

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, February 21, 2023

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lent, Vice Chairman Toews, Senators Den Hartog, Nichols, Herndon, Lenney, Ward-Engelking, and Semmelroth

ABSENT/ EXCUSED: Senator Carlson

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 Lent** called the Senate Education Committee (Committee) to order at 3:03 p.m.

S 1070 **Career Technical Centers - Amends existing law to revise provisions regarding certain funding for career technical centers and certain authority of the Division of Career Technical Education (DCTE).** **Senator Den Hartog** presented **S 1070**, a piece of legislation which made certain changes to career technical centers in Idaho. First, the bill modified the funding formula for career technical centers in a way that benefited new career technical centers. The previous funding formula required a stand alone career technical center to have 15 percent of its student body to be from outside the school district where it was based. **Senator Den Hartog** recognized that this was difficult to achieve for career technical centers that had just started up, so this bill allowed new centers three years to build up to the 15 percent requirement and still receive the added cost funding that qualified career technical centers obtained. In addition to this, the bill addressed the funding formula for career technical centers who had students that lived outside of the school district, but opted to open enroll in that specific school district. **S 1070** made it so these students would still be counted towards the 15 percent requirement for out-of-district students.

MOTION: **Vice Chairman Toews** moved to send **S 1070** to the floor with a **do pass** recommendation. **Senator Nichols** seconded the motion. The motion carried by **voice vote**.

S 1069 **Teacher Apprenticeships - Amends existing law to provide for teacher apprenticeships.** **Tracie Bent**, Chief Planning and Policy Officer, Idaho State Board of Education (ISBE), discussed **S 1069**, which allowed the ISBE to establish a registered apprenticeship program for teachers. She explained that the bill clarified in Idaho Code that traditional teacher trainees and those in the teacher apprenticeship program were both allowed to serve in a classroom. The bill also removed the prohibition from paying those who were serving as a trainee or apprentice.

DISCUSSION: **Chairman Lent** asked Ms. Bent if she could explain the difference between the traditional four-year institution teaching process and the apprenticeship program that was being presented. **Ms. Bent** detailed the process that a student of a traditional four-year program underwent, in which a student needed to complete an improved educator program through an accredited institution in addition to having completed a bachelors degree through an accredited institution. With an apprenticeship program, an individual would only need to complete the ISBE approved requirements for completion of the teaching apprenticeship program. Individuals who went through the apprenticeship program were not required to obtain a bachelor's degree prior to entering the program. However, upon completion, an individual would be eligible for a baccalaureate degree. The school district would work with a post-secondary institution to provide credit for prior learning and the time spent in the apprenticeship program.

Senator Ward-Engelking asked if the ISBE would provide guidelines for what kind of credit an individual received during apprenticeship time in the classroom. **Ms. Bent** confirmed this was the case and clarified the ISBE would be the entity that applied for the designation of a registered program with the U.S. Department of Labor (USDL). Once this happened, those that participated in the program were eligible for additional work funds from the USDL. **Senator Ward-Engelking** expressed her excitement for this program and asked Ms. Bent if individuals who were going through a student teaching program after graduating a four-year institution would be eligible to be paid. **Ms. Bent** disclosed the bill did not contain specific funding for these student teachers, but it opened the door so they could be paid with local level funds.

Senator Nichols asked if Ms. Bent could specify the grants available through USDL that the bill mentioned. **Ms. Bent** reported the USDL had funding available for any registered apprenticeship program and these grants could be available to school districts who participated in the teacher apprenticeship program.

MOTION: **Senator Ward-Engelking** moved to send **S 1069** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Chairman Lent passed the gavel to Vice Chairman Toews.

DOCKET NO. 08-0111-2201 **Registration of Postsecondary Educational Institutions and Proprietary Schools (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Ms. Bent** discussed the different changes that were made to the rules regarding registry of postsecondary educational schools through **Docket No. 08-0111-2201**. It first combined duplicative language regarding postsecondary schools and proprietary schools into a single section and any other duplicative language was eliminated. The docket also corrected technical language regarding two definitions, as well as moving the Western Governors University (WGU) from the Proprietary School Registration exemption list to the Postsecondary Institution Registration exemption list.

DISCUSSION: **Senator Den Hartog** asked if proprietary schools were involved in the rule making process for this docket. **Ms. Bent** responded that while the ISBE did provide a notice for the potential changes, there were no proprietary or postsecondary schools that came forward to provide input in the rule making process.

Senator Lenney asked what the effect was going to be from moving WGU from the proprietary section to the postsecondary section. **Ms. Bent** stated there would be no real change due to the fact that WGU already met the requirements for postsecondary institution exemption. This change cleaned up an error in the prior version of rules that referred to WGU as a proprietary school. **Senator Lenney** pointed out that on page 8, subsection 3, the docket required postsecondary institutions remain lawfully organized in the State of Idaho as their principal place of business. He asked if this

was the case with WGU. **Ms. Bent** answered that WGU was registered with the Idaho Secretary of State as a business in Idaho. **Senator Lenney** asked if the main place of business of WGU was in Salt Lake City, Utah. **Ms. Bent** replied she did not know that information, but clarified that the intent of the rule change was so WGU was classified under a postsecondary school while still being exempt from registration, like it had always been.

Senator Ward-Engelking asked why George Fox University was not included on the list of postsecondary institutions that were exempted from registration. **Ms. Bent** said she did not have an answer to this and needed to look into why exactly that was the case.

Senator Herndon asked where WGU existed. **Ms. Bent** responded WGU was an online postsecondary program that was registered as a business in the State of Idaho through the Secretary of State. She emphasized they met all the requirements to operate in Idaho and WGU was considered to have maintained a presence in Idaho. **Senator Herndon** asked if Ms. Bent had a definition of the standard for maintaining a presence in the State. **Ms. Bent** explained the language in statute specified the institution must be located in Idaho, but the rule defined those who were exempt from registration as those institutions who maintained an Idaho presence through the Secretary of State's definition. An Idaho presence did not need to be a physical presence. She reemphasized that this change was so degree granting institutions already recognized by the ISBE were still exempted from registration.

Senator Semmelroth asked if Ms. Bent could go through the list of four-year institutions outlined in **Docket No. 08-0111-2201** that were considered exempt from registration and identify the institution's accrediting body. **Ms. Bent** commented that the institutions Senator Semmelroth was referring to were not accredited by the same accrediting body that the ISBE recognized, but since these institutions existed before this section of Idaho Code was written, they were considered exempt from this requirement. She stated that she could provide Senator Semmelroth with the accrediting body for all the institutions listed at another time, but she did not have them at that moment.

Senator Ward-Engelking asked why the definition of "Idaho present" was struck from this proposed rule. **Ms. Bent** explained it was struck to comply with the requirements of the Zero-Based Regulations and since the statute identified Idaho as the location that a presence must be maintained, the ISBE instead sought to define what it meant to not be located in the State of Idaho. **Senator Ward-Engelking** asked if this change tried to ensure a lengthy definition was not included in this section of rules. **Ms. Bent** confirmed this was the case.

Senator Nichols commented she felt uncomfortable with the language of the docket that was used to define which institutions had an Idaho presence, when the principal place of business was not required to be in Idaho. **Ms. Bent** stated she understood Senator Nichols' concern and acknowledged that the language surrounding this section could have been more clear. She mentioned she would be happy to bring back clarifying language next year during the rule making process.

MOTION: **Senator Herndon** moved to reject **Docket No. 08-0111-2201**. **Senator Lenney** seconded the motion.

DISCUSSION: **Senator Herndon** spoke to his motion by stating all institutions on the exemption list had a principal place of business in Idaho except for WGU and he felt uncomfortable approving the docket when it appeared as though WGU did not have a principal place of business in Idaho. He suggested that new language be introduced next year that addressed this issue.

Senator Den Hartog asked since the docket was a chapter rewrite, what the effect would be of rejecting the entire docket. **Ms. Bent** indicated her understanding of rejecting the docket was that there would be no original section of rules to go back to, but she needed to verify this with the Governor's Office.

Chairman Lent asked if the purpose of the change made in the rule was to clarify the exception for WGU. **Ms. Bent** confirmed this. **Chairman Lent** then asked if WGU had an exemption from the requirement of a physical location in Idaho. **Ms. Bent** replied that when looking at WGU's registration as an Idaho entity then they would be exempt from registering based on the original intent of the language and would be considered to have an Idaho presence. If the Committee disagreed with that assessment because it was an online program, then they would be exempt because they did not have a physical presence in Idaho and would not need to register under the Idaho presence requirement. **Chairman Lent** asked if there was an actual issue if all the rule was attempting to do was to clarify WGU's exemption. **Ms. Bent** responded that she believed that the rule covered everything that needed to be addressed.

Senator Ward-Engelking asked why WGU was being included on the exemption list when it did not have a physical presence in Idaho and why other universities that did have a physical presence were not included on the list. **Ms. Bent** stated the only reason WGU was specified in the docket was because they were originally intended to be included on the exemption list when the statute was written. This rule change simply moved WGU from the proprietary school section to the postsecondary school section. As to why other institutions were not included on the list, **Ms. Bent** said that she would have to do some research on that subject and get back to Senator Ward-Engelking.

Senator Nichols pointed out that when looking on the Idaho Secretary of State's website the principal address for WGU was not an Idaho address. She reiterated she was uncomfortable accepting the language of the docket as it stood and preferred a different definition that fit with WGU's actual physical location. **Ms. Bent** reported that she could bring a change to this section next year that addressed the Committee's concerns.

SUBSTITUTE MOTION: **Senator Ward-Engelking** moved to hold **Docket No. 08-0111-2201** in Committee until a later time. **Senator Semmelroth** seconded the motion.

DISCUSSION: **Senator Den Hartog** mentioned that there was a representative from WGU in the audience of the Committee and asked if he could testify in order to clarify some of the concerns the Committee had about the docket.

TESTIMONY: **Blake Youde**, WGU, gave the Committee a brief overview of WGU's history as well as its mission. He explained the registration exemption for WGU has been around in some form since 2015. He mentioned part of the reason for WGU having the same exemption as a brick and mortar school located in Idaho was because WGU had 80 employees and around 1,500 students in the State.

Senator Lenney asked if the rule change had anything to do with Governor Brad Little signing a memorandum of understanding with WGU to expand Idaho workforce options back in 2021. **Mr. Youde** stated the inspiration for the rules concerning WGU's exemption started before Governor Little signed the memorandum in question. WGU had signed similar memorandums with governors of other states in the past to identify the careers that were in demand in that particular state and tried to expand degree options in those fields.

DISCUSSION: **Chairman Lent** asked Ms. Bent if it was possible to reject a particular change in a subsection of the docket without rejecting the entire rule. **Ms. Bent** reported it was possible to reject a particular section of the docket. The section that was rejected would then revert back to the prior version.

AMENDED SUBSTITUTE MOTION: **Chairman Lent** moved to amend **Docket No. 08-0111-2201** by rejecting section 200 3a. **Senator Den Hartog** seconded the motion. The amended substitute motion carried by **voice vote**.

DOCKET NO. 08-0113-2201 **Rules Governing the Opportunity Scholarship Program (ZBR Chapter Rewrite) - Proposed Rule.** **Ms. Bent** provided the Committee with a summary of the rule rewrite for the Opportunity Scholarship Program. The main changes that were proposed in the docket were the removal of duplicative language and definitions for terms already in statute. These changes were implemented in order to simplify and streamline this particular chapter of rules.

DISCUSSION: **Senator Lenney** asked why sections regarding the subcommittee and subcommittee recommendations under the appeals process page were completely struck out. **Ms. Bent** replied there was no longer a subcommittee process because of the creation of the Administrative Appeals Office (AAO). If an individual wanted to go through an appeal, they would need to go through the AAO.

MOTION: **Senator Den Hartog** moved to approve **Docket No. 08-0113-2201**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 08-0201-2201 **Rules Governing Administration - Adoption of Temporary Rule.** **Vice Charman Towes** noted this was a pending rule and would be heard at another meeting.

DOCKET NO. 08-0202-2201 **Rules Governing Uniformity - Proposed Rule.** **Ms. Bent** presented to the Committee the rule changes encoded in **Docket No. 08-0202-2201**. These changes included the addition of amendments that clarified the certification requirements for certificated staff in public schools and amendments that provided clarification to certification and endorsement requirements due to legislative changes made during the 2022 Legislative Session. This docket also made amendments to transportation requirements for alternative fuel busses and extended the maximum mileage allowed for trips outside the State of Idaho. In addition to these amendments, the docket also eliminated any duplicative language already found in statute to streamline and simplify this section of rules.

DISCUSSION: **Senator Den Hartog** asked which school field trips traveled 200 miles outside of the State. **Ms. Bent** reported there were field trips for schools in southeastern Idaho that went to northern Utah and to Yellowstone National Park. **Senator Den Hartog** asked if the docket had addressed staff who had different certifications from other states. **Ms. Bent** explained the section that was being discussed did not address this issue, but that there was another section of rules that did address it.

Senator Semmelroth asked for clarification on whether an accredited institution and an accredited educator preparation program could differ based upon added language. **Ms. Bent** confirmed this was the case. **Senator Semmelroth** pointed to the language "summative rating of proficient or better" on page 34, section 5a, and asked if the word "proficient" referred to the Danielson framework for teaching and how the term "summative" was defined. **Ms. Bent** stated that the word proficient was referring to the Danielson framework and that the term summative was defined as the overall rating of the evaluation framework which included 4 domains and 32 components for teachers.

MOTION: **Senator Ward-Engelking** moved to approve **Docket No. 08-0202-2201**. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Toews passed the gavel back to Chairman Lent.

Chairman Lent noted the remaining Dockets on the agenda would be heard at another meeting.

ADJOURNED: There being no further business at this time, **Chairman Lent** adjourned the meeting at 4:57 p.m.

Senator Lent
Chair

Linette Grantham
Secretary

Tyler Allen
Assistant Secretary