

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Wednesday, January 08, 2020  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Clow, Vice Chairman Kerby, Representatives Shepherd, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Goesling, Marshall, Raymond, Wisniewski, McCrostie, Abernathy, Berch

**ABSENT/  
EXCUSED:** None

**GUESTS:** Debbie Critchfield, SBOE; Brad Hunt, Office of Administrative Rules Coordinator; Clark Corbin, Idaho Ed News; Karen Echeverria, ISBA; Harold Ott, Rural Schools; Marilyn Whitney

**Chairman Clow** called the meeting to order at 9:01 am.

**Chairman Clow** turned the gavel over to **Vice Chairman Kerby**.

**DOCKET NO. 08-0000-1900F:** **Tracie Bent**, Chief Planning and Policy Officer, State Board of Education, presented **Docket No. 08-0000-1900F**, an omnibus fee rule. She recognized the presence of Board President **Debbie Critchfield**. Ms. Bent stated the docket covers those fees previously codified in IDAPA 08, with no changes made. The first fees are used for the process of registering proprietary and postsecondary institutions with the Board. The second group of fees are for certification purposes, including the work of the Professional Standards Commission to investigate ethics violations and the cost of processing fingerprinting. The third group of fees are for review of curricular materials. The State Department of Education uses these funds for the process of bringing in educators to evaluate curricular materials and determine if they meet state standards.

**MOTION:** **Rep. McCrostie** made a motion to approve **Docket No. 08-0000-1900F**. **Motion carried by voice vote.**

**DOCKET NO. 55-0000-1900:** **Ms. Bent** presented **Docket No. 55-0000-1900**, Division of Career Technical Education Omnibus Rule. She stated it originally included four chapters, but the State Board of Education only chose to re-promulgate two: Rules Governing Career Technical Schools, and Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants. The first expired chapter, 55.01.01, was unnecessary and redundant because the authority is already granted in statute; it was administrative regarding the processes of the division. The second expired chapter, 55.01.02 regarded programs at postsecondary institutions, which the Board already has statutory authority to set policy for. She stated if pending rule **Docket No. 55-0103-1901** is approved by the Committee this session, it will replace chapter 55.01.03 as found in the omnibus rule.

**MOTION:** **Rep. Raymond** made a motion to approve **Docket No. 55-0000-1900**. **Motion carried by voice vote.**

**DOCKET NO.  
08-0201-1903:**

**Vice Chairman Kerby** explained this docket is a temporary rule and does not require any Committee action; it will expire when the session ends. Last session, **H 293** directed the State Department of Education to collect both average daily attendance (ADA) and enrollment data, in consideration of changing the funding mechanism from ADA to enrollment. Schools have been using the rule this school year and the State Board of Education is seeking the Committee's input to improve the rule in the future.

**Debbie Critchfield**, President, State Board of Education, explained how the Board arrived at this particular rule. After gathering feedback during the spring and summer of 2019, they decided to first examine how other states use enrollment-based funding. After speaking to the Washington State Superintendent and others, the Board decided to use minutes of course time, rather than number of courses, to determine enrollment. She stated the Board has not yet seen the data based on school district's December reporting, but using minutes appears to be the most effective and uniform way to achieve the directive of **H 293**.

**Ms. Bent** was recognized to walk the Committee through the rule language. She stated the initial proposal used number of courses to count enrollment, but this created real discrepancies for districts because it did not take into account the many schedule variances that exist. The rule first defines what a course is, stating it may be based on the amount of instructional time or a predetermined level of content and course outcomes.

In response to Committee questions, **Ms. Bent** reiterated this rule is temporary and set to expire. The State Board intends to promulgate this rule next year as a pending rule and is seeking feedback now to ensure it will meet legislative intent. No Committee action is required this session.

**Vice Chairman Kerby** put the Committee at ease at 9:48 am.

**Vice Chairman Kerby** resumed the meeting at 9:55 am.

**Ms. Bent** explained the full-time equivalent (FTE) enrollment reporting requirements in the rule and explained the nine ways (subsection 07.a-i) students are fractionalized. These are students who attend more than one local education agency (LEA) and this rule aims to more equitably distribute funding for these students between their multiple LEAs.

**Rep. Marshall** expressed concern over the complexity of this rule and suggested eliminating the cap on FTE as a solution.

**Chairman Clow** and **Vice Chairman Kerby** stated removing the cap would cost a lot of money and noted the current ADA system is already very complicated.

**Tim Hill**, Associate Deputy Superintendent of Public School Finance, State Department of Education, testified the appearance of this rule is complex, but the application is simple. The overall goal was to identify the students who equal one FTE and those less than or more than one FTE. He noted Group A is the majority of students and the State Department of Education is fully ready to implement this rule. The 2013 Governor's Task Force on Education recommended moving to enrollment-based funding and this rule will equitably allocate the dollars based on time spent in each program.

In response to Committee questions, **Mr. Hill** stated students who are less than one FTE would receive funding based on the time enrolled. Students using advanced opportunities funding would still receive those dollars and the course minutes would count toward their total. This change to enrollment can be implemented without a new public school funding formula.

**Chris Campbell**, Chief Technology Officer, State Department of Education, gave an overview of how the data collection is going. Districts were already providing the course minutes per week, but now it is being used in a new way. He explained the Department's outreach efforts over the summer. This led to the creation of a dashboard tool so districts can see ahead of time how their data would translate into funding.

**Vice Chairman Kerby** turned the gavel over to **Chairman Clow**.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 10:51 am.

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Representative Kerby  
Chair

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Erica McGinnis  
Secretary