expire at the end of this session if the Committee does not approve this pending rule. **Ms. Willits** further explained that the Committee can reject a section, and then the Department can bring back another proposal for that section. There are many parts of this rule that the Department needs. Several Representatives in the House wanted parental input to be required, and others also wanted the percentage of student achievement to be higher. **Ms. Willits** strongly advocated that the Committee pass at least parts of the rule so that the standards can be implemented for principals, and then if the percentage needs to be changed, that can happen. Alternatively, the Legislators

could draft a bill that is the will of the Legislature, and that would supersede the rule. However, the Department needs parts of this rule. If the issues lie with only the percentage, the Department can strike sections, the Legislature can pass a bill to give the Department guidance on this issue. **Ms. Willits** stated that what she did not want to see was for the Department to come back next year with a different percentage and then that not be right either.

**Vice Chairman Mortimer** stated in the essence of time, and to allow for further discussion on the percentage and role of the administrator, the Committee will hold the rule and revisit it at a later date.

**DOCKET NO.  
08-0202-1302**

**Ms. Willits** explained that in the past, many school districts have operated "alternative schools" that are sponsored programs under a traditional high schools, and which are both accredited and participate in the accountability required under Idaho's Five Star Rating system. The proposed rule sets forth a delineation as to when an alternative school should stand on its own for purposes of accreditation and accountability, and when it can be considered part of another school, based on three out of five criteria. These criteria are (1) average daily attendance greater than 36 students; (2) students are enrolled full-time; (3) programs offered are different from the traditional high school; (4) diplomas are issued from the alternative rather than traditional high school; and (5) the school received its own Idaho Five Star rating for federal reporting purposes. The purpose of this rule is to ensure that students of alternative schools are not put at a disadvantage, and that there is actual accreditation tied to these schools. The House questioned whether this accreditation affected the Idaho Star Rating, and the answer is no: they are two different measures.

**MOTION:**

**Senator Thayne** made a motion to adopt **Docket No. 08-0202-1302**. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0202-1303**

**Ms. Willits** explained that in 2004 the State Board of Education passed rules, and the Legislature approved them, to create alternate routes to traditional teacher certification. At that time, the only alternative route was computer based. Now ten years later, other alternative routes are available, such as Teach for America. Therefore, it is appropriate to remove the language limited alternative routes to just computer based models and to change the word "alternative" to "non-traditional" in accordance with modern nomenclature.

**Chairman Goedde** asked if the Pathways for Accelerated Certification and Endorsement (PACE) program at Lewis-Clark State College is considered a non-traditional route to teacher certification. **Ms. Willits** responded that the PACE program was still considered traditional.

**MOTION:**

**Chairman Goedde** made a motion to adopt **Docket No. 08-0202-1303**. **Senator Thayne** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0105-1301**

**Tracie L. Bent**, Policy Planning and Human Resource Office, State Board of Education reminded the Committee that in 2013, the Legislature consolidated several scholarship programs and repealed a number of scholarship programs and combined them into the Idaho Opportunity Scholarship Program. The proposed rule therefore eliminates language which previously administered the Idaho Promise Scholarship.

**MOTION:**

**Senator Buckner-Webb** made a motion to adopt **Docket No. 08-0105-1301**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0106-1301**

**Ms. Bent** stated that, as in the previous docket, the Leveraging Education Assistance Partnership Program was repealed by 2013 legislation. The pending rule removes the pertinent language.

**MOTION:** **Senator Ward-Engelking** made a motion to adopt **Docket No. 08-0106-1301**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0109-1301** **Ms. Bent** explained that 2013 was the first year that students participated in the GEAR UP IDAHO Scholarship Program. This is a program that was geared to schools that were identified as having a high need, based on number of students who were eligible for Free Application for Federal Student Aid (FAFSA). The program put into place in programs beginning in middle school which would assist students in becoming prepared to go on to college. It is a component of a federal grant that Idaho received about six years ago, and so the first wave of students are now becoming eligible, and those who participate in these programs are eligible for this scholarship. In beginning to administer this program, certain areas came to light which needed clarification and streamlining. Changes include clarifying the definition of Educational Costs and student application timelines, and removing unnecessary language regarding funds.

**Vice Chairman Mortimer** asked for clarification that financial need is based on on the FAFSA, and asked if that offers flexibility, or if, because it is a GEAR UP program, the FAFSA must be used as the basis for eligibility. **Ms. Bent** replied that FAFSA provides all the information needed to make that determination.

**Senator Patrick** asked if the Board has information about the success rate of the program – is it actually working. **Ms. Bent** replied that the program is administrated by the Department of Education, and that she would provide those numbers to the Committee.

**MOTION:** **Senator Thayn** made a motion to adopt **Docket No. 08-0109-1301**. **Senator Patrick** seconded the motion. In discussion, **Chairman Goedde** questioned the section on the Dependable Strengths Report which has been stricken and asked whether there is still an Idaho Career Information System that assists students in assessing skills and abilities. **Ms. Bent** answered yes, and added that it is housed with the Department of Labor. The motion carried by **voice vote**.

**DOCKET NO. 08-0112-1301** **Ms. Bent** explained that the Idaho Minority and "At Risk" Student Scholarship Program is another of the programs that was eliminated by the 2013 Legislature.

**MOTION:** **Senator Ward-Engelking** made a motion to adopt **Docket No. 08-0112-1301**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0113-1301** **Ms. Bent** stated that the changes to Rules Governing the Opportunity Scholarship Program also result from the 2013 legislation which consolidated several scholarship programs. This proposed change will bring the rule into alignment with amended sections of the Idaho Code. Specific changes remove redundant language in the Idaho Code, clarifies residency for tuition purposes, student eligibility, and academic eligibility and streamlines the renewal application process. Starting on page 25, several definitions have been deleted, except the definition of Grade Point Average (GPA). The section on Objectives has also been deleted. The Eligibility section clarifies what GPA is used (cumulative versus semester) and specifies that home-school students' transcripts must be certified by a parent or guardian of the student. GED students will be matched to Scholastic Aptitude Test scores.

**Senator (Nonini)Nonini** questioned the language in Section 04(b) "if a student has attempted or completed..." and felt that the language was ambiguous because "attempted" could also result in failure. **Ms. Bent** replied that the purpose was language regarding the progress of students. The Board wants students participating in this program to complete in a timely manner, and there is another section that states that for continued eligibility the student must meet the institution's requirement for academic progress. It would be rare for a student to fail one hundred credits and still be meeting academic progress requirements. But if that student did, then the student would have to provide additional information such as a major area of study which will be completed within the next two semesters.

**Ms. Bent** continued that some of the financial eligibility requirements have been streamlined so that it is clearer for students. The old application process language prior to January 1, 2008 has been deleted because it is no longer effective. Further revisions allow for applications both online and through the United States Postal Service, and that award announcements will clearly state that the award is part of the state scholarship program and funded through stated appropriated funds. The next significant changes occur with the Renewal Application section and clarified that community college students were still eligible for this award.

An additional clarification states that eligibility will continue following interruption of continuous enrollment for up to two years. **Senator Mortimer** noted that this section uses both the words "less than two years" and "within two years", and expressed concern for students whose academic progress might be interrupted due to religious or military service for more than two years. **Ms. Bent** replied that a student who has requested an interruption of enrollment may, within the two year period, request an extension, for military service, medical circumstances or "other circumstances approved by the Board." **Ms. Bent** acknowledged that the language was left open on purpose in order to be more inclusive rather an exclusive. **Senator Mortimer** restated his understanding that a scholarship student could have two years or more of interruption in enrollment. **Ms. Bent** replied affirmatively.

**Chairman Goedde** asked about the significance of single versus double underlining. **Ms. Bent** replied that the single underline represented the proposed changes, and the double underline represented additional changes after public comment on the proposed changes.

**MOTION:**

**Senator Thayne** made a motion to adopt **Docket No. 08-0113-1301**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0201-1302**

**Ms. Bent** explained that the General Education Diploma (GED) testing program went through extensive changes beginning in 2011 which take effect January 1, 2014. The testing program is now available online. Previously, the exam was only administered through State entities, the United States military and federal correctional institutions. In Idaho, the Division of Professional-Technical Education manages and administers the program and public schools and institutions were authorized to administer the exam. The new GED Testing service will be allowed to also be administered by private higher learning education institutions. The changes in this rule affect the GED test itself. Language concerning cut scores have been modified and moved from Section 650.01 to Section 650.04. It further clarifies that the Idaho High School Equivalency Certificate will include additional content modules on American Government which were not contained in the old GED test. Students who took the test prior to January 1, 2014 have been grandfathered.



**Vice Chairman Mortimer** referenced the newly added section on Proof of Identity and asked **Ms. Bent** for the background on that decision. **Ms. Bent** replied that since the exam can now be administered by a private entity, the Board wants to ensure that the entity is checking identification. When the exam was administered by a school district, it was easier to check identification and ensure that the person taking the exam was the correct person. Additional forms of identification are listed to accommodate the diverse population of Idaho. **Vice Chairman Mortimer** questions whether two forms of identification was problematic or exclusive. **Senator (Nonini)Nonini** also questioned the phrase "two forms of identification may be provided to meet these criteria" and asked if it could be discriminatory in some way. **Ms. Bent** replied that the word "may" was actually designed to provide more flexibility. For example, if someone did not possess a driver's license, then they could provide two forms of identification to meet the criteria of name, date of birth, signature, address and photograph. **Senator (Nonini)Nonini** further asked that if a person presented one form of identification with all requisite information, then they could not be asked to produce a second form of identification. **Ms. Bent** agreed.

**Vice Chairman Mortimer** noted the age minimum of 18 years and that 16 and 17 year olds can take the GED if certain conditions are met, and asked if someone 15-1/2 years old was prohibited from taking the exam. **Ms. Bent** stated yes, because everyone under the age of 16 is required to attend school.

- MOTION:** **Chairman Goedde** made a motion to adopt **Docket No. 18-0201-1302**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.
- PASSED THE GAVEL:** Vice Chairman Mortimer turned the meeting back over to Chairman Goedde.
- ADJOURNED:** Having no further business, **Chairman Goedde** adjourned the meeting at 4:35 p.m.

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Senator Goedde  
Chairman

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Elaine Leedy  
Secretary