

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, February 09, 2016

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Mortimer, Vice Chairman Thayn, Senators Nonini, Patrick, Souza, Den Hartog, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Anthon

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Mortimer** called the Education Committee (Committee) to order at 3:00 p.m.

**PRESENTATION:** **Janet Gallimore**, Director, Idaho State Historical Society (ISHS), presented an update on the ongoing work and the statutes that support the ISHS. She told about the preservation work and of the ongoing expansion project of the historical museum. She stated the museum in Boise has a great impact on tourism and with the new expansion, this will increase. **Ms. Gallimore** explained that with an evaluation from the Office of Performance Evaluations, ISHS determined the focus of the museum; an advisory council helped to set an educational strategy for the exhibits. She played a video of the architect's detailed illustration of the museum. She indicated the expansion funding is coming from the State of Idaho at the Governor's request and from private donors (see attachment 1).

**Ms. Gallimore** introduced Roy Eiguren, Director of the Foundation and the Expansion Campaign Manager, ISHS. **Mr. Eiguren** explained his role and reported on the donors who have made sizable contributions.

**Ms. Gallimore** concluded her presentation by saying the ISHS Museum in Boise will be one of the finest in the West. She stood for questions.

**Vice Chairman Thayn** asked the date of the grand opening. **Ms. Gallimore** said December 2017.

**Chairman Mortimer** asked how many students can be in the museum daily. **Ms. Gallimore** said the building will accommodate 1,500 people daily.

Chairman Mortimer rearranged the agenda to accommodate the needs of Senator Nonini.

**S 1248** **Senator Robert Nonini**, District 3, presented **S 1248**; Relating to Charter Schools: Revise Requirements Regarding Certain Written Contracts. He said that Idaho has one of the most restrictive laws regarding public charter school teacher contracts. He explained how the bill increases contracting flexibility for public charter schools. He emphasized that with this change, public charter schools can still use the Idaho State Department of Education (SDE) contracts or they can develop their own. He distributed letters to Committee members and explained they came from public charter school superintendents who are in support of the bill.

**Vice Chairman Thayn** asked how these changes will help with flexibility. **Senator Nonini** said if this legislation is adopted it would allow newly hired teachers at public charter schools to have different contracts. The teachers with existing contracts with public charter schools would not have to change their current contracts. Those with continuous contracts, are considered a property right, which cannot be taken away

**Senator Buckner-Webb** asked if there is any prototype of contracts to review. **Senator Nonini** replied that he did not have anything available. He explained some options of what a new contract might look like.

**Senator Ward-Engelking** said with the career-ladder legislation, there is a provision for a year-by-year contract for the first year with no provision for continuation until the fourth year of employment. She asked why the current legislation is a problem. **Senator Nonini** said it is a problem with the subsequent years after year four of the contract.

**TESTIMONY:**

**Randall Yadon**, Principal and Administrator of Meridian Technical Charter High School, testified against **S 1248**. He explained that public charter schools already have much flexibility. The current contracting process gives teachers assurance of respectful treatment. He was concerned about there being too many differentiated contracts in the state causing confusion with teachers moving to another school. He asked that **S 1248** be held in Committee (see attachment 2).

**Senator Souza** said this legislation gives public charter schools contracting flexibility to either use the current form or develop another. She asked why he was against flexible contracting. **Mr. Yadon** said he is concerned about the perception that in public charter schools there is a different contract. It is the contract property right that he has concerns about. The public charter schools have either a greater or lesser contract than the traditional public schools.

**Senator Patrick** asked him to explain a contract property right of a teacher. **Mr. Yadon** said that he is unclear what the legislation would actually accomplish. He said it creates flexibility in the property right of a contract that a teacher might eventually acquire. The concern with this legislation is the creation of a difference between public charter schools and traditional public schools.

**Michelle Ball**, Founder, Alturas International Academy (AIA), explained the foundation of the school and her role as an educator and administrator. She testified in favor of **S 1248**. She explained it will give AIA the ability to have more flexibility with hiring teachers and will not lock them in with teachers whose vision is not the same as that of the school.

**Senator Ward-Engelking** stated the career-ladder legislated mentoring and professional development to help teachers be more effective and highly skilled in public schools classrooms. She asked how flexible contracts will help public charter school teachers. **Ms. Ball** replied that she has seen ineffective teachers continue to teach. Although the standards have been put in place she has not seen them work.

**Karen Echeverria**, Executive Director, Idaho School Board Association (ISBA), testified against **S 1248** and asked that it be held in committee. She explained the role and representation that public charter schools have with the ISBA. She noted that the most vocal opponents were the public charter school board members. She polled the public charter schools and heard back from 50 percent; they opposed the legislation two to one. She explained the issues of this legislation (see attachment 3).

**Javier Castaneda**, Executive Director, Heritage Community Charter School, testified in favor of **S 1248**. He stated there is nothing in the new legislation that requires public charter schools to change teacher contracts. He said good teachers will always have a job, and the schools need control at the local level. He concluded that one size contract doesn't work for all schools.

**Vice Chairman Thayn** asked what contract changes his school would make. **Mr. Castaneda** said they would include contractual language that specifies their teachers apply the principles of the charter in the classroom. **Vice Chairman Thayn** asked if they are looking to have the ability to remove a teacher whose vision no longer is shared with the charter school. **Mr. Castaneda** replied in the affirmative.

**Paul Stark**, General Counsel, Idaho Education Association (IEA), testified against **S 1248**. He explained the bill is about innovation, and public charter schools are innovative. He detailed other organizations that are driven by innovation. He then critiqued the legislation and concluded that this will create second-class teachers who will have little job security (see attachment 4).

**Senator Den Hartog** asked how many members of the IEA are public charter school teachers. **Robin Nettinga**, Executive Director, IEA, said there are members from the charter schools.

**Vice Chairman Thayn** asked how the IEA would remove a teacher whose vision was no longer in line with the charter school. **Mr. Stark** replied there is a misconception that teachers cannot be fired: it can be done. He explained that he doesn't have many termination hearings because often a teacher will resign before that hearing.

**Jennifer Mattravers**, Teacher and Federal Programs Director, Heritage Community Charter School, testified in favor of **S 1248**. She explained that public charter schools are unique in model, mission and vision. Public charter schools are held accountable to the state with performance certificates, and staff cohesiveness is essential for the success and sustainability of the school. She explained her experience with the dismissal process of a colleague who was no longer in alignment with the school. She stated it was an exhaustive process because of the teacher's contract. She explained that as a school of choice, it is necessary to have flexibility in contracting.

**Rob Winslow**, Executive Director, Idaho Association of School Administrators testified against **S 1248**. He explained the different teacher contracts will provide challenges for the districts' superintendents. He detailed the different challenges and concerns the flexible contracts may pose.

**Emily McClure**, Attorney and Lobbyist, Idaho Charter School Network, asked for support of **S 1248**. She outlined the section of Idaho Code that governs charter schools, specifically the section that explains the contracts for teachers and administrators. **Ms. McClure** specified what **S 1248** would achieve and what it would not hinder. She gave examples of contract possibilities if this bill were to pass. She concluded by stating that Idaho is one of the most restrictive states for employment contracts, then named the states that do offer flexible contracting for charter school teachers and administrators (see attachment 5).

**Senator Ward-Engelking** asked how a charter school would receive the funding as outlined in the career-ladder legislation. **Ms. McClure** said she asked the State Board of Education (SBE), and their reply was the contracts would not impact the career ladder. **Senator Ward-Engelking** said the funding on the career ladder is tied to the evaluation piece. She implied that there would be an impact. **Ms. McClure** said she believed the career ladder is based on the number of years in service, not necessarily the category of the contract.

**Senator Den Hartog** asked in what year legislation passed indicating public charter schools had to follow traditional school contracts. **Ms. McClure** replied it passed in 2004.

Testimony was completed and Senator Nonini came to the podium to close the debate for **S 1248**.

**Vice Chairman Thayn** thanked Senator Nonini for starting the public charter schools' contracting discussion. He wondered how this legislation, if passed, would be implemented. **Senator Nonini** said the public charter schools, SBE and stakeholders would develop the structure through the rulemaking process.

**Senator Ward-Engelking** asked if he was aware that there were charter schools represented on the Task Force for Improving Education (TFIE). **Senator Nonini** replied in the affirmative. **Senator Ward-Engelking** asked why this wasn't addressed when the TFIE was designing the career-ladder. **Senator Nonini** replied he didn't know why.

**Senator Buckner-Webb** asked if this legislation would give charter schools more latitude than traditional public schools. Senator Nonini replied in the affirmative. He stated the charter schools are asking for more flexibility. Senator Buckner-Webb stated would there be more latitude than equity. **Senator Nonini** replied the equity is not going away. This legislation creates flexibility and options for charter schools. He reiterated this legislation is good for the students.

**Senator Ward-Engelking** asked if there are examples that demonstrate how nontraditional contracts benefit a student. **Senator Nonini** replied when a teacher's vision does not align with the charter school, a contract should be in place to remedy the problem.

**Senator Nonini** closed by saying **S 1248** gives public charter schools the flexibility in contracting they have requested. Public charter schools can still use the traditional contract. Idaho has very strict charter school laws; they are more restrictive than neighboring states. He stated this legislation is a good move forward.

**MOTION:** **Senator Souza** moved to send **S 1248** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. **Senator Nonini** will carry **S 1248** on the floor.

**SUBSTITUTE MOTION:** **Senator Ward-Engelking** moved to hold **S 1248** in Committee. **Senator Buckner-Webb** seconded the motion.

**Senator Ward-Engelking** stated there has been quite a bit of discussion and too many questions remain. She believes this issue should be studied more.

**Vice Chairman Thayn** stated he is struggling with the legislation a bit. He explained his concerns and emphasized the flexibility must be used properly.

**Senator Ward-Engelking** asked for a roll call vote. **Senators Buckner-Webb** and **Ward-Engelking** voted aye. **Senators Mortimer, Thayn, Nonini, Patrick, Souza** and **Den Hartog** voted nay. The motion failed.

**ORIGINAL MOTION:** The original motion passed by **voice vote**. **Senators Buckner-Webb** and **Ward-Engelking** requested that they be recorded as voting nay. Senator Nonini will carry **S 1248** on the floor.

- RS 24120** **Tim Corder**, Special Assistant to the Superintendent, State Department of Education (SDE), presented **RS 24120**, Relating to Educational Support Program: Revise Provisions to Educational Support Program Calculation, Codifier and Technical Corrections; Provide an Effective Date. He explained this legislation is for the SDE to determine school district funding. The changes will modify the distribution formula so there is fair and equitable funding.
- Chairman Mortimer** asked if these changes will affect the information technology (IT) personnel. **Mr. Corder** replied in the negative.
- MOTION:** **Senator Thayn** moved to send **RS 24120** to print. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.
- RS 24333** **Senator Patrick** presented **RS 24333**: Revise a Catchline, Revise Provisions Regarding College and Career Advisors and Reporting Requirements. He explained the legislation will update last year's legislation. He stated this requires a school district to establish a plan as to how they will address the college and career advising for the students and the minimum reporting standards. He emphasized that much discretion is given to local districts.
- Vice Chairman Thayn** asked if charter and traditional schools in a district could pool funds. **Senator Patrick** replied that pooling for other issues in small districts has been done.
- MOTION:** **Senator Thayn** moved to send **RS 24333** to print. **Senator Souza** seconded the motion. The motion passed by **voice vote**.
- RS 24113** **Marilyn Whitney**, Senior Special Assistant for Education and Government Services, Office of the Governor, presented **RS 24113**; Relating to scholarships: To Provide Adult Degree Completion Scholarship. She explained the legislation would encourage the 28 percent of Idahoans with some college and no degree to return to college. She handed the Committee a spreadsheet detailing the number of students with financial need and listing federal financial aid available (see attachment 6). She explained the requirements to be able to qualify for the Completion Scholarship. If this legislation passes, the SBE will be facilitating the process for rulemaking.
- Senator Den Hartog** asked if those who qualify for the Completion Scholarship also be able to qualify for the Opportunity Scholarship. **Ms. Whitney** replied in the negative.
- Senator Buckner-Webb** asked how many semesters of aid would be available. **Ms. Whitney** replied students are allowed eight semesters of aid.
- MOTION:** **Senator Ward-Engelking** moved to send **RS 24113** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.
- RS 24171** **Ms. Whitney** presented **RS 241-1**: Relating to Tuition Lock. She explained this legislation will establish a tuition lock program at the state's four year public higher institutions. This legislation provides predictability of tuition and incentivizes timely completion of college. She stated there are more than 320 institutions across the nation that offer this program. She explained the fiscal impact of the bill, adding there is a five-year sunset for this legislation.
- MOTION:** **Senator Souza** moved to send **RS 24171** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.
- RS 24442** **Senator Souza** presented **RS 24442**: Relating to Parental Rights in Education. She explained this legislation is similar to last year's bill. She said the term "reasonable accommodations" has been defined. She read to the Committee the wording additions. She explained the new language is soft and invitational, working for the best interest of a child's education.

**MOTION:** **Senator Den Hartog** moved to send **RS 24442** to print. **Senator Patrick** seconded the motion. The motion passed by **voice vote**.

**S 1232** **Blake Youde**, Chief Communications and Legislative Affairs Officer, SBE, presented **S 1232**: Relating to Vocational Rehabilitation. He explained that this legislation amends § 33-2301, Idaho Code, to align with the most recent Federal amendments to the Workforce Innovation and Opportunity Act of 2014, which took effect in 2015.

**MOTION:** **Senator Buckner-Webb** moved to send **S 1232** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion passed by **voice vote**. Senator Buckner-Webb will carry **S 1232** on the floor.

**S 1249** **Ms. Whitney** presented **S 1249**, Relating to the STEM Action Center Board: To Establish Provisions. She explained the intent of the STEM Action Center Board was to have representation from all parts of Idaho. She said there are traveling expenses associated with attending the board meetings. This will allow requests for reimbursements related to the service on the Board.

**Senator Ward-Engelking** moved to send **S 1249** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. Senator Ward-Engelking will carry **S 1249** on the floor.

**ADJOURNED:** There being no more business, **Chairman Mortimer** adjourned the meeting at 5:03 p.m.

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Senator Dean M. Mortimer  
Chair

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LeAnn Mohr  
Secretary