

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, February 22, 2023

TIME: 3:00 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Ward-Engelking

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 3:07 p.m.

MINUTES APPROVAL: **Vice Chairman Toews** moved to approve the Minutes of January 19, 2023. **Senator Lenney** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Nichols** moved to approve the Minutes of January 23, 2023. **Senator Carlson** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Semmelroth** moved to approve the Minutes of February 1, 2023. **Senator Carlson** seconded the motion. The motion carried by **voice vote**.

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

DOCKET NO. 08-0203-2201 **Rules Governing Thoroughness - Proposed Rule. Tracie Bent**, Chief Planning and Policy Officer, Idaho State Board of Education (ISBE), discussed the changes that were being made through this proposed rule. It removed any duplicative language and the incorporated by reference assessment standards. The proposed rule added computational thinking to instructional requirements for elementary and middle schools, as well as updated high school graduation requirements to facilitate a focus on financial literacy. The proposed rule also updated state and federal accountability framework to include absenteeism as the school quality measure and moved the parent and student survey to the general accountability section. Along with this, it provided clarification regarding student safety policies that were aligned with Idaho statute. **Docket No. 08-0203-2201** updated statutory language for English language arts, mathematics, science, physical education, health, and social studies content standards. **Ms. Bent** explained that the proposed rule made a technical correction regarding the language in "Achievement Standards" and "Advanced Opportunities" definitions and removed the computer science graduation for students entering grade nine in 2025.

DISCUSSION: **Senator Carlson** asked why there was a change in wording from "performance" to "achievement". **Ms. Bent** responded that this was for consistency of language throughout Idaho Code when referring to the same document. **Senator Carlson** asked if the Idaho Standards Achievement Test (ISAT) was still optional for all grades. **Ms. Bent** responded that parents could opt their child out of the ISAT, but every school district was required to administer it.

Chairman Lent asked if this docket allowed public schools to have opioids on their premises. **Ms. Bent** explained that it did not provide authorization for schools to have opioids on their premises, but that if a school did have it on their premises, it needed to have a policy in place so staff knew how to use them. **Chairman Lent** asked if the satisfaction and engagement surveys that were included in the docket were required for all K-12 schools. **Ms. Bent** stated these surveys were required for all K-12 schools.

Senator Carlson asked if the addition of the words "financial literacy" in the docket had anything to do with a piece of legislation that had not passed yet. **Ms. Bent** disclosed the ISBE had authorization to set requirements of thoroughness for curricula and the addition of this language was in response to feedback from policy makers and local communities who advocated for financial literacy in school curricula. This was decided on before any financial literacy bills were introduced in the Legislature.

MOTION: **Senator Den Hartog** moved to approve **Docket No. 08-0203-2201**. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 08-0204-2201 **Rules Governing Public Charter Schools (ZBR Chapter Rewrite) - Proposed Rule.** **Ms. Bent** explained that the rulemaking for this chapter was a result of a review that evaluated how it could be simplified and improved. The amendments included the removal of unnecessary provisions as well as requirements that were duplicative of provisions established in Chapter 52, Title 33, Idaho Code. Provisions regarding the charter school petition process had been added to Idaho Administrative Procedures Act (IDAPA) 08.02.04. This docket also updated specific governing board references to charter holders and included definitions to Education Service Provider and the Petition and Performance Certificate. She also highlighted additional amendments that made technical corrections to the sections regarding the notification and acceptance process of charter schools, as well as the section regarding requirements for the admission procedure framework and equitable selection process.

DISCUSSION: **Senator Den Hartog** asked if the language included on page 67, section 203, subsection one of the docket was existing language that was moved or if it was completely new language. **Ms. Bent** stated there was previous language surrounding this section of code that was more generalized, but the new addition included language that was more specific to the equitable selection process.

Senator Nichols asked what the definition was of "equitable selection process". **Ms. Bent** pointed to Idaho Code § 33-5206, subsection 13, which outlined the admissions procedures for public charter schools. In this section it required charter schools must have an equitable selection process "such as a lottery or other random method." She mentioned that although the term did not have an exact definition, it related to some sort of random selection method.

Senator Carlson asked if there was a way that the Committee could define it in Idaho Code. **Ms. Bent** commented that the term could be defined next year during the rule making process, but warned the Committee that the more this term was defined, the more limitations would be placed upon the admissions process for public charter schools.

Senator Lenney asked for clarification if the language regarding the random selection process was included in the previous version of rules. **Ms. Bent** answered no matter if the previous version possessed this language, the current statute included the requirement for a random selection process.

Vice Chairman Toews asked Ms. Bent if she could define what a weighted lottery was for public charter school selection. **Ms. Bent** stated a weighted lottery selection was included for charter schools who sought to serve a certain group of individuals, such as at-risk students.

Senator Den Hartog asked what the difference was between the charter holder and the charter authorizer outlined on page 70. **Ms. Bent** explained the charter authorizer was the governing authority that approved the charter for a charter school and the charter holder was the charter school itself. **Senator Den Hartog** asked if Ms. Bent had any insight over whether school districts that were approving charter schools were completing their five-year performance certificates. **Ms. Bent** relayed for the most part, school districts were completing these certificates and the ISBE was there to remind them and help them along with the process.

Senator Lenney asked if since the equitable selection process was in statute, then it did not need to be defined in the rules of the Public Charter School Commission. **Ms. Bent** reiterated that adding more detail to the equitable selection process limited the admissions and selection process for charter schools. She explained the ISBE attempted to ensure the statute for this was not undermined through this rule making, but also not to micromanage it by over-defining the process.

Senator Nichols expressed concern over how the term "equitable selection process" did not have a clear definition and pointed to how other states defined the term "equitable." **Ms. Bent** reported that there was no way to provide a definition for the term at this point in the rule making process.

Vice Chairman Toews asked if any selection process that was not random was not allowed based on the proposed rule. **Ms. Bent** confirmed this was the case.

Chairman Lent commented there were certain exceptions to this specific rule for charter schools that specialized in a certain kind of student. He gave the example of Elevate Academy, a charter school that served at-risk students in Idaho. He then assured the Committee that this subject was on solid legal grounds, but that during the next rule making process the Committee could formulate a solution to this issue that they were more comfortable with.

Senator Nichols asked if instead of "equitable" the term "equal" could be used for the selection process. **Ms. Bent** pointed out that the ISBE used the word equitable for consistency's sake. **Senator Nichols** then asked if the term "equal" was defined in statute. **Ms. Bent** stated that the term "equal" was not defined in the public charter school section of code.

Senator Den Hartog commented that she believed that the changes that were being discussed for the term "equitable" would not alter charter schools selection processes that were consistent with Idaho Code.

MOTION:

Senator Den Hartog moved to approve **Docket No. 08-0204-2201**. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 08-0301-2201 **Rules of the Public Charter School Commission (ZBR Chapter Rewrite) - Proposed Rule. Ms. Bent** stated this docket was a result of a review of the rules chapter on how it could be improved and simplified. IDAPA 08.03.01 was being removed in its entirety and any provisions that were not duplicative of IDAPA 08.02.04 were being moved to IDAPA 08.02.04.

MOTION: **Senator Nichols** moved to approve **Docket No. 08-0301-2201**. **Chairman Lent** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 47-0101-2200 **Idaho Division of Rehabilitation - Notice of Omnibus - Temporary and Proposed Rule. Ms. Bent** explained that the changes made in this docket clarified the Application for Services section regarding the residency requirement for participation based on feedback from the most recent federal program review.

MOTION: **Senator Den Hartog** moved to approve **Docket No. 47-0101-2200**. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**.

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

ADJOURNED: There being no further business at this time, **Chairman Lent** adjourned the meeting at 4:29 p.m.

Senator Lent
Chair

Linette Grantham
Secretary

Tyler Allen
Assistant Secretary