

MINUTES
HOUSE EDUCATION COMMITTEE
KERBY SUBCOMMITTEE
Kerby

DATE: Friday, January 26, 2018
TIME: Upon Adjournment of the Full Committee
PLACE: Room EW41
MEMBERS: Chairman Kerby, Representatives Shepherd, DeMordaunt, Moon, McCrostie
**ABSENT/
EXCUSED:** DeMordaunt
GUESTS: None

Chairman Kerby called the meeting to order at 9:36 a.m.

DOCKET NO. 08-0202-1702: **Duncan Robb**, State Department of Education, spoke to this rule docket, which adds detail about new reimbursements to school districts for miles driven for maintenance and field trips.

MOTION: **Rep. McCrostie** made a motion to recommend that the full committee approve **Docket No. 08-0202-1702. Motion carried by voice vote.**

DOCKET NO. 08-0203-1702: **Mr. Robb** spoke to this rule docket, which allows the state to pay for college entrance exams, when a student has entered a high school in eleventh grade. It also allows students who took the Compass Exam, which was discontinued, to use that exam for graduation requirements. In response to questions from the committee, **Karlynn Laraway**, Director of Assessment and Accountability, said the amount of students who would be impacted by this administrative rule is approximately five cases per year. The Department does not anticipate a significant increase in this number, she added.

MOTION: **Rep. Shepherd** made a motion to recommend that the full committee approve **Docket No. 08-0203-1702. Motion carried by voice vote.**

DOCKET NO. 08-0203-1703: **Duncan Robb** spoke to this rule docket. He explained how it replaces outdated content standards which apply to students with significant cognitive disabilities.

MOTION: **Rep. Moon** made a motion to recommend that the full committee approve **Docket No. 08-0203-1703. Motion carried by voice vote.**

DOCKET NO. 08-0203-1704: **Mr. Robb** spoke to this rule docket. He explained the rule docket makes minor corrections, mostly related to the definitions of deaf and hard-of-hearing. In response to questions from the committee, **Dr. Charlie Silva**, Special Education Director, said the changes were recommended by a committee of twenty professionals around the state. The fluctuating hearing loss does not apply specifically to recurrent ear infections, she said. It is referring to other hearing conditions where hearing ability may fluctuate, and those would qualify for a 504, whereas a student with recurrent ear infections would be placed on an IEP, said Dr. Silva. Dr. Silva said a team of experts would work with parents to evaluate which plan would be best for the student, and the Department will provide a guide to explain the changes for all school personnel.

MOTION: **Rep. McCrostie** made a motion to recommend that the full committee approve **Docket No. 08-0203-1704. Motion carried by voice vote.**

DOCKET NO. 08-0203-1708: **Duncan Robb** spoke to this rule docket. He explained it creates achievement standards for English Language Learners.

MOTION: **Rep. McCrostie** made a motion to recommend that the full committee approve **Docket No. 08-0203-1708. Motion carried by voice vote.**

DOCKET NO. 08-0203-1711: **Mr. Robb** spoke to this rule docket. He explained it concerns alternative assessment achievement standards for students with significant cognitive disabilities.

MOTION: **Rep. Moon** made a motion to recommend that the full committee approve **Docket No. 08-0203-1711. Motion carried by voice vote.**

DOCKET NO. 08-0202-1701: **Chairman Kerby** said the Department assured the subcommittee at the last meeting that the occupational therapists and physical therapists are in favor of this rule docket, because it allows them to be considered certified staff. The question asked was if districts would be reimbursed for physical therapists and occupational therapists as certified staff without statutory approval. **Mr. Robb** said it had been discovered that these staff members had been reimbursed as certified staff, but Idaho Statute did not authorize this classification. In addition to the pending rule, the Department ran a temporary rule, so these staff members could be paid. However, that rule was not approved by the Division of Financial Management. **Mr. Robb** said the Department has prepared draft legislation which will put language into code to place these individuals on the career ladder according to the number of years employed by the school district. It is not fair, he added, that these individuals who have been with a school for years are not reimbursed for those years of service, because they are not considered certified staff. In addition, said **Mr. Robb**, the Department would be meeting with stakeholders this next legislative interim. The Department will work on an administrative rule which allows occupational therapists and physical therapists working in schools to use the credits taken for occupational license renewal for education license renewal, as well.

MOTION: **Rep. Moon** made a motion to recommend that the full committee reject **Docket No. 08-0202-1701.**

SUBSTITUTE MOTION: **Rep. McCrostie** made a substitute motion to recommend that the full committee approve **Docket No. 08-0202-1701.**

In response to questions from the committee, **Mr. Robb** said the school districts told the Department they approved of the rule docket. The districts can use it if they would benefit from it, but they are not required to hire physical therapists or occupational therapists. In response to questions from the committee, **Rob Winslow**, Idaho Association of School Administrators, said the school superintendents would like to be able to receive funding for the salaries of physical therapists and occupational therapists, and they would like this clarification for those individuals to be able to be certified staff. **Chairman Kerby** said these individuals had been paid as certified staff from 1994 to 2015, before it was discovered there is no statutory authority to do so. This rule docket is needed, so these individuals can be certified, and school districts can receive money for these positions as certified from the state.

VOTE ON SUBSTITUTE MOTION: **Substitute Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:05 a.m.

Representative Kerby
Chair

Jenifer Cavaness-Williams
Secretary