

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Monday, January 20, 2014

**TIME:** 9:00 A.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman DeMordaunt, Vice Chairman Nielsen, Representatives Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc, Rubel

**ABSENT/  
EXCUSED:** None

**GUESTS:** Robin Nettinga and Matt Compton, IEA; Jen Swindell, Idaho Ed News; Ron Curtis, IMEA; John Foster, Kestrel West; Jack Foster; Tracie Bent, Amy Nelms, and Marilyn Whitney, State Board of Education; Brody Aston, Lobby West; Julie Hart, Westerberg and Associates; Brett Wilder, Food Producers

**Chairman DeMordaunt** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Kloc** made a motion to approve the Harris Subcommittee minutes of January 9, 2014. **Motion carried by voice vote.**

**MOTION:** **Rep. Harris** made a motion to approve the Harris Subcommittee minutes of January 10, 2014. **Motion carried by voice vote.**

**MOTION:** **Rep. Kloc** made a motion to approve the minutes of January 15, 2014. **Motion carried by voice vote.**

**RS 22477C1:** **Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education presented **RS 22477C1**, which represents a change in statute dealing with the cooperative school facilities funding program. She explained the purposed amendments would allow the panel to more efficiently manage approved projects. She said proposed changes would grant the panel authority to alter the scope of work on a project that has already been started including the termination of the project based on recommendations from the appointed district supervisor.

In response to questions from the committee regarding an incident that prompted the legislation, **Ms. Whitney** said the mechanism has been used only twice, once in the Plummer-Worley School District and currently in the Salmon School District. She said the roofs of the schools in Salmon posed an imminent safety threat. The district was unsuccessful in passing two supplemental levies and the state was asked to step in and come up with a plan. In the process of the implementation of the plan, the district came forth with a proposal that would save the taxpayers money. The state did not feel they had a clear path in the statute to go forward. She stated the proposed amendment was the result of the Salmon incident and brings clarification to the panel members: the executive director of the State Board of Education, the administrator of the Division of Building Safety and the director of the Department of Public Work. Ms. Whitney said the amendment gives authority to the panel to modify the scope of the project or even cancel a project that has already begun, if a more preferable solution surfaces.

In response to a further question, **Ms. Whitney** said the local taxpayers do have to reimburse the state for the repairs in the amount of actual money spent.

**MOTION:** **Rep. Nielsen** made a motion to introduce **RS 22477C1**. **Motion carried by voice vote.**

**Chairman DeMordaunt** stated his preference to hear each administrative rule from the subcommittees separately so members of the committee could reexamine each rule as a whole.

**Rep. Shepherd** presented each of the pending rules from the State Board of Education stating their recommended approval by the subcommittee.

**MOTION:** **Rep. Clow** made a motion to approve **Docket No. 08-0105-1301. Motion carried by voice vote.**

**MOTION:** **Rep. Boyle** made a motion to approve **Docket No. 08-0106-1301. Motion carried by voice vote.**

**MOTION:** **Rep. Kloc** made a motion to approve **Docket No. 08-0109-1301. Motion carried by voice vote.**

**MOTION:** **Rep. Clow** made a motion to approve **Docket No. 08-0112-1301. Motion carried by voice vote.**

**Tracie Bent**, Chief Planning and Policy Officer, State Board of Education, was called upon to answer questions from the committee regarding **Docket No. 08-1113-1301**. She said the application for the Idaho Opportunity Scholarship did not include a drug-free requirement. She indicated the qualifications for university entrance serve as an academic standard for alternatively educated students. Those requirements include acceptable scores on the ACT and SAT national exams.

**MOTION:** **Rep. Mendive** made a motion to approve **Docket No. 08-1113-1301. Motion carried by voice vote.**

**MOTION:** **Rep. Wills** made a motion to approve **Docket No. 08-0201-1302. Motion carried by voice vote.**

**MOTION:** **Rep. Boyle** made a motion to approve **Docket No. 08-0203-1301. Motion carried by voice vote.**

**Rep. Boyle** said she had a question as to the negotiated rule making. She was not sure that the process had been followed correctly for **Docket No. 08-0204-1301**. She was concerned charter schools had not had sufficient input. **Rep. Nielsen** said if the rule was not approved, the action would be detrimental to the charter schools. **Tracie Bent**, Chief Planning and Policy Officer, State Board of Education, was called upon to answer a question regarding the technical correction requested by the subcommittee. She said the administrative rules representative had approved the insertion of the word "and" to clarify the language.

**MOTION:** **Rep. Clow** made a motion to approve **Docket No. 08-0204-1301. Motion carried by voice vote.**

**MOTION:** **Rep. Wills** made a motion to approve **Docket No. 08-0301-1303. Motion carried by voice vote.**

**Rep. Harris** presented each of the Pending Rules from the State Department of Education stating their recommended approval by the subcommittee, with the exception of **Docket No. 08-0203-1306, Section 104.02.a** and **Section 104.02.c**. He stated the subcommittee also recommended reject of **Docket No. 08-0202-1308, Section 023.03**.

**MOTION:** **Rep. Bateman** made a motion to approve **Docket No. 08-0201-1301. Motion carried by voice vote.**

**MOTION:** **Rep. Kloc** made a motion to approve **Docket No. 08-0202-1301. Motion carried by voice vote.**

**MOTION:** **Rep. VanOrden** made a motion to approve **Docket No. 08-0202-1302. Motion carried by voice vote.**

**MOTION:** Rep. Horman made a motion to approve **Docket No. 08-0202-1303. Motion carried by voice vote.**

**MOTION:** Rep. Gestrin made a motion to approve **Docket No. 08-0202-1304. Motion carried by voice vote.**

**MOTION:** Rep. Bateman made a motion to approve **Docket No. 08-0202-1305. Motion carried by voice vote.**

**DOCKET NO. 08-0203-1306:** Rep. Harris explained the rule recommended that the minutes of physical education required during a week be set at 60 minutes in elementary school. However, effective Fall 2015 an average of two hundred minutes of physical education would be required on a bi-weekly basis for middle school students increasing to two hundred fifty minutes on a bi-weekly basis by the Fall of 2018. He said from testimony given during the subcommittee hearing, the mandate would cause a burden on school districts. Therefore, the subcommittee voted to recommend rejection of **Section 104.02.a** and **Section 104.02.c. of Docket No. 08-0203-1306,**

**MOTION:** Rep. Kloc made a motion to approve **Docket No. 08-0203-1306.** with the exception of **Section 104.02.a** and **Section 104.02.c. Motion carried by voice vote.**

**MOTION:** Rep. VanOrden made a motion to approve **Docket No. 08-0202-1307. Motion carried by voice vote.**

**MOTION:** Rep. Wills made a motion to approve **Docket No. 08-0203-1303. Motion carried by voice vote.**

Rep. Harris explained the rational behind the rejection of **Docket No. 08-0202-1308, Section 023.03.** He said the endorsement review for teacher certification is on a 5-year cycle. This year the English credential was being reviewed. The rule recommendation moved from 20 hours required to requiring 45 hours for English teacher certification. Testimony from superintendents suggested a hardship on those teachers already employed, as well as for the district. Rep. Harris said the suggestion from the subcommittee was to move it up gradually over a longer period of time.

**MOTION:** Rep. Horman made a motion to approve **Docket No. 08-0202-1308** with the exception of **Section 023.03.**

**MOTION:** Rep. Gestrin made a motion to add to the rejection: **Section 105.01.i,** from **Docket No. 08-0202-1308,** stating the lack of control over alternative course credits.

A question was raised regarding whether or not a subcommittee member who recommended acceptance of a rule during the subcommittee hearing could later recommend rejection of the same rule at the full committee hearing. After a brief discussion, it was determined that members' votes should remain consistent and therefore a subcommittee member should not reverse his or her vote without first notifying the committee chairman.

**MOTION WITHDRAWN:** Rep Gestrin withdrew the substitute to reject **Section 105.01.i of Docket No. 08-0202-1308.**

**MOTION:** Rep. Rubel made a motion to reject **Section 105.01.i. of Docket No. 08-0202-1308.**

Rep. Rubel said that physical education credits should not be given by a nonaccredited sports team coach. Rep. VanOrden spoke against the motion, saying the ability of the district to decide at a local level took precedent.

**SUBSTITUTE MOTION:** Rep. Clow made a substitute motion to approve **Section 105.01.i. of Docket No. 08-0203-1308**

**Rep. Clow** said that the public wants students to be involved in physical exertion and the local school districts should be able to choose the activities that qualify for physical education (P.E.) credits. **Rep. Horman** supported the substitute motion stating the action moves Idaho in the direction of mastery, one of the recommendations from the Governor's Task Force on Education. She said it embraces learning outside the class room, therefore, moving students toward competency. **Rep. Rubel** spoke against the substitute motion saying that since P.E. is a core part of the curriculum, the rule is taking it out of supervision and control of educational professionals.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman DeMordaunt** called for a vote on the substitute motion. **Motion carried by voice vote.**

**MOTION:**

**Rep. Horman** made a motion to approve **Docket No. 08-0204-1301. Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:10 a.m.

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Representative DeMordaunt  
Chair

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Jean Vance  
Secretary