



**STATE BOARD OF EDUCATION  
March 2, 2018  
Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho**

A special meeting of the State Board of Education was held March 2, 2018 in the large conference room of the Office of the State Board of Education, Len B. Jordan Building, in Boise Idaho. Board President Dr. Linda Clark presided and called the meeting to order at 11:00 am MST. A roll call of members was taken.

**Present:**

Dr. Linda Clark, President	Andrew Scoggin
Debbie Critchfield, Vice President	Don Soltman
Dr. David Hill, Secretary (Except Where Noted)	Richard Westerberg
Emma Atchley	

**Absent:**

Sherri Ybarra, State Superintendent

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS (PPGA)**

1. Legislative Update

**M/S (Soltman/Atchley) To oppose House Bill 566.** The motion carried 5-1 with Mr. Westerberg voting Nay. Dr. Hill and Superintendent Ybarra were absent from voting.

**AND**

**M/S (Atchley/Westerberg) To oppose House Bill 590.** The motion carried 7-0. Superintendent Ybarra was absent from voting.

**AND**

**M/S (Critchfield/Soltman) To endorse House Bill 631.** The motion carried 7-0. Superintendent Ybarra was absent from voting.

**AND**

**M/S (Critchfield/Hill) To endorse House Bill 648.** The motion carried 7-0. Superintendent Ybarra was absent from voting.

**AND**

**M/S (Critchfield/Soltman) To endorse Senate Bill 1291.** The motion carried 7-0. Superintendent Ybarra was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Ms. Debbie Critchfield, introduced the item reminding Board members the item before the Board today provides an update on Education related legislation introduced during the 2018 legislative session following the update to the Board at the February regular Board meeting and provides the Board with the opportunity to support, oppose, or stand neutral on legislation introduced during the current legislative session. She then invited the Board's Chief Planning and Policy Officer, Ms. Tracie Bent, to provide a brief overview of the legislation being voted on by the Board today.

Ms. Bent begins with House Bill 566 Charter School Administrator Certification sharing with Board members the proposed legislation would create a separate administrator certification for individuals working at charter schools and would provide charter schools the option of using the proposed certificate or the current certificate provided for under Idaho Administrative Rule. The proposed certificate would allow an individual to receive a certificate based upon the minimum requirements of holding a bachelor's degree from an accredited 4-year institution, submit to a criminal history check, complete a course consisting of a minimum of three (3) semester credits on the statewide framework for teacher evaluations, and submits a letter from a charter school board of directors stating the board of directors has carefully considered the applicants candidacy, has committed to hiring the individual, and is committed to overseeing the applicants performance. She continues the requirements in Administrative Rule require an applicant complete an Administrator Preparation Program based on the state standards for administrators, hold a master's degree if they are a school principal or an education specialist PhD or post-master's degree program of at least one (1) year for a superintendent, and four (4) years' experience working in an educational setting with students.

Dr. Clark then asked why the standards for public charter school administrators, under House Bill 566, would be less than those for a traditional public school administrator. Ms. Bent responded the sponsors of the bill have indicated charter schools have long been considered incubators for innovation and that the state heavily regulates Idaho's public charter schools more than other states and that charter schools authorized by the Public Charter School Commission (PCSC) fall under additional regulation by the PCSC. Dr. Clark then asked if the PCSC has taken any action on the proposed House Bill 566 to which Director of the PCSC, Ms. Tamara Baysinger responded the PCSC has discussed the proposed legislation and made the decision to remain neutral.

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Board member Soltman then asked Ms. Baysinger if the proposed legislation was in response to a single charter school to which Ms. Baysinger responded the legislation appears to be precipitated by a single petitioning group who has not formally begun the petitioning process but has a specific individual they wish to hire to whom this legislation would apply. Ms. Baysinger then adds there are a handful of other, similar cases where existing schools might take advantage of this provision if it existed. Mr. Soltman then shared with the Board feedback from his discussions with charter school administrators as well as the Idaho Association of School Administrators (IASA) who have all indicated a lack of support for the proposed legislation. Ms. Bent adds that during the House Education Committee hearing for House Bill 566, both the IASA and Idaho Education Association (IEA) opposed the bill. Board member Critchfield then comments it may be worth a discussion by the Board around extending this type of provision statewide and that this could occur without enacting legislation.

The discussion then moved to House Bill 590 Guided Education Management Act where Ms. Bent shared with Board members the proposed legislation would create a program that would allow for guided education management scholarships or GEM Scholarships. Ms. Bent continues the proposed legislation would create GEM Scholarship funds managed by a scholarship management organization and the Board would be required to appoint at least one and no more than three organizations to administer the funds. Ms. Bent then stated eligible individuals include low income students defined as an annual family income at or below 185% of the federal poverty guidelines, a child with disabilities as defined in Idaho code, at risk student as defined by the State Board of Education rules or students whose parent(s) is a member of the military and is on active duty or was a member of the military who was killed in the line of duty and that the legislation includes a list of qualified education expenses one of which being private tuition for K-12 education. Additionally, Ms. Bent shares with the Board the scholarship granting organizations would be required to submit an annual audit to the Board and that for students using the scholarship to pay for full-time tuition at a private school, the scholarship granting organization would be required to submit copies of the student's test score sheet on a nationally normative test to the Board and that Board would be responsible for reviewing all reports submitted. Additionally, the Board would have the authority to remove the authorization of a scholarship granting organization.

At this time Dr. Hill joined the meeting.

Board member Critchfield then shares she has no opposition to the scholarship itself but does have concerns with the Board's oversight of the proposed scholarship adding the bill, as written, does not give the Board rule making authority and questions the Board's oversight of students who do not fall under the Board's authority.

Board member Atchley then comments there are many other ways for individuals to provide scholarships for students attending a school outside of the State Board of Education's oversight and questions the necessity of the proposed legislation.

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Board member Westerberg then voiced his agreement with Board members Critchfield and Atchley, adding the proposed oversight by the Board is not well placed and should not be added to the current work of the Board and staff.

Dr. Hill and Board member Scoggin then state they are not opposed to the scholarship, but question the oversight of the funds being housed under the Board.

Dr. Clark then states her agreement with Board member Atchley adding she feels the legislation is poor policy and is not something a state with limited resources should embark upon.

At this time the Board began their discussion of House Bill 631 Higher Education – Residency Requirements. Ms. Bent shared with Board members the proposed legislation incorporates in part what the Board approved earlier this year and introduced in a piece of legislation. Ms. Bent continues the Board originally approved extending the number of years after graduation an Idaho secondary student retains residency status from six (6) years to seven (7) years and that House Bill 631 would extend the residency requirement to eight (8) years after graduation. The proposed legislation would also grant in-state residency status to any student who completes an undergraduate program at any accredited postsecondary institution in Idaho for purposes of entering a graduate program as long as they enter the program within 36 months from completion of the program regardless of the state of residency during the intervening 36 months and allows full-time graduate students to use their first year of the graduate program to establish domicile and become eligible for resident tuition rates starting in year two. Ms. Bent then shares with Board members the proposed legislation was introduced by Representative Wendy Horman who shared with Board staff the proposed legislation was written partially in response to the Leadership in Nuclear Energy (LINE) Commission's trouble assembling a sufficient pool of candidates with graduate degrees and to encourage students to continue their graduate degree(s) in Idaho with the hope they would stay and work in Idaho after graduation. Ms. Bent then shared with the Board a preliminary impact study prepared by Idaho's public postsecondary institutions indicated the legislation could have a negative fiscal impact.

Dr. Hill then asked if the proposed legislation would allow for any graduate student to be granted residency after 12 months regardless of the state or school where they attended their undergraduate education to which Ms. Bent responded in the affirmative for full-time graduate students.

Dr. Clark then invited representatives at the meeting from Idaho's public postsecondary institutions to provide input on the proposed legislation. Representing the University of Idaho (UI) was Mr. Joe Stegner, Special Assistant to the President, who shared UI supports the proposed legislation and that to be competitive UI is already practicing this to some degree and the proposed legislation would allow the institution to advertise their efforts as state law. He also adds the fiscal impact to UI would be minimal.

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Representing Idaho State University (ISU) was Mr. Kent Kuntz, Director of Government Relations, who also stated ISU's support for the proposed legislation, echoing his agreement with Mr. Stegner's statements.

Dr. Clark then invited the Board's Chief Fiscal Officer, Mr. Chet Herbst, to provide an update to Board members on Board policy V.T. Fee Waivers. Mr. Herbst begins by sharing with Board members Lewis-Clark State College is the only 4-year institution to have reached the 6% cap on out-of-state tuition fee waivers. Mr. Herbst continues the estimated annual negative impact of the proposed legislation to the University of Idaho would be \$5.2 million, Boise State University \$2.6 million and Idaho State University \$600,000.00, as reported by each institution, however if each institution were able to attract more graduate students as a result of the proposed legislation, it would be possible for each institution to overcome the projected deficits.

The discussion then moved to House Bill 648 Computer Science Courses where Ms. Bent shared with Board members the proposed legislation would require school districts to offer at least one (1) computer science course during the school day. Ms. Bent continues the course could be offered through the Idaho Digital Learning Academy (IDLA) or as a new course developed by the local school district, and that delivery of the course would be left to the school district.

Dr. Clark then asked if the course could be used to meet the science and math requirements to which Ms. Bent responds currently a requirement exists in Board rule that if a computer science course is a dual credit or advanced placement computer science course and the student has taken algebra, then the computer science course can count as a math credit. She continues when this requirement was put in place the state had not implemented computer science standards and that the Board is scheduled to review expanding the use of computer science courses aligned to the state standards this coming spring. Board member Critchfield then stated her desire for the Board to follow up with a rule change allowing students to use a computer science course to meet a math or science requirement. Board member Atchley then asked why the proposed legislation was exclusive to computer science courses to which Board member Critchfield responded it is her understanding after speaking with the bill's sponsor, the intent is to highlight the state's current workforce needs and to provide a focused opportunity to high school students to experience computer science related applications.

The Board's final item for discussion was Senate Bill 1291 School Turnaround Act. Ms. Bent reminded Board members the Board office received an ongoing appropriation starting in FY17 for school improvements and that those funds were awarded to the University of Idaho (UI) through a request for approval process for the purposes of working with low performing schools who volunteer to develop school improvement plans, capacity and leadership at the district, school and classroom level for the implementation of these plans. Ms. Bent continues the grant is currently in its second of three years of funding and the proposed turnaround program requirements in the proposed legislation are similar to the request for proposal program requirements awarded to the UI and that the original bill established the program as a requirement for low performing schools and

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consequences for schools that fail to improve. Ms. Bent continues during the Senate Education Committee meeting on March 1, 2018, the bill was passed out of committee to the Senate amending order at the bill sponsors request for amendments that would make the program voluntary and amend the possible actions should a school fail to improve. Additionally, the proposed bill amendment would replace Section 33-6108 with new consequences that include program extensions and amendments to the contract with the school improvement experts. Dr. Clark adds this is a source of funding for non-Title I schools who are required to meet the requirements of the lowest performing groups but do not receive any additional funding and the proposed legislation is an equalizer to ensure all schools have the opportunity to support low performing groups.

Board member Scoggin then asked Dr. Clark for her perspective on the proposed legislation based upon her many years of experience as an educator and administrator in Idaho's public school system. Dr. Clark responded as an administrator she would have been very enthusiastic about the program, adding Turn Around schools require a tremendous amount of assistance outside of a school's existing resources and she would have welcomed this type of support for non-Title schools. Chief Deputy Superintendent for the Idaho State Department of Education (ISDE), Mr. Pete Koehler, then commented the proposed legislation runs parallel to the plans built in to the state's Every Student Succeeds Act (ESSA) Plan and is viewed by ISDE as a complimentary program that will benefit Idaho's non-Title I schools.

There were no additional questions or comments from the Board.

## **OTHER BUSINESS**

There being no further business, a motion to adjourn was entertained.

**M/S (Critchfield/Westerberg): To adjourn the meeting at 11:55 am MST.** The motion carried 7-0. Superintendent Ybarra was absent from voting.