

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, January 16, 2014

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini(Nonini), Thayn, Patrick, and Ward-Engelking

ABSENT/ EXCUSED: Senator Buckner-Webb

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 3:03 p.m., and a silent roll was taken.

MOTION: **Vice Chairman Mortimer** made a motion to adopt the Minutes of January 9, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator (Nonini)Nonini** made a motion to adopt the Minutes of January 7, 2014. Vice Chairman Mortimer seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Goedde passed the gavel to Vice Chairman Mortimer for a continuation of rules review.

DOCKET NO. 08-0203-1307 **Ms. Luci B. Willits**, Chief of Staff, State Department of Education (Department), explained that in accordance with the 2013 legislative concurrent resolution, **Docket No. 08-0203-1307** ensures the continuity of cursive writing instruction in elementary grades. Ms. Willits reported that public comment was mixed. The grades in which cursive writing shall be taught shall be determined by local districts.

MOTION: **Senator (Nonini)Nonini** made a motion to adopt **Docket No. 08-0203-1307**. **Senator Thayn** seconded the motion. **Senator Patrick** voiced a minor objection that he felt this additional requirement places undue burden on teachers and students in light of overall higher educational standards. The motion carried by **voice vote**.

DOCKET NO. 08-0203-1304 (FEE RULE) **Ms. Willits** explained that the 2013 Legislature approved an online course portal that would display courses and allow parents to enroll their students and to communicate with the home school district through the portal. Idaho Code authorizes the Department to review and approve online courses. The revisions to this rule clarifies that reviewers shall be certified Idaho teachers. Course providers are approved for a period of four years, and that the Department shall charge online course providers submission fees based on the number of courses offered, not to exceed actual costs incurred. Anticipated costs are approximately one hundred dollars. **Chairman Goedde** recalled that the Idaho Digital Learning Academy (IDLA) previously also had authority to approve courses, and asked how IDLA fit into this rule. **Mr. Scott Cook**, Content Director, State Department of Education, responded that IDLA is a provider, as are Idaho schools and universities who are accredited by the same body, but they are not listed as the party who performs the review. The Department is listed as the reviewer for courses. **Chairman Goedde** asked if IDLA would be charged for the review. **Mr. Scott** replied no, nor would

Idaho public schools, Idaho universities and colleges which are mandated by code to meet minimum standards, and it is understood that those courses are aligned. The fees charged would apply to outside providers. **Chairman Goedde** requested that the language be clarified next year. **Vice Chairman Mortimer** concurred, and also requested that some "not to exceed" language be added in regard to the fee charged. **Chairman Goedde** recommended that the Committee approve this rule so that the Department can begin reviewing online courses, with the understanding that language as to fees and entities charged will be clarified in rule next year.

MOTION: **Chairman Goedde** made a motion to adopt **Docket No. 08-0203-1304** with the stipulation that clarifying language be forthcoming next year. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 08-0204-1301 **Ms. Tracie L. Bent**, Policy Planning Officer, State Board of Education (Board), explained that during the 2013 legislative session, changes were made to Idaho Code allowing for additional charter school authorizers and the implementation of new accountability standards. The changes reflected in this rule align with the revised code. Numerous provisions have been deleted because they were redundant. Definitions have also been updated to include Authorizer Fee and Institution. Language has been added that specifies the process for petitioners to request authorization, and for notification of the authorizer fee.

Senator Pearce asked for clarification of the petition appeals process in Section 101(c). **Ms. Bent** replied that if a petitioner was denied by an institution and they appealed to the Board, the petition would not go back to the institution, but the petitioner still had the ability to request either the district or the commission to authorize them. If the request is to the district or the commission, they have the same appeals process. The concern was that if a private college denied a charter, the Board would not have the authority to require review. The intent was also to prevent a continuous loop of request/denial/request/denial.

Further revision of language occurs in sections concerning Admission Preferences and Review of Petitions to align with the updated code, and adds language to cure deficiencies in a proposed draft petition. Other language is added to include procedure for reviewing request for performance certificate revision. **Vice Chairman Mortimer** asked clarification on the length of time for which a charter is authorized. **Ms. Bent** replied that the exact time is found in code, but believes it is five years. In other words, an authorizing entity cannot arbitrarily revoke a charter which is meeting its requirements.

A final change to this rule concerns the designation of Local Education Agency (LEA), and allows a school district board to designate a public charter school as an LEA with the concurrence of the public charter school board of directors. Both parties shall sign documentation to that effect.

MOTION: **Senator Thayn** made a motion to adopt **Docket No. 08-0204-1301**. **Senator Pearce** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 08-0301-1301 **Ms. Bent** stated that the changes in **Docket No. 08-0301-1301** aligns the process for implementing new accountability measurement requirements with 2013 legislative changes for the Public Charter School Commission. Changes include deletion of redundant language, and adds language to comply with additions in code. **Senator Patrick** asked if a public comment period is available any time a charter school wishes to open in a community. **Ms. Bent** replied yes, that public hearing provisions are stated in code. **Senator (Nonini)Nonini** asked why the section was removed on Programmatic Operations Audit. **Ms. Bent** replied that the provision was removed in alignment with legislative changes.

MOTION: **Senator Patrick** made a motion to adopt **Docket No. 08-0301-1301**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Vice Chairman Mortimer** stated that the Committee would now review rules which previously had been held.

08-0202-1306 **Chairman Goedde** reminded Vice Chairman Mortimer that the Committee member who had requested the hold did so based on the Common Core State Standards (CCSS) referenced in the incorporated document and had requested the hold until after the upcoming joint committee hearing on January 22, 2014. **Vice Chairman Mortimer** agreed.

On a separate matter, **Senator Pearce** questioned Ms. Willits on the status of the No Child Left Behind waiver with the federal government. She replied that a waiver has been in place and that a committee has been reviewing it for possible alterations. The original waiver is on the Department's website.

08-0202-1308 **Ms. Willits** reminded the Committee that the Idaho Core Standards (ICS) (Idaho's version of CCSS) also have endorsement standards for teacher and administrator preparation. **Ms. Willits** further reminded the Committee that the revision to the endorsement standards align with ICS and are embedded in pre-service education. **Vice Chairman Mortimer** reviewed for the Committee the two issues which had been voiced: (1) the requirement for forty-five upper division semester credit hours for English Language Arts (ELA), (2) adding one credit hour in the Literacy section from twenty to twenty-one.

MOTION: **Senator Ward-Engelking** made a motion to approve **Docket No. 08-0202-1308**, but reject **Section 023.03 English (6-12)** found on page 95. **Senator Thayn** seconded the motion.

Senator Ward-Engelking commented that the proposed increase of preparation hours to forty-five credit hours significantly impacts rural districts. Many newly-hired rural teachers are expected to teach in more than one content area. Educators are expected to take additional credits, usually six credits every five years, in their content area. So while an English teacher may only have thirty credits, he/she will certainly gain additional credits over time. **Senator Ward-Engelking** also personally knows English teachers who have burned out with the added burdens placed on that content area, and who have needed to change content areas. **Senator Ward-Engelking** feels that districts need flexibility in their pre-service requirements. **Chairman Goedde** agreed that combined endorsements are important, and that sixty-five hours required for an endorsement containing English is over-burdensome.

The motion to adopt **Docket No. 08-02020-1308, excluding Section 023.03 English (6-12)** carried by **voice vote**.

08-0203-1306 **Ms. Willits** reviewed the rule which sets forth changes in graduation requirements. **Vice Chairman Mortimer** asked Ms. Willits to detail for the Committee any objections the Department has received from districts. **Ms. Willits** replied that, in general, districts do not object if they already are meeting the requirements of the rule change. Where districts are not already meeting the requirements, objections surface. Objections were raised concerning the minimum minutes of physical education required in elementary and middle school, and also concerning the flexible credit allowance for after school sports. **Ms. Willits** clarified that high school participation in physical education has not been required by the Department, although some districts do require it. The Department has attempted in the past to require high school physical education as a graduation requirement, but that proposal has never been accepted by the legislature. **Senator Pearce** stated that the flexibility for sports credit seems to engender objection from districts because now districts have the option to grant credit, whereas this rule would now require that they do so if parents requested it. **Ms. Willits** agreed that the Department desired to make this option uniform among districts. **Ms. Willits** also agreed that this section required that students desiring this sports credit would need to be

supervised by an accredited teacher. **Vice Chairman Mortimer** continued to question that if this option was a "may" option, what would happen if a district did not have a accredited teacher to supervise the credit. **Ms. Willits** responded that in order to teach physical education, an accredited teacher is required. **Vice Chairman Mortimer** countered, stating that districts are not required to teach physical education. **Ms. Willits** further explained that physical education can now be taken online through a certified physical education teacher by reporting the activity, even though that certified teacher never sees the student. **Ms. Willits** stated that she was unaware of any district in the state that did not offer physical education, and she will check with the Department. **Ms. Willits** conceded that if a district does not offer physical education, then a student cannot force the district to hire a certified physical education instructor to meet this option. She agreed that perhaps further clarifying language could be useful. **Senator Pearce** stated that he favors local control on this issue. **Ms. Willits** replied that the entire physical education package was designed to provide uniformity among the districts. **Senator Ward-Engelking** asked if some districts needed to eliminate elementary physical education teachers during the economic cutbacks which occurred in recent years, and worried about the fiscal impact to school districts by requiring minimum minutes in elementary and middle school. **Ms. Willits** replied that she would check on whether any districts did not have a certified physical education teacher at the elementary and middle school levels. As further questions continued, **Ms. Willits** stated that she would like to obtain an attorney general's opinion.

Senator Thayne questioned the six credits requirement for high school mathematics. **Ms. Willits** explained that the changes simply align to the new standards.

Senator Fulcher asked Mr. Ott, Idaho Rural Schools Association for the opinion of his stakeholders regarding the sports credit flexibility provision. **Mr. Ott** replied that the rural schools' concern centers on the elementary and middle school minute requirement due to the increased expectations for reading and mathematics. The rural schools would like as much flexibility as they have now. **Mr. Ott** suggested that the sports credit could be worked through the Idaho Digital Learning Academy (IDLA) for certified teachers, or through a neighboring school district. Rural school districts have consortia now, and **Mr. Ott** did not believe the sports credit would be a difficult item to work through. **Senator Thayne** asked about the CPR section from the rural school perspective. **Mr. Ott** did not have input from the rural schools, but stated his opinion that CPR is important.

Chairman Goedde read into the record a letter from the Region 1 Superintendents in opposition to the increased physical education requirements in all grades. In their opinion, this proposed change would take time and resources away from successful transition to the Idaho Core Standards and Smarter Balance Assessments. The letter is attached.

Vice Chairman Mortimer agreed to offer brief public testimony. **Stacy Beeson**, Dietitian at the St. Luke's pediatric obesity team testified in support of the increased minimum minutes for elementary and middle school students. **Lori Gash**, Joint Unified School District No.2 (Meridian), stated the continued concern over the "may" provision of the sports credit as well as certified physical education teacher status. She looks forward to further clarification, because many high school sports coaches are not certified. **Ms. Gash** also questioned the precedent that may be set in other academic areas by substituting a non-participating certified teacher for another non-certified teacher is allowed. **Adrean Cavener**, American Heart Association, stated that over 250 public comments have been submitted to the State Board of Education, and only a handful were against the proposal for increased minutes participation in elementary and middle school physical education. Since the national standard is 150 minutes for elementary school, **Ms. Cavener** believes the sixty minute requirement is reasonable. Further, because

the proposed rule does not go into effect until 2015, schools would have adequate time to prepare the time and budgets.

**PASSED THE
GAVEL:**

Seeing no further comments from the audience, Vice Chairman Mortimer returned the meeting to Chairman Goedde.

ADJOURNED:

Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:26.

Senator Goedde
Chair

Elaine Leedy
Secretary