

**MINUTES OF THE NOVEMBER 2015 MEETING  
OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**

**Date of meeting:** The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held on Tuesday, November 10, 2015, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa.

**Members present:** Representative Dawn Pettengill, Chair, and Senator Wally Horn, Vice Chair; Senators Mark Chelgren, Mark Costello, Thomas Courtney, and Pam Jochum; Representatives Lisa Heddens and Rick Olson were present. Representatives Megan Jones and Guy Vander Linden were not present.

**Also present:** Jack Ewing and Tim Reilly, Legal Counsel; Stephanie A. Hoff, Administrative Code Editor; Larry Johnson, Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.

**Convened** Rep. Pettengill convened the meeting at 9:05 a.m.

**Fiscal overview** Christin Mechler presented the LSA fiscal report. Also representing the LSA fiscal services division was fiscal analyst Tim Crellin, who responded to questions from the committee regarding ARC 2185C.

In response to an inquiry from Rep. Pettengill, Mr. Crellin stated that the estimated cost of the current Iowa Assessment is \$2.3 million and the cost of the proposed Smarter Balanced Assessment Consortium (SBAC) assessment is between \$8.3 and \$9.3 million; thus, the fiscal impact of the proposed SBAC assessment to the state, which is the difference between the proposed cost and the current cost, would range from \$6 million to \$7 million. In addition, Mr. Crellin explained that the current cost of the Iowa Assessment is \$5.50 per student paid by the school district and \$2.25 paid by the state and that annually, the state also provides school districts between \$4 and \$6 per student. In response to an inquiry from Sen. Chelgren regarding the SBAC assessment, Mr. Crellin explained that the state portion of the cost will remain the same and the additional cost will be borne by school districts.

**MEDICINE BOARD** Mark Bowden represented the board.

**ARC 2203C** No questions on proposed amendments to ch 9 pertaining to relinquishment of a license to practice.

**ADMINISTRATIVE SERVICES DEPARTMENT** Caleb Hunter represented the department.

**ARC 2199C** No action on amendments to ch 114 relating to the organization and operation of Terrace Hill. Mr. Hunter explained changes from the Notice regarding a conservation easement and commission practice.

**CHILD ADVOCACY BOARD** Amy Carpenter represented the board.

**ARC 2223C** Proposed amendments to ch 3 pertain to local foster care review boards. Ms. Carpenter summarized the amendments, including the duties of the 31 boards that serve 50 counties. In response to an inquiry from Rep. Pettengill, Ms. Carpenter stated that a maximum caseload of 100 children may be served by each board, that one board may serve children from several counties, and that the number of boards is determined by the location and number of children in licensed foster care.

**COLLEGE STUDENT AID COMMISSION** Julie Leeper represented the commission.

**ARC 2206C** No action on amendments to 8.2 and 8.4 regarding the all Iowa opportunity scholarship program.

**ARC 2205C** No action on ch 10 and amendments to chs 8, 9, 12, 13, 17, 18, 22 to 25, 32 and 36 pertaining to uniform residency policies.

**ARC 2207C** No action on amendments to 20.1(6)“c” regarding the National Guard educational assistance program.

**ARC 2217C** No questions on the proposed rescission of ch 27, Iowa grant program. Ms. Leeper explained that the statute that created the program was repealed by the general assembly during the 2015 legislative session.

**ARC 2209C** No action on amendments to 28.4(1) concerning selection criteria for the teach Iowa scholar program.

**College Student Aid Commission (continued)**

ARC 2208C No action on amendments to 36.1(4) regarding monetary awards related to the Governor Terry E. Branstad Iowa state fair scholarship. In response to an inquiry from Sen. Chelgren, Ms. Leeper stated that private dollars from inaugural funds sustain the scholarships, that the scholarships are administered based only on interest from the funds, and that as the funds decrease, another privately administered source of funds is available for the same purpose.

**INSPECTIONS AND APPEALS DEPARTMENT** David Werning represented the department. Other interested parties included Susan Cameron on behalf of the Iowa Center for Assisted Living (ICAL) and Stacy A. Hejda on behalf of Assisted Living Partners (ALP).

ARC 2221C No action on amendments to ch 25 pertaining to the addition of service-disabled veterans to the categories of persons who may seek targeted small business certification. Mr. Werning reported that already one person has applied for the program under the new category.

ARC 2200C Proposed amendments to chs 67, 69 and 70 pertain to regulation of elder group homes, assisted living programs, and adult day services. Mr. Werning explained that the department worked with the provider community and associations on the amendments, which were based on a review of department rules required every five years.

Ms. Hejda described and explained the use of adaptive clothing. Ms. Cameron requested that in the definition of "restraints," adaptive clothing, with the consent of specified parties, not be considered a type of tenant restraint for cognitively impaired tenants in dementia-specific assisted living programs. Ms. Cameron also requested that dementia-specific assisted living programs continue to require staff to be awake and on duty 24 hours a day on site and in the proximate area and that non-dementia-specific assisted living programs require that staff be alertable and in the proximate area 24 hours a day on site.

Committee members inquired about safeguards regarding the use of adaptive clothing and criteria for allowing its use; the basis for determining which facilities may have non-awake staff; notification of family members about non-awake staff; and liability issues for facilities with non-awake staff.

In response, Ms. Hejda stated that various types of interventions, such as a different toileting schedule, would be attempted before the initiation of the use of adaptive clothing and that the consent of family members or legal representatives and the tenant's physician and proper assessment and oversight of the program would be required. She stated that the professional staff of assisted living facilities would make decisions about whether staff would be required to be awake. Ms. Hejda stated that existing protocols address notification of families and other issues related to awake staff and liability.

Mr. Werning explained that adaptive clothing is considered a restraint contrary to a tenant's right to freedom of movement. He stated that the department is reviewing public comment and the suggested changes to the language regarding adaptive clothing.

**INSURANCE DIVISION** Becky Blum, Tom O'Meara, Angela Burke Boston and Bob Koppin represented the division. Other interested parties included Scott Sundstrom on behalf of the Federation of Iowa Insurers.

ARC 2201C No questions on proposed amendments to ch 15 regarding the removal of the exemption for long-term care insurance from the requirements for the prompt payment of health claims.

ARC 2227C No action on an amendment to 20.8, rate filings for crop-hail insurance. Mr. O'Meara stated that the three attendees at the public hearing and 22 written comments supported the amendment. Mr. O'Meara clarified that the deadline to file crop-hail insurance rates applies to insurance companies.

ARC 2228C No questions on proposed ch 79, prior authorization related to prescription drug benefits.

ARC 2181C No questions on proposed ch 111, corporate governance annual disclosure. Mr. Sundstrom expressed support for the rules, which are based on a national model rule.

**IOWA FINANCE AUTHORITY** Mark Thompson represented the authority.

**ARC 2225C** No action on amendments to ch 12 regarding the qualified allocation plan for the low-income housing tax credit program. In response to an inquiry from Rep. Pettengill, Mr. Thompson explained that the qualified allocation plan is adopted by reference and cannot include any amendments made after approval/adoption by the board. Thus, in 12.1(2) and 12.2(2), July 1, 2015, the date on which the board approved the proposed amendments published under Notice, was changed in the Adopted and Filed rule making to October 7, 2015, the date on which the board adopted the amendments.

**ARC 2226C** No action on amendments to ch 44 concerning the agricultural development division.

**PHARMACY BOARD** Terry Witkowski represented the board.

**ARC 2194C** No action on amendments to chs 3, 6, and 7, the rescission of chs 13 and 20, and the adoption of new ch 20 pertaining to compounding practices. Ms. Witkowski explained changes from the Notice regarding the information on a label, the definition of compounding, and the stated restrictions regarding compounding for office use.

In response to an inquiry from Sen. Chelgren, Ms. Witkowski explained the difference between sterile and nonsterile compounding, and, in response to a question from Rep. Olson, Ms. Witkowski stated that pharmacies licensed to conduct nonsterile compounding in Iowa number in the twenties. Rep. Olson also inquired about whether the definition of "practitioner's office" in 20.15(3) extends to veterinarians in the field and physicians who make house calls and about the licensing of nonresident pharmacies. In response, Ms. Witkowski stated that office use extends beyond a practitioner's office as long as the practitioner is administering the compounded product directly to the patient and is not dispensing or providing it to the patient for the patient's use when the practitioner is not present. Ms. Witkowski explained the application requirements for nonresident pharmacies and the reasons related to discipline or inspection for which the Iowa board might deny issuance of a nonresident pharmacy license. Ms. Witkowski stated that the number of board-approved nonresident pharmacy licenses has increased from 500 to approximately 800 since 2014.

In response to a request from Rep. Olson, Ms. Witkowski stated that she will request board review and revision of 20.15(3) to clarify that office use does extend beyond a practitioner's actual office location.

**ARC 2196C** No action on amendments to 6.3, 7.3, 15.4 and 16.5 regarding reference library sources. Ms. Witkowski reported that comment on the amendments was evenly split. In response to an inquiry from Rep. Pettengill, Ms. Witkowski explained that regulations are available online and in other more up-to-date electronic formats and that the amendments do not prohibit the use of the previously required references but instead allow the use of additional references. In response to an inquiry from Rep. Olson, Ms. Witkowski stated that the board apprises pharmacists and pharmacies of amendments to the rules through Listserv, e-mail, postings on Twitter and Facebook, and the board's Web site.

**ARC 2197C** No action on amendments to 7.8(14) and 23.9(4) pertaining to administration of influenza and pneumococcal vaccines.

**ARC 2195C** No action on the rescission of 10.41, designation of imitation controlled substances.

**PROFESSIONAL LICENSURE DIVISION** Susan Reynolds and Tony Alden represented the division. Other interested parties included Hans Hartwig of the Iowa Sleep Society.

**ARC 2202C** No action on amendments to 44.3(2) and 45.2(31) pertaining to continuing education and grounds for discipline for chiropractors.

Rep. Pettengill asked whether in 45.2(31), the action described in the phrase "requesting patient records without a medical justification" would be a violation of the Health Insurance Portability and Accountability Act (HIPAA) and whether the board would report a violation. In response, Ms. Reynolds stated that the phrase was added in response to a disciplinary case for which a chiropractor had requested billing information from competitors without medical justification.

**Professional Licensure Division (continued)**

She explained that the board in no way intends to limit a patient's right to the patient's medical and billing records but instead seeks to limit to medically necessary records a chiropractor's request for a patient's records. She added that if the board believes a rule or law has been violated consistent with Iowa Code section 272C.6(4), the board would refer any disciplinary case to the appropriate agency. Rep. Olson requested that in 45.2(31), the board review and then revise the language as appropriate to clarify the intended meaning of unprofessional behavior by a chiropractor within and outside the chiropractor's office.

ARC 2224C

Proposed amendments to chs 261 to 263 and 265 pertain to the licensure, practice, discipline, and continuing education of polysomnographic technologists and respiratory care and polysomnography practitioners. In response to an inquiry from Sen. Costello related to the cost of the changes, Mr. Alden stated that the office of the chief information officer (OCIO) has funded the software to add the licensees to the licensure system and that development of the application form will be the only additional cost. Mr. Alden stated that no additional funding will be requested from the legislature.

Mr. Hartwig expressed support for the amendments, appreciation to the legislature, and thanks to the division for its cooperation in drafting the amendments.

**PUBLIC EMPLOYMENT RELATIONS BOARD** Diana Machir represented the board.

ARC 2191C

No questions on proposed amendments to 6.1 and 6.3 to 6.5 regarding negotiations and negotiability disputes.

**UTILITIES DIVISION** Jennifer Johnson represented the division.

ARC 2180C

No action on amendments to ch 22 regarding telephone service regulations.

**RACING AND GAMING COMMISSION** Brian Ohorilko represented the commission.

ARC 2198C

No action on 7.15 pertaining to the Iowa greyhound pari-mutuel racing fund. Mr. Ohorilko explained that the rules set forth the distribution to stakeholders of 50 percent of the moneys deposited in the Iowa greyhound pari-mutuel racing fund, which equals \$36 million. He summarized the changes from the Notice that resulted from public comment, including trainer eligibility, the cap on the allowed amount for a hardship case, the source for documentation of the application process and other requirements, the percentages for performance distributions, clarification of greyhound registration, and the cap on the amount received by individual fund recipients.

In response to an inquiry from Sen. Costello, Mr. Ohorilko stated that after one-time payments are made, the amount distributed to fewer than five individual fund recipients would be capped at \$3 million. Mr. Ohorilko stated that the commission raised the cap from the \$1 million proposed under Notice because the recipients would likely reinvest the moneys in Iowa farms. Sen. Costello expressed the opinion that the breeders who sustained the greatest loss by the cessation of racing should be reimbursed the most. Mr. Ohorilko, in response to an inquiry from Rep. Pettengill, stated that administrative expenses noted in 7.15(2)"a" will include the cost of minimal postage, mailings, and the administrative study, but the cost for ongoing processing of payments will be absorbed internally. In response to an inquiry from Sen. Chelgren, Mr. Ohorilko explained that the application process for greyhound adoption is intended to determine true claims for reimbursement resulting from the cessation of racing in Pottawattamie County. Sen. Chelgren expressed the opinion that priority for reimbursement should be given to breeders in Iowa affected by the closing of a racetrack in Iowa and for greyhounds bred in Iowa, not for greyhounds from outside Iowa that have raced in Iowa, and he suggested that the rules be tightened to clarify this distinction. In response to a question from Sen. Chelgren regarding the distribution of funds, Mr. Ohorilko stated that the intent is to ultimately distribute all funds. Therefore, after all one-time payments have been distributed annually, the remainder of the funds will be distributed to industry participants on a percentage basis pursuant to 7.15(3). Sen. Chelgren recommended that the preliminary cap be retained, and when every recipient has received that amount, that the cap be lifted and the remainder be paid out on a consistent percentage basis.

**ENVIRONMENTAL PROTECTION COMMISSION** Catharine Fitzsimmons and Jim McGraw represented the commission. Other interested parties included Nicole Crain of the Iowa Association of Business and Industry.

**ARC 2222C** Proposed amendments to chs 20, 22, 23, 31, and 33 and the adoption of ch 30 pertain to application fees for construction and operation of air pollution emitting equipment and fees for asbestos notifications. Ms. Fitzsimmons introduced the rule making, and Mr. McGraw summarized the proposed amendments. Mr. Johnson commended the department and the stakeholders for their collaboration prior to and after publication of the Notice.

Ms. Crain expressed appreciation to the department for diligent work on the rules in collaboration with stakeholders and emphasized the importance of well-drafted amendments, which change the fee structure for companies of all sizes. She stated that the amendments reflect 2015 Iowa Acts, Senate File 488, in regard to the fee increase and fee structure (either an hourly or flat-fee approach); commented on the effort by the department to seek efficiencies in permit writing; and asserted that reforms are necessary in permitting by process rather than by emission point and in the use of an electronic rather than paper application process. Ms. Crain urged approval of the amendments.

Sen. Chelgren inquired about the overall increase in costs to businesses in Iowa and, specifically, costs for small businesses because of the changes in the permitting process. In response, Ms. Crain stated that both small and large businesses currently contract for engineering assistance to meet the requirements of permits and pointed out that increased efficiencies in the permitting process may eliminate the need for outside engineering consultation; Mr. Johnson summarized factors that have affected the budget for air quality; and Ms. Fitzsimmons explained the revised budgeting process, based on services provided rather than on emissions, as set forth in 2015 Iowa Acts, Senate File 488, and described efficiencies, including an examination of the permit structure and the revision of forms. In addition, Mr. Johnson noted that the development of an online application is in process, and Ms. Fitzsimmons explained that the office of the chief information officer (OCIO) is invested in the electronic application project with built-in protections to ensure the privacy of data.

Ms. Fitzsimmons stated that because of the need for two additional months for collaboration with stakeholders, a Filed Emergency After Notice will be necessary. At the request of Rep. Pettengill, Ms. Fitzsimmons agreed that before the amendments are filed, a draft of the final amendments will be made available to the committee.

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT** John Benson represented the department.

**ARC 2187C to 2190C and ARC 2210C to ARC 2216C** No questions on amendments to chs 1 to 9, 11 and 12 pertaining to the update of the department's name and address and of references to the director.

**ARC 2220C** No action on amendments to 14.2 and 14.3(2) regarding the flood mitigation program.

**EDUCATION DEPARTMENT** Nicole Proesch, Melissa Walker, Eric St Clair, Jeff Berger, Phil Wise, Dave Tilly and Sara McInerney represented the department. Other interested parties included Margaret Buckton on behalf of Rural School Advocates of Iowa (RSAI) and the Urban Education Network (UEN), Katie Greving on behalf of Decoding Dyslexia Iowa, Phil Jeneary and Harry Heiligenthal of the Iowa Association of School Boards, Martha Bruckner of the Council Bluffs Community School District, and Betsy Shelton of Reaching Higher Iowa.

**ARC 2183C** No questions on proposed ch 14 pertaining to school health services, specifically, school district and accredited nonpublic school stock epinephrine auto-injector voluntary supply. Ms. Proesch explained that based on public comment, the definition of "school building" will be revised.

**ARC 2182C** Proposed amendments to 25.21 regard eligibility and priority for assistance related to the gap tuition assistance program. In response to an inquiry from Sen. Chelgren, Mr. St Clair stated that the eligibility criterion related to the calculation of family income was changed from 12 months to 6 months by 2015 Iowa Acts, House File 658.

Education Department (continued)

ARC 2184C

No questions on proposed amendments to ch 98 pertaining to categorical funding related to the statewide voluntary preschool program, at-risk formula weighting, the returning dropout and dropout prevention program, the management fund, and the physical plant and equipment levy.

Ms. Buckton expressed appreciation to the legislature for the 2015 legislation that allows flexibility for at-risk and dropout prevention funding and to the department for its support of the legislation and development of related rules. Ms. Buckton expressed concern regarding Item 6, which relates to the purchase and repair of transportation equipment, i.e., school buses. She explained that the language of 98.62(2)“i” adds limitations beyond the statute and creates additional burdens for school personnel rather than, as the legislation intended, assisting school districts to keep buses working when possible rather than having to purchase new buses.

ARC 2186C

Proposed amendments to 61.3 concern the intensive summer literacy program. Mr. Wise explained that the early literacy initiative passed by the legislature in 2012 requires that a student whose reading deficiency is not remedied by the end of third grade, as demonstrated by locally determined or statewide assessment scores, be retained in third grade, or a parent or guardian may enroll the student in an intensive summer reading program to address the reading deficiency and to avoid the student’s retention in third grade. He explained that to provide consistency in the quality of the programs among school districts, the Iowa Reading and Research Center was charged with the development of criteria and guidelines for the intensive summer literacy programs required by Iowa Code section 279.68. Mr. Wise stated that the 90 public comments on the proposed amendments comprise three categories: persons who do not agree that third grade retention should exist in law, persons who believe the criteria and guidelines are burdensome and onerous, and persons who desire high standards and do not believe individual school districts should define a quality intensive summer literacy program.

Mr. Tilly stated that the amendments are a culmination of 18 months of work by the Iowa assessment task force convened by the Iowa Reading and Research Center. He explained that the task force examined current practices in Iowa schools and evidence-based research on summer reading acceleration programs. As a result, the task force determined eight program criteria that represent the best interests of Iowa’s neediest learners. These criteria are included in the proposed amendments.

Committee members inquired about the attendance requirement and scheduling alternatives, how successful completion is determined, the cost of the programs, follow-up instruction in fourth grade, class size and instructional program review.

Ms. McNerny explained that the task force considered factors related to current attendance practices statewide and determined that a student must attend 90 percent of the 75 hours of instruction on a schedule determined by the school district. Mr. Tilly stated that the program would be sufficiently flexible to allow for makeup time, e.g., for a family emergency or an illness. Ms. McNerny explained that the department could not prescribe alternative scheduling, such as longer days, and Mr. Tilly stated that longer days may not be effective for third grade students.

Ms. McNerny stated that criterion 7 allows for two methods for determining successful completion and added that the department does not believe it has the authority to grant a waiver or exemption from the criterion. Mr. Tilly stated that despite the cost of staff time, transportation, air conditioning and other expenses of in-person programs, an effective, fully online program is not currently available and added that the intensive summer literacy program is designed for students who need direct, one-on-one instruction. Ms. McNerny added that 214 school districts already incur the costs of offering summer programs to meet the needs of students.

Mr. Tilly stated that a student who does not successfully complete the program will continue to receive support and intervention in reading. He also explained that the statutory retention provision is triggered by a student’s reading proficiency at the end of third grade and that the reading proficiency of students who enroll in a school district as fourth graders would be accommodated through intensive intervention to bring the students to the expected reading level. Mr. Tilly stated that the department will consider input about the class size set at 15 students. He explained that methods are in place to identify reading deficiencies and monitor ongoing progress and that the next step is to ensure that teachers have supports to be effective with all students.

## Education Department (continued)

In conclusion, he noted that the reviews of instructional programs are complete and that all reviews will soon be published and posted.

Ms. Greving summarized the needs of dyslexic students and requested that the proposed amendments include systematic, structured, multisensory and explicit interventions to address all five components of reading; a requirement that all teachers of summer reading programs take a minimum of one course on dyslexia; the stipulation that instruction for students who make gains in the program be continued into fourth grade; and the addition of a clause to allow parents of children demonstrating progress with a private reading tutor to apply for an exemption from the summer program.

On behalf of UEN, Ms. Buckton expressed concern regarding the difficulty of achieving the threshold created by the eight criteria, the unknown impacts on costs and funding, meeting the needs of all students, and the process of oversight. On behalf of RSAI, Ms. Buckton stated the concerns of rural school districts, including transportation costs and class-size flexibility.

Mr. Wise stated that the department has determined that this rule making will not be included for adoption on the board's November 18, 2015, agenda. He explained that the department is altering the schedule for adoption of the rule to work with interested parties in addressing and accommodating their needs and concerns. At the same time, he cautioned that the department does not have the authority to rewrite the statute through rule and that some of the suggested changes may not be possible to implement in rule.

ARC 2185C

Proposed 12.8(1)“h” pertains to the selected districtwide assessment related to accountability for student achievement. Mr. Wise explained that the amendments to Iowa Code section 256.7(21)“b” passed in 2013 require that a specific assessment be used beginning in the 2016-2017 school year and in succeeding years. He stated that the legislation also required the establishment of a task force to review and make recommendations for a statewide assessment of student progress that is aligned to the Iowa common core standards and to consider the cost of technical support required to implement the assessment. Mr. Wise listed the entities represented on the 21-member task force and stated that after more than 14 months of work, the task force voted 20 to 1 to recommend the adoption of the Smarter Balanced Assessment Consortium (SBAC) assessment. Mr. Tilly publicly commended and recognized members of the task force present at the meeting. He summarized the process and results of the work of the task force and stated that the task force believes the SBAC assessment best represents the interests of Iowa students.

The committee inquired about issues related to the assessment, including the statutory authority of the department to adopt an assessment; the addition of the science assessment; the membership in SBAC; the main components; confidentiality of student data; a comparison of assessments; the costs, including the assessment itself and required technology; and related issues, such as the loss of historical data.

Mr. Wise stated that the board and the chairs of the house and senate education committees believe that Iowa Code section 256.7(21)“b”(2) grants the board the authority to adopt an assessment. Mr. Tilly added that based on his research, part of the regular business of the board prior to 2012 was to adopt the statewide assessment. He explained that new science standards are in place and that the task force has reconvened to recommend a science assessment.

Mr. Tilly stated that the SBAC membership has decreased but stabilized and will be a factor in the reduction in cost. He explained that the assessment is not a single test but instead is comprised of a summative part (assessment of learning), a formative part (assessment for learning), interim assessments, and a digital library of instructional resources for teachers. He stated that student data are not directly shared with any entity and that data shared with SBAC partners are in aggregate form with clear parameters for use. Mr. Wise added that Executive Order 83 prohibits sharing of any identifiable student data. Mr. Wise clarified, and Mr. Tilly concurred, that the phrase “Iowa common core standards” refers to state standards.



Education Department (continued)

Mr. Tilly stated that the cost will increase no matter which assessment is chosen and explained that after extensive review, the task force chose the SBAC assessment over the Next Generation Iowa assessments. He stated that part of the SBAC online assessment adapts to the student's level and adds performance tasks to assess higher-order thinking. Mr. Wise stated that at the end of this school year, the current assessment will no longer be available and neither will the historical data. Mr. Wise stated that the SBAC assessment is an open-sourced assessment and when the rule becomes effective, the department will issue a request for proposal (RFP) to a single vendor to administer the SBAC assessment statewide. Mr. Crellin and Mr. Tilly clarified that the \$28 cost per student is all-inclusive and covers the cost of SBAC membership and the administration of the assessment.

Mr. Tilly explained the preparation for testing and the use of technology, including bandwidth and the number of computers required. He added that a paper-and-pencil assessment is available for three years should adequate computer technology not be available but that there is sufficient time before implementation to ensure the availability of technology and to meet other needs. Mr. Wise encouraged the legislature to support funding of the SBAC assessment.

On behalf of UEN, Ms. Buckton urged the board to move forward with the adoption of the SBAC assessment and asked that the board advocate for and the legislature and governor provide support to school districts for technology and other costs. She stated that RSAI requests that the legislature provide funding for the assessment. Mr. Jeneary expressed support for the work of the task force, commended the choice of assessment and urged adoption of the rule. Ms. Bruckner, who is a member of the task force, expressed support for the assessment and requested that the legislature assist school districts in funding the cost of the assessment. Mr. Heiligenthal, also a task force member, commended the SBAC assessment and urged its adoption. Ms. Shelton expressed strong support for the rule, encouraged adoption and asked that the legislature ensure that school districts receive resources and training to fully implement and administer the assessment for the 2016-2017 school year.

At the request of Sen. Chelgren, Mr. Tilly stated that the department will keep the committee apprised of the status of and costs related to the membership of other states in SBAC. Rep. Pettengill expressed thanks to the task force for its work.

**Committee business**

The minutes of the October 13, 2015, meeting were approved.

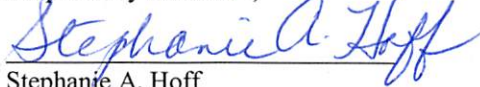
The next meeting was scheduled for Tuesday, December 8, 2015, at 9 a.m.

Rep. Pettengill announced that Rep. Jones had given birth to a baby boy.

**Adjourned**

The meeting was adjourned at 2:50 p.m.

Respectfully submitted,

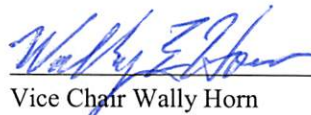


Stephanie A. Hoff

APPROVED:



Chair Dawn Pettengill



Vice Chair Wally Horn