

MINUTES  
**HOUSE EDUCATION COMMITTEE**  
**KERBY SUBCOMMITTEE**  
Kerby

**DATE:** Tuesday, January 16, 2018  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Kerby, Representatives Shepherd, DeMordaunt, Moon, McCrostie  
**ABSENT/  
EXCUSED:** None  
**GUESTS:**

Helen Price, Alexandra McCann, Derek Newland, Lisa Colon Durham, Charlie Sylva, Kathryn Vincent, Tim Hill, State Department of Education; Kari Overall, Sue Wigdorski, Matt Compton, Idaho Education Association; Quinn Perry, Idaho School Boards Association; Dennis Stevenson, Department of Administration; Tracie Bent, Mike Keckler, State Board of Education; Rob Winslow, Harold Ott, Idaho Association of School Administrators

**Chairman Kerby** called the meeting to order at 9:00 a.m. He explained this subcommittee would be reviewing the State Department of Education Administrative Rules, and the other two subcommittees would be reviewing the State Board of Education Administrative Rules.

**DOCKET NO.  
08-0202-1701:** **Duncan Robb**, Chief Policy Advisor, State Department of Education, spoke to **Docket No. 08-0202-1701**. He said the changes provide clear guidance to education colleagues, and ensure state and local requirements are met. The Professional Standards Commission (PSC) annually reviews twenty percent of the Idaho Standards for initial certification of professional school personnel. These are the standards the educator preparation programs are responsible for in preparing our educators. Certificates and endorsements are also reviewed by committees of content experts, and recommended by the PSC. The PSC is proposing changes to IDAPA along with corresponding changes to the PSC's document incorporated by reference, the *Idaho Standards for Initial Certification of Professional School Personnel*. The Department is also proposing rule language regarding background information checks to comply with recent changes to Section 33-130, Idaho Code.

**Lisa Colon Durham**, Department of Education, spoke to the rule docket. She explained that certifications and endorsements are reviewed by the Professional Standards Commission. The rule language change will allow the Department to share the results of their background checks with educators, to be in compliance with 33-130, Idaho Code.

**Ms. Durham** said three new endorsements are being added: School Counselor Basic, Occupational Therapist, and Physical Therapist. Currently, there is no option for these positions to hold education credentials, which means they are considered classified staff, not certified. The education certificates will not supersede any licenses by the Bureau of Occupational Licenses. Language is also being added which states the certification is optional and left to the discretion of the local school district. In the future, the Department would like to revisit the idea of these positions being able to use license renewal credits for certification renewal, also.

In response to questions from the committee, **Ms. Durham** explained the history of these positions being considered classified positions. In FY17, the Department was made aware that coding them as certified staff was in violation of Idaho Code. She referred to **Tim Hill**, Associate Deputy Superintendent, State Department of Education, to answer questions about reimbursement. Mr. Hill said until FY17, occupational therapists and physical therapists were categorized as certificated staff for funding purposes. In FY18, the occupational and physical therapists, by definition of I.C.33-1201, were no longer categorized as certificated staff, and were funded as classified staff. Districts reported occupational and physical therapists as certificated staff, under the guidance provided by the State Department of Education for twenty years. The change in administrative rules will help the schools be reimbursed for them as certificated staff from the state. Ms. Durham said the first thing the Department must do is create a process which allows them to be considered certificated staff. Next, the Department will need to figure out how to map them on the career ladder. An amendment to law will be needed to place these positions on the career ladder, which takes into account the years they were not considered certificated employees by law. The State will need language to honor those years of experience gained before the certification process was created. In response to questions from the committee, Mr. Hill said, for the purposes of statute, it's necessary for these positions to be certified by the State Department of Education. Being certified by the Bureau of Occupational Licenses is not considered the same thing. An emergency clause could recover the funding for this school year, he added.

In response to questions from the committee, **Ms. Durham** said the people in these positions must take twenty credits every two years to renew their occupational licenses. The Department would like to consider also using those professional development credits for their education certificate renewal. For future rule making, the Department will be considering the best situation for use of the continuing education units.

**Chairman Kerby** commented that occupational therapists often don't have the same opportunities to access professional development options as educators, and the Department should take this difficulty into consideration.

**Ms. Durham** said changes to the endorsement language for an administration certificate will help remove barriers for those with expired certificates. The new language also aligns more to the career ladder, she added. Endorsement language revisions and technical corrections are also made in this docket, said Ms. Durham. The section dealing with background checks permits the results to be shared within six months, she added. These changes meet Idaho Code and create a more clear process. In response to questions from the committee, Ms. Durham said school volunteers do not need to have background checks, unless they will be unsupervised with students. Most districts will ensure a faculty member is supervising the activity, she added.

In response to questions from the committee, **Ms. Durham** said the language in the administrative rule about keeping class donations for oneself is related to the practice of teachers soliciting items for the class or school district. Some organizations are concerned about the legality of the districts doing this, and they wanted more clear language specifying the donations belong to the school district. The organizations were concerned it could be a possible violation of the code of ethics. Some grants specify whether or not the grant is for the use of the educator or not, she added.

**DOCKET NO.  
08-0202-1702:**

**Duncan Robb**, Chief Policy Advisor, State Department of Education, spoke to **Docket No. 08-0202-1702**. He said the purpose of the docket is to provide school transportation with documents which insure they meet federal and state safety requirements, and specify for what the districts can be reimbursed. The docket addresses: bus construction, the process for retiring buses, and how districts may use school transportation. For example, the standards for construction have changed from chassis construction to full-piece construction. This change is made to meet current standards, and has been in practice since 2015. How a vehicle is withdrawn from service has been aligned with the existing expectations, from the National Standard Services Criteria.

In response to questions from the committee, **Derek Newland**, Student Transportation Department, said there are no mileage rules, currently, for how far away school transportation must take students, making accommodations for special needs students and for field trips. Idaho Code stipulates students must be a minimum of a mile and a half away from the school to qualify for transportation, but exceptions are made for special conditions.

**Mr. Robb** said one change in the new language addresses which vehicles fall into the transportation program. They must meet federal and state safety criteria, and regular inspections must be carried out. The state will make reimbursements for only the vehicles which meet the safety criteria. Another change in the language is which activities will be reimbursed from the state. Districts can now request reimbursement for reward field trips and trips related to college and career readiness activities, as well as for mileage related to maintenance. In response to questions from the committee, Mr. Robb said the changes address the non-renewable mileage issues the committee addressed during the last legislative session.

**DOCKET NO.  
08-0203-1702:**

**Karlynn Laraway**, Director of Assessment and Accountability, addressed **Docket No. 08-0203-1702**. She explained this docket addresses the college exam requirement for high school graduation. It allows the students who took the Compass Exam, before it was discontinued, to use it for their graduation requirements. It also specifies students with disabilities may use the Accuplace Exam for high school graduation requirements. The state pays for all students in eleventh grade to take a college entrance exam. This docket allows for the state to pay for exams taken by seniors who transferred from out of state or from home schooling, as well, she added. The docket clarifies when students may be exempt from a college entrance exam for high school graduation, and provides for an appeal to the superintendent of the school district, for unique circumstances. For example, said Ms. Laraway, the Department was made aware of a situation in which a student, who had already been accepted to college, discovered the college entrance exam had not been taken. There were a limited number of dates, at that time, for the student to take the test. Without the college entrance exam requirement, the student would not have received a diploma, which would have prevented the student from attending college.

In response to questions from the committee, **Ms. Laraway** said the college entrance exam required is a state requirement for graduation from high school, regardless of students' career plans. **Rep. DeMordaunt** said she was concerned about undoing state policy through a rule. Ms. Laraway said the Department originally intended for the requirement to provide an opportunity for students to recognize they can go on to college, that they are capable of going to college. The appeals process was designed for rare, unique situations, not those students who just do not want to take the test. Ms. Laraway said the Department has only heard about twenty-two situations involving appeals to the graduation requirement.

- DOCKET NO. 08-0203-1703:** **Duncan Robb**, State Department of Education, explained that this docket rule replaces previous language with core content connectors, which identify priorities for the instruction of students identified as having significant cognitive disabilities, approximately 1% of students.
- DOCKET NO. 08-0203-1704:** **Dr. Charlie Silva**, Director of Special Education, Department of Education, spoke to **Docket No. 08-0203-1704**. She explained this docket changes language in the Special Education Manual to be in compliance with federal requirements, primarily the ADA.
- DOCKET NO. 08-0203-1708:** **Duncan Robb** spoke to **Docket No. 08-0203-1708**. In response to questions from the committee, Mr. Robb said the date of 2008 will be removed this year or next. He added that these standards are not content standards. They are standards for learning the English Language.
- DOCKET NO. 08-0203-1711:** **Duncan Robb** spoke to **Docket No. 08-0203-1711**. He explained this rule docket provides that students with significant cognitive disabilities can participate in assessments, which is necessary for compliance with the IDEA.
- Chairman Kerby** remarked that he would like more time to speak to constituents. **Rep. Moon** and **Rep. DeMordaunt** agreed they would like more time to speak to constituents before marking a recommendation to the committee.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:02 a.m.

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Representative Kerby  
Chair

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Jenifer Cavaness-Williams  
Secretary