

MINUTES
HOUSE EDUCATION COMMITTEE

- DATE:** Tuesday, March 04, 2014
- TIME:** 8:30 A.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman DeMordaunt, Vice Chairman Nielsen, Representative(s) Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc, Rubel
- ABSENT/
EXCUSED:** None
- GUESTS:** Stephanie Zimmerman, Becky Foster, Stacey Knudsen and Emilee Murdoch, parents; Cindy Hoovel, Coalition of Idaho Charter Families; Julie Lynde, Cornerstone Family Council; Harold Ott, Rural Schools; Phil Homer, Karen Echeverria, and Rob Winslow, IASA; Marilyn Whitney and Amy Nelms; Scott Cook and Luci Willits, SDE
- Chairman DeMordaunt** called the meeting to order at 8:30 a.m.
- MOTION:** **Rep. Kloc** made a motion to approve the minutes of the February 26, 2014 meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Kloc** made a motion to approve the minutes of the February 19, 2014 meeting. **Motion carried by voice vote.**
- RS 23037C1:** **Rep. McDonald** explained the original **RS 23037** had already been heard by the committee and he would focus on the changes in **RS 23037C1** He said the changes made dealt with the toxicology report being administered by the Idaho State Police (ISP). He explained in researching the price of a toxicology report, it is \$275 per report. He said in current statute the ISP receives \$200,000 annually to administer these reports. In **RS 23037C1**, ISP would receive the amount due for juvenile testing, not to exceed \$200,000. However if the amount of the testing came to less than \$200,000, ISP would receive the lesser amount.
- In response to questions, **Rep. McDonald** said the \$80,000 for the Hispanic Commission for drug prevention is no longer a part of the proposed legislation. He also said the Governor was not consulted because there was no request for additional funding.
- MOTION:** **Rep. Harris** made a motion to introduce **RS 23037C1** and recommend it be sent directly to the Second Reading Calendar.
- SUBSTITUTE
MOTION:** **Rep. Wills** made a substitute motion to introduce **RS 23037C1** stating a hearing would give additional time to consider changes. **Substitute Motion carried by voice vote.**
- H 569:** **Jason Hancock**, Deputy Chief of Staff, State Department of Education presented **H 569** regarding eliminating duplicate distribution of funds for alternative school average daily attendance. This legislation closes a loophole in the states funding formula for public schools, which if not closed, could allow for the double-funding of some students. Since the school district is already fully-funded for 1-100 students through the secondary minimum of eight support units, and students transferring from regular secondary to alternative secondary would be counted and funded a second time on the alternative secondary table. This legislation would only fund an alternative secondary school in such a small district if it was a regional program serving multiple small school districts on the secondary support unit minimum.

MOTION: **Rep. Kloc** made a motion to send **H 569** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kloc** will sponsor the bill on the floor.

H 576: **Jason Hancock** presented **H 576** which clarifies that school districts can submit driver education reports for reimbursement annually, rather than being required to submit them multiple times throughout the year. He said it is a small change, reduces paperwork, and districts have a choice as to the manner of reporting they prefer.

MOTION: **Rep. Mendive** made a motion to send **H 576** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.

H 577: **Jason Hancock** presented **H 577** which codifies the public schools Math Initiative as a matter of policy. He explained the Math Initiative has provided meaningful professional development that has helped improve the teaching of math in classrooms across Idaho, and has provided regional math support personnel. He indicated there would be no fiscal impact, since the dollar amount allocated for the Math Initiative would still be set through the public schools appropriation bill.

MOTION: **Rep. Wills** made a motion to send **H 577** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

H 567: **Rep. Trujillo** said the intent of **H 567** is to emphasize the rights of parents as those rights relate to their children's education. While the Legislature is charged with the task of establishing and maintaining a general, uniform and thorough system of public schools, the Legislature acknowledges and confirms the rights of parents as they relate to their children's education. She noted the many sources of research on the importance of parent involvement in a child's education. She also referenced the Family Engagement in Education Act introduced to Congress to empower parents to get involved in their children's education. In addition, Rep. Trujillo, spoke from a Supreme Court ruling which said "the child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." (*Pierce v Society of Sisters*)

Stephanie Zimmerman, Becky Foster, Emily Murdock and Stacy Knudsen, parents, testified **in support of H 567**. They said there is a fundamental right of parents over the care and education of their children. Personal experiences in the education of their children and others' children, give them cause to believe parents have been set in a secondary role. Ms. Knudsen said the inability to opt out of school testing for children infringes on parental rights.

In response to questions from the committee, the parents said mandates from the federal government and district policies can interfere with a parent's right to guide and observe their students' learning.

Julie Lynde, Cornerstone Family Council, **spoke in support of H 567**. She said parental rights are under siege and that families get discouraged. She said if the rights of parents are not in statute, the courts are confused. She stated the courts need something firm to stand on.

To a question from the committee regarding the overriding of school curriculum by a parent, **Ms. Lynde** said parents can ask that children be excused from a teacher's curriculum at present without new legislative provisions.

Karen Echeverria, thanked **Rep. Trujillo** for asking Idaho School Boards Association (ISBA) input on the legislation and for the effort she made based on the ISBA suggestions. She said while this legislation is much better than the first version, ISBA does not understand the need for it. She said there are no issues with the language as presented, but it will probably not have any impact on what is already occurring in school districts all over the state. In addition, she said ISBA does not believe the US Constitution speaks to the matter of the right, responsibility, or obligation of parents and therefore the legislation is flawed.

In response to a question from the committee regarding her knowledge of the United Nations Treaty: "The Rights of the Child" which is proposing parental rights will be turned over to the treaty, **Ms. Echeverria** said she was not. However, she indicated her wish to have more parental involvement. She said the model policies that school districts create should never be family unfriendly, although, parental involvement needs to be encouraged at school board meetings and at Parent/Teacher conferences. She said at the current time, the school districts' dilemma is how to get parents involved.

ORIGINAL MOTION:

Rep. Bateman made a motion to send **H 567** to the floor with a **DO PASS** recommendation.

In summation, **Rep. Trujillo** said **H 567** was not intended to be used as a punitive measure. She said legislators can emphasize the importance of parents by respecting and supporting their rightful role and their fundamental rights as those rights relate to their children's education.

Rep. Clow referred to an opinion issued by the Office of the Attorney General (AG). Quoting from the opinion, he said: It is possible that a reviewing court in a custody dispute could interpret the word "obligation" to require some degree of mandatory action on the part of a parent. But no definition of "obligation" is provided, and there is no further explanation of what the "obligation to participate" entails...it could become a policy question of the legislature.

SUBSTITUTE MOTION:

Rep. Clow made a motion to send **H 567** to General Orders with specific changes attached. He said to strike out the words "and obligation," then insert the word "and" between the words: "right" and "responsibility."

Rep. Bateman urged the committee to reject the substitute motion. **Rep. Boyle** spoke **in opposition** to the substitute motion. She said a judge could look back at the minutes to see the intent of the legislation. **Rep. Nielsen** said the word "obligation" simply means supportive.

Rep Horman said she was interested in preserving parent rights, but she supported the substitute motion which would remove the word: "obligation."

MOTION:

Rep. Gestrin called for the question. **Motion carried by voice vote.**

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Rep. Nielsen requested a roll call vote on the substitute motion to send **H 567** to General Orders with specific amendments attached. **Substitute Motion failed by a vote of 3 AYE, 12 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Clow, Pence and Rubel. Voting in opposition to the motion: Reps. Nielsen, Shepherd, Bateman, Boyle, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Kloc and DeMordaunt. Rep. Wills was absent/excused.**

VOTE ON ORIGINAL MOTION:

Chairman DeMordaunt called for a vote on the original motion to send **H 567** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Trujillo** will sponsor the bill on the floor.

H 556: **Rep. Harris** presented **H 556** to the committee. He said Administrative Rule, **Docket No. 08-0202-1300**, brought to the House Education Committee had raised concerns in the section labeled: Evaluation Policy. He explained the section for evaluating certified instructional employees had stricken out Section 02: Parent Inputs. He said the new section of rule changed the language to say 67 percent of the evaluation results for certified instructional employees is based on professional practice with two documented observations by school administrators. Optional were parent, student and/or portfolio input.

The legislation would bring back into the Administrative Rule, **Docket No. 08-0202-1300**, the student and parent input. Also, from the Governor's Task Force Recommendation on tiered licensure, it would add "measures of growth." **Rep. Harris** said there will be two year incremental changes in the areas of measures of growth, parent and student input and professional practice. By FY20, the evaluations would be scored using at least 50 percent based on measures of growth, at least 15 percent based on parent and student input, and at least 25 percent on professional practice. The percentage remaining for district flexibility would decrease from 35 percent in FY16 to 10 percent in FY20. In order **Rep. Harris** spoke to the charts from the MET Project's three-year study. (See Attached.)

Chairman DeMordaunt requested **Rep. Harris** return before the committee on Wednesday, March 5, 2014 to continue the hearing on **H 556**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:20 a.m.

Representative DeMordaunt
Chair

Jean Vance
Secretary