

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Thursday, February 16, 2012

**TIME:** 8:30 A.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block, Nielsen, Chadderdon (Malek), Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, Cronin

**ABSENT/  
EXCUSED:** Representative Wills

**GUESTS:** Representative Bolz; Senator Bock; Jason Hancock, State Department of Education (SDE); Garry Lough and Julie Best, Idaho Education Network (IEN); Max Greenlee, Risch Pisca; Jess Harrison, Idaho School Boards Association (ISBA); Tony Smith, Benton Ellis; Suzanne Budge, SBS Associates

**Chairman Nonini** called the meeting to order at 8:34 a.m.

**Chairman Nonini** recognized the committee's page, Ian Richter. He stated that Ian is one of the best pages he has had in his six years as Chairman and presented Ian with an Idaho State Seal watch.

**MOTION:** **Rep. Chew** made a motion to approve the minutes of February 14, 2012. **Motion carried by voice vote.**

**MOTION:** **Rep. Thayn** made a motion to approve the minutes of February 15, 2012. **Motion carried by voice vote.**

**H 498:** **Rep. Bolz** presented **H 498**. This legislation eliminates a section of Idaho Code requiring legislative audits to review cap increases granted by the State Board of Education. He stated that he consulted with Luci Willits at the State Department of Education and they do not have any concerns about this legislation.

**MOTION:** **Rep. Thayn** made a motion to send **H 498** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bolz** will sponsor the bill on the floor.

**H 499:** **Jason Hancock**, State Department of Education (SDE), presented **H 499**. This legislation would provide school districts and charters with an additional fifteen (15) to twenty-one (21) days per year to submit required information on school facility square footage and use of maintenance funds to the SDE. It would also eliminate the requirement that districts and charters submit 10-Year Facility Maintenance Plans to the SDE annually, and instead have them submitted every five years. In addition, the 10-Year Facility Maintenance Plans would be submitted to the Division of Building Safety instead of to the SDE.

**MOTION:** **Rep. Chew** made a motion to send **H 499** to the floor with a **DO PASS** recommendation.

In response to questions, **Mr. Hancock** stated that this legislation would not change the scheduled annual inspections of schools that are conducted by the Division of Building Safety. The Public Schools Facilities Cooperative Fund can be utilized if there is no other funding option to allow safety issues to be addressed in Idaho's public schools. Documents that are submitted are able to be utilized by inspectors when they are on site at school facilities.

**VOTE ON MOTION:**

**Chairman Nonini** called for a vote on the motion to send **H 499** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chew** will sponsor the bill on the floor.

**RS 21145C1:**

**Rep. Chew** presented **RS 21145C1**. This legislation would allow community college employees to transfer up to ninety (90) days of sick leave accrued at the community college to the state system if they become state employees. Teachers in the public school system currently have this benefit. It would also allow for reinstatement of sick leave that was not taken if a state employee goes to work for Selland College or College of Western Idaho and then returns to state service within three (3) years. The emergency clause is necessary as agencies and employees are currently being affected.

In response to questions, **Rep. Chew** said that employees of Selland College were told that they would be able to keep their sick leave, but that benefit was not covered in Idaho Code. She stated that the Attorney General has asked that this problem be rectified. This change will affect twelve current employees, most of whom were at Selland College and since have moved into state service. There was discussion about sick leave being cashed out at the end of service.

**MOTION:**

**Rep. Shirley** made a motion to introduce **RS 21145C1**. **Motion carried by voice vote.**

**S 1269:**

**Senator Bock** presented **S 1269**. This legislation amends Idaho Code to clarify the official designation of a charter school founder. Under the change, founders must be designated within one hundred eighty (180) calendar days of the date that instruction first begins at the charter school. It also makes a technical correction in adding a necessary comma.

In response to questions, **Senator Bock** stated that the one hundred eighty (180) day number was selected to avoid being unduly restrictive. This time period would allow for some flexibility. The issue of defining founders was originally brought to Senator Bock by a constituent. He believes there have been some people designated as founders long after the inception of a given school.

**Chairman Nonini** expressed a concern that the State does not provide facilities to charter schools, and disallowing someone to be considered a founder at a later date might limit private support for the school(s).

In response to additional questions, **Senator Bock** stated that ambiguities in Code can lead to problems and litigation. He believes that the word "founder" is an appropriate term. Founders often receive preferential treatment, which runs counter to the fact that charters are public schools.

**Rep. DeMordaunt** stated that he is a charter school founder. In his experience, charter schools often begin in churches or other borrowed buildings. It may take years to complete a structure that belongs to that school. He is concerned that under this proposed legislation, those people who assist with creating a building for a charter school would be excluded as founders.

In response, **Senator Bock** referenced an opinion from the Office of the Attorney General (OAG) and stated that **S 1269** offers more flexibility than is believed to currently exist in Code. The OAG was not asked about adding a one hundred eighty (180) day period to designate charter school founders in Code. No senators voted 'nay' on **S 1269** in committee or on the Senate Floor.

**MOTION:**

**Rep. Nielsen** made a motion to send **S 1269** to the floor with a **DO PASS** recommendation.

In response to additional questions, **Senator Bock** stated that a charter school's board of directors has the authority to decide how founders are defined, however, the use of the word "establishment" limits the people who can be considered. He said that the Supreme Court has stated that plain meanings of words must be considered. This restricts the ability to add subjective criteria. Founders are able to circumvent the lottery system and receive different treatment than other parents who want their children to attend a particular charter school. He said that he believes there is a lack of clarity in current statute that has contributed to abuses in the system and has allowed individuals to act outside the lottery. He declined to provide details about any specific abuses.

**WITHDRAWAL  
OF MOTION:**

**Rep. Nielsen** asked for unanimous consent to withdraw his motion. There were no objections. The motion was withdrawn. He stated that he believes the OAG has taken the word "establishment" out of context and not considered the entire sentence in which the word exists. He believes that an establishment might not be completed in a one hundred eighty (180) day time period. He is not comfortable assigning a time period to charter school establishments.

**Rep. Pence** stated that she believes if contributions to the development of a charter school occur after the original establishment of that school, the contributors are not founders and should have a different designation.

**MOTION:**

**Rep. Pence** made a motion to send **S 1269** to the floor with a **DO PASS** recommendation.

In response to additional questions, **Senator Bock** said that there was a problem at The Anser School. During conversations with the Charter School Commission, he was told that the issue of abuses related to the designation of founders is an ongoing problem.

**Rep. DeMordaunt** spoke in opposition to the motion. He stated that founders are the lifeblood of charter schools. It often takes five or ten years for a charter school to procure enough funding to create a physical school building. Once the funding is in place to begin building, the school must undertake the task of erecting the structure. He agrees that more clarity in Code would be helpful, however, making a language change that excludes new or ongoing commitment from charter school parents would be detrimental to the schools themselves. He suggested adding the words "or continuing operation" to the affected section of Idaho Code.

**SUBSTITUTE  
MOTION:**

**Rep. DeMordaunt** made a motion to send **S 1269** to General Orders for amendments. **Chairman Nonini** seconded the motion.

**Rep. Thayne** spoke in support of the substitute motion. He agreed that material contributions to charter schools are important for the success of those schools.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Marriott** moved to **HOLD S 1269** in committee.

In response to questions, **Rep. Marriott** stated that the substitute motion might not solve an existing problem, however, he believes that currently Idaho's charter schools would benefit from leaving this Code section unchanged. The opinion of the OAG is simply an opinion and not an order to execute change.

**Rep. DeMordaunt** spoke to his substitute motion. He believes clarity would be helpful.

**ROLL CALL  
VOTE ON  
AMENDED  
SUBSTITUTE  
MOTION:**

**Chairman Nonini** called for a vote on the amended substitute motion to **HOLD S 1269** in committee. A roll call vote was requested. **Motion failed by a vote of 4 AYE, 12 NAY, 2 absent/excused. Voting in favor** of the motion: **Reps. Chadderdon, Shepherd, Marriott and Chairman Nonini. Voting in opposition** to the motion: **Reps. Shirley, Trail, Block, Nielsen, Thayn, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew and Cronin. Reps. Wills and Hartgen were absent/excused.**

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Nonini** called for a vote on the substitute motion to send **S 1269** to General Orders for amendment(s). **Motion carried on voice vote. Rep. DeMordaunt** will sponsor the bill on the floor.

**Garry Lough**, Idaho Education Network (IEN), gave a presentation to the committee. The IEN provides equal access to digital learning opportunities to all of Idaho's high schools. It is currently ahead of schedule and sixteen percent (16%) under budget for serving Idaho's schools. It recently equalized bandwidth to all Idaho high schools. In some districts the increase was over nine hundred percent (900%). The IEN provides training and content coordination, content servers, expansion of systems, and creates technological bridges between schools. In January of 2012, sixty percent (60%) of Idaho Schools were using technology provided by the IEN for classes, trainings, meetings, and to have guest speakers and virtual tours. Users are able to access training from the IEN. Mr. Lough believes that schools will benefit from the IEN supported and provided technology for various classes including foreign languages and advanced placement options, as well as for ACT test preparation. Future expansions are planned for charter schools, new high schools, alternative high schools, summer school programs and juvenile corrections facilities. Collaborations are beginning and include the Upper Snake River Consortium between Sugar Salem, Madison, Rigby, and Jerome High schools. Future potential partners of these schools are Ririe and Snake River High Schools. Dual credit offerings exist between these schools and the College of Southern Idaho (CSI). The IEN also provides training with the Peace Officer Standards and Training (POST) Academy, law enforcement, firefighters, TimberPlus, Idaho State University's Workforce Training, Utah State University, and has assisted with legislative and community meetings.

In response to questions, **Mr. Lough** said that the Idaho Education Network (IEN) is part of the Office of the Chief Information Officer in the Department of Administration. Higher education institutions tend to want an on-site technician to provide support. The IEN provides continuous technical support to its participants. There are limitless possibilities for expansion.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 10:29 a.m.

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Representative Nonini  
Chair

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Mary Tipps  
Secretary