



**STATE BOARD OF EDUCATION MEETING
December 7, 2020**

**Office of the State Board of Education
Len B. Jordan Building
650 W State Street, 3rd Floor
Boise, Idaho**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on Monday, December 7, 2020. Board President Debbie Critchfield presided and called the meeting to order at 3:00pm (MST). A roll call of members was taken.

Present

Debbie Critchfield, President
Andy Scoggin, Vice President
Kurt Liebich, Secretary
Dr. Linda Clark

Dr. Dave Hill
Shawn Keough
Emma Atchley
Sherri Ybarra, State Superintendent

Monday, December 7, 2020, 3:00 p.m. (MST)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. IDAPA 08.04.01 – Idaho Digital Learning Academy – Partial Waiver – Proctored Exams

BOARD ACTION

M/S (Clark/Scoggin): I move to waive IDAPA 08.05.01.102.01 proctored final exam requirement for the 2020-2021 academic school year. A roll call vote was taken and the motion carried 8-0.

Board Member Clark introduced the item and discussed that, as outlined in IDAPA 08.04.01.102.01, all Idaho Digital Learning Academy (IDLA) courses require that students take a comprehensive final exam at an approved testing site with the supervision of a proctor. Many school districts and charters are operating in a virtual or hybrid modality as a result of the COVID-19 pandemic, and IDLA is not able to conduct all final exams in-person, under the supervision of a proctor at this time. During the spring 2020 semester, IDLA requested that the Board waive this requirement for the remainder of the 2019-2020 academic year, and is now requested that the Board waive

the requirement for the 2020-2021 academic year. The waiver does not prevent IDLA from requiring proctored exams at the end of the 2020-2021 academic year, should the public health situation improve, but allows flexibility in regard to final exam requirements as the year progresses.

Board Vice President Scoggin inquired if this is the same waiver that the Board passed earlier this year, and Board Member Clark confirmed that it is an extension of the same waiver through the end of the 2020-2021 academic year.

Board Secretary Liebich inquired about the format of IDLA exams prior to the onset of the COVID-19 pandemic. Jacob Smith, Director of Operations for IDLA explained that exams are usually administered in a school district computer lab with the supervision of a proctor. Board Secretary Liebich also inquired if there is a way to administer proctored exams in a remote format, and Mr. Smith discussed that IDLA has explored third party options for virtual exam proctoring. He noted that the options available are quite expensive, but IDLA will continue to investigate options for virtual proctoring moving forward.

There were no additional questions or comments from the Board.

2. Temporary and Pending Rule – Docket 08-0201-2001 – FTE Enrollment and Attendance Reporting

BOARD ACTION

M/S (Clark/Keough): I move to rescind the motion to approve the amendments to the temporary and pending rule Docket 08-0201-2001 on November 23, 2020. A roll call vote was taken and the motion carried 8-0.

AND

M/S (Clark/Keough): I move to approve the pending rule Docket 08-0201-2001, establishing full-time equivalent student enrollment reporting, as submitted in Attachment 1. A roll call vote was taken and the motion carried 8-0.

Board Member Clark introduced the item, and Board President Critchfield discussed that the proposed amendment makes the rule solely temporary rather than temporary and pending. She noted that following the Board's Special Meeting on November 23, 2020, more information and data become available and reopened the discussion pertaining to this rule. Board Member Clark discussed the specific details of the amendment and proposed Board action.

During the November 23, 2020 Special Board Meeting, the Board approved amendments to temporary and pending rule Docket 08-0201-2001, which included the addition of language needed to account for the conversion from full-time equivalent (FTE) enrollment for reporting purposes as well as using FTE enrollment for calculating

average daily attendance. The amendments were based on comments received from State Department of Education staff as well as school district and charter personnel. At the time, preliminary data reported in FY2021 showed a higher variance between projected average daily attendance and FTE equivalent enrollment than was identified in earlier projections utilizing FY2020 data. The variance is primarily due to the challenges schools are experiencing in regard to students being instructed through remote and hybrid models. The preliminary FTE enrollment data projects an estimated 4% decline in overall students across the system in FY2021. If the projections are correct, school districts and charter schools would experience a reduction in state funding that is generated based on support units.

Following the Board's action during the November 23, 2020 Special Board Meeting, the Division of Financial Management (DFM) expressed concerns with the potential ongoing fiscal impact of utilizing FTE student enrollment for calculating average daily attendance. DFM has asked the Board to reconsider including this provision in the final pending rule that would take effect when the 2021 Legislature adjourns. DFM has also given permission for the Board to promulgate a second temporary rule that will incorporate the provisions for utilizing average FTE student enrollment to calculate average daily attendance during the current fiscal year, and to resubmit the pending rule without this provision. The amendments, which are identical to the amendments that the Board approved on November 23, 2020, include an additional amendment that removes all proposed amendments to IDAPA 08.02.01.250.06. Average Daily Attendance. The amendments are outlined within the agenda materials.

Superintendent Ybarra echoed Board President Critchfield's comments and added that she has heard concerns from school districts across the state surrounding funding, and noted that conversations about this temporary rule will continue in the spring once more data is available to inform decisions.

Board Vice President Scoggin asked for clarification, inquiring if this action would change the substance of the rule. Board President Critchfield reiterated that the action would not change the substance of the rule, but would only make it temporary rather than temporary and pending.

Board Secretary Liebich inquired when complete enrollment data will be available. Supt. Ybarra stated that school districts have multiple opportunities throughout the academic year to upload data, and that the Board will likely have a more complete data representation in January. Julie Oberle, Chief Financial Officer for Public Schools within the State Department of Education (SDE), shared that the SDE just received updated data from districts on December 4 and that the SDE is working quickly to review the data. Board Member Clark stated that it is important to note that this is the first time in over 20 years that Idaho has experienced a decrease in public school enrollment, and that districts utilize their enrollment data to create their budgets. Board President Critchfield echoed these comments and discussed that the Board is hopeful that making

this rule temporary rather than temporary and pending will provide some reassurance for districts and keep the ongoing conversation open.

There were no additional questions or comments from the Board.

3. Temporary Rule – Docket 08-0201-2002 – FTE Enrollment Reporting and Average Daily Attendance Computation

BOARD ACTION

M/S (Clark/Hill): I move to approve the temporary rule Docket 08-0201-2002, establishing full-time equivalent student enrollment reporting for the current school year and allowing average FTE student enrollment to be used for calculating average daily attendance, as submitted in Attachment 1. A roll call vote was taken and the motion carried 8-0.

Temporary Rule Docket 08-0201 is a companion rule to the pending rule in Docket 08-0201-2001. The temporary rule takes all of the language negotiated through Docket 08-0201-2001, establishing full-time student enrollment reporting methodologies and the administrative/technical corrections to provisions for eligible days of attendance and adds language removed from the pending rule, Docket 08-0201-2001, allowing an average of the FTE student enrollment to be used in calculating average daily attendance. If approved, Docket 08-0201-2002 would allow averaging of the FTE student enrollment numbers to be used for calculating average daily attendance until the 2021 Legislature adjourns.

There were no questions or comments from the Board.

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

BOARD ACTION

M/S (Liebich/Keough): I move to adjourn the meeting at 3:18pm (MST). The motion carried 8-0.