

MINUTES  
**HOUSE EDUCATION COMMITTEE**

- DATE:** Wednesday, March 21, 2012
- TIME:** 8:00 A.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block (Block), Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, Cronin
- ABSENT/  
EXCUSED:** Representatives Block (Block) and Bateman
- GUESTS:** Senator Nuxoll; Phil Homer, Rob Winslow and Harold Ott, Idaho Association of School Administrators (IASA); Tyler Mallard and Roger Brown, Office of the Governor; Gary Saylor, Military Division; Mitch Silvers representing U.S. Senator Mike Crapo; Don Ebert, Clearwater County; Carmen Syed, City of Pierce; Amy Jared, Joint School District 171; Karen Echeverria, Idaho School Boards Association (ISBA); Megan Ronk, Department of Commerce; Jonathan Oppenheimer, Clearwater Basin Collaborative; Bert Marley, Idaho Education Association (IEA); Joe Diffenger, Clearwater County Economic Development; Cindy Omlin, Northwest Professional Educators (NWPE); Luci Willits and Jason Hancock, State Department of Education (SDE); Briana LeClaire, Idaho Freedom Foundation; Marilyn Whitney, State Board of Education (SBE)
- Chairman Nonini** called the meeting to order at 8:00 a.m.
- MOTION:** **Rep. Chew** made a motion to approve the minutes of March 20, 2012. **Motion carried by voice vote.**
- H 671:** **Chairman Nonini** stated that testimony on **H 671** would continue from Tuesday, March 20, 2012.
- Cindy Omlin**, Northwest Professional Educators (NWPE), stated that **H 671** allows fairness and teacher choice. She said that currently unethical practices exist and that the teachers' union does not live up to its motto of diversity of opinion. She said that this legislation does not support or endorse any organization.
- In response to questions, **Ms. Omlin** stated that a letter was written by an attorney from the Idaho Education Association discouraging teachers from associating with Northwest Professional Educators (NWPE). The letter accused the NWPE of being a rival teachers' union; they are not a union and their bylaws prohibit them from engaging in negotiations. The NWPE does not want to be a collective bargaining agent. She cited examples of coercion of superintendents by the teachers' union. Ms. Omlin said she has been communicating about this problem for "a long time". She has attended school board meetings and visited with superintendents. There are approximately 1,100 members of the NWPE across Washington, Oregon and Idaho. Many teachers join unions to secure independent, conflict-free legal advice. She did not participate in shaping the Students Come First program; she did provide input into liability insurance for teachers. The NWPE has a blog, and is on Facebook and Twitter. The primary place teachers receive information on liability insurance is at their local schools. Information from the NWPE has been removed from teachers' mailboxes and has been removed from bulletin boards in schools. She said that teachers deserve to have choices.

Responding to additional questions, **Ms. Omlin** said that in a Washington State school district, only union members are allowed to work on school committees. The Northwest Professional Educators (NWPE) is a nonprofit organization and does not have funding available to file a civil lawsuit against any teachers' unions. She stated that she was personally sued by a teachers' union, and the suit cost \$100,000 and took 1.5 years to settle. The NWPE is nonpartisan and welcomes teachers who are also members of their local teachers' unions.

**ORIGINAL MOTION:**

During the committee meeting on Tuesday, March 20, 2012, **Rep. Thayn** made a motion to send **H 671** to the floor with a **DO PASS** recommendation. The meeting was adjourned before testimony on **H 671** could conclude and before there was a vote on the motion.

**WITHDRAWAL OF MOTION:**

**Rep. Thayn** withdrew his motion to send **H 671** to the floor with a **DO PASS** recommendation.

**RS 21553:**

**Chairman Nonini** explained that **H 671** does not contain necessary language that has been in all new legislation relating to Students Come First. Due to this oversight, **RS 21553** has been drafted to include the missing language.

**Bert Marley**, Idaho Education Association (IEA), said that the IEA has several concerns about this legislation. Mr. Marley said that every teacher can choose whether or not to join a union. The IEA has existed for 120 years and provides support to Idaho teachers. He outlined requirements for distribution of information to teachers and said that under the new bill the State Department of Education would create a list of providers and only organizations that provide liability insurance and legal representation would be allowed to be included on the list. Currently only three organizations meet that criteria. Mr. Marley said he wonders what message would be sent to teachers who choose not to join any association. He said that the Idaho School Boards Association (ISBA) asked to be included in the list of liability insurance providers, but does not meet the requirements. The ISBA's website has a list of over eighty (80) liability insurance providers.

**Roger Brown**, Office of the Governor, said **RS 21553** only seeks to provide options to teachers, and he believes that goal is accomplished in the legislation.

In response to questions, **Mr. Brown** said that providing options and information to teachers is important to Governor Otter. Everything in the public school system is connected including management of local districts. The Governor's Office heard from "a lot" of educators and administrators with concerns about options being clearly presented; he said that the mark was missed last year and this legislation corrects that problem. **RS 21553** requires an unbiased list. Only organizations that carry certain types of insurance would be included on the proposed list. The list might be small, however, it would contain only providers that could meet the needs of teachers. Under existing legislation, insurers who do not represent the broader interests of educators are allowed to be included, such as carriers of boat insurance.

**Jason Hancock**, State Department of Education (SDE), stated that the SDE supports **RS 21553**, the replacement for **H 671**, which creates a narrower focus and removes an administrative burden from school districts. During discussions with educators, it has become clear that there is a need not only for liability insurance, but also legal advice on employment rights. This new, proposed legislation would meet that need.

In response to questions, **Mr. Hancock** said that he has known **Cindy Omlin**, Northwest Professional Educators (NWPE), for several years. He has been aware of her concerns and input, however, the State Department of Education (SDE) has received other input that has led to this legislation. He has not received input from State employees who are not involved in education; he deals only with issues related to education. This bill makes technical changes to existing State law.

**Briana LeClaire**, Idaho Freedom Foundation, said that increased competition between providers could lower prices. The Idaho Freedom Foundation **supports RS 21553**.

In response to questions, **Ms. LeClaire** said that this legislation provides greater specificity and that options should be made more obvious.

**MOTION:**

**Rep. Thayn** made a motion to introduce **RS 21553** and send it directly to the Second Reading Calendar.

**Rep. Cronin** said he will vote against the motion because this legislation has nothing to do with student achievement, and there has been no public outcry. He said that this legislation is an attempt to weaken the Idaho Education Association, and while this legislation might make some improvement to last year's legislation, it still does not make sense.

In response to a question, **Rep. Cronin** said he is not concerned by the testimony provided by **Cindy Omlin**, Northwest Professional Educators (NWPE).

**Rep. Pence** stated that Northwest Professional Educators (NWPE) is perceived as a competing labor union. If they are not a labor union, superintendents should have no problem with their presence. She said that she does not believe this is an issue that needs to be dealt with through the Legislature.

**Rep. Nielsen** stated that this legislation creates competition and supports Idaho's status as a Right to Work state.

**Rep. Chew** stated that because this legislation decreases the number of providers who will be eligible to be listed, it actually decreases competition.

**VOTE ON MOTION:**

**Chairman Nonini** called for a vote on the motion to introduce **RS 21553** and send it directly to the Second Reading Calendar. **Motion carried by voice vote. Reps. Trail, Pence, Chew** and **Cronin** requested to be recorded as voting **NAY**. **Rep. Thayn** will sponsor the bill on the floor.

**MOTION:**

**Rep. Thayn** made a motion to **HOLD H 671** in committee. **Motion carried by voice vote.**

**H 672:**

**Jason Hancock**, State Department of Education (SDE), presented **H 672**, which would allow school districts to have more flexibility and allow them to forego their building maintenance match contributions. Overall, two percent (2%) of replacement value must be set aside annually. Generally districts set aside 1.5% and the State sets aside the additional .5%. Districts with larger resources have a larger portion provided by the State and have to come up with less themselves.

In response to questions, **Mr. Hancock** said that funds can continue to be used for building maintenance, however, during these difficult economic times, the State Department of Education would like to allow districts to utilize these funds for other necessities if building maintenance is not immediately needed. When this legislation was functioning as written, no requirements were in place stating where the dollars had to come from; some districts had supplemental levies and some did not. Some districts used their State allocation of discretionary funds for their maintenance match contributions. This legislation could provide relief to school districts who have lost levies and were using those funds for maintenance match contributions.

**Rep. Shirley** stated that it was be difficult for schools to neglect safety issues related to buildings. Buildings are inspected regularly and reports are submitted.

**Phil Homer**, Idaho Association of School Administrators (IASA), said that if a building inspector discovers a problem, Idaho Code requires that the problem be addressed before funds can be used for anything other than personnel.

**MOTION:** **Rep. Shirley** made a motion to send **H 672** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Shirley** will sponsor the bill on the floor.

**H 662:** **Rep. Roberts** presented **H 662**. He stated that, due to time constraints, he would like to allow public testimony before he speaks to the bill.

**Carmen Syed**, Mayor of Pierce, Idaho, stated that she **supports H 662**. She said that the community at large is excited about this program; the population is small and shrinking with high unemployment.

**Amy Jared**, Joint School District 171, resides in Pierce, Idaho, and states that the local school district is very excited about the proposed school. Her desire is to see all children receive education; she believes this school could reach children who have dropped out or who are at risk of dropping out. She **supports H 662**.

**Jonathan Oppenheimer**, Clearwater Basin Collaborative, said that he strongly supports the Youth Challenge Program because it would benefit a region with double-digit unemployment, and would turn challenged teens into contributors instead of liabilities. He **supports H 662**.

In response to questions, **Mr. Oppenheimer** said that the program does make fiscal sense; he referred to a "pay me now or pay me later" issue; if Idaho can provide a way to turn around challenged youth now, it will not have to pay for their incarceration or other difficulties later.

**Don Ebert**, Clearwater County Commissioner, stated that he **supports H 662**. In the nineteen years that the Youth Challenge Program has operated schools in other states, federal funding has not been removed from schools. He believes that the Federal Government will continue to fund the program in Idaho as long as it is successful. He asked the committee to place their faith in the National Guard, who manages the program. He said he has not heard a single person in his community speak against this program

**Joe Pippenger**, Clearwater County Economic Development, stated that he has served in many capacities and has tried to find a way to remedy the unemployment problem in his area. He referred to the Youth Challenge Program as "a round peg to go into a round hole" and stated that it provides a win for youth, for economic development, and for the State of Idaho. He **supports H 662**.

**MOTION TO ADJOURN:** **Rep. DeMordaunt** made a motion to adjourn. **Chairman Nonini** stated he was in doubt about the voice vote and asked for a roll call vote. **Motion failed by a vote of 4 AYE, 10 NAY, 4 absent/excused.** **Voting in favor** of the motion: **Reps. Shirley, Chadderdon, DeMordaunt** and **Chairman Nonini.** **Voting in opposition** to the motion: **Reps. Trail, Nielsen, Shepherd, Marriott, Hartgen, Boyle, Nasset, Pence, Chew** and **Cronin.** **Reps. Block (Block), Wills, Thayn** and **Bateman** were absent/excused.

**Gary Sayler**, Military Division, said that commitment for this program begins with the State of Idaho. A letter is necessary and must state that the non-federal portion of the required funding is available. The Youth Challenge Program was started by the Department of Defense, to improve the dropout rate and increase success of at-risk youth. Over 100,000 students across the country have completed this program and have become productive adults.

In response to questions, **General Saylor** said that the program needs the Average Daily Attendance (ADA) funding that would normally follow these students. Spending authority is also being requested for start-up costs. The process must begin at the state level. General Saylor has been told that there is money available in the federal budget, however, a letter from Idaho is necessary before that money will be given to the school. No state funds or private donations would be executed until matching dollars are received from the federal government. No funds will come from Veterans Services. If this program is allowed to begin, one time spending authority of \$500,000 is requested and an additional \$600,000 is expected to come next year from ADA funding. School districts and school counselors can recommend specific students for this program.

**Chairman Nonini** announced that the committee would not be voting on **H 662**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:39 a.m.

---

Representative Nonini  
Chair

---

Mary Tipps  
Secretary