

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, January 28, 2019

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Mortimer, Vice Chairman Thayn, Senators Winder, Den Hartog, Crabtree, Woodward, Lent, Buckner-Webb, and Ward-Engelking

ABSENT/ EXCUSED: None

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 Mortimer** called the Education Committee (Committee) to order at 3:02 p.m. He opened with a reading from the book, *A Heap O 'Living Along Life's Highway*, by Eager A. Guest, "How Do You Tackle Your Work."

PRESENTATION: **Brian C. Armes**, Manager, Idaho Office of School Safety and Security (Office), presented the annual report. He said the Office was developed in 2016 with the intent of the statute language being developed into actionable programs and processes. He reminded the Committee the Office is to be in all schools by the end of its third year of operation. **Mr. Armes** explained how the Office accesses the campuses to find any safety vulnerabilities and provides training in a variety of areas to help improve school safety measures.

Mr. Armes said the Office has received resource grants and donated equipment to support the safety initiatives. He reported how the Office is working to acquire radio systems for school facilities and developing the radio response program. He explained to the Committee the site and safety statistics the Office has compiled and the safety comparison between rural and suburban schools (Attachment 1 and 2).

In response to questions from the Committee, **Mr. Armes** explained The costliness of having School Resource Officers (SRO) on school campuses is often unwarranted. It would serve schools better to have more effectively trained SROs, and having the best trained people costs money. **Mr. Armes** said the school culture often determines where the safety emphasis is warranted. He emphasized the need to make overall safety the priority for all schools.

RECORDING LINK: To hear the presentation from the Office of School Safety and Security, go to: <https://legislature.idaho.gov/sessioninfo/2019/standingcommittees/SEDU/>.

PASSED THE GAVEL: Chairman Mortimer passed the gavel to Vice Chairman Thayn.

DOCKET NO. 08-0501-1801 **Vice Chairman Thayn** said **Docket No. 08-0501-1801**, Rules Governing Seed and Plant Certification, was sent to the Senate Agricultural Committee to review. The recommendation from that committee was to accept the docket as written (Attachment 3).

MOTION: **Chairman Mortimer** moved to accept **Docket No. 08-0501-1801**. **Senator Ward-Engelking** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
47-0102-1801**

Shannon Purvis, Extended Employment Services Program Manager, Idaho Division of Vocational Rehabilitation (Voc Rehab), presented **Docket No. 47-0102-1807**, Rules and Minimum Standards Governing Extended Employment Services (EES). **Ms. Purvis** said the proposed changes are to make technical corrections, define terms, and update the application and eligibility process for the Employment Services program. She stated there is no impact to the budget as reviewed by the Legislative Services Office (LSO).

Ms. Purvis detailed the definition changes and how they were relocated to other areas in the rules. She said redundant language was removed and language was added to help in the clarification of the application process. She said the definition expanded because of public comment and input. **Ms. Purvis** said the proposals take out the provider agreement provisions and update the fiscal year to be consistent with the State's fiscal year. She specified the changes were made to provide better clarification of standards and services, and consistency in the language.

Ms. Purvis addressed the eligibility process for the work services program. She explained how the program functions and the expansion request for the program. She said the changes provide a mechanism outside of the current process for the individual who is interested in non-competitive nonintegrated employment and detailed the process.

DISCUSSION:

Senator Den Hartog asked if she would explain a nonintegrated employment service. **Ms. Purvis** said an example would be a sheltered workshop environment in which the individuals go to the employer/provider and receive a more robust support due to their disability.

Chairman Mortimer asked if those in need of long-term support, who are being referred by Voc Rehab counselors to the EES program, are they also being referred to Voc Rehab by the provider. **Ms. Purvis** replied in the affirmative. She said there are no restrictions for referrals. She stated the distinction is services for the EES program which are based on service level of need.

Chairman Mortimer asked if a provider can recommend EES and not Voc Rehab Services. **Ms. Purvis** replied in the affirmative and explained the referral process.

Chairman Mortimer asked if Ms. Purvis could better explain the proposed referral services in the docket. **Ms. Purvis** replied the proposed language in the docket clarifies that if the individual is eligible for Medicaid waiver services then that is the funding source for their services. She said this provision was added to ensure funding was available for individuals who do not have access to any other resources for long term supports. It is important to note that currently, Medicaid does not provide funding for non-competitive, nonintegrated services in the workforce. She stated for those individuals who are eligible for Medicaid waiver are not eligible for the EES services.

Senator Den Hartog asked if service providers participated in the negotiated rule making, and if they did, how many participated. **Ms. Purvis** replied in the affirmative and reported 8 of the 24 service agencies responded.

TESTIMONY: **Glen Roach**, Access Behavioral Health Services, spoke against section 500.03.c addition to the docket. He explained to the Committee how the EES started. It was originally housed in the Department of Health and Welfare (DHW). He said the proposed rule will greatly limit the access of services which are designed to prepare individuals who want to work and maintain that employment. Specifically, he said, the area of concern is the part of this section which addresses eligibility. He asked if section 500.03.c could be stricken from the rule.

DISCUSSION: **Chairman Mortimer** asked if section 500.03.c limits access for his organization. **Mr. Roach** replied in the affirmative. He said there are services offered through the EES program that would not be provided under the Medicaid provisions. He said his understanding of the proposed rule is that when an individual is eligible for the Medicaid waiver funding, they would not be able to access EES funding; that is where there are limitations.

Chairman Mortimer asked Ms. Purvis if she would address the limitation concerns as voiced by Mr. Roach. **Ms. Purvis** replied those individuals who have access to the Medicaid funds should apply there first. She explained the severity of their disabilities preempts them from some services because Medicaid does not allow for long term job coaching.

Chairman Mortimer asked if striking section 500.03.c would create problems in flexibility for Voc Rehab. **Ms. Purvis** replied it could create a duplication of services and take away service dollars from individuals who do not have another option for long term support.

Vice Chairman Thayn asked for clarification of services. **Ms. Purvis** explained the non-competitive non-integrated services which are not funded by Medicaid. She explained the services offered to individuals by EES.

Senator Woodward said he has received feedback from his constituents stating that this rule makes their business models unfeasible. **Ms. Purvis** said they worked on the rule during the past year and they met with Medicaid and service providers to understand the reimbursement rates. She explained this rule was put in place to better serve the individuals in need. She stated the EES reimbursement rate is higher than Medicaid's reimbursement rate.

Hannah Liedkie, Medicaid Service Provider, Northern Idaho, said from her experience neither Voc Rehab nor DHW are aware of each other's services. She spoke in favor of striking section 500.03.c and explained her position.

Chairman Mortimer asked if additional rules are needed to make the work of DHW and Voc Rehab for disabled individuals more expeditious and amiable. **Ms. Liedkie** replied the federal and state requirements are constantly changing, making their work perpetual. She stated they work to best serve Idahoans with disabilities.

Senator Winder asked if Ms. Liedkie participated in the negotiated rulemaking. **Ms. Liedkie** replied in the affirmative. She stated she submitted written comments.

Senator Winder asked if Ms. Liedkie thought the removal section 500.03.c would lead to duplication of services. **Ms. Liedkie** replied in the negative. She stated it is her understanding that an individual cannot get the same services from two different agencies.

MOTION: **Chairman Mortimer** moved to accept **Docket No. 47-0102-1801** excluding section **500.03.c**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Thayn passed the gavel to Chairman Mortimer.

ADJOURNED: There being no further business at this time, **Chairman Mortimer** adjourned the meeting at 4:27 p.m.

Senator Dean M. Mortimer
Chair

LeAnn Mohr
Secretary