

Senate Education Committee

Minutes
2005



MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 12, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

**ABSENT/
EXCUSED:** None

GUESTS: See attached sign in sheet

Minutes Welcome by Senator Goedde-he asked that all the committee members introduce themselves, tell how long they have been on the committee and what goals they have for the Education Committee.

Senator Goedde handed out a form which stated his goals for the Education Committee this year.

(A copy of this handout is in the office of the secretary for Ed. rm 434)

Other visitors were introduced refer to Attachment Sign in Sheet.

Announcements Senator Andreason
A new NCLB report is coming from the Federal government in a few weeks.

Recessed at 3:30 p.m. for the Senators to get their lap tops for rules review.

Reconvened at 3:40 p.m. Senator Noble lead the discussion on the Rules review.

Docket number:

08-0202-0403 Standards for ID school buses

Rodney McKnight representing SDE reviewed the rule for the committee.

The rule has evolved from 2003 when it was considered hypothetical.

Year 2004 was the clean up work.

Senator Marly asked why the change of the language? If it is commercial software and program support?

McKnight stated the changes are for the routing and to help in efficiency.

Sen Marly asked if the school districts had to buy them out of their budget.

McKnight stated that they had to initially but they would be reimbursed.

No further testimonies.

Senator Noble stated that the rules will not be voted on today but on either Monday or Tuesday.

08-0202-0408

Public school & district accreditations.

Shannon Page read the rule and stated that districts must be accredited as well as schools.

Senator Gannon asked if a school was doing well if they could just put in their strategic planning to continue as they are doing?

Page stated that a proposed strategic plan looking for improvement will always have to be submitted.

Senator Noble asked concerning charter schools, how does a charter school report.

Dr. Bob West representing SDE stated that it would operate as a district.

Senator Andreason asked what would characterize as a LEA and would accreditation treat the charter schools as a district?

West stated that it varies by Charter bi-laws which are approved by members of the governing board of the Charter.

Sen Goedde suggested that at another time the committee learn more about Charter schools.

08-0202-0409

Teachers Preparation Programs

Patty Tony representing State Department of Education after reading the rule stated that the purpose of the rule is to clarify paying and preparation program reviews out of the state.

Senator Goedde asked if we were running the risk of a discriminating practice?

Tony stated that as she has talked with institutions such as BYU Idaho and concluded there was no risk involved.

08-0108-0301

Exceptions to the consumption or sale of alcohol at colleges or universities.

Karen Echeverria representing OSBE read the rule stating the rule allows the University president to make the call of how or if it will be allowed after the guidelines have been followed.

Senator Burkett asked if permits were issued day by day.

Karen Echeverria stated that they are event by event.

- 08-0202-0402** Will be reviewed on Monday January 17, 2005.
- 08-0203-0401** Guidelines concerning limited English proficient students
- Karen Echeverria read the rule some technical questions were asked and Carissa Miller representing OSBE also addressed the issue.
- Senator Gannon and Senator Noble stated they both have had complaints from Educators that ESL students are bringing their scores down which reflects on the school/educator.
- Miller stated only 1st year students in their 1st year of ESL programs scores are being used in that scoring system.
- Senator Gannon voiced that the educators need to be informed of that information.
- 08-0203-0402** Rule change for adequate yearly progress for schools and district/LEA sanctions.
- Karen Echeverria read the rule.
- Senator Gannon asked if the schools do not get Title One funds?
- Miller spoke about there not being a mandate by the Federal regulations for NCLB.
- Senator Gannon asked why Idaho choose to mandate it when the NCLB Act does not require it.
- Miller stated Idaho chose it to insure the same standards for all schools.
- 08-0203-0403** Establishment and implementation of English language Proficiency (ELP) standards for NCLB.
- Karen Echeverria read the rule.
- No one else wished to testify for or against it.
- No further questions were asked by the Senators.
- 08-0203-0404** Eligibility criteria for rewards.
- Karen Echeverria read the rule.
- No one wished to testify for or against it.
- No further questions were asked by the Senators.
- 08-0301-0401** Will be reviewed on Monday January 17,2005
- Additional** Senate Burkett had further questions for Carissa Miller about Title One

discussion

schools. The Senator was trying to determine if it is significant or not that the non Title One Schools are not getting any funds.

Dr. West will find more information about the specifics. The Districts are obligated to be spend Title One funds on those schools that have targeted for school wide Title One services as set forth by a school district. Funds are targeted to those Title One schools not the non Title One schools.

Other Business

Senator Goedde asked the committee about the possibilities of a joint house and Senate committee meetings. The House meets in the morning and the Senate in the afternoon. It will be more of a challenge due to other committee meetings. No plans were made at this time to have the joint meeting.

ADJOURN:

Senator Goedde closed the meeting at 4:40

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 13, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

**ABSENT/
EXCUSED:** Senator Goedde

GUESTS: See Attached Sign-in sheet

Called to order Senator Noble called the meeting to order at 3:00 p.m.

Announcement Senator Noble reminded the committee of Monday's agenda and the continuation of the Rules review. Senator Gannon asked when the committee was going to be given a hard copy of the rules. Five members of the committee asked for a hard copy for themselves.

There were no further announcements.

Senator Noble turned the meeting over to the presenters given by Mike Rush of the Professional Technical Education and Shirley Silver for Displaced Homemakers Report for the Center for New Direction.

Center for New Direction Annual Report A complete copy of the presentation is in the office of the Secretary for Education.

Shirley passed around a fiscal report for year 2004

A copy of this report is in the office of the Secretary for Education.

At the conclusion of her report Shirley stated that after 28 years of working with Professional Technical Education the organization of Displaced Homemaker is her favorite organization. She thanked the members of the committee for their support through out the last 25 years of the program.

Senator Jorgenson asked what this program cost the state each year.

\$170,000 come from Divorce funds
\$130,000 come from State general funds

Professional Technical Education Annual Report Mike Rush presented for PTE He introduced to the committee Ann Stevens liaison for PTE, a good resource, Kristy Stole Career guidance resource and Gerry the IT specialist.

A copy of the presentation is in the office of the Secretary for Education.

**Questions and
comments
during the
presentation**

Senator Gannon asked if the increase of high school students in technical programs was related to low high school students who enrollment in college.

The answer is no.

Speaking of Employment in the state, Senator Burkett was wondering about the 68% that was employed.

Rush stated that there was chunk that was retired but the random survey was 18 and older.

Follow up question by Senator Burkett was if there were statistics of those unemployed.

Rush had those statistics and would get them for the committee.

The Crisis is that U.S. students are not prepared to compare with the international students.

Today the question still remains on how to have both discipline and professional/occupational in the curricula.

**Questions
following the
presentation**

Answers are all by Mike Rush

Senator Andreason asked how much latitude can you have for new internet programs?

Answer- The only thing that is holding us back is money.

Senator Andreason asked if there were any programs out there in the Treasure Valley for practical nursing.

Answer-not very much-he talked about Boise State and their efforts.

Andreason asked what needs to be done to make it happen now.

Answer -It's happening now it's just a slow process.

Senator Schroeder asked if the demand was going up as the resources decreased.

Answer- that is out of his scope.

Senator Schroeder asked what a student is going to make after going to PTE.

\$30, 40 or 50 thousand.

Senator Schroeder stated that the return in taxes would be a benefit.
Rush agreed

Senator Jorgenson stated that we are educating a number of children who don't want to be educated.
Rush agreed

Senator Jorgenson asked should we develop a PTE before secondary ed.

Answer- Yes

Senator Jorgenson asked how would you change the program and is the state fulfilling the needs of the PTE

Answer- Our investment has been in human capital, we can't throw money in every program. But we do need to be more efficient.

Senator Burkett asked of the 37% that drop out of school after the 1st semester was that in ID?

Answer- No that was national data.

Senator Schroeder asked how do we prevent society from pushing a student in the PTE on a one track career.

Answer- If it is done right PTE will only increase career paths instead of limit.

Senator Noble stated that in the past there has been just one opinion for school programs like FHA. How do we get in with PTE in school so the kids won't be lost like they are now.

Answer- The first thing that needs to be done are the regulations for NCLB. If that is not being accomplished then the programs are going to be pushed a side.

Senator Pearce asked if anything has been done for special ed students in JRHS to have careers.

Answer- They have no funding for JRHS in PTE.

ADJOURN: Senator Noble closed the meeting at 4:40 p.m.

Senator Jack Noble
Vice Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 17, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

**ABSENT/
EXCUSED:** None

GUESTS: See Sign-in Sheets

**CALLED TO
ORDER** Senator Goedde called the meeting to order at 3:00 p.m. He explained the packets that were in front of each Senator for their own use.

MINUTES

Dennis Stevenson Administrative Rules Coordinator

Rules review process and documents that are incorporated by reference.

Actions you can take when dealing with an administrative rule.

- You do not have to reject the entire rule in order to get something taken out of the rule.
- You do not amend, that comes down from leadership and legislative services.
- During the review process you do not rewrite the sections you do not like.
- Legislators reject and/or approve of these rules.
- Rejection has to be done by concurrent resolution.
- You can reject pieces of those incorporated documents.

Senator Goedde thanked Dennis for his time and passed the gavel to Senator Noble to lead the continuation of rules review.

Docket No.

08-0301-0401

Public Charter School Commission

Karen Echeverria Policy and Governmental Affairs officer for the Idaho State Board of Education (ISBE)

For this particular document she will be supporting the Public Charter School Commission.

Karen Echeverria read the rule.

Senator Schroeder asked, when the Charter commission meets, is the public allowed to give testimony.

Answer is yes

Senator Gannon What governs the notification under the public meeting laws?

Karen Public meeting law requires 24 hour notice.

Senator Goedde stated that one of the charges of the committee is to ratify the appointments of the Charter School Commission.

08-0202-0402

Alternative Teacher Certification

Karen Echeverria read the rule.

Technical questions are referred to Allison McClintick with State Board of Education.

Senator Jorgenson asked if there any findings to the success of this program in ID.

Allison stated there are two teachers who have been teaching as substitutes who took advantage of this program and are now certified teachers.

Senator Jorgenson asked are the substitutes a good example of the intent of this program?

Allison stated it is one of the best that we know of. And it is being used by Superintendents who are using it now to get substitutes certified so they can use them in the school district. That is what the program is being used for the most.

Senator Jorgenson asked what is the basis for implementing this program.

Allison stated the NCLB requires highly qualified teachers. This is a mechanism to get these teachers qualified by the year 2006 in all school districts.

Senator Jorgenson's concern is that they are not being properly trained for the job.

Allison stated that is why the board is requiring two years of mentoring before they can be certified.

Senator Noble asked what happens after 2006 with new teachers that come on board.

Karen After 2006 all teachers will be qualified when they start their first day of school.

Senator Pearce wanted to know more about the mentoring process what's required that first two years.

Allison stated it's a computer base route so that throughout the state there was a mentoring program available for all districts that was approved by the State department of Education. Structure was leaving it open for the teachers to decide which program they wanted to do. If they pay \$200.00 they can do the computer base program.

Senator Pearce asked is this an unfunded program?

Allison stated that it is an unfunded program.

Senator Pearce asked if it is in the governor budget this year.

Allison stated no it is not, it has not been funded since 2002, the districts have to send in their mentoring program to be approved by the Department of Education.

Senator Goedde stated, There will be a later presentation this session about the Mentoring program. Other questions will be cleared during that later presentation.

Senator Pearce asked how many teachers are we talking about that we would have to mentor in a typical year?

Allison stated they do not know those numbers and will have to get back to the committee.

Senator Noble asked what have they been doing for the last four months.

Allison stated it is up to the district after they follow some guidelines and get it approved by the Department of Education.

Senator Schroeder asked when a teacher is having a problem in the class room how do you get a computer to help.

Allison stated she has seen in the past where the student teacher is videoed and someone observes, it's been very affective.

Senator Goedde- what does the program provide.

Allison stated she does not have a good outline what the program provides. But she will get it.

Marley Is the mentoring process the same for a new teacher out of college and a current teacher?

Allison The mentoring program when done correctly will individualize.

Senator Burkett asked how do Substitutes go through this system now.

Allison stated the federal government requires alterative routes. This is just one more route that administrators can use.

Senator Schroeder asked how many states are using ABCTE?

Allison stated there are 6, that's a rough estimate

Senator Schroeder asked if a math teacher can take a computerized test and become certified as a physics teacher.

Allison stated not right now but maybe in the future. There are still alternate routes, the board has found there is value to this program for administrators.

Allison passed out the alternative routes (See Attached #1)

Senator Goedde asked if we know the validity and reliability of these tests.

Allison stated that reliability and validity takes time.

Senator Schroeder asked if we are sticking someone in a classroom after they take a computerized test at the cost of our students.

Allison stated the administrators are monitoring the program. They are using it to hire teachers that they have already observed and this program is helping them hire these teachers.

Testimony

Kathy Phelan, a teacher from McCall Currently serving as president of Idaho Education association.

Testimony attached as #2

Allison McClintick stated they are trying to provide for our administrators and principles with as many tools as possible to get the best teachers in the classroom. This is one option with great value.

John Icom of Idaho Rural school association
ABCTE will affect rural school teachers. To be certified is going to be difficult for these teachers. ABCTE offers an effective route for these rural teachers.

08-0202-0405

Professional Standards Commission

Patti Toney Department of Education.

Ms. Toney read the rule.

No questions from the senators and no further testimonies.

08-0202-0406

Driver's Education

Karen Echeverria read the rule and an agreement that took place an hour before the committee meeting convened today.

The Board, Dept. and Commercial driving training agreed.

That agreement was to pass the rule but remove section 1.8, 9.3A, and 9.4 F&G.

It is agreeable that if the committee makes a motion to accept this manual

with the removal of these sections, the sections will then go back into negotiations to redraft these sections and then see if they can't find an agreement.

Pearce What does the drivers education cost the state each year?

Beth Weaver of the State Department of Education Drivers Education Specialist stated no general funds are used on drivers education.

Testimony

Jolynee Cavener, of Cavener Drivers Ed. Is in agreement.

Mike Rylas of Rylas Drivers Ed. Is in agreement and also submitted a letter from Attorney David Leroy (see attached #3).

Dallas Forester of XL Driving is in agreement.

Chad Arnell XL Driving is in agreement.

Beth Weaver stated this document with the removal of these sections is now taking away standards and has no accountability.

Senator Gannon offered he and Senator Andreason to help at the negotiation table for these removed sections.

Senator Jorgenson asked if Ms. Weaver was in the meeting that took place an hour before the meeting.

Ms. Weaver stated she was and feels that 4 years of efforts were lost today. She also believes that standards and accountability will still be the Department of Educations requirement when these sections go back for negotiations.

No questions from the Senators and no further testimonies given.

08-0202-0407

Public Driving School Manual.

Beth Weaver read the rule.

No questions from the senators and no further testimonies.

Senator Noble stated the voting on these rules will be at later date. He turned the meeting back over to Senator Goedde.

ADJOURN:

Senator Goedde adjourned the meeting at 4:20 p.m.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 19, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

Called to order Senator Goedde called to order at 3:10 p.m. the first order of business would be to vote on the Rules presented by the Department/Board of Education. He then passed the gavel to Senator noble.

MINUTES:

Vote- Rules

Motion After a brief discussion, Senator Goedde made a motion that the Rules be accepted as submitted with the rejection of sections 1.8, 9.3A, and 9.4
Docket No. F&G of the incorporated document the motion was seconded by Senator
08-0202-0406 Gannon. Vote on the motion passed by voice vote.

Docket No.

08-0202-0403 Standards for ID School Buses and Operation

08-0202-0408 Public Schools and District accreditations

08-0202-0409 Teacher Preparation Programs

08-0108-0301 Sale of Alcohol at the Colleges or Universities

Motion After a brief discussion Senator Marley made a motion for unanimous consent. A voice vote indicated that is was unanimous.

Docket No.

08-0203-0401 After a brief discussion a motion was made by Senator Burkett to hold the vote for this rule.
The motion was seconded by Senator Schroeder. A voice vote indicated that is was unanimous to hold the vote.

08-0203-0402 Rule change for adequate yearly progress for LEA sanctions

08-0203-0403 English Language Proficiency standards for NCLB

08-0203-0404 Eligibility criteria for rewards

After a brief discussion a motion was made by Senator Goedde. The motion approved by unanimous consent.

08-0301-0401 Public Charter School Commission

08-0202-0405 Professional Standards Commission

08-0202-0407 Public Driving School Manual

After a brief discussion a motion was made by Senator Goedde. The motion approved by unanimous consent.

Rules left to be voted on will take care of at another date 08-0202-0402 and 08-0203-0401

Senator Noble returned the gavel to Senator Goedde. Senator Goedde discussed the packets. Senator Goedde welcomed Tim Hill, Bureau Chief of Finance, who gave a power point presentation on public school finance.

Handouts of the presentation were provided to the members of the committee and also to the audience (copy attached)

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 20, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: Vice Chairman Noble

Called to order Senator Goedde called the meeting to order at 3:00 p.m. and asked the secretary to take silent role.

Business Senator Schroeder asked the each committee member tell their background in Education. Senators in attendance spoke in turn.

RS 14653 Senator Pearce explained his RS concerning exemption to tuition for students coming from Oregon to Weiser County Schools. Read the RS from line 38

Motion Senator Schroeder made a motion to send RS 14653 to print
The motion was seconded by Senator Gannon. A voice vote indicated that it was unanimous.

S 1002 Senator Goedde asked Senator Andreason to take over the committee chair as Senator Goedde presented Senate bill 1002

Bus Drivers with diabetic conditions. This bill corrects one problem that was missed last year.

Senator Schroeder asked for a reminder of last years bill.

Senator Goedde stated there was a time when local boards of trustees issued bus driver's permits that changed last year.

Motion After some discussion Senator Gannon made a motion to send S 1002 to the floor with a recommendation to do pass.
The motion was seconded by Senator Schroeder. A voice vote indicated that it was unanimous.

Presentation on Charter School Dr. Bob West Chief Deputy superintendent from Idaho State Department of Education.
A complete copy of the presentation and hand outs are attached #1.

Presentation on Mike Stefanic, Bureau Chief from Bureau of Certification and Professional

**Teacher
Certification and
Professional
Standards**

Standards.

A complete copy of the presentation and hand outs are attached #2.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 24, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

GUESTS See Sign-in Sheet

Called to Order Senator Goedde called the meeting to order at 3:05 asked the secretary to take a silent roll.

MINUTES:

Gubernatorial Hearing Karen McGee Gubernatorial reconfirmation of Karen McGee from Pocatello ID, with a masters degree from ISU, 2nd term on the State Board of Education. Spoke of the Governors support of Education and that the board is now in the accountability stage for teacher standards.

Senator Andreason- My concerned is the State Board of Educations ability to communicate with the State Dept. of Education. There is dissension between the two. How did that come about and what are you doing to remove that dissension?

Ms. McGee- In the SBOE the constitution states that we are the policy makers. The legislators told the SBOE that they should be looking at standards. SBOE is the policy maker and the state department implements the policy. I also believe that these tensions are being worked out between the two departments.

Senator Gannon- Do you believes a virtual charter school can exist without offering a specific curriculum?

Ms. McGee- stated she thinks that those type of questions would be for the Charter Commission.

Senator Burkett- What would be the boards responsibility to a charter school?

Ms. McGee- Our relationship is in the final appeal.

Senator Burkett- Wanted to know about the governance of k-12 with regard to charter schools what would be the responsibility of schools that

are governed by charter schools.

Ms. McGee- The Charter goes to the state dept. then it comes to the state board office where it is looked at by legal and then by our staff. It then goes to the chartering commission. So if a school is chartered by a chartering commission SBOE would know that it aligned to Idaho standards.

Senator Gannon- I understand that you are a big proponent of ABCTE, is that correct?

Ms. McGee- I was a big proponent of an alternative certification. I learned about ABCTE in Washington DC and brought that idea back to the board.

Senator Gannon- Does it give you any concern that teachers are not required to complete any classroom experience?

Ms. McGee- I am not concerned because of the mentoring and because the superintendent has the right to hire them or not. We have over 300 teachers who are teaching that aren't certified but doing a great job, ABCTE is giving them the opportunity to go into the classroom. We have received a \$1.3 million grant to allow other certifications in universities, I applaud that, I would much rather have the alternative certification in the universities.

Senator Gannon- Would you support legislation that would require them to have classroom experience for ABCTE?

Ms. McGee- At this point I would like to see any case for that. Research says that mentoring is a valuable tool for new teachers. The state board is big on accountability.

Senator Gannon- When you speak of mentoring are you referring to the mentoring of ABCTE which costs \$200. Do you think they have much of mentoring program for \$200.

Ms. McGee- I think through accountability we will be able to tell.

Senator Marley- My concern is the complaint of teachers that the board is very unresponsive of the opinion of classroom teachers. You don't have a practicing teacher on the board. Is there going to be an effort on your part to be expand and be more inclusive to these teachers?

Ms. McGee- I will get you a list of all the teachers that serve. We have a lot of teachers involved.

Senator Schroeder- Describe to me how you view your constitutional roll as a member of the state board of Education.

Ms. McGee- It is a volunteer position and I value that. I think the state board of education, as set forth by the constitution, is policy makers. And we are responsible for that policy. We are accountable to you.

Senator Schroeder- I don't find the words policy in the constitution I find the words general supervision. Can you redirect what you said, to help me understand how policy and general supervision are similar or different.

Ms. McGee- I don't have it right in front of me. We have been told by the Attorney General that the State Board of Education has oversight to policy.

Senator Schroeder- Describe for me the separation of powers doctrine. The question was clarified for Ms. McGee and asked why the board voted to direct more funds to the Charter Schools.

Ms. McGee- It was because we thought the Charter School was under funded.

Senator Schroeder- What was the result of that vote?

Ms. McGee- We were told we should not have done that.

Senator Schroeder- What is the nexus between the Educators Leaders Council and ABCTE? What was it's role and your role and did your role in the group lead to ID being involved in ABCTE. What kind of funds do you get from ELC?

Ms. McGee- I learned about ABCTE through the US Department of Education in Paige's office that there were grants for alternate certification. I was not on ELC at that time. ELC does not compensate us.

Senator Schroeder- What can you tell us about Randy Thompson, your academic advisor, who is now working for ABCTE. How do you feel about this move?

Ms. McGee- I think this happens a lot probably to make more money and I see it as an opportunity not as conflict. I was not on the board when Randy took that job, so I do not know the details.

Senator Schroeder- It is our constitutional duty as legislator to question these appointments. Will you support legislation to stop this type of movement?

Ms. McGee- I don't even have an opinion on it. Perception is everything.

Senator Pearce- I appreciate your work.

Senator Gannon- Did the board review the contract that was written for IDEA at the same time the SBOE voted to give more funds to the Charter schools.

Ms. McGee- Yes, we had the Attorney General look at the contract. We take the advise of the Attorney General. The opinion was the contract was Okay.

Senator Schroeder- Can you discuss why this process went forth without competitive bidding.

Ms. McGee- I really can't without looking at my notes I will have to get back with you.

Senator Schroeder- What is your view on continuing contracts for teachers.

Ms. McGee- I don't have an opinion on that right now.

Senator Schroeder- How are we going to put a merit system in place and still have continuing contracts?

Ms. McGee- The committee has not come to a final decision about that yet.

Senator Schroeder- Does the superintendent of public instruction have constitutional duties and what would they be.

Ms. McGee- I think it's very clear that she is part of the state board and sets policy and implementation.

Senator Schroeder- Why has the administrative branch of the SBOE taken over administrative functions of State Department of Education.

Ms. McGee- We haven't, the only function we are doing that the state superintendent used to do is the ISAT and LEP. We realized that we had left a group of children behind after we saw the scores. It was then decided that we did not have a federal person implementing the LEP. The State Department of Education Superintendent is a voting member on the SBOE. On a day to day basis we are able to cooperate.

Senator Schroeder- You may answer this question if you'd like or not, you donated money to a political organization that worked to defeat members of this committee last year.

Ms. McGee- I'll comment on policy I don't think we should get personal.

Senator Gannon- You said you were not on the Educators Leader Council for a time last year?

Ms. McGee- I didn't serve on the Educators Leader Council from March to June of last year.

Senator Gannon- Why the break?

Ms. McGee- You'll have to ask the Governor

Senator Jorgenson- Are there any educators who are on the SBOE?

Ms. McGee- I consider myself as an educator and everyone on SBOE

feels that they are educators.

Senator Jorgenson- Do you feel it would be a benefit to have a traditional educator on the SBOE.

Ms. McGee- I do not make those decisions. We do work closely with the teachers though.

Senator Jorgenson- Do you have an opinion about having a teacher on the board. That is would be beneficial to the board.

Ms. McGee- Jim Hammond is a practicing teacher/principle and everyone on the board is so passionate about Education.

Senator Jorgenson- That is still not the answer to my question but I'm going to move on to a new question. How many hours a week do you send a week on the SBOE

Ms. McGee- I don't know some times a lot, some weeks nothing.

Senator Gannon- How long have to you spent on the ELC?

Ms. McGee- Just over 2 years.

Senator Goedde- I think we are very fortunate to have someone in Idaho with such connections to Washington D.C.

No further testimonies were given.

Senator Noble- I like the direction that education is going, we are giving the parents more choice and no one cares no more than the parents.

Senator Goedde echoed Senator Noble.

**Gubernatorial
Hearing
Sue Thilo**

Ms. Thilo

I went to school to be a teacher did my student teaching but was offered a job with AT&T and took that job instead. I left my corporate work when I moved to Coeur d'Alene and have volunteered in the community ever since. Served on several boards, did lots of fund raising.

Senator Schroeder- Where do you see or want k-12 and higher education in Idaho to be in the next 10 years.

Ms. Thilo- I want to see more students who graduate, go to college, finish and be a part of a product of more informed citizens and who will build this state.

Senator Jorgenson- Do you see any benefit to having a traditional teacher on the board.

Ms. Thilo- Yes I do as long as we have a broad base to contribute to the board I think it would be beneficial to the board.

**Gubernatorial
Hearing for Jim
Hammond**

Senator Jorgenson- Do we apply higher performance to the teachers?

Ms. Thilo- Yes I think it is important

Senator Jorgenson- What is your opinion of ABCTE?

Ms. Thilo- I had not heard of it until I was on the board but as I learned more about NCLB, ABCTE gives us another alternative to find educator to teach our students.

Senator Andreason- What is your opinion on ABCTE requiring teachers to have more classroom experience?

Ms. Thilo- I think that it will work for some area's i.e. specialized skill sets. After going through a mentoring process I think ABCTE will work.

Senator Andreason- In your 8 months experience with the board have you witnessed the dissension between the board and department? Do you feel you can work to bring those two together?

Ms. Thilo- I believe that I could, I listen to both sides open mindedly. I find it very disconcerting that there is dissension and am willing to work to overcome that.

Chair of the Public School Charter commission. Former teacher mostly a Elementary school principle.

Senator Gannon- How are you going to manage the applications for the Charter schools.

Mr. Hammond- We are struggling with that too. We look at it from a school year point of view instead of calendar year. I think it is in the process and is still down the road a little bit.

Senator Schroeder- What are some other operational issues you are having with the commission.

Mr. Hammond- We believe that Charter Schools are best served by their own local school district. There are some school districts that don't want to deal with Charter schools. Therefore these Charters are coming to us. If we can make it work we would like to transfer them back to their local district. The time line for the petition is also an issue. The petition goes back and forth several times in 30 days and we are trying to move to fast if we had more time we could offer more choices to parents.

Senator Schroeder- Shouldn't one of those choices for parents be to choose who is on their board for these schools?

Mr. Hammond- That would be appropriate but to start out with we are going to have a board of volunteers that put themselves together. In a year or two it would be ideal to have a uniformed way to allow the parents to choose.

Senator Schroeder- Where do you see Idaho going with respect to Charter schools? Is the direction we want to go with charter schools going to allow for different segments of our society to develop a charter school so that children can go to school with people just like them.

Mr. Hammond- If that is the direction that they are going to go, I would not have been so willing to work with these schools. Both the governor and I thought that they would be experimental schools. NCLB is an extremely challenging goal set before us. If we really were going to leave no child behind, we would have to spend a whole lot more money than we have to fund schools. Charter schools are an option to help us provide opportunities to get the process done.

Senator Schroeder- Does the Charter Schools have the tools necessary to hold the schools accountable should you find that the schools decide they don't want to follow the guidelines that are set forth.

Mr. Hammond- We are working to get some staffing assigned to us to provide the oversight necessary. Regular reports are going to be required from the schools that will document progress toward their goals for that particular charter. If we do not have the assistance when the time comes we are going to ask for it.

Senator Schroeder- Should the state provide funds for the building of the Charter schools.

Mr. Hammond- I would struggle with that.

Presentation

Public School Commission by James Hammond
A complete copy of Mr. Hammond's presentation is attachment #1

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 25, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: Andreason

Called to order Meeting was called to order in the Gold room at 3:00 p.m. Secretary took silent role

Presentation by Kati Haycock Introduced by Wayne Rush see bio attached #1
Mr. Rush told the committee that the booklet in front of you has been mailed to all parents with children of school age in the state of ID.
Ms. Haycock's complete presentation is attached #2

Questions Senator Gannon Are the financial difficulties for funding for schools contributing to the downward trend of education?
Ms. Haycock Money never hurt anything but we are not seeing a downward trend we are seeing improvements in elementary school kids. Some of those schools that don't have money are showing improvement. Where money would help the most is in high schools.
Senator Pearce What are the college's and universities that produce teachers doing to meet the needs of a new teacher because it is embarrassing for them to be trained to just have to be trained again.
Ms. Haycock Most institutions of higher ed do not have an urgency to change how they are teaching teachers how to teach children. We have never asked them to. Last year the federal government asked state governments in the Higher Ed. Act to create accountability systems for colleges and university that prepared teachers.
Senator Jorgenson Are we comparing the U.S. with international students who have been identified as students intelligently beyond our students and is that fair?
Ms. Haycock This international comparison is with an equal education level of our students.
Senator Jorgenson You say that ID students are not going to college, what about those that go out of state? How do you measure that?

Ms. Haycock The Idaho numbers are from ID business coalitions. We are able nationally to look at college entry by source state. So those numbers are Idaho students who are not going on to college, not just ID colleges.

Senator Jorgenson Are you suggesting a national curriculum?

Ms. Haycock No I am not an advocate of a national curriculum. It might be a cheaper way but not maybe a better way.

Senator Goedde Assessment on a 6 to 8 week basis is that used as a diagnostic tool?

Ms. Haycock Yes we are able to provide data for the teachers that way.

Senator Goedde I am assuming that this all revolves around leadership.

Ms. Haycock Yes, quality teachers get the job done, but quality teachers come from quality leaders.

Senator Goedde- How do we train leaders?

Ms. Haycock Worse than we train teachers. Education Administrative programs where leaders are trained nationally for education are about as broken as you can get. It's such a slow process that most states are finding a way around it.

Senator Jorgenson Can we find this data on line?

Ms. Haycock Yes and a lot more

Senator Jorgenson Is there data before 1970's.

Ms. Haycock Not to my knowledge, it was never required of them.

Senator Schroeder Education Trust is funded by whom?

Ms. Haycock We are funded **b** from foundations. ? We receive no federal or government money.

Senator Schroeder Can you comment on ABCTE and NCLB and what you see as the long term effect in Education?

Ms. Haycock NCLB the most important federal policy in my life time. It has set us on a course as a country to do what we have never done before and that is to get all of kids up to a level of achievement. It is likely to get changed since it is not a perfect law. It has done what it was intended to do and that was to get the attention of educators. Gaps are closing. The data shows that since NCLB has started the elementary schools have improved. Where help is still needed is with HS and middle school.

With ABCTE you will know in a few years which routes are most effective for training teachers.

Senator Pearce Is there anything we can do to stop throwing money at bad programs? Is there anything other states are doing to fix these problems?

Ms. Haycock Money helps when you're trying to bring about change. But it's not just about more money but having better focus on where that money needs to be spent which will give you better results. You know if your doing the right thing if you're getting better results. A lot of attention gets drained off on less effective programs. We need to invest smarter.

Closing

Senator Goedde Thank you for a wonderful presentation and thank you to JA and Kathryn Albertson foundation.

Adjourn

Senator Goedde closed the meeting at 4:30

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 26, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED:

GUESTS See Sign-in Sheet

Called to Order Senator Goedde called the meeting to order at 3:05 asked the secretary to take a silent roll.

Minutes

RS 14682 Sponsored by Senator Stegner read SOP and discussed what the changes are in the RS from last year.

Motion Senator Schroeder made a motion to send RS 14682 to print
The motion was seconded by Senator Gannon. A voice vote indicated that it was unanimous.

Senator Goedde explained to the committee the handouts in front of them.

Presentation from Cathy Stetson from Leaders Edge. Copy of presentation is attached #1

Leaders Edge is a data analysis tool for educators sponsored by Northwest Evaluation Association. Main purpose is for school improvement planning.

Senator Burkett What standard is the target?

Ms. Stetson They are based on the national population of students starting at that same 10 point width band in each of the garde levels. The state of Idaho has set a target standard also that we are to follow, not just nationally

Senator Gannon The percentages of growth are based on the national norm.

Ms. Stetson Yes

Senator Gannon Do we have the capability to plug in the Idaho standards

and see how we measure up and see if we have a tougher standard.

Ms. Stetson Yes and we have given the state 2 new tools this week, instructional resources and learning continuum.

Senator Burkett How do you sort these?

Ms. Stetson Any information that we have here about students we can sort. This information has been requested by the State Board and Education Department to meet federal requires for federal programing.

Senator Jorgenson Can you custom tailor these tools?

Ms. Stetson- We can custom size these for the districts and or Idaho.

Senator Jorgenson Do you make suggestions as to which type of variables would best serve a district?

Ms. Stetson We work in partnership with whomever we are working with and let them know of the options we have available. But we let them take the lead.

Senator Jorgenson Do you have data of the success of these different variables and how they might benefit your client.

Ms. Stetson There is some limitation as to what we can design we have a common menu that we think will be of interest but when we customize it they tell us what they want to have i.e things for federal reporting.

Senator Jorgenson Do you have data that shows success as a result of your program?

Ms. Stetson deferred the question to Carl Houser a researcher from NWEA.

Mr. Houser We have not researched that directly. There are so many things to look into, a multitude of variables, not to mention just the definition of success.

Senator Schroeder As a result of your research could you present to us a model which would tell us the probability of success if we did A...B...C...D...?

Mr. Houser So much of what we do is to provide the data and helping the school district to use that data. Associating what we provide, with how it is used, is the difficult thing to do.

Senator Jorgenson Is Leaders Edge a non profit organization?

Ms. Stetson Yes, I also have a sample document and a CD for each of the senators. A CD can be found in the office of the Education Secretary.

**Gubernatorial
appointment
Karen McGee**

Senator Pearce made a motion to accept the Governor's appointment of Karen McGee's to the State Board of Education.
Motion was seconded by Senator Noble.

Discussion

Senator Schroeder and Senator Burkett lead the discussion as to why they were going to vote against this appointment.

Senator Schroeder and Senator Burkett requested they be recorded as voting against this confirmation.

Voice vote 7 to 2 the motion passed. Senator Noble will be the floor sponsor.

Sue Thilo

Senator Noble made a motion to accept the Governor's appointment of Sue Thilo to the State Board of Education.
Senator Jorgenson seconded the motion. Voice vote indicated it passed unanimously. Senator Goedde will be the floor sponsor.

**James
Hammond**

Senator Schroeder made a motion to accept the Governor's appointment of James Hammond to the Public Charter School Commission.
Senator Jorgenson seconded the motion. Voice vote indicated it passed unanimously.

Senator Jorgenson will be the floor sponsor.

**Dr. Michael
Burke**

Presentation of North Idaho College president report, introduction of his staff.
Dr. Burke's hand out is in the office of the Education Secretary

Senator Marley What is the retention rate of freshman to sophomore.

Mr. Burke The state is 46th in the nation of HS seniors who go off to college. Our retention is about 52%.

**Dr. Jerold
Meyerhoeffer**

Presentation of College of Southern Idaho president report, introduction of his staff.
Dr. Meyerhoeffer's hand out is in the office of the Education Secretary.

Senator Marley What do you see as the concept of having a community college here in Treasure Valley without using property tax.

Mr. Meyerhoeffer we have talked about this and are very supportive of putting a college here. We are losing Idaho students to Treasure Valley Community College and it's important that keep them here. I hate to see the system change because we could lose local control.

Adjourn

Senator Goedde adjourned the meeting at 4:32 pm.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 27, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: none

GUESTS See Sign-in Sheet

Called to Order Senator Goedde called the meeting to order at 3:05 asked the secretary to take a silent roll.

MINUTES: Presentation by Dr. Richard Bowen from Idaho State University.
Hand out attachment #1

Senator Andreason- What would you need from us to help you with the shortage of nursing in the state?

Mr. Bowen- Money! ISU with the permission of Boise State has started an under graduate program, if a student has a college degree they can take classes at night and over weekends and get a nursing degree faster this way. The hospitals have increased their numbers of students in hospitals to help us.

Senator Gannon- What are your statistics for completion rate?

Mr. Bowen- Part of our mission is to be a community college. Our drop out rate is a little higher than most universities. Our greatest loss is from Freshman to Sophomore at 35- 40%, and from sophomore to Junior at 15-18%. If a student stays that long they finish. Our average student is 27 to 28 years old, Graduate students are a little older. The largest group is incoming freshman right out of HS.

Senator Gannon- Will you tell us about your desire to change status to allow you charge tuition.

Mr. Bowen- We can charge student fees but we are not able to use that money directly to support academic programs except through a legal laundering process. In time we have been able to use that money with the board's permission. We are the institution closest to the end of that capacity. Our budget people feel that we have one or two years that we can continue to strengthen our academic programs through the use of student fees. The only purpose to raise student fees in the future would

be for athletic programming.

Senator Schroeder- There is not an agreement as to whether this will result in higher fees of students or not.

Mr. Bowen- As the State Board of Education, says there is going to be no noticeable change in the level of fees as we shift from fees to tuition. We've been increasing fees by 8, 9,10 % a year. I see no real change in as we shift.

Senator Schroeder- How much longer do you think we can continue to raise tuition before we hit that point where we've gone too far?

Mr. Bowen- I think to some degree we're hitting that point. We do have Federal Aid in Pell grants and loans available for all students though.

Senator Marley- What happens if we decide to not to change the law?

Mr. Bowen- We've had problems before and this would be a problem. We would be addressing very publicly this issue. It costs money to run these universities and we would again be addressing the legislators. In a poll **b** of the people stated it is the students responsibility to earn and pay for an education.

Senator Marley- What happens to student fees?

Mr. Bowen- Our fee request would be reduced.

Senator Jorgenson- Would this proposal give you more of a discretion with these funds?

Mr. Bowen- Currently the board watches us so closely. And I don't except right now to be given more freedom on how we use these funds.

Senator Schroeder- If the change isn't made will this limit the growth of ISU in the future?

Mr. Bowen- There will be an extreme limitation. We could lose our mission in Health sciences which is a very expensive programs.

Senator Pearce- What's happened the last few years with ACT scores?

Mr. Bowen- I believe they are up somewhat, they aren't up radically, but by a point or so.

Senator Pearce- Is there a floor of what a student has to get in order to attend a ISU.

Mr. Bowen- We have some leeway with the ACT. Our most reliable predictor of students success is their HS experience, grade point average. We use the ACT score second.

**Charter School
Network
Presentation**

Senator Pearce- By Academic standard you are almost open to anyone?

Mr. Bowen- Yes we have open admission for students with HS diploma. As a community college we are open to everyone.

Senator Pearce- What % of incoming freshman use the ID scholarship?

Mr. Bowen- Almost all of them, it's available to everyone with a B average.

After no further questions Senator Goedde thanked Dr. Bowen and welcomed Kerry Pickett to the committee.

Kerry Pickett Executive Director of Idaho Charter Schools Network Center for School Improvement and Policy Studies.

A complete copy of Ms. Pickett's presentation is attachment #2

Senator Schroeder- You are housed in a public facility, does that mean you get public money?

Ms. Pickett- This project is not the only project in this center, it is actually a the smallest project. But it does get public funding for the use of the building space.

Senator Schroeder- Is there more than one organization that calls it self the Idaho Charter school network? You're not a lobbyist group?

Ms. Pickett- No, there is no other group with our name, and we are not lobbyists.

Senator Schroeder- Why don't Charter Schools offer open elections if it's so hard to get people to be appointed to the board?

Ms. Pickett- The Schools start at medium size and we have to get people on the board who can help us run the organizations.

Senator Schroeder- Does the nominating committee keep people from running?

Ms. Pickett- It is a selection committee, that screens applicants.

Senator Andreason- What are the advantages of a nomination committee.

Ms. Pickett- Not everyone is nominated some put their name in. Others are asked by the stake holders

Senator Gannon- Do you offer services to those who are trying to apply for the Charter School by helping them prepare before they go to the Public Charter School commission?

Ms. Pickett- We usually don't hear from them until they have either already been approved or they are about to go before the committee.

Senator Gannon- Do you think you should have a roll in helping Charters get started?

Ms. Pickett- I believe you charged the State Department of Education with providing assistance during their petition.

Senator Burkett- What are the consequence of these elections?

Paul Powell- Chairman of board of Hidden Springs Charter School. Anyone who wishes to run can do so, last year we had someone who ran with a personal agenda and wasn't elected. But there has not been any negative effects.

Senator Burkett- Do you have people with special skills on these boards?

Mr. Powell- Yes and that is one of the purposes of the nominating committee is to assess the boards needs and if necessary recruit people with those special skills so they can help in the process.

Senator Andreason- In your opinion would it be a good idea for all of the public schools in Idaho to become Charter Schools?

Mr. Powell- I have never considered that. I think it's healthy for parents to have choices for their kids for their education. Charters just offer a different choice.

Senator Andreason- Do you think Charter schools are a better way to go than traditional schools.

Mr. Powell- I do not think they are a better way to go for all. It's just an alternative way for students to learn.

Senator Andreason- Why do you feel that way?

Mr. Powell- I don't have an issue with the Public schools, I think they have some great programs there. I don't think one is better than the other. I just think it's good to have choices.

Senator Andreason- Charter Schools are for parents that want to get involved then?

Mr. Powell- Yes

Senator Schroeder- Does the board from Hidden Springs come from the area of the Charter school?

Mr. Powell- No, not all of them.

Senator Schroeder- How do you define stake holders?

Mr. Powell- It's written in the bylaws. The bylaws leave it to the board to make that definition and those bylaws has never been to change to help

with an election.

Senator Marley- Why has the focus been on the quality of teachers instead of administrators?

Ms. Pickett- The teachers are the ones who associate more with the children and I think that's why, but with effective leadership, teachers can make a difference. Without that effective leadership, teachers do not have a leader to follow and have to make the decisions themselves.

After no further questions Senator Goedde thanked Ms. Pickett and turned the gavel over to Senator Noble for the adoption of rules.

**Rule Adoption
08-0202-0402**

Alternative Teacher Certification

Motion

After a discussion Senator Goedde moved to approve the rule and asked for a roll call vote. Motion was seconded by Senator Jorgenson.

Senator Burkett asked for a substitute motion to reject 08-0202-0402. Motion was seconded by Senator Marley.

Vote on Substitute motion
Aye Schroeder, Gannon, Burkett, Marley
Nay Goedde, Noble, Pearce, Jorgenson

Motion failed by reason of a tie.

Roll call vote on first motion to accept rule 08-0202-0402.
Aye Jorgenson, Pearce, Gannon, Noble, Goedde
Nay Marley, Burkett, Schroeder

Motion passes with a 5 to 3 vote

S 1019

Public Charter School Commission as an authorized Chartering Entity
Senator Schroeder sponsored the bill for Jan Sylvester. Ms. Sylvester briefly described the bill and it's function as clean up of verbiage from last years bill.

Motion

Senator Noble made a motion to send S 1019 to the floor with a do pass recommendation. The motion as seconded by Senator Gannon.

A voice vote indicated that it was unanimous.

S 1018

Petition to establish Public Charter Schools.

Ms. Sylvester's testimony is attachment # 3

The Majority of the Senators felt that this bill was unnecessary.

Senator
Schroeder- This is a tool to help Charter Schools to get a petition so they can take these signatures to the commission and say these are people who are interested in sending their kids to my school, and use it as a

positive thing. What this would do for the Charter School Commission is let them know there is a Charter with parent support who what to send their kids to this school. Not just a corporation that wants them to give a charter so they can run a school. It is saying these parents want to send their kids to this school.

Testimony

Cindy Schiller- I would like to give my support to this bill. If there continues to be the same amount of support for Charter schools they should have no problem getting the necessary new number required. They are community schools we need to see the support from the community.

Karen Echeverria speaking for Chairman Hammond of the Charter Commission. Mr. Hammond asked me to tell the committee he could not support this bill, because it limits the signatories to only parents and excludes all the other tax payers in the district.

Bridget Barras- President of the Coalition of Idaho Charter School Families. Ms. Barras's testimony is attachment #4.

Motion

Senator Noble made a motion to hold S 1018 in committee. The motion was seconded by Senator Pearce.

Senator Schroeder made a substitute motion to send S 1018 to the floor with a do pass recommendation. Motion was seconded by Senator Marley.

After further discussion a voice vote was call on the substitute motion. The motion was rejected and S 1018 is being held in committee.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 31, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: none

Guests See sign-in sheet

Committee Business Senator Goedde opened the meeting and asked the secretary to take a silent roll.
It has been requested that a Senator review the meeting minutes prior to their approval today. Senator Goedde's policy on meeting minutes is as follows:
Tenille is to type up short and concise minutes. Any Senator is welcome to review these minutes. Edits will only take place through a discussion in committee meeting. Minutes will be provided promptly and will be approved on Mondays.

MINUTES: Two reports on ISIMS Dr. Marilyn Howard Superintendent of Public Instruction and Tom Wilford from Albertsons Foundation.

Dr. Howard- It has been a busy month since Albertsons Foundation announced they would be withdrawing from ISIMS. We have 5 critical months ahead of us. We will be referring to the hand out in front of you. A lot of the future depends on decisions made by the foundation, the state department, this committee and the legislature as a whole. (A copy of the hand out can be found in the office of the secretary.)

Senator Gannon- Why were you surprised, weren't you aware of the problems?

Dr. Howard- We were surprised of the suddenness and the completeness of the withdrawal. We were aware of the some inter-operative issues but not privy to the internal and budget talks.

Dr. Howard turned the time over to Tom Wilford.

Mr. Wilford- The foundation had a feeling that things weren't going right at the end of the proto type stage about March of last year. The chairman didn't feel that it was moving ahead at what it needed to meet the goals that was set for August. He asked for a presentation at a board meeting where we saw that the proto type had demonstrated functionality. We went ahead with the pilot stage in June. The Chairman had the same feeling but was assured that the pilot had been a success. In hindsight we don't believe the pilot was a success.

Senator Gannon- Who was giving these assurances that everything was fine?

Mr. Wilford- The project management office. The project was rolled out one week late. Then there was only 30% of functionality. We called for an analysis by a consulting firm. We couldn't afford to go forward so the decision was to pull out. There are 3 options available that are already working we will help these school districts with the funding and training to get through the process for the next school year.

Senator Goedde- Praised Albertsons's foundation for where their heart is.

Senator Jorgenson- Who was the contractor and what was their part in the process?

Mr. Wilford- Advantic was the contractor and we went outside their expertise when we changed the process. They were wrong for not letting us know it was over their heads but other than that they are a capable company who came highly recommended.

Senator Jorgenson- Is there any of this development that is salvageable?

Mr. Wilford- Yes I do believe there is. The standardization of the data coming into the state is very worthwhile.

With no further questions from the committee Dr. Howard continued the presentation.

Senator Schroeder- When do you foresee us being able to track students?

Dr. Howard- Very quickly, it is one of our first priority. There is no question if we move forward or not, we have to. We have some valuable assets in our hands to work with.

Senator Andreason- Why would the local districts have problems?

Dr. Howard- They will all need to have a way to get information to us and they will have to find a way to do that. There will have to be large group sessions of training. Technology is always changing and the districts will have to be upgraded.

Senator Jorgenson- Who would pay for this?

Dr. Howard- The districts will have to.

Senator Jorgenson- I thought that the school district was funded by the state; how is this any different?

Dr. Howard- The money would go to the districts the way that it always has but a committee decides how these districts can spend this money. And there was no money for these operations.

With no further questions from the committee Senator Goedde turned the meeting over to Gary Stivers.

**Presentation on
State Board
Policy**

Gary Stivers Executive Director of State Board of Education. Attachment #2

Senator Andreason- Since you became the executive director you have had a complete turn over in staff. What has that done for the board?

Mr. Stivers- It has put a load on our office we are back up to full function which are new functions but it is running well.

Senator Schroeder- Who told the board they could transfer funds

Mr. Stivers- I will have to get that information for you.

With no further questions from the committee Senator Goedde turned the meeting over to Dr. Bob West.

Presentation

Overview of State Board of Education and Department of Education by Dr. Bob West.

Senator Schroeder- Did we used to have one person doing the same job that two people are now doing, one in the department and one on the board?

Dr. West- Yes There are three programs that have one from each department working in these programs.

Senator Schroeder Are we spending more money on these duplication of jobs?

Dr. West -The money for these programs is federal money for federal programs.

Adjourn

After no further questions or discussion Senator Goedde adjourned the meeting at 5:00

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 1, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

Guest See sign in sheet

MINUTES: Senator Goedde called the meeting to order and asked the secretary to take a silent roll.

SCR 103 Senator Noble moved to have SCR 103 referred to State Affairs committee. Senator Jorgenson seconded.

Rule Adoption 08-0203-0401 Rule on LEP testing

Motion After a discussion Senator Noble moved to approve the rule. Motion was seconded by Senator Andreason. A voice vote indicated that it was unanimous.

Presentation Tim White President of University of Idaho annual report. A copy of President White's hand out/report is attachment #1

Senator Andreason- What will it take for us to maintain the 14% that we are behind?

Mr. White- We can get you hard numbers later but I think we're looking at 4% a year for multiple years.

Senator Gannon- Blue Water Technology is it a detection system or a treatment system?

Mr. White- It's both.

Senator Gannon- Reduced tuition for state employees what's your take on that issue?

Mr. White- Our practice today is our faculty and their spouse can take a limited number of credits for the amount of a handling fee. It's an attraction to our school and a compensation.

Senator Goedde- Is it true that somewhere around 30% of your incoming

freshman need a remedial program?

Mr. White- I can't tell you the precise percentage but that seems to high. I have seen some data that said we spend 0.2% of funds on remediation.

Senator Burkett- What attracts international students to the University of Idaho?

Mr. White- The quality of our programs, we also have a geographical advantage for certain programs, by word of mouth. Our students go around the world to study that brings more to us in the long run. We are also cheaper than most western schools.

After no further questions or discussion from the committee, Senator Goedde thanked Mr. White and welcomed Ms. Thomas to the committee.

Presentation

Dene Thomas President of Lewis and Clark College annual report. A copy of President Thomas's hand out/report is attachment #2.

Senator Gannon- Can you familiarize us with how you are exploring ways to engage in k-12 students in the classroom.

Ms. Thomas- We work with the school districts on school enrollment, accelerated learning, we do workshops with teachers. Our professors go into the classroom and talk with the teachers, there is a lot of interaction. We want to know what they think and be in touch with their process. We are just learning about their process to see what our goals need to be.

Senator Goedde- What is your percent of freshman who are in remedial classes?

Ms. Thomas- I will have to get those numbers for you, I know we have a high percentage, we are very good at remedial education but I will have to get those numbers for you.

Senator Andreason- Your nursing program, what would it take to help your program to increase the amount of graduating nurses.

Ms. Thomas- More staff maybe a new building with additional lab facilities.

Senator Andreason- How many nurses graduate a year from LCSC?

Ms. Thomas- With a BS 40 a year, more LPN's I'll have to get that number for you.

After no further questions or discussion from the committee, Senator Goedde thanked Ms. Thomas and welcomed Ms. Young to the committee.

Presentation

Boise Parent Community Advisory Council (PCAC) by Becky Young, Chair. A complete copy of Ms. Young's presentation is attachment #3.

Lisa Hible spoke about her experience in school with her daughter and why she is now involved with PCAC and what her efforts with the council are.

Senator Marley- What percentage of our schools are title one?

Dr. West- About 65% are title one, most are small elementary, few are large secondary schools.

Senator Noble- What the difference between PCAC and a PTA program?

Ms. Young- We are not limited to one area and we meet regularly.

Senator Noble- What would you have us do to help you? We only have so much money to work with, what is your plan?

Ms. Young- Our hand out talks about the solution we want to propose to this committee.

Adjourn

With no further questions from the committee or discussion Senator Goedde closed the meeting at 4:55 p.m.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 2, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

Guests See sign in sheet

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

Approval of meeting minutes

Senator Gannon moved to approve the meeting minutes for January 12, 2005. Motion was seconded by Senator Andreason. Voice vote indicated it was unanimous.

Senator Marley moved to approve the meeting minutes for January 13, 2005. Motion was seconded by Senator Gannon. Voice vote indicated it was unanimous.

Senator Pearce moved to approve the meeting minutes for January 19, 2005. Motion was seconded by Senator Jorgenson. Voice vote indicated it was unanimous.

Senator Noble moved to approve the meeting minutes for January 17, 2005. Motion was seconded by Senator Andreason. Voice vote indicated it was unanimous.

Senator Schroeder moved to approve the meeting minutes for January 26, 2005. Motion was seconded by Senator Andreason. Voice vote indicated it was unanimous.

Senator Marley moved to approve the meeting minutes for January 20, 2005. Motion was seconded by Senator Jorgenson. Voice vote indicated it was unanimous.

Senator Jorgenson moved to approve the meeting minutes for January 19, 2005. Motion was seconded by Senator Gannon. Voice vote indicated it was unanimous.

Presentation Office of Performance Evaluations by Rakesh Mohan, Paul Headlee and Rachel Johnstone. A complete copy of the presentation is attachment #1. Senator Goedde- What process do you go by to see that your

recommendations are being followed through. Is there an after audit report at the end of the year.

Mr. Headlee- We do follow up reports on the evaluations. Those range from 6 months to a year it depends on the recommendation.

Senator Gannon- Do you think we need legislation that would place all technology under ITRMC? Do you think we should change the law?

Mr. Headlee- A change in legislation would be needed to remove that exemption of the constitutional officers. That would enhance that process to cast the net more widely over the IT projects.

Senator Schroeder- Where does the staff come from?

Mr. Headlee- The department of Education.

Senator Schroeder- Have you done any analysis of cost of Charter Schools?

Mr. Headlee- No we have not.

Senator Gannon- What position do you hold with the board?

Mr. Goesling- Board of Trustee membership.

Senator Andreason- What do you think the major issues are at this time with the newly appointed commission?

Mr. Goesling- Money, I was given a job by the governor which is difficult to do on our funds. We are spreading our resources thin. We want to move into technology and support is a challenge.

Senator Andreason- How do we deal with local governance and the checks and balances?

Mr. Goesling- I share that concern with you and we are going to have to look at that more closely.

A copy of Ms. Souza's testimony is attachment #2

Senator Noble- Have you ever reviewed the Harbor Teaching Method?

Ms. Souza- No I have not, I am attempting to see it in the near future.

Senator Noble- What do you see that is innovative about Charters in your area?

Ms. Souza- They have very high standards and they meet those standards. The students help the students, they don't let people fail. They aren't as structured as public schools.

Senator Gannon- How do we take the lessons to be learned from the

**Gubernatorial
appointments
William
Goesling to the
Public Charter
School
Commission**

**Gubernatorial
appointments
Ann Souza to
the Public
Charter School
Commission**

charters and transport them into the public schools?

Ms. Souza- The Charter schools create the programs and implement them. If the district in which they are chartered is cooperative then these programs can move on to the public schools.

Testimony

Senator Keough- Ann has a considerable wealth of experience. We haven't always agreed but I would encourage you to confirm this appointment due to her background and knowledge and her commitment to Charter schools. She can look at things in an objective manner and come up with an informed decision.

Representative Eskridge- I also stand in support of this appointment, I have known Dr. Souza personally and I have interacted with her on issues since I have been elected I have found her interaction with the community and her concerns to be very deep and challenging in terms of responding to the issues she brings forth. I think she will be a valuable asset to the commission. I would recommend her confirmation strongly.

**Gubernatorial
appointments
Esther Van Wart
to the Public
Charter School
Commission**

Senator Noble- As the Chair of the Pocatello Charter School are you finding a better way to teach students through the Charters?

Ms. Van Wart- I feel that our type of Charter is a wonderful way to teach the children. They are more dependant on the teacher's being the guide in the classroom. The students make their own goals and report to us what their goals are through the guidance of the teachers.

Senator Pearce- What do you feel you can contribute to the Charter Commission?

Ms. Van Wart- I feel I can be a voice of a parent, and I am very passionate about Charter schools. To be respectful in knowing there are two sides. I have complete confidence that we can overcome the problems that we are facing in the Charters.

Senator Burkett- What are the two sides that you are referring to?

Ms. Van Wart- How a Charter school can impact the finances of a district. There are two great choices between public schools and Charters.

Senator Andreason- Do you think all schools should be patterned after Charters, why or why not?

Ms. Van Wart- No, I do not. Charter Schools are not for all children. I think Charters have their place and I think public schools have their place. Every child learns differently, I think Charters just give these parents a choice.

Senator Schroeder- Do you think the Charter commission should have open meetings where the public can come in and testify without having to give 24 hour notice to the commission?

Ms. Van Wart- I'm so new to this, I don't feel qualified to answer these

**Gubernatorial
appointments
Marianne
Donnelly to the
Public Charter
School
Commission**

questions. I appreciate the notice that we have in the commission.

Karen Echeverria from the State Board of Education reviewed with the committee how the State Board of Education holds meetings.

Senator Gannon- How do you see a commission carrying out the oversight function of the Charters?

Ms. Donnelly- I think this will be the next great challenge that most of the commission feels. We will have to get the support and work a lot of things out.

Senator Noble- What kind of format does the Charter in your area use?

Ms. Donnelly- It's experimental learning outward bound, very much hands on.

Senator Noble- Have you ever viewed the Harbor Method?

Ms. Donnelly- No I have not.

Senator Noble- Have you become convinced that the Harbor method is not just a fad and are you aware that the Harbor Method was first developed in traditional schools.

Ms. Donnelly- We still have to do a lot of work to make sure it is the way to go. I have not seen a great body of research that is behind the method and if it is the way to go. It could be a promising way to go, but I am not convinced.

Senator Andreason- How do they teach reading?

Ms. Donnelly- I can't answer that.

Adjourned

After a short discussion and no further questions Senator Goedde closed the meeting at 4:55 p.m.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: Feb. 3, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

Guests See sign in sheet

Presentation on Added Value Dr. Ted Hershberg Director, Operation Public Education Professor, Public Policy and History University of Pennsylvania.
A complete copy of Dr. Hershberg's presentation is attachment #1.

Presentation was on assessment and accountability systems to Transform America's schools.

Senator Andreason- How does the quality of students factor into this program?

Dr. Hershberg- It doesn't matter if you have lower level students it's the measure between beginning to end.

Senator Marley- How are the expert peers trained and are they compensated?

Dr. Hershberg- They are compensated and there is a proven training model from Ohio that we use.

Senator Goedde- How long do you mentor new teachers?

Dr. Hershberg- A minium of 2 years, maximum 3.

Senator Marley- How much is this program going to cost?

Dr. Hershberg- The same amount you are spending now it is just moved around by a 1% margin.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 7, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: none

Guests See sign in sheet

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

Presentation Libraries Linking Idaho by Ann Joslin, State Librarian
A copy of Ms. Joslin's presentation is attachment #1
The handout can be found in the office of the secretary.

Senator Gannon-Who is doing your IT work for you?

Ms. Joslin-Local Libraries, academic schools and school libraries are required to get their own equipment. The database is a license that we purchased from vendors that we go out to bid for.

Senator Gannon- Do all libraries in the state have the same data base system or does Lili have a data base that all the libraries link into?

Ms. Joslin-We purchased a state wide content for all of the libraries to use unlimited for a flat fee.

Gubernatorial appointments Kirk Miller to the Public Charter School Commission Mr. Miller gave a brief background about his education and affiliation with public schools and Charter schools.

Senator Goedde-How do you think the commission is working so far?

Mr. Miller-I have been pleased, I think it's working remarkably well amid proposed failure, people are looking at it objectively and working together cooperatively with different perspectives.

Senator Andreason-Are you satisfied with the results in the 6 years you have been involved?

Mr. Miller-I have been, there is a common focus shared among the parents and teachers working together for the education of the children.

Senator Andreason-Do you think that all schools should be Charter Schools?

Mr. Miller-I have problems with that. There are families that aren't as committed to their child's education, and we still have a responsibility to educate those children. I think public schools are great and Charter schools just give parents a choice.

Senator Marley-Can you explain your Charter school? How many kids attend and what teaching method is used?

Mr. Miller-We have K-7th grade, and next year we will be adding 8th grade. We teach expeditionary learning which is outward bound teaching.

Senator Marley-Do you think there is going to be a conflict between the 2 methods used in Charters, are we cutting off other methods at the same time?

Mr. Miller-I think there is a certain amount of competition, but I don't think it is going to be a problem. We do have Charters that are outside these 2 methods; the Coeur d'Alene Charter is a college prep Charter school.

Senator Gannon-How big is your Charter school.

Mr. Miller-194 students currently. We be adding 24 students next year with the new 8th grade classes.

Senator Gannon-How many teachers do you have and do you have a waiting list.

Mr. Miller- We have 9 classroom teachers, 18 students per elementary class, 24 for Junior High. Currently there are about 300 students on the waiting list.

Senator Gannon- Do you think the lottery system has served it's purpose to get a good cross section of the community?

Mr. Miller-We had a number of founders who choose to go through the lottery, so I feel that we were able to get an open and broad enrollment. We also have a special ed population between 12 and 16 %. We have attracted more special ed students because of the expeditionary model that is used at the school.

Senator Gannon- Are there any qualifications other than living in the district?

Mr. Miller-District boundaries and signing up by the deadline are the only restrictions

Testimony

I am Jan Sylvester from Meridian. I do not represent any group. I have followed the growth of charter schools in Idaho since the initial law went into effect in 1998. I would like to speak in support of Kirk Miller. Although

I do not know Kirk Miller personally, I have attended all of the Charter Commission meetings and have seen him in the role of commissioner. Kirk shares his accumulated Anser Charter School experiences with the other commission members. He reviews the charter proposals very thoroughly and frequently comments on budget items indicating which items may not be realistic. He asks specific questions regarding the proposed programs for the charter schools including what type of measurements will be used to indicate the programs are a success. Measurement of success is a key component of a charter school. Kirk has encouraged petitioners to make their schools unique, not simply duplicates of another school as the make-up of the people in each school will be unique. He actually cautioned one group of petitioners that operating a charter school is not always an easy task and went on to describe the difficult times to be like "herding cats."
I support Kirk Miller based on his support for the creation of innovative charter schools for the students of Idaho; charter schools that have well thought out programs with realistic finances along with informed petitioners.

**Gubernatorial
Paul Powell to
the Public
Charter School
Commission**

Mr. Powell gave a brief background about his education and affiliation with public schools and Charter schools.

Testimony

I am here today to address the confirmation of Mr. Paul Powell to the Charter Commission. I have many concerns which I feel should be evaluated before he continues to serve on this commission until 2008.

My name is Jennifer Mangiantini. I hold a Bachelor of Arts degree in English from UCLA and maintained a 15 year career in the San Francisco Bay area holding high executive positions in media and the NBA. My husband is an attorney with his own law firm. We moved to Idaho in 1998 to focus on raising our two boys. We are highly disciplined people and the education of our children is our strongest priority.

We have two children who attended Hidden Springs Charter School from its inception until last February when my husband and I abruptly removed our children from the school. Our reasons for leaving were based on the emotional abuse of our children what I had witnessed in the three years we had our children at the school and the way the school was run by the Board of Directors on which Paul Powell has served as chairman for four years.

I question Mr. Powell's ability to serve on the Charter Commission based on his disregard in upholding and enforcing all aspects of his own charter and the Harbor Method as it is communicated to the parent stakeholders; his adherence to Idaho Law; his questionable ethics regarding the school's election processes and his allegiance to the financial gain of the Harbor Institute and the Hidden Springs Development with which he has a personal relationship as he serves on the Town Advisory Committee and Hidden Springs Design Review Board .

Paul Powell does not comply with his own school's charter. Stated twice in the Hidden Springs charter on pages 17 and 35 to ensure parental involvement,

parents of children attending the Hidden Springs Charter School: "will fill out an in-depth profile of their child" and "parents will be asked to complete surveys throughout the school year addressing the following issues: safety of students, classroom discipline, school-wide discipline, child's response to classroom atmosphere and parents' perception of learning environment."

In three years, with two children attending the school, parents were never mandated to fill out in depth profiles of their children. In addition, only one survey was ever disseminated requesting parental input regarding the aforementioned areas. This was at the end of the first year of operation. These surveys were sent directly to Paul Powell at his home in Hidden Springs. I personally know many families who voiced serious concerns regarding the discipline at the school as well as safety issues.

There was never a follow-up meeting with the school's stakeholders to address these concerns. Four months into the second year of operation on December 9, 2002 in a Monday note issued by the school's principal, it was announced, "Any parent wishing to fill out a student profile on their child for their teacher should contact the office to get one." In addition, Mr. Powell received requests for a parent forum with members of the Board to address problematic issues. In an e-mail sent to Hidden Springs resident and stakeholder, Cynthia Heubach, dated May 21, 2002, Mr. Powell informed her that he would probably send out a "new survey" but "definitely include a forum with the Board members." The forum never occurred.

During the three years our children attended Hidden Springs I was heavily involved in the school through the parent faculty association, volunteer art program and the after school program. I co-ran the volunteer art program the second year and ran it the third year. I taught art classes weekly for three years. Volunteering in my children's classes for kindergarten, first, second and third grades plus teaching their art classes resulted in countless hours dedicated to Hidden Springs Charter School.

In addition, my husband and I donated significant sums of money to Hidden Springs Charter School. Needless to say, we were great supporters of the school. Originally my husband and I were under the belief that the Harbor Method was a tested and researched schooling method. Teachers were "trained" in the Harbor Method which focused on kindness, citizenship and academic excellence in a "safe harbor" for children entrusted to their care. The Harbor School Method claims to employ a unique expectation curriculum that taps into each child's need-to-know boundaries while protecting every child's dignity. Empathy and courtesy for others and respect for different people are taught, so they say. It sounded idyllic.

However, there is no research on this method. No licensed child psychologist or psychiatrist was involved in its development. It is not a curriculum. It is a discipline method. I would challenge any child development specialist to approve the appropriateness of many of the tactics used to discipline the children. I and many, many other families who have left the school because of these reasons believe we were greatly misled by the description of the Harbor Method.

The academic pace and challenge held us at the school, but the discipline practices had us questioning the emotional price our children were paying for their academics.

Our experience at Hidden Springs Charter School proved to us that we had not sent our children into a "safe harbor" environment free of fear, humiliation and negative peer judgment. Not only did we develop grave concerns regarding our

children's emotional safety, we were concerned for their physical safety as well. It's not "safe" for a principal to tell a third grade child not to tell his parents anything the teacher does to discipline him at school because "that is tattling and the teacher could get in trouble." This happened at Hidden Springs. Embarrassing consequences are used to discourage communication and young children are confused as to what is "tattling" and what is informing for help to resolve a conflict. Fear ruled the school for my children and many others. Students fear punishment, negative peer judgment and not being "perfect," a word used regularly by teachers and the administrator regarding the expectations of certain student's behaviors.

For us, there became a greater emphasis on punitive consequences than positive recognition. What kind of mistakes did they punish? Forgetting to raise one's hand to ask or answer a question or raising one's hand and answering at the same time out of excitement (otherwise known as "blurting"); needing to use the bathroom at "undesigned" times; standing quietly in line and turning one's head to look at the artwork on the wall; fiddling with one's own fingers; these are just a few examples of "poor citizenship" worthy of punitive measures taken with my children and many others, as I witnessed.

I contend that the punitive measures taken for the aforementioned behavior does not maintain a child's dignity, nor does it instill empathy and courtesy for others. Being sent to lower grade classrooms for "blurting" where teachers stop their lessons, making the student explain why they have been sent into their rooms and then are humiliated in front of that class; having to write a letter home calling oneself a troublemaker for asking questions without raising one's hand; having to spend half (15 minutes) of the ONL Y daily recess provided by the school walking up and down the hall as a "tin soldier" for every offense of looking at the artwork while standing in line; with the encouragement of the teacher, announcing to the entire class that you've earned the coveted "Citizen of the Week" award by ignoring "Jordan" your six-year old classmate who fiddles with his fingers; having to put one's head on the desk or having to forfeit a previously earned reward for asking to use the bathroom at an undesignated time, resulting in children soiling their pants because they are either not allowed to use the bathroom or they choose not to forfeit their reward for the privilege to use the restroom.

All of these punishments were used on my children as well as many others which I personally witnessed. Public humiliation is used at this Harbor School to deter these and other "problematic" behaviors. Hidden Springs Principal, Chuck Ward, was asked directly by my husband if their disciplinary methods were intended to humiliate the children. My husband was shocked when Mr. Ward replied, "Yes." The principal told us that students must be "held accountable for their actions and others will be deterred when they see the punishment they will receive." The principal likens this tactic to the humiliation of a convicted drunk driver whose name and picture appears in the paper.

This specific analogy was used by the Hidden Springs principal with respect to my child whose criminal offense was asking his music teacher which keyboard she wanted him to use and which classmate she wanted him to help. He asked these questions without raising his hand. In response to his offense, my third grade son was sent into the first grade classroom where he had to sit on the floor, face the wall and write a letter home to us stating he had been blurting in music and today he had been pointed out as one of the "troublemakers." Mortified and humiliated, he sat sobbing upon my arrival after school as he delivered his letter to me. Paul Powell is aware of these punishment methods used at the school, and if he

claims he is unaware, he would certainly be informed if he followed the provisions in the charter. Per the charter on page 35, parents are to be informed either by writing or verbally by the school when unacceptable behavior on behalf of a student has occurred. We were never informed when disciplinary action through public humiliation was used with our children.

The original founding advisory committee advising the Hidden Springs Board of Directors for the hiring of the school's Principal wholeheartedly opposed the hiring of Mr. Chuck Ward based on his responses to questions relating to discipline. Mrs. Allison Streeby, Chairman of the Principal Advisory Committee, and Mrs. Kim Fanter, committee member, both holding master degrees in Education, testified for over an hour to the Hidden Springs Board as to the many reasons why Mr. Ward was unacceptable for the position.

I received an anonymous package dated November 27, 2004. Inside were the results of an assessment of Nampa elementary school teachers and support staff at Central Elementary school for the school year 1997-1998. My husband and I met with Mrs. Doris Stucker, Nampa Education Association President, and she confirmed the authenticity of this document. Upon reading the statements made in this report I came to realize that many of the serious and disconcerting discipline practices

employed at Hidden Springs were created by the Harbor Method founder, Becky Stallcop, and were used by her and Mr. Chuck Ward at both Central and Iowa Elementary schools. A few quotes from this report support my statement:

"Students are fearful of the administration, and are often chastised or punished for minor rule infractions or for acting like children; the management style at Central School is extremely negative. Teachers and students are "managed" by threats, intimidation and harassment; Children who misbehave are to be placed in a lower grade with another teacher to take care of them for the rest of the day; the (administrators) make no bones about coming in and trying to scare the wits out of the students so they will behave; Becky Stallcop is extremely rough with children and seems to enjoy "catching" kids acting inappropriately and humiliating them in front of their peers. I have witnessed several occasions when a child is berated and belittled in the hall in front of other students simply because they were whispering in line to another student, or while they were waiting in line for lunch; the administration is feared by students" (stated eight times in this report); the students are fearful of the administration. One teacher was told she would have to change grade levels next year because she wasn't "mean enough," and that her students were not "afraid" of her. These comments from a principal where kindness is supposedly the Central way. I think Becky Stallcop is dangerous to education. She does not want intelligent, divergent-thinking, creative, loving teachers. She is trying to create Stepford-like drones who never question authority, and who thank and act exactly as she does. She espouses kindness always, yet is cruel and unkind to students and teachers" and finally, "Our school sometimes feels like a Nazi concentration camp we're just waiting to be gassed."

During the time of this report, Mr. Ward was then an administrator under Mrs. Rebecca Stallcop at Central Elementary School in Nampa. Against the recommendation of his own Advisory Committee, Mr. Powell hired Mr. Ward. Not only were we concerned about our children's emotional safety, their physical safety became a concern as well. No injury incident reports are issued by the school and there is no school nurse employed at Hidden Springs Charter School. I know a child who was knocked unconscious, another which broke his arm and others who fell on their heads and backs and no communication came from the

school of these injuries.

In addition to the student profiles and parent surveys promised in the charter, on page 35 of the Charter, the head of the PFA will sit on the Board of Directors to serve as a liaison between the parents, faculty and the Board. This does not and has never been enforced. The issue was raised at the Hidden Springs Board meeting on March 17, 2003 by then PFA President, Dr. Susan Kim, reminding Mr. Powell of this provision in the Hidden Springs Charter. The reminder fell on deaf ears. The Parents at the school have no voice and no ear.

Mr. Paul Powell is aware of these tactics and problems at Hidden Springs Charter School as he has served as the Chairman of the Board of Directors for over four years. I hold him accountable for he has not enforced his own charter's promises to parents. How can he sit on a Charter Commission to oversee new Idaho Charter schools when he does not even enforce his own charter at his own school?

With regard to following Idaho Law, at the Board meeting on April 19, 2004, Hidden Springs Board of Directors adopted a policy to allow new residents of Hidden Springs first priority entrance into the school over siblings of children already attending the school from outside the community. This is in direct violation of Idaho Code Title 33, chapter 52, section 3-i. Mr. Powell, as well as the General Contractor for the building of the school, Mr. Joe Saucerman, also a Hidden Springs resident, told the large group of parents attending the Board Meeting regarding the sibling issue, that the school was built with the intention to serve Hidden Springs and to increase home sales and property values in Hidden Springs. They even went so far as to say that if you wanted to insure your place in the school, you should buy a home in Hidden Springs. Over an hour of testimony was given by parents at this meeting regarding the support of Idaho's public school sibling laws, however their voices once again fell on deaf ears as the Board denied their pleas to keep their families together. Ironic, considering in a letter from Mr. Powell dated January 21, 2003 written to HSCS Parents and Staff, Mr. Powell offered three assurances: 1) Your Board of Directors will always keep the best interests of our school, students, and staff and families first; 2) HSCS will be a vibrant and successful Harbor School for many years to come; and 3) Any decision to amend the charter would be made in open public meetings where your input can be heard and considered.

Following that meeting the same group of concerned and frustrated parents decided that the best way to change the Board's Policy was to change the Board. On July 13, 2004 Hidden Springs Charter School held board elections for three open board positions. Two of the candidates supported the position of granting admission preference to all siblings. One of the two candidates was elected. The other missed the cut by only a few votes. 30 minutes prior to the election Mr. Powell informed certain parents assisting with the election that anyone on the waiting list for the school or any person living in Hidden Springs who shows up to this election could

vote. The only people on the waiting list informed of the election and the fact that they could vote were those families living in Hidden Springs. Mr. Powell did not inform any of the other families on the waiting list that they too had the right to vote.

Last month, Mr. Powell attended a Hidden Springs Parent Faculty meeting to propose no longer having board elections, but rather simply having a SELECTION process for the board. He informed parents that he could in fact change the school's bylaws without needing the approval of the Boise School District. Parents

attending that meeting vehemently opposed this proposal. The issue has not yet been decided.

Lastly, concerning the use of public money with regard to the financial expenditures made by the Hidden Springs Board, questions regarding the appropriateness of numerous expenditures are now in question. For example:

1. \$5.5 million to build a school which has no plans to include playground equipment or a library for the students. With 550 students attending the school this equates to \$10,000 per student for this building and the stakeholders will be asked to raise more money to support buying playground equipment and putting in an ADA County library with added adult services including an adult area within the facility, YMCA activity center, nature center and amphitheater costing \$694,226.

2. Veritas Advisors, LLP, has been retained to perform a \$25,000 feasibility study for the library, activity center, nature center and amphitheater. At the January Hidden Springs Board Meeting, Chairman Powell convinced the Board to pay \$19,000 of that study, with residents covering the additional \$6,000. Is this an appropriate use of public money?

3. \$5,000 was paid to the Harbor Educational Institute in late 2004 to receive a certificate authenticating Hidden Springs Charter School as an official "Harbor School." Hidden Springs has ALWAYS been a Harbor School, why now does \$5,000 need to be spent to be called an "official Harbor School."

Mr. Powell is directly linked to the Harbor Educational Institute as he served as a Director on its board for over a year. Dee Sarton, another member of the Hidden Springs Charter School Board of Directors as well as her husband, Mr. Terry Bower, and Mr. Jim Thompson, former Hidden Springs Board member serve on the Board for the Harbor Institute currently.

4. Post the decision to spend \$5,000 for certification from the Harbor Institute, a letter was issued by Paul Powell to Hidden Springs Families and Friends requesting donations to "support the necessary purchases for the school such as supplies, desks and books."

As of today, six charter schools have been approved by this commission and four of them are Harbor Schools. I live in Eagle and within ten minutes from my home the only charter school choice available to us are FOUR Harbor Charter schools - Hidden Springs, Northstar, Rolling Hills and Compass. How can Paul Powell, who is directly linked with benefit and growth of the Harbor School Franchise to which he has pledged his continued support and help and with which he has friends involved and financially benefitting with its growth through the Harbor Institute, be the entity approving and overseeing these schools. I see this as an enormous conflict of interest.

Once again, I question Mr. Powell's ability to serve on the Charter Commission based on his disregard in upholding and enforcing all aspects of his own charter and the Harbor Method as it is communicated to the parent stakeholders; his adherence to Idaho Law; his questionable ethics regarding the school's election processes and his allegiance to the financial gain of the Harbor Institute and the Hidden Springs Development.

My reason for testifying today is solely to inform you of the truth as I see it at one Harbor School and, perhaps, affect some change in the future that these schools deliver what they promise and practice what they preach, and be accountable to the stakeholders whom they serve. Jennifer Mangiantini, Eagle, Idaho

Senator Goedde-Have you brought these issues to the Boise School

District? What was their response?

Ms. Mangiantini-We did and we did not receive an answer from them.

Senator Jorgenson-Are you involved in a law suit about this?

Ms. Mangiantini-We are not, that is not my intent.

Senator Gannon-Is it difficult for your children to attend another school in your area?

Ms. Mangiantini-No, our children now attend Eagle Hills Elementary.

Senator Goedde-Is the discipline method at Hidden Springs in line with the Harbor Method?

Ms. Mangiantini-There is no written communication whatsoever that states that they will not let a child go to the bathroom outside of a designated time. I do not believe it is in line with the Harbor School Method as it is outlined.

Senator Goedde-Is Hidden Springs using the Harbor Method differently than the other Charter schools in the area using the Harbor Method?

Ms. Mangiantini-I really don't know. I've only heard things.

Senator Gannon-Some of the other parents that share your concerns do they live in Hidden Springs?

Ms. Mangiantini-I think one of them might but the rest of us live in Eagle.

Senator Noble-Is there a waiting list at Hidden Springs?

Ms. Mangiantini-Apparently so.

Senator Schroeder is going to have someone check Ms. Mangiantini's testimony for legality.

Senator Burkett-Do you believe that Mr. Powell is an advocate of the Harbor Method and is making money off the selling of the product.

Ms. Mangiantini-I believe that the conflict of interest is that Mr. Powell was involved in the creation of the Harbor Method Institute which is selling the method to schools, which is what these schools are buying.

Mr. Powell-I am taken back by this testimony. I don't wish to say anything

that would discredit Ms. Mangiantini. I would like to make a few statements and would like a copy of her testimony to address each of her issues in detail. I have three children of my own going to Hidden Springs and I would not put up with some of the accusations that Ms. Mangiantini, is stating today, I would pull my children out. I would be happy to talk with anyone about the Harbor Method. I am not financially involved with the developer of Hidden Springs. I was asked to be a volunteer on the town council which I think I was asked because of my involvement in the Charter school. If it pleases the Chair I would like the opportunity to respond to each of these issues in a written document.

Senator Goedde-That would save a lot of time, I would appreciate it. My question is, do children in Hidden Springs get preference over siblings in the school?

Mr. Powell-Yes they do, and I can explain why. Currently Idaho code provides preference to admission to Charter Schools in two different sections of code. 33-5205 gives a several priorities for Charters admission. The second one is 33-5026 takes care of all federal issues and states you cannot discriminate against where a child lives except that a charter school shall establish an attendance area and give preference to patrons within that attendance area. We have interpreted that to mean the attendance area as Dry Creek Valley in the north west part of the Boise school district. When the issue came up and some siblings were left out, we looked at the issue and had 2 different attorneys look at the Charter. Based on all of our research, we were comfortable that the preference to children with in the area was appropriate.

Senator Gannon- Does the attendance area that's defined in the Charter expand beyond the Hidden Springs development area?

Mr. Powell-Yes

Senator Burkett-I am curious about this election that Ms. Mangiantini talked about in her testimony. Can you comment about that?

Mr. Powell-Yes.

Senator Schroeder-Schools can buy the Harbor Method from the Harbor Institute is that right? How can something that was developed in public schools be sold by a corporation for \$50,000? Will you please discuss the appropriateness of this?

Mr. Powell gave a history of the Harbor Method, how is was developed.

Senator Schroeder-Can you get us information about the finances of the

Institute? Are you still on the board of directors for the Harbor Institute

Mr. Powell-Yes I can, although I am not on the board of the Harbor Institute, I'm sure they would be happy to give you that information.

Senator Schroeder- There is a PAC called Idaho for Excellence of Education, are you still the treasurer of that PAC?

Mr. Powell-No I am not. I resigned a few weeks after it was formed when I realized I had too much on my plate at the time. I would have to see a calendar to see the exact dates, but it might be around mid March.

Senator Noble made a comment about how education is money and people make money off of education. Books are written by teachers who work in public education and are published and sold for profit back to the schools.

Senator Schroeder-Do you have meetings for the Idaho Charter School Network where you exclude people from attending?

Mr. Powell-There was a meeting for the Idaho Coalition for Charter School Families who reserved our conference facilities, and we were one of the sponsors of that meeting. But the meeting was for the Coalition. It was not a public meeting, it was private group. There was a person who wanted to attend the meeting, and from my understanding they did not let her attend. It was not the Charter Commission.

Senator Schroeder-What is Idaho Coalition for School Choice?

Mr. Powell-I do not recall being a board of member for that organization. Senator Schroeder handed him some papers that Mr. Powell reviewed. I had forgotten about that.

Mr. Powell-It's a grassroots organization for parents who support Charter Schools in Idaho who wanted to band together to get their voice heard.

Senator Schroeder-I had a bill last year for open elections of Charter School Boards that failed because of your testimony. Why are you against open elections for the Charters?

Mr. Powell-I am not against democracy. If a board has the skills necessary to run the Charter I do not care if they are appointed or elected. As long as all the skills that are needed for the board are present I do not care if they are voted in or appointed. The reason I testified against your bill is because I am concerned about the definition of "open." Without a definition it would only cause chaos.

Senator Schroeder-What are the challenges facing the commission?

Mr. Powell-The commission is meant to provide adequate oversight for the Charters. The resources we would need for that would be at least one full-time staff member.

Senator Marley-Who is checking the background of these Charter petitions?

Mr. Powell-Currently the State Department of Education does a review, and the State Charter School Commission does a legal review of the petitions.

**Gubernatorial
Marianne Donnely
to the Public
Charter School
Commission**

Testimony Terry Anderson for Marianne Donnely for the Charter Commission.

I am here in support of Ms. Donnely's appointment, she is very well informed and has been willing to defend what she feels is best for all companies. She is fair minded, and balanced in her decision making.

Senator Goedde-I have a copy available to the committee of an e-mail from Dr. Cliff Green who is in support of Mr. Powell and notes from a phone call from Wanda Quinn who also gives her support to Mr. Powell. They will be in my office if you want to look at them.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 8, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: Senator Burkett

MINUTES:

Presentation The Idaho School Board Association

Cliff Green introduced the members present and turned the meeting over to Wanda Quinn and the other presenters.
Ms. Quinn discussed a handouts (attachments #1 and 1.5)

Wendy Horman updated the committee on IRI, Idaho Reading Indicator.
Discussed a handout (attachment #2)

Superintendent Chuck Kinsey described Lakeland School District demographics. Debbie Long President of the Elementary School Principle Association also from Lakeland School District discussed a handout (attachments #3 and 3.5)
Mr. Kinsey ended by discussing Lakeland School District's reasons for success.

Janet Orndorff, past president from ISBA talked about National Assessment of Education Progress (NAEP). Ms. Orndorff discussed a handout (attachment #4)

Mark VanSkiver, Administrator of Student Services and Duane Peck Director of Technology and Assessment discussed a handout (attachment #5)

Harry Amend Superintendent, Hazel Bauman, Assistant Superintendent, and Rosie Astorquia, Director of Curriculum and Instruction discussed handout (attachments #6 and 7)

Questions Senator Marley-What is the funding impact home schoolers are having on a school district when they come and go from the school districts?

Ernest Jensen, president-elect ISBA-We find some very prepared for high school in our district. Some are not prepared and need remedial classes. Parents look at Charter schools as an alternative and are going that route.

Superintendent Amend-We want to support our home schooled students and other than losing the ADA I don't see it as a conflict.

Senator Gannon-Do you have many home schoolers that come to your schools?

Superintendent Amend-It goes in streaks, especially when kids reach Algebra and lab sciences.

Senator Andreason-There is the opinion in a Junior High School in my district where the parents say that grades don't count until the 9th grade. Do we need to develop some legislation that would work on truancy issues?

Mr. Jensen-That is a very real problem where parents are not concerned if their children are in school or not. I believe there is some work in the background on truancy laws. A serious problem caused by legislation a few years ago was passed to give more choice to families and that was dual enrollment. What we have found is those students have parents when approached are saying their children are going to be dual enrolled. This poses a problem until the 9th grade when the students come to the public school for the classes that were mentioned earlier.

Senator Andreason-Do we need to strengthen the attendance requirements?

Mr. Jensen-A few years ago we took all attendance restrictions away and our attendance went down into the 80's, then we restored the attendance policy and it took our attendance back up to 98%. Therefore I think an attendance policy would help.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 9, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: none

Guests: See sign in sheet

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
New policy concerning courtesy to presenters. If committee members need to talk to someone in the audience please leave the room. If members of the audience want to communicate with a committee member please write a note and give it to the page. Thank you!

S 1050 Senator Pearce sponsored the bill. It is of local interest, so we have locals here to testify.

Testimony Jim Reed, Superintendent from Weiser school district. Stated although this community is 2 different towns separated by the Snake River we are one community with the Annex, OR. This legislation would allow for any school board to petition the State Board of Education, to waiver a portion of the tuition rates for students, in this case attending Weiser school district that are from Annex, OR. This is a local board option.

Darbie Dennison, Superintendent from Annex school district. Stated we do not have the resources to build our own High School. We are one community. The students from Annex could attend Ontario schools or Huntington schools but the distance is the issue there. We would like to continue to send our children to the Weiser schools.

Questions Senator Marley-How many students are we talking about?

Ms. Dennison-36 students

Senator Marley-What percentage are we talking about from your budget?

Ms. Dennison-Exceeds 1/3 of our budget.

Senator Marley-What would happen if we did not pass this legislation?

Ms. Dennison-We would have to pursue our children really attending Huntington or Ontario but we would still have the issue of the distance to

deal with.

Senator Marley-How many students are we talking about?

Ms. Dennison-99 students.

Senator Schroeder-Are there any students from Weiser attending Annex schools?

Ms. Dennison-No, not at this time.

Senator Jorgenson-Can you tell me what the total amount of the waiver you are looking for is?

Ms. Dennison- About \$41,000.

Senator Schroeder-Dr. West do we have another situation in the state like this.

Dr. West-Not the exact situation.

Mike Friend, executive director of the ISBA testified in favor of S 1050.

Motion

Senator Schroeder moved to send S 1050 to the floor with a do pass recommendation. Motion was seconded by Senator Noble and Pearce. After a short discussion the motion passed by voice vote with Senator Jorgenson requesting that he be recorded as voting nay.

Senator Pearce will carry the bill to the floor.

S 1094

Senator Darrington the sponsor of the bill discussed the purpose of this bill for 3rd and 4th year students in health related studies. This bill leaves the rules to be determined by the State Board of Education with the appropriation to the legislator and the millennium fund to support it. This committee could be a legacy to the health profession, who we all know is in need of more employees.

Senator Gannon-Will this encourage students to stay in the state for school, but not keep them here after they graduate?

Senator Darrington-That's a good point I cannot predict but I think they will stay here after they graduate. I think it gets a little bit administratively messy if we say they have to stay or pay it off.

Senator Noble-Could we make it so that the students will have to pay this back and make it like a perpetual fund? Or have to work in the state for 3 or 4 years after they graduate?

Senator Darrington-We can write whatever we want in this legislation, but I question the advisability of it. It would be ideal for them to stay in the state but the reason for this bill is to help increase the population of the medical professionals.

Senator Marley-I need a better understanding of what this is going to cost? Can you give us the figures or what we're looking at doing to the millennium fund?

Senator Darrington-A million dollars will give us a real good start, and read section 6 of the bill.

Senator Marley-I'm concerned having served on the millennium committee that this is going in the wrong direction than the committee has outlined.

Senator Darrington-If this chart comes to fruition there will be millions of dollars for us to appropriate that we will have to fund this scholarship program.

Senator Marley-When would this program begin?

Senator Darrington-This legislation would go into effect July 1st but would not happen until there were funds available.

Senator Goedde-Will this scholarship increase the number of graduates if we don't expand the availability and class size of this field.

Senator Darrington-This scholarship will not create more graduates, but it will be attractive to students to go into those fields.

Senator Burkett-Does this have a limit as to the number who will receive this scholarship?

Senator Darrington-Yes the limit is the amount of money appropriated by the number of people who qualify.

Senator Burkett-Will some apply for this scholarship who qualify that won't get it?

Senator Darrington-No, because they may just receive a lesser amount than \$1200 but still get some money from the scholarship.

Senator Marley- Do you see this as going through the millennium fund like the others and then it going through JFAC?

Matt Freeman from Legislative Services took the questions from this point.

Mr. Freeman answered questions that were raised by the committee.

Mr. Freeman, for Senator Gannon, you asked about the Board of Regents why they were included. University of Idaho is a land grant institution so they are governed by the Board of Regents. Senator Noble you asked about why we don't make it a perpetual fund, there are some degrees out there that are, and the State Board of Education has had real issues collecting that money, people get married, change their names, and move

away. Senator Marley you asked about fiscal impact, and I admit that the statement is vague. In working with the state board we ball parked a million dollars. We think around a million but it will be subject to appropriation. Senator Marley you asked about the process of how this was going to go through, it will go straight to JFAC.

Senator Marley-Do we have any idea how many students there are in Idaho that are enrolled in these programs that would be eligible for this scholarship.

Dene Kelley, student affairs manager for the State Board of Education, stated currently we have 7,700 freshman who are using the Promise scholarship. We estimate about one quarter of those students will use this scholarship also.

Senator Marley Are they going to be qualified for both scholarships at one time for professional technical students. Are they going to qualify for both scholarships at one time.

Mr. Freeman-Yes, in order to have this scholarship for the junior and senior of a 4 year program it is going to allow for overlap for the technical students. But the intent is to get health care workers out into the field.

Motion

Senator Schroeder motioned to send S 1094 to the floor with a do pass recommendation. Motion was seconded by Senator Andreason.

Senator Marley moved a substitute motion to hold this bill for time certain of 1 week. Motion was seconded by Senator Pearce.

Discussion- Senator Darrington yielded to that request of the committee.

The substitute motion passed by voice vote with Senator Jorgenson requesting that he be recorded as voting nay.

SJM 101

Senator Schroeder discussed the purpose of this bill. In Idaho we believe in local control. No Child Left Behind (NCLB) is the largest unfunded mandate in the history of the United States. Washington D.C. is telling us how to run our schools without knowing how our schools run. The points of the Memorial are does it violate the 10th amendment of the US constitution? Is it a take over of public schools? Is it an unfunded mandate? And last is it a burden on our schools particularly our small ones? Handouts were discussed and are attached.

Senator Burkett- The waivers are granted by who?

Senator Schroeder-The US Department of Education grants them.

Senator Gannon- How are we guaranteed we are not going to lose our federal funding?

Senator Schroeder-Because we're asking for that, we want to be exempt without the loss of federal funds. Those funds come from us, so we still have rights to them.

Senator Goedde-On line 8 you say NCLB was created only to address large metropolitan areas, can you prove that was the purpose of NCLB?

Senator Schroeder-I looked up some stuff on the internet and everything talks about big schools, I have come to the conclusion that it was developed by people for big schools and it just applies to all the rest of us.

Senator Goedde-AYP Jail on line 17. Couldn't that be worded differently so that it would be less offensive?

Senator Schroeder-It certainly could, we could modify that.

Senator Goedde- The new president of the Utah Senate he forwarded me an estimate of \$102 million that the feds suggested they would lose if they opted out of NCLB. Do you feel that we are slapping them in the face and asking them not to take our money away?

Senator Schroeder-I would go back and say that it's our money not theirs.

Senator Pearce, the co-sponsor-The children in the state of Idaho are our greatest resource and I think we're talking about them and their education and I think it's something that should be sacred to us. There is no science behind this. Can we do with out the leadership of DC?

Testimony

Bill Savage, from Idaho Falls at Skyline High School-
We are in AYP jail because we have a population of 15% Hispanics at our school and 2 of our Hispanic students did not pass the ISAT test last spring due to language barriers. One of those students has since moved back to Mexico with his family so the school is in jeopardy of jail because of one Hispanic student. What NCLB provisions have done for our school is we have had to remediate our kids in order to get them ready to take the ISAT, which I know that is a requirement of the state legislature. The intent of the testing and holding the kids accountable and all of us accountable is a good idea. To make it mandatory for graduation is not working very well.

Let me give you an example of what NCLB is doing for our school. We have 10 sections of remediation classes this year, 4 in English, 4 in Math 2 in reading. There are about 15 students in each of those sections totaling 60 students that we are remediating for ISAT passage. We've also had to pull 6 teachers good teachers to teach those classes. We have also had to pull the students out of life school classes, such as child development, sports medicine, welding, auto and other classes to help them to pass the ISAT. I talked to a couple of teachers last week and I asked them how many of those students will pass the test now that they have had remediation and they said maybe 2 or 3 and the rest of them probably will not. In order to help that 5% who need remediation to pass the ISAT we have had to raise the number of students in the other classes, since those teachers now teach remediation. This is not working out. One thing is leading to the other and it is turning into a domino effect. Therefore I stand in support of this memorial along with other educators around the state.

Senator Andreason- How long have you been a counselor?

Mr. Savage- For 29 years.

Senator Gannon- You said you would remediate those students without NCLB. Do you have another way of remediating them and why would your program differ without NCLB?

Mr. Savage-We have classes that we offer to students who need remediation anyway. The problem is pulling those students out of those essential classes that normally we teach and putting them in the ISAT classes. We are teaching to a test.

Senator Burkett- Before NCLB did you have students in remediation and how many?

Mr. Savage-Yes we did. Probably the same number, but they were in different essential classes that were not teaching just a test.

Senator Burkett-Did you have to pull those students out of the life essential classes for your remediation prior to NCLB and ISAT?

Mr. Savage-No we did not. Part of the program was to attend those classes which counted toward the other requirements.

Senator Burkett-Why do you have to do it differently now?

Mr. Savage-We have to focus on those students passing the ISAT test whereas before we did not.

Senator Goedde-Do you think it's realistic to tell the federal government that we want out of NCLB but still want all our money and where are we going to cut money from education to make up for the money we might loss if we loss federal funding?

Mr. Savage-I hope we don't loss the NCLB money that certainly is not my intent to shortfall education without that money. The spirit of the law is probably healthy, but the requirement of making ISAT necessary for graduation is what I am having problems with, it doesn't make sense at all.

Idaho Education Association Testimony by Kathy Phelan President
In support of SJM 101

We whole-heartedly agree with the stated goal of NCLB – leave no child behind. It's a goal that teachers have espoused for a very long time as they toil in a public school system designed to the needs of most students, not all. This one-size-fits-all federal law, and now, because of legislative action, Idaho State Board of Education Rule, Idaho schools must leave no child behind or face dire consequences—public humiliation, diversion of funds, sending children to other schools, school reconstitution, and even total school shut down. Idaho schools are faced with significant challenges – thanks to the federal government the rules

have changed, the bar is set impossibly high – 100% success by 2012—and neither the federal government nor the state legislature can muster the will to invest in the success of our children. We all know when we're on a hike if we don't want to leave anyone behind either everyone else must slow down so the others can keep up, or we provide the tools, strategies and assistance they need to keep up. Right now teachers, school districts & students throughout the state are on a high wire without a safety net. A junior high in Idaho Falls is pulling students out of science classes and placing them in reading and math remediation classes. Junior high science teachers in Coeur d'Alene have been instructed to teach math 3 days a week, history teachers have been instructed to teach reading and language arts 3 days a week. Students who need remediation are not allowed to participate in electives, arts programs are being reduced so that remediation can be scheduled. Education has become defined as a test score. Last year, working with Cong. Simpson, Senator Schroeder, you and legislative leadership caused a change in federal NCLB rules. Just 2 weeks after you passed the NCLB resolution the US Dept changed LEP rules to address Idaho concerns. This resolution could make a difference, too. NCLB has great goals, but its promise has been lost in its under funding and punitive rules. When educators in Idaho see poor children, or children not fluent in English walk in their doors for the first time we want them to think, "Welcome to a place where your dreams can be realized – we're here for you, we want the best for you." NOT – "Oh, no! There go my test scores!" This law, no matter how catchy and lofty its title is – No Child Left Behind –is creating categories of unwanted children because no policy maker, no federal government official is helping us create a safety net, a system of support, a school system that's motto should be, "No Dream Denied." I speak in support of SJM 101.

Senator Schroeder-Is NCLB going to "dumb down" our students?

Ms. Phelan-I have heard that term being used our ISAT test is a multiple choice test and research shows that multiple choice tests does not require critical thinking.

Senator Goedde-I have a chart from the US Education Department, titled U.S. Education Funding, and it has a difference of about \$51 million in funding. Can you look at it and tell me what the difference is? You can tell me at a later point.

A copy was given to Ms. Phelan and to the committee.

Senator Goedde-Would it make more sense to tell the Federal government about our problems we're having with NCLB instead of telling them we want out but still want our funding?

Ms. Phelan-We have attempted in the past to fix the law, but what's not happening is the funding isn't following it. With the flaws in the law it will actually fix it itself. So it's a balance between the 2. What this bill is saying is, until it is fixed in a way that it will work, don't hold us accountable to it. And give us the money to make things work out. I think

that's not a way to go.

Senator Goedde-Do you think it's a realistic expectation?

Ms. Phelan-I'm not sure, I'm going to say it may well not be because of the way the federal government has come down on Utah, who has dared to question their expertise.

John Eikum, Executive Director of the Idaho Rural School Association, a number of teachers in the rural schools districts will not be highly qualified by 2006. These smaller schools have for example, a science teacher who is endorsed in chemistry but teaches bio, earth, and physics. Therefore this teacher will not be able to teach these other subjects in 2006. This happens in many schools where they will have to lose some of their curriculum because they will not meet AYP. We are in support of SJM 101.

Senator Burkett- Are there any schools that have been sanctioned, and if so, what changes do you want to see come about with NCLB?

Mr. Eikum-Yes, there are, and what happens is if 2 students are in one category and don't meet requirements, the whole school is sanctioned. I think that's unrealistic.

Senator Andreason- How many schools do you represent?

Mr. Eikum-Thirty four schools.

Senator Andreason-How many of them do you think will be in trouble with the NCLB sanctions?

Mr. Eikum-Over 50%

Senator Burkett-If we pass this resolution, what outcome are you hoping for?

Mr. Eikum-We hope it will send a message that there is a difference between large metropolitan areas and rural areas. Maybe, maybe not.

Cliff Green, Idaho School Board Association- I have a letter from the U.S. Department of Education that states they have not granted any waiver to any state for a resolution of this type so the result will be absolutely nothing.

Senator Schroeder-The intent of this memorial is to address the decision makers in Washington D.C. who tell the U.S. Department of Education what to do. We want to make them aware of the problems we are having in hopes that they will address these issues.

Mr. Green- The School Board Association strongly supports the concept of No Child Left Behind. We also support the accountability that comes along with it. We believe it's been a long time coming. We also agree

that it is not a perfect law, which needs some changes. I went to DC with Wanda Quinn and our president elect to talk with our congressional delegation last week about NCLB. We brought up a lot of the issues that need to be addressed. Last year's resolution did have an impact because we offered them solutions. So we brought them options instead of just telling them that we want out. According to Eric Erling from the U.S. Department of Education, the federal government gave us \$146.5 million in 2005 for NCLB. I know that does not cover the costs of NCLB but my question is who is going to make up that \$146.5 million when we lose it from the government? This bill is not the way to go, it will get attention, but the question is what will that attention get us. I think if we work with our congressional delegation we will get a lot further ahead instead of sending this resolution which is what the School Board Association is working on.

Senator Schroeder-Who told you we were going to lose federal money if we pass this memorial?

Mr. Green-The conversation I had with the U.S. Department of Education, did not come right out and say we will cut off your funding, they said there is a possibility. There are better ways to get your intent heard than with this resolution.

Senator Schroeder-Can I get a copy of your correspondences with the our congressional delegation?

Mr. Green-Yes I can get you that.

Senator Pearce- Do you think we can do this on our own without the help of the federal government?

Mr. Green-If the state provided the \$146.5 million I think we could give it a shot.

Senator Burkett-Did the federal government really say they are going to take our money away if we send this memorial.

Mr. Green-They did not directly say that. What they did say was that if we do not meet NCLB requirements, we run the risk of losing the funding.

Dr. Mike Friend, Executive Director of the Idaho Association School Administrators. The Joint Memorial co-sponsors have appropriately recognized the steps taken in Idaho to hold its students, teachers, and educational system accountable. We were working on many of the improvements required by NCLB before the legislation was enacted. We have embraced the standards; we have successfully implemented the Idaho Reading Initiative; we have an assessment and state accountability plan that we are now monitoring for what we hope to be a successful implementation. We know what needs to be done and work is occurring in each and every school across the state to build for increased student achievement. You heard several examples of this yesterday in the Committee. We are proud of the teachers, administrators, and communities that are working so hard to be successful....most of all, we are proud of the accomplishments made by our individual students. We strongly agree with the philosophical basis of

the original legislation and do believe that it is imperative that no child be left behind. Obviously, like any new concept, much is learned about the effectiveness of that original plan when it is applied to a real situation. Upon initial application it appears that the NCLB Act has achieved some results that the authors were hoping for, but it has also caused some results that have not been in the best interest of students. NCLB sets the bar as high as it goes, for instance: all children reading at or above grade level by the end of the third grade....ALL students. Certainly this is an admirable goal, but an unrealistic goal as a measurement of how well a student is able to perform in an academic setting. Individual student growth is realistic, attainable and embraced. This comment reflects what I continue to hear from school leaders throughout the state, schools leaders who see far more "good" in the NCLB Act than "bad". From the time that NCLB was passed and Idaho started to figure out what it meant and how it would be implemented, our Association has promoted the idea of measuring individual student success based on academic growth and multiple assessments-some form of a value-added system. The true indicator of a school's, and a teacher's, impact on a student is the amount of growth that student experiences in an academic year. This is best exemplified by the value added growth model that is currently being discussed and/or implemented throughout the country. There are inherent conflicts with NCLB and IDEA- the IEP drives the student's educational expectations, yet as a subgroup, each student's performance does impact the schools final determination of attaining AYP. Once again, growth in each child, in each subgroup is an attainable goal. Schools can be making excellent progress with its students and being highly successful and yet be labeled as not making AYP - failing in other words. If a school enters into school improvement, then any student can apply for a transfer to another school or receive supplemental services, even though they do not have membership in the subgroup that did not make AYP. Applying this idea is very difficult in a rural state. One of the major issues in the NCLB Act that is fast being recognized across the state is the requirement of the "highly qualified personnel" established in the act. While states define "highly qualified" the criteria to be met makes it extremely difficult, if not impossible to meet. Currently Idaho "grandfathered" its staff, but as staff members leave and new people come in, the highly qualified standard must be met. This is extremely difficult for our urban, as well as our rural districts -a major in the content area -passage of the Praxis test that was designed for majors (elementary teachers assigned to middle schools) -alternative routes are not the same as LOA and consultant specialists, processes that the federal government told us we could no longer use! There is a reality, as expressed across the state: teachers in many of our districts must teach in multiple content assignment areas. Majors in some areas -math and science as examples -are hard to attract to education -this is another reality! And then there is the special education staffing issues. In a short time, our special education teachers (most of whom are certified as special education generalists and elementary education) must meet the requirements of "highly qualified personnel" in all content areas taught, share the story of the teacher at CEC....While depth and breadth of content knowledge is important, it is not the only criteria of value in determining "highly qualified". We believe that states should retain the determination of how to license its professional staff, using its own criteria, not the federal government's criteria. As I have traveled the state over the past two years, I hear the same things: support for standards, assessment, and accountability -the importance of being able to use data that we receive from the assessments to improve instruction; support for the philosophical basis of the NCLB Act; anxiety over using the accountability systems to punish rather than support the work taking place in our schools; concerns for the students who continue to struggle, even with the various interventions in the districts; concerns over how to meet highly qualified standards in several areas but most specifically in math, science and special education; the negative impact of labeling; excitement over the focus and growth that is being experienced,

classroom by classroom, student by student; and hope that as we continue to do this important work that modifications will take place that keep us focused on student learning and improved instruction and that encouragement and recognition replace sanctions and criticism. I think that this memorial accomplishes several things: It sends a message to the federal leaders that Idaho got the message. It sends the message that Idaho is taking that message seriously and is moving forward to see that no Idaho child is left behind. It sends the message that Idaho will hold its educational system accountable. In other words: we get it; we know what needs to be done; we are taking the steps necessary to improve student achievement and ensure growth in every child; we are accountable. Now it is time to be freed so we can move ahead with the implementation, monitoring and evaluation of our own NCLB - the Idaho accountability program established by the State Board of Education and this Legislature.

Senator Goedde-You said that there was more good than bad, so why do you want to be exempt from NCLB?

Dr. Friend-We are saying we can be accountable ourselves. We were already heading down that road before NCLB came about.

Senator Goedde- Do you believe that a resolution like this would be more effective than a resolution that states we recognize there are problems and these are the solutions to those problems?

Dr. Friend-I would agree that there might be a different way to go about stating the problem.

Senator Schroeder asked his co-sponsor if he would be willing to let the Chairman work on some alternate language to accomplish what Senator Pearce and I want to accomplish in a more gentle fashion.

A short discussion took place concerning new wording for the memorial.

Senator Schroeder moved a motion to hold SJM 101 in committee for time certain of 2 weeks. Motion was seconded by Senator Gannon. A voice vote indicated that it was unanimous.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 10, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED:

GUESTS: see sign in sheet

Senator Goedde called the meeting to order and asked the secretary to take a silent roll call.

Chairman Goedde introduced Shirley Paul, President of the Idaho Parents Teachers Association (PTA).

Presentation: Ms. Paul explained the Idaho PTA is comprised of 8500 members from across the state. The mission of the PTA is to promote the welfare of children and youth in home, school, and place of worship; to raise the standards of home life; to secure adequate laws for the care and protection of children and youth; to bring into closer relation the home and school, that parents and teachers may cooperate intelligently in the education of children and youth; to develop between educators and the general public such united efforts as will secure for all children and youth the highest advantages in physical, mental, social and spiritual education.

Ms. Paul introduced Barb Bode the Legislative Vice President for the Idaho PTA. Ms. Bode reviewed the Idaho PTA's legislative priorities for 2004-05. She emphasized priorities related to charter schools, parental involvement and responsibility, and education funding. Other issues of concern are property tax replacement fund cap, state achievement standards and accountability, safe school facilities, and adolescent tobacco use and exposure.

Senator Jorgenson asked if the Idaho PTA is in support of the "No Child Left Behind" (NCLB) Act?

Ms. Bode responded they are in support, however they recognize there are some needed changes such as not focusing funding only based on income.

Senator Jorgenson inquired as to the Idaho PTA's feeling toward Idaho walking away from NCLB and risking the loss of those funds.

Ms. Bode replied Idaho PTA didn't have a specific position on it, however from a national perspective, some good things have come from NCLB. They support it reasonably implemented with some changes as previously referenced.

Senator Gannon asked if any charter schools have joined the Idaho PTA.

Ms. Bode said that Liberty Charter has joined the organization.

Chairman Goedde thanked Ms. Bode for the report.

Chairman Goedde announced the committee will vote on six appointments to the Public Charter School Commission.

Senator Noble stated he potentially has a conflict of interest because he is on the board of the charter school. He recognized he represents many constituents in his district who are not, could be, or might be part of the charter school. He will vote on these appointments because he believes his vote would be for the greater good.

Gubernatorial Appointment: Marianne Donnelly appointed to the Public Charter School Commission to serve a term commencing May 12, 2004 and expiring May 12, 2006.

MOTION: Senator Noble moved to recommend to the full Senate the appointment of Marianne Donnelly to the Public Charter School Commission. Senator Andreason seconded the motion.

VOTE: The motion passed by unanimous voice vote. The appointment will be carried by Senator Marley on the floor of the Senate.

Gubernatorial Appointment: William Goesling appointed to the Public Charter School Commission to serve a term commencing May 12, 2004 and expiring May 12, 2008.

MOTION: Senator Noble moved to recommend to the full Senate the appointment of William Goesling to the Public Charter School Commission. Senator Pearce seconded the motion.

VOTE: The motion passed by unanimous voice vote. The appointment will be carried by Senator Schroeder on the floor of the Senate.

Gubernatorial Appointment: Ann Souza appointed to the Public Charter School Commission to serve a term commencing May 12, 2004 and expiring May 12, 2007.

MOTION: Senator Noble moved to recommend to the full Senate the appointment of Ann Souza to the Public Charter School Commission. Senator Marley seconded the motion.

VOTE: The motion passed by unanimous voice vote. The appointment will be carried by Senator Keough on the floor of the Senate.

Gubernatorial Appointment: Esther Van Wart appointed to the Public Charter School Commission to serve a term commencing May 12, 2004 and expiring May 12, 2007.

- MOTION:** Senator Gannon moved to recommend to the full Senate the appointment of Esther Van Wart to the Public Charter School Commission. Senator Jorgenson seconded the motion.
- VOTE:** The motion passed by unanimous voice vote. The appointment will be carried by Senator Marley on the floor of the Senate.
- Gubernatorial Appointment:** Kirk Miller appointed to the Public Charter School Commission to serve a term commencing May 12, 2004 and expiring May 12, 2006.
- MOTION:** Senator Andreason moved to recommend to the full Senate the appointment of Kirk Miller to the Public Charter School Commission. Senator Noble seconded the motion.
- VOTE:** The motion passed by unanimous voice vote. The appointment will be carried by Senator Andreason on the floor of the Senate.
- Senator Burkett raised a question concerning Mr. Powell serving concurrently on the Public Charter School Commission and a Charter School Board (which is overseen by the commission).
- Karen Echezverria from the State Board of Education explained the requirement for the Public Charter School Commission. Three members must be active or prior Charter School Board members, three must be active or prior school district trustees and then there is one member at large.
- Senator Burkett asked if there were similar requirements for the State Board of Education.
- Ms. Echezverria replied there are not.
- Senator Burkett then asked if currently any of the State Board of Education members are also serving as school board members or school trustees.
- Ms. Echezverria said no.
- Senator Schroeder referenced a previous meeting at which Mr. Powell said he had resigned from the Board of Directors at the Harbor Education Institute. He presented letters from the Secretary of State dated August 27, 2004 and February 8, 2005 in which Mr. Powell is still listed on the Board of Directors.
- Senator Goedde presented a letter of resignation from Mr. Powell to Mr. Jim Thompson, Chair of the Board of the Directors for the Harbor Education Institute dated August 31, 2004. He also had a copy of minutes from the Harbor Education Institute reflecting the accepted resignation.
- Gubernatorial Appointment:** Paul Powell appointed to the Public Charter School Commission to serve a term commencing May 12, 2004 and expiring May 12, 2008.
- MOTION:** Senator Jorgenson moved to recommend to the full Senate the appointment of Paul Powell to the Public Charter School Commission.

Senator Pearce seconded the motion.

DISCUSSION:

Senator Schroeder voiced his concerns regarding Mr. Powell's lack of knowledge of a coalition of which Mr. Powell is a member. He also was concerned about the selection of new students for a charter school, specifically whether the Hidden Springs Charter School complied with state law (referring to a letter from the Deputy Attorney General). Chairman Goedde concurred with Senator Schroeder in appearance Hidden Springs Charter School is not in accordance with the opinion of the Deputy Attorney General.

Senator Schroeder expressed concern Mr. Powell would be more motivated by other agendas than the public interest.

SUBSTITUTE MOTION:

Senator Schroeder made a substitute motion to not approve the appointment of Paul Powell to the Public Charter School Commission. Senator Marley seconded the motion.

DISCUSSION:

Senator Noble referenced S 1444 concerning admission procedures to charter schools, and a glitch in the statute which may need to be corrected. Therefore he cannot hold Mr. Powell accountable for the admissions of Hidden Springs.

Senator Schroeder responded that Mr. Powell was one of the main authors of the charter school provisions last year addressing the admission procedures.

Senator Andreason received concerning information Mr. Powell changed the rule for selecting members of the board so that members are selected by the board not by election.

Senator Jorgenson asked the source of the information.

Senator Andreason responded he did not have it with him because he had just come from another meeting. This specifics of the issue were clarified in a letter from a constituent.

Senator Burkett stated Mr. Powell had many abilities suited to this job. He is concerned about the commission supervising the board which has common members as required by Idaho Statute.

Senator Marley expressed there are many qualified people in Idaho who might not have questions surrounding them as does Mr. Powell.

Senator Noble supports Mr. Powell because Mr. Powell is knowledgeable about charters.

Senator Joregenson also voiced his support, expressing doubts regarding the validity of the accusations and concerns raised about Mr. Powell.

Senator Gannon expressed his support for Mr. Powell's appointment because he does not believe Hidden Springs has broken any laws, although they have taken as much leeway as possible.

VOTE: A roll call vote was taken on the substitute motion. There were 2 ayes : Senators Schroeder and Marley. There were 7 nays: Senators Goedde, Noble, Andreason, Gannon, Pearce, Jorgenson, and Burkett. The motion failed.

VOTE: A roll call vote was taken on the original motion. There were 6 ayes : Senators Goedde, Noble, Gannon, Pearce, Jorgenson, and Burkett. There were 3 nays: Senators Schroeder, Andreason, and Marley. The motion passed. Senator Noble will carry the appointment on the floor of the Senate.

Chairman Goedde introduced Senator Gannon to present RS 14839.

RS 14839: Senator Gannon explained this legislation stems from the ABCTE certification program. This bill would require classroom experience prior to granting a teacher certificate.

Senator Noble asked about the minimum requirement in the State of Idaho to become a fully accredited teacher. Dr. Harris from Idaho State University answered a full semester of full time student teaching is required by all the institutions of higher education. Senator Gannon explained the importance for a potential teacher to prove themselves in the classroom.

MOTION: Senator Noble made a motion to send RS 14839 to print. Senator Schroeder seconded the motion.

VOTE: The motion passed by unanimous voice vote.

Chairman Goedde introduced Larry Harris, Dean for the College of Education at Idaho State University.

Presentation: Dr. Harris reviewed Idaho State University's core standards for beginning teachers and teacher preparation (see attached). He noted that Idaho State University's requirements match the State of Idaho's requirements. He detailed the accelerated certification program which allows a person with a degree to receive teaching certification in one calendar year.

Senator Pearce voiced concern too much theory is taught and new teachers are not prepared enough for work in a real classroom.

Dr. Harris reviewed the requirements for hands on experience through student teaching.

Senator Andreason asked Dr. Harris's opinion regarding computer based teacher training.

Dr. Harris responded not enough research has been done on it for him to

have an answer to the question. His philosophy is an institution and training program must demonstrate the quality of their program and its results.

Senator Gannon asked how many people are not able to continue because of the 100% pass rate requirement.

Dr. Harris replied the retention rate is 93% of students admitted to the program.

Chairman Goedde thanked Dr. Harris for his presentation.

Adjourned:

Chairman Goedde closed the meeting at 4:50p.m.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 14, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: Andreason

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

Approval of minutes Senator Goedde asked for unanimous consent that the meeting minutes of January 24th, 27th, 31st, February 1st, 2nd, and 3rd be approved. Hearing no objection minutes were approved.

RS sent to print RS14902 Funding for public schools.
RS14811 Charter School Commission
RS14790C1 Sick leave for non-certified school employees
RS14812 State Board of Education duties
RS14986 Gubernatorial appointments
RS14930 Issuance for one year contracts
RS14932 Termination of non-certified employees
RS14938 Increased compensation for public school employees
RS15001 Memorial to U.S. congress for NCLB
RS14891 IDLA extension to include 7-8 grades

Senator Goedde asked for unanimous consent that all RS's be sent to print. Hearing no objection the above RS's were sent to print.

Presentation Jane McClaran for the Governors Higher Education Budget.
Reviewed handout (see attachment #1)

Questions Senator Marley-What is the criteria for funding some projects and not others?

Ms. McClaran-The majority of the projects in this years requests were already bonded projects therefore the governor did not recommend those projects, since they were already bonded.

Senator Marley-What percentage of the budget comes from local county tax?

Ms. McClaran-As of this school year 2005, 56.7% is local, 42.7% is general. Provided another handout (see attachment #2)

Senator Burkett-Are the federal funds restricted at all to use for state funds?

Ms. McClaran-Different federal funds are available for specific purposes. I believe it is fairly restrictive.

Senator Schroeder asked for a detailed report of the budget history of the State Board of Education and the State Department of Education for last 10 years?

Ms. McClaran-I will get that for the committee.

There was a discussion about the charts that were provided. When the discussion was over and there were no further questions for Ms. McClaran Senator Goedde thanked Ms. McClaran and welcomed Randy Tilley to the committee to speak about the governors public school budget. Mr. Tilley referenced the handout (see attachment #3)

Senator Goedde-The 1% that you said was \$8.1 million actually has another \$10.8 million that is going into the governors budget for salary and benefit increases, is that correct?

Mr. Tilley-We're providing \$8.1 for salary increase. The other aspect, the \$10.8 million, is for growth which could mean to support new teachers for new classrooms.

Senator Marley-If the money doesn't go to the bond levy equalization fund where does it go?

Mr. Tilley-The proceeds of the lottery will be divided up to school districts based on the provision in the current Idaho code.

A short discussion took place about ISIMS budget. Committee members asked to have more information about the progress of ISIMS so that all the work that was done on producing the ISIMS program is not cast aside.

Senator Gannon-We need to be able to build on what has been accomplished thus far. And not lose all the hard work. But we do need to know what was done so we don't repeat the mistakes made.

Senator Schroeder-Why are we continuing to not fund the Idaho Digital Learning Academy when it has been proven successful?

Mr. Tilley-There was a list of priorities, the governor thought it was important to give a 1% increase for teachers. Once we funded these and other programs the governor felt were more important there wasn't money left for IDLA.

There was a short discussion concerning remaining funds and what they were used for. When there were no further questions for Mr. Tilley Senator Goedde thanked him for coming.

Senator Goedde discussed the handouts that were given to them.

Senator Pearce asked if they could get the same information from the other the other universities in the state that they got from ISU.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 15, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED:

GUESTS: see sign in sheet

Senator Goedde called the meeting to order and asked the secretary to take a silent roll call.

Senator Schroeder moved to send a letter on behalf of the Education Committee to the Office of Performance Evaluation requesting information on the problems with the ISIMS program. Senator Gannon seconded the motion.

The motion passed by unanimous voice vote.

Senator Goedde introduced Brent Reinke, Director of Idaho Department of Juvenile Corrections.

Mr. Reinke explained the mission of the Idaho Department of Juvenile Corrections (IDJC) is to prevent and reduce juvenile crime in partnership with communities. He distinguished between the Juvenile Justice System handled by the counties and the Juvenile Corrections System handled by the state. Ninety-four percent of juvenile services are provided at the local level. Over the past 4 years arrests, petitions and probation have stayed relatively steady. Custody costs over the last five years have been below projections by \$61 million.

In response to a question by Senator Gannon regarding the increasing difference between petitions and probations Mr. Reinke explained that better resources and programs have been developed and carefully distinguishing between situations that warrant petitions and not probations.

Senator Goedde asked if suspended commitments are on account of county's option and not because of insufficient resources at the state level to deal with the juveniles.

Mr. Reinke responded the determination is made by the court in situations

where the commitment criteria are met and a support system is present for the juvenile, therefore a judge suspends the commitment giving the individual one last chance.

Dr. Ryan Hulbert discussed and reviewed IDJC juvenile population problem areas and special needs. He reviewed IDJC treatment services for juveniles with diagnosed mental illness.

Dr. Glenda Rohrback reviewed the IDJC education program and services which are meant to provide quality educational services to all students served by the IDJC.

Senator Gannon asked if only 90 students were present for both fall and winter testing because of the fluctuation of students in and out of the program.

Dr. Rohrback answered in the affirmative.

Mr. Reinke gave the chairman a briefing booklet regarding a former IDJC staff member from the St. Anthony facility who was arrested for lude and lascivious conduct in the city of St. Anthony. The ISP has helped the IDJC with a thorough investigation of the former staff member. The booklet has been distributed to all legislators near Fremont County and all the committee chairman, and details the steps that IDJC has taken and the appropriateness of the actions as well as personnel adjustments that have been made accordingly.

Senator Jorgenson commented that the booklet was very informative and thanked Mr. Reinke.

When there were no further questions or discussion from the committee, Senator Goedde thanked Mr. Reinke for his presentation and welcomed Allison McClintick to the committee.

Allison McClintick from the Office of the State Board of Education to discuss mentoring for new teachers in Idaho schools. The report covered four areas: review of current legislation, review of literature addressing teacher mentoring, research and examples of best practices, both state and national. Ms. McClintick also reviewed the status of mentoring programs in Idaho, requirements and issues pertaining to mentoring programs, and cases for mentoring.

Senator Marley inquired about the Santa Cruz model and why federal funds should be used to implement that model.

Ms. McClintick responded many states are using the model and are satisfied with the results.

Ms. Byron from the Governor's Office explained the Santa Cruz model was chosen after receiving feedback from education representatives from around Idaho who were all in favor of the model and the associated data. In response to a request by Senator Marley for examples of other models

that are being used Ms. Byron referenced the Strengthening and Sustaining Teachers model used in Seattle utilizing a pre-service program at the university level and induction program in the classroom.

Senator Noble asked how much the components of the plan is dependent on the principle and/or administration being actively involved in mentoring of teachers.

Dr. West replied it was not recommended for a principle to mentor because they are also responsible for evaluating the teacher.

Senator Noble followed up asking who is accountable for the mentoring.

Dr. West said the school superintendent is responsible for the programs being used in the district.

Senator Noble inquired how the success and progress of the program are tracked.

Dr. West explained when funding was allocated for the program, the school district did an evaluation consisting of how the money was spent, the progress of the program including, how many teachers were retained as a result, and the reasons for resigning. When funds were withdrawn the extensive evaluation component was greatly reduced.

Senator Goedde asked with these guidelines, if the district doesn't conform what's the recourse?

Dr. West stated there is no recourse. There are 15 schools and 3 Charters schools which have chosen not to provide any plan for their annual contract support program. The statute mandates it, therefore there is a violation of a statute by refusing or neglecting to comply. Which is why we've seen law suits recently.

There was a short discussion about the Hybrid mentoring program and funding available for it.

Senator Goedde asked if the committee had looked at any data that showed that a good mentoring program would outweigh student teaching. He also asked if they had or in the future received any data he would like to see it.

Ms. McClintick responded the committee had heard that about a good mentoring program, but they had not seen any data.

Senator Marley requested more information on these mentoring models, i.e. Santa Cruz method.

Senator Andreason asked why is it so difficult to find a good mentoring program.

Ms. McClintick stated that good mentoring programs are costly. The committee was formed to try to get the best program that available funds will allow.

Senator Schroeder asked if the Santa Cruz method was a product for sale.

Ms. McClintick responded that the trainers who come and charge for their time but pointed out it was a more like a pyramid effect. It's a train the trainers program.

There was a short discussion about why mentoring is an unfunded mandate and where money would come from to fund it. The importance of a good mentoring was also discussed.

Senator Goedde thanked Ms. McClintick for her presentation and those who also helped answer questions that came up. He suggested that the education committee might need this group to come back at a later date.

Senator Goedde introduced and welcomed Dr. Bob Kustra, President of Boise State University. Dr. Kustra explained the handouts that he gave to the Senators. A copy of these hand outs can be found in the office of the Senate Education secretary. Boise State is in a transformative era. It is in a position to become a major metropolitan research university of distinction across America. It is not the kind of institution it was 10 years ago and it will definitely be different in around 5 to 10 years. This university is extending in our economy by building and adding to the knowledge base. Boise state was once just a teaching institution but it now has over 100 teachers and \$19 million in research funding which goes right back to the state of Idaho. Dealing with research is dealing with real problem solving. Teachers are working to help with the problems in the state/communities/economy. New scholarships will be offered to bring the brightest students to Boise State. Boise State has a task force examining retention. It also is internationalizing their students. New residents halls were constructed to collaborate teachers with specific fields of study.

Dr. Kustra stated that access should be the hallmark of a public higher educational system and as we have been somewhat limited in our funding we have had to turn away around 800 to 900 students in the last 2 years. He said the answer there is a community college, with open enrollment and lower fees. Dr. Kustra concluded by saying that the nature of state budgets change and there has been a declining percentage of support for public higher education. That is why they came to the legislature this year and asked to be allowed flexibility to use the tuition of full time Idaho students for the purpose it was intended which is to pay for the cost of instruction. If they have that flexibility, they will be able to accommodate extra classrooms and extra faculty at the beginning of a semester when they find there are more students lined up. They don't have that flexibility right now.

Questions

Senator Jorgenson stated that his community supports NIC and he is

having difficulty justifying Boise State going in to the Community College business.

Dr. Kustra believes that the system described in North Idaho by Senator Jorgenson is the ideal system for a community college. He would like to replicate that here in this valley. But in the past he has been told that funding a community college with property tax is not going to fly here and he needs to figure out a different way to do it. He fears those days are gone when we can count of property tax.

Senator Jorgenson asked why is it Boise State's responsibility to start up a community college and not the local communities.

Dr. Kustra stated it is the responsibility of the local communities but Boise State is being responsive to the needs of higher education services for the local community. We cannot meet all the needs of south-west Idaho which makes it our responsibility and if we don't do it, who will.

Senator Gannon asked if Boise State was willing to give money to fund the community college.

Dr. Kustra said that they absolutely are willing, they are working on funding models right now that he hopes would minimize the roll that the state plays in this. He stated they are prepared to begin this project by underwriting some of its costs. And knows that in the future something else will have to be done to fund it, but they are definitely working to get it started.

Senator Gannon stated that maybe by then they could have the community support for the college. He then asked if the students that are being turned away are students with lower entrance exam scores.

Dr. Kustra stated in the affirmative and stated that their admission standards have risen considerably in the last few years which has actually helped with their retention rate.

There were a few comments about property tax and praise for Boise State and Dr. Kustra's efforts in the community.

When there were no further questions or discussion from the committee, Senator Goedde thanked Dr. Kustra for his presentation and adjourned the meeting.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 16, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: Noble

Guests See Sign-in Sheet

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

S1066 Senator Stegner- This is an issue dealing with parental responsibility and their roll in their children's education. We have changed some things around from last year and this year we have the home schooler's association's support.

Testimony Craig Lenzmeier
Good afternoon Chairman Goedde , and members of the Senate Education Committee. Thank you for the opportunity to speak with you regarding Senate Bill 1066, attendance of students enrolled in public schools. My name is Craig Lenzmeier, Principal of Webster Elementary School in Lewiston. I have worked in public education for 26 years, 17 of those years as a principal. I would like to give you a brief history of the intent of our proposed legislation, and what we are currently doing to try to improve the attendance of children enrolled in public schools. We began this effort to address a problem with students enrolled in public schools who had poor attendance, with parents who would not reinforce the importance of attending school. In 1999, a group of Lewiston community professionals representing Nez Perce County Court Services, School District Administrators, the Nez Perce County Prosecutor's Office, Lewiston Police, a Magistrate Judge, and a Trial Court Administrator began meeting to discuss this issue. Throughout the past 6 years we have been working diligently to address the issue of student attendance and that's what brings us to this committee. We have depended upon many resources to encourage parents to send their children to school and I would like to list a few. Phone calls home by the teacher, principal, guidance counselor, social worker and school community resource worker. Parent conferences, Referral to our Student/Teacher Assistant Team. Attendance letters mailed home by the principal and correspondence from school community resource worker, home visits by the school resource officer and school community resource worker. Coordinating services available through

Health and Welfare. Truancy Request to the county prosecutor's office. Letters from the prosecutor's office to the parents We have been successful getting some students who are enrolled in public school back to school because of the help from many of these resources, but we still have a few children in each our buildings who remain truant. A few children in each of our school buildings, through no fault of their own, want to be in school. To help paint a picture of attendance issues we've been required to deal with, I would like to share a couple of examples with you.

Student A-As a 1st semester 5th grade student, she missed 8 days of school (out of a total of 86). She was meeting grade level expectations in all subjects. During the 2nd semester her grades dropped dramatically to unsatisfactory in all areas except a modified grade in Physical Education, Art, and Penmanship. She was absent 59 days and present 22 days. In 6th grade Student A has attended 36 days and has been absent 60 days. In this time period of 2 semesters (last spring and this fall), we have used all of the above mentioned resources to try and get her back to school, but to no avail. This fall she performed well below the district average on the ISA T in Language Arts, Math and Reading. During the course of these 2 years, the parent of Student A blatantly neglected or refused our attempts at assistance. The parents of this child shirked their responsibility in getting their child to school.

Student B- As a 2nd grader Student B missed 12 days of school and performed at an average level. In 3rd grade this student missed 28 days of school and received average grades in language, reading and math. He had unsatisfactory grades in spelling and social studies. As a 4th grade student he missed 26.5 days of a possible 57 days before he moved from the district. His grades in core curricular classes were all below average with the exception of social studies. We tried all of the above interventions with little or no positive results. In contact with Student B's parent, their social life was much more important than getting their child up and ready for school.

In each of these cases the increase in absences reflected lower achievement in the core subject areas. Not only do the absences affect the student academically, but also socially, by missing out on daily activities in the classroom, in the lunchroom, and on the playground. In each of these aforementioned cases failure of the parents to be responsible for their child's attendance led to school failure. We have a slogan at our school that we say each Monday before school following "The Pledge of Allegiance". We come to school "ready to work, ready to learn, with a positive attitude". Some of these children don't have that opportunity. By missing school, these public school students are missing out. Steve Prefontaine, world-renowned distance runner, once said, "To give anything less than your best is to sacrifice a gift". In order for these children to share their gifts, they need to be in school.

In conclusion, if educators in Idaho are to be held accountable for student achievement, and children are to be successful in school and in life, we must have students in attendance. Within the framework of assessment and accountability, student attendance is critical to student success. It is an unrealistic expectation for teachers to improve student achievement for children that are consistently truant from school. I truly believe that for the most part, all children enrolled in public elementary schools want to be in

school. We must be able to get the parents attention without adjudicating the child. It is my desire to get these children to school as much as possible so that we have no child left behind. Senate Bill 1066 will help us do just that!

Questions

Senator Andreason-Do you feel that if a child misses 25% of school that would be the definition of truancy?

Mr. Lenzmeier-I think that 25% is too high, that's missing 1/4 of a school year, that is too much in my opinion.

Senator Goedde-Have you been about to collect any data about how tests scores are being effected by attendance.

Senator Burkett-Have the Juvenile courts been used to get the parents charged before?

Senator Stegner-Attorney's currently are struggling with the current law to charge the parents, that where the need for this law comes in.

Testimony

Bob Donaldson

Honorable Senator Goedde, Members of the Senate Education Committee, and distinguished guests. I am Bob Donaldson, principal of Jenifer Junior High School in Lewiston. I appreciate the opportunity to provide testimony in support of Senate Bill 1066. My testimony will focus upon the need for revision to current code sections 33-206 and 33-207 and history related to Senator Stegner's bill. I will preface my comments with the clarification that I am not an attorney nor do I attest to being a legal expert. Mine is the perspective of a public school principal who has faced repeated frustrations with truancy prosecutions and the apparent inability of the courts to hold parents responsible if they knowingly fail, neglect, or refuse to have their child attend school. These are parents of students enrolled in the public schools -not those who choose to home school their sons or daughters. I have a great respect for parents who make the commitment to provide a quality education at home. In testimony for a similar bill last year, you may recall the Mrs. McNeil's of my world: "Hello, this is Mrs. Smith from Jenifer Junior High. We are checking on Jane's absence from school today. She has been out quite a bit lately. In fact, she has only been here one day in the last three weeks. Oh, (pause) you need her to baby-sit her sister again. I know that you have talked with the assistant principal and Mrs. Bynum, the counselor, about the importance of her education. We are concerned that If she continues to be out she falls further and further behind. (pause) Hello, hello. .." Day 38, hello this is Mrs. Smith calling about Jane's absence from school. Hello, hello. Day 40, hello this is Mrs. Smith at Jenifer calling about Jane. Mrs. McNeil please don't use that language. We have a duty to call and try to get her to school. (pause) I am sorry you feel that way but I will not remain on the line when you use that type of language. Mrs. McNeil had Jane baby sit, help provide care for her grandmother, or just couldn't get her to school for 55 days. This year I have Carley who has already missed 33 days. Mom's excuses include: "She is not feeling good, I just can't get her there today, and she needs to watch her sister". Then there is David. He has been gone 45 days. Mom just doesn't care. He

works around the house. Reports have it that some days while mom is "somewhere" David pillages garbage cans in the neighborhood for food. Sure, we have reported it to Health and Welfare but it just doesn't quite reach "That Threshold".

During the 2002 -2003 school year Craig Lenzmeier and I were involved in a series of meetings with representatives from the Nez Perce county court services, prosecutors, judges, and district staff. The central topic was what could we do about the Mrs. McNeils of our world. These were not the parents who indicated they were home schooling. These were the parents of a seven year old who was sent home because of lice and never returned for 35 days. What became apparent in these meetings was that we had no legal basis to hold parents accountable. Last year we brought forward to this committee a bill that was drafted to address parents who knowingly refused or neglected to educate their child. That bill was passed by this committee on a unanimous vote but never reached the Senate floor due to widespread misunderstanding. After numerous revisions to the original bill we brought draft language forward for consideration by a diverse number of groups. These included: The Lewiston School District Board of Directors, Idaho Association of School Administrators, Idaho School Boards Association, Idaho Prosecutors Association, Idaho Coalition of Home School Educators, and the Idaho State Department of Education.

Over the course of the past year I have maintained ongoing communication with Mr. Barry Peters, legal counsel for the Idaho Coalition of Home School Educators, by phone regarding ongoing revisions. Mr. Peters has willingly reviewed a number of drafts and indicates there is no concern on his part relative to the current bill, 1066. Someone probing about these changes might ask what about the parent who takes their son or daughter to Washington D.C. for a week but does not notify the school? Would they be guilty of a misdemeanor? My answer is, no. The addition to 33-207 clearly states that action is only taken after school board review and that proceedings "may" be brought against a parent or guardian. The language contained in this bill assures that reason and logic will prevail. Idaho Code 33-202 stipulates that attendance is compulsory for all children between the ages of seven and 16 years and that parents/guardians are responsible to ensure that children are in attendance. Research indicates that as the level of absences increase, the proficiency of the students in both English and mathematics decreases, with mathematics being most affected. Attendance is important. However, without a mechanism to hold parents accountable, which SB1066 will provide, we offer an empty promise to the children who are in greatest need and have little voice in decisions on their behalf. We cannot expect a 10 year old child to usurp their parent's authority if told to stay home to complete household chores, to baby-sit a younger sibling, or left on their own to determine that they need an education. We cannot expect a seven year old to take care of a chronic case of head lice. We cannot expect a 14 year old child to truly comprehend the importance of going to school each day. That is why previous legislators enacted code sections requiring compulsory attendance. All students need to be educated to achieve one of the most important of societies objectives -the basic preparation of each new generation of all the people of our state to take their place as productive and informed citizens. This

bill takes the step to assure that "no child will be left behind" due to parent's refusal or neglect to educate their child. That is why we need revision to Idaho Code 33-206 and 33-207.

There were no questions for Mr. Donaldson

Heather Riley, Deputy Prosecuting Attorney, Stated that the law as written does not let us go against parents. Currently we have to first take the child to Juvenile court. During the long process through an investigation we are then able to determine the where the fault lies and begin the prosecution of the guardian and/or parents. This process can take up to a year. This new law will still need to have charges filed which evidence will have to be proved without reasonable doubt.

Questions

Senator Gannon-It has been brought to my attention from law enforcement when they see children on the streets during the day who are being home schooled, can this bill be applied in these instances?

Ms. Riley and Senator Stegner both voiced that this bill does not effect home schooler at all.

There was a discussion concerning due process.

Motion

Senator Gannon moved a motion to send S1066 to the floor with a due pass recommendation. Motion was seconded by Senator Andreason. Senator Burkett moved a substitute motion to send S1066 to the amending order. Motion was seconded by Senator Pearce.

Discussion

After further discussion concerning due process, Senator Burkett withdrew his motion.

Vote

Voting on the original motion. A voice vote indicated that it was unanimous.

Presentation

Donna Vakili, Ph.D. Director of Idaho Digital Learning Academy (IDLA). A copy of Dr. Vakili presentation can be found in the office of the Education Secretary. IDLA is a public school state school, created by statue part of the State Department of Education. Dana Marsh, a current teacher with IDLA -I have had a great opportunity to expand my teaching style. I am able to tutor one on one. Because it's on line we have a great ability to help these kids.

Questions

Senator Andreason-Have you ever found yourself to be talking to someone other than the student?

Ms. Marsh-Not personally. The first assignment for the children is to write about themselves. That way I get a chance to see what their writing ability is, so if some one else were to do their homework I could tell.

Senator Pearce-Are there other states who are using this same program that you can learn from their mistakes while developing the curriculum.

Ms. Vakili- Yes we are working in collaboration with California. We have learned that it is a profit making entity our counterpart in Florida will sell

one of their courses if we wanted to buy it for about \$30,000. So we do want to have some expertise here.

Senator Pearce-How much did it cost us to develop our courses here?

Ms. Vakili-It cost us \$3,000 a semester, and there are 2 semesters to each course so it cost us \$6,000 that we paid our teachers to develop that curriculum.

Senator Marley-Who makes up your board of directors?

Ms. Vakili-It's in our statute as to how we are set up for our board of directors. We have 3 superintendents and 2 principals, and 2 citizens at large, on our board of directors. There is an election through the school administrators for the superintendents and the principals. The citizens are appointed through the board, but there is an open application process.

Collin Podelnyk from Meridian spoke of IDLA and how it has helped him to excel in both High School and begin college course while he has a job. The schedule has been great to work with.

Tiana Campbell from Rupert and attend Mini-Cassia opportunity Center spoke of IDLA and how it is helping her to be able to graduate early.

Laura Ochoa from Rupert who also attends Mini-Cassia opportunity Center spoke of the flexibility of IDLA and how she has been able to take classes so she can graduate on time also. She also stated she did not know how to use computers before she took the class and received extra help so she could use both the internet and computers and feels like she has learned a lot.

Dr. Nick Hallett talked about the cost effectiveness of IDLA. IDLA will allow for highly qualified teachers teach our classes. Students are able to graduate early which is cost effective. IDLA can help with the drop out rate. Our funds can be used for academic costs because we aren't having to pay transportation or cafeteria costs. These classes are very efficient.

Senator Goedde-Does IDLA provide computers?

Dr. Hallett-No it does not, but the school districts do all that they can do provide the computers.

S 1194

Dr. Hallett -Classified employees provide invaluable services in Minidoka and other Idaho school districts. They are appreciated and valued. As superintendent I meet regularly with classified employee representatives to hear concerns, complaints, and suggestions. Our district uses IBB rest Based Bargaining) or collaborative problem solving process to deal with classified employee concerns. In rare instances, the grievance procedure has been used. When conflicts arise involving classified employees, we strive to use collaboration to solve the problem. Any employee recommended for termination can have his/her case reviewed by the Board of Trustees or, after 180 days of employment, can use the

grievance procedure. I realize that you may hear horror stories about classified terminations. Please remember that every pancake and almost every employment termination has two sides. Employees do work best in an environment that balances the need for security with the need for accountability. Complete security lends to complacency and marginal performance, but a total lack of security creates fear and a hostile environment. SB 1148 will make it costly, time consuming, and very difficult to maintain accountability in the work environment. Lack of accountability will result in many cases in decreased work ethic and job performance. SB 1148 will result in fewer school resources allocated to curriculum, and instruction, and more resources to litigation. Attorneys and consultants trained in personnel law will prepare cases and make presentations on behalf of employees facing termination. Districts will be forced to match the resources offered by these consultants and attorneys. The cost will greatly exceed the 3, 4, or \$5000 referred to by the Wilder Superintendent. SB 1148 requires trustees to provide detailed reasons for terminations. It will likely require several court decision to determine how detailed a reason must be. The employee's legal counsel will likely make a case that a fair and impartial hearing is impossible since the board has already provided its reasons for termination and that a decision has been reached prior to the hearing. Appointing a hearing officer or panel as provided in SB 1148 to hear the dismissal removes local control from the school board since the decision of the hearing officer or panel is final according to SB1148. Idaho school districts lack the time and financial resources to award continuing contract property rights to classified employees. Property rights to a job inevitably lead to costly litigation. The bill does not differentiate between full and part time employees. It would appear to protect those who work one or two hours per day, perhaps two or three days a week. Contrary to the fiscal impact assurance provided in this bill, there will be a considerable fiscal impact. Litigation will follow and litigation is not cheap. In Minidoka School District classified employees tend to remain in the district a long, long time. We have many retired classified employees. There are few employers in our area who offer more security for comparable positions. SB 1148 will tend to upset the balance between security and accountability. Please help us to maintain this balance. This bill will not affect the vast majority of public school classified employees. They do not need property right to their jobs for protection because they take pride in their jobs and provide outstanding service. SB 1145 will provide cover for the small minority of marginal and poor performing employees and will increase legal bills in school districts. Why don't we spend our time, energy, and limited funds on recognition of high performing classified employees? This is the group that needs more attention.

Senator Goedde thanked Dr. Hallett and Dr. Vakili for their presentation and testimony. S 1145 will be continued at our next meeting.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 17, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

Guests See Sign-in Sheet

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

S 1194 Senator Cameron presented the bill. S1194 is to extend Idaho Digital Learning Academy (IDLA) from grades 9-12 to 7-12. Senator Cameron discussed his personal experience with the educating of his children and how IDLA would benefit children who struggle learning from lecture series.

Testimony Dr. Mike Friend Executive Director of Idaho Association of School Administrators supports S 1194.

Dr. Cliff Green Executive Director of Idaho School Boards Association supports S 1194.

There was a short discussion concerning funding.

Motion Senator Schroeder moved to send S1194 to the floor with recommendation of do pass. Motion was seconded by Senator Jorgenson. A voice vote indicated that it was unanimous. Senator Cameron will carry the bill on the floor.

S1094 Senator Darrington presented the bill and addressed questions that had been raised during the first proposal.

There were a series of questions concerning funding of the scholarship and availability of the funds from the Millennium Fund.

Motion Senator Gannon moved to send S1094 to the floor with recommendation of do pass. Motion was seconded by Senator Jorgenson. Senator Marley made a substitute motion to send S 1094 back to the sponsor. Motion was seconded by Senator Pearce.

Discussion Questions were raised by Senator Marley concerning availability and use

of the Millennium Fund. "This is an unfunded scholarship. This money should be used for community treatment centers instead of scholarships. There is not a shortage of students in health sciences. The money should be used for facilities to house these students first before the scholarship happens. This is not the right time nor the right fund to get this money from."

Senator Burkett feels that this money should go to freshmen who can not afford to start college. Once a student reaches the status of a Junior and/or Senior they are going to finish college with or without this scholarship. "This money should go to those who can't afford to go at all."

Senator Gannon, Jorgenson and Schroeder all support this bill. They feel that the money is going to be there and that it would be great to give scholarships to students who can not afford college. There is a silent minority of students who need scholarships, and these health science students are in that category.

Senator Pearce also feels this bill is not the best use of the Millennium fund.

Vote

Roll call vote was called on the substitute motion: Aye, Senators Pearce, Burkett, Marley. Nay, Senators Goedde, Schroeder, Gannon, Jorgenson Motion failed.

Roll call vote on original motion: Aye Senators Goedde, Schroeder, Gannon, Jorgenson. Nay, Senators Pearce, Burkett, Marley. Motion passed.

Senator Darrington will carry the bill on the floor.

S 1144

Senator Bunderson discussed how rapid growth in some school districts has required numerous new school facilities. Enrollment increases in some districts have been so great it is crippling district budgets.

Testimony

Eric Exline Meridian Joint School District. Mr. Exline gave a handout with data explaining the need for this bill. Other districts are experiencing the same growth we are, and if we project this into the future and look at the numbers that encompass this, the numbers will continue to grow and we need the facilities to house those new kids.

Mr. Exline explained the hand out. A copy of the hand out can be found in the office of the education secretary.

Questions

Senator Gannon-You made the assumption that there will not be any more money in the state budget.

Mr. Exline-We based our assumption on the governor's proposed budget. Based on those numbers the money won't be there for facilities.

Senator Jorgenson-Does the district have the support of the State Department of Education?

Mr. Exline-I don't have their explicit support for it. It is a fairly simple mechanism to track and distribute the funds.

Senator Jorgenson-This question is for Senator Bunderson, why isn't this issue being brought before the State Department of Education ?

Senator Bunderson-The original law S 1516 came from the legislature back in 1994. This is another facet of that law. The State Department of Education can not make that determination without the consent of the legislation.

Senator Goedde-There is not a definition of a new facility. My concern is that if I am tearing down a school to build a new school, will that new school be funded at this enhanced formula?

Mr. Exline-When we formulated this, our focus was on new buildings for new students. It has been suggested to us that such a bill could benefit those smaller districts who have been unable to replace an old school. So the answer is yes.

Beverly Hines-I volunteer in the Meridian School District and these schools can not facilitate these new students in the libraries and cafeterias. For our children please pass S 1144

Jenny Greger, from Kuna School Board. Discussed costs and discretionary funds that are needed for this growing enrollment. Ms. Greger asked the senators to please support this bill.

Mike Vuittoney, from Meridian School Board. The cost of adding to the schools is really cutting into our budget. We find ourselves in a crisis situation. We need some help with funding that will help us maintain our district. This is a great challenge that is affecting our general funds. If we do not get some relief the children's education is going to be affected. We believe this is a good investment and we ask for your support.

Senator Andreason-What are you asking for?

Mr. Vuittoney-We can not stop the growth, and the funds that we receive have not been sufficient to help compensate for the opening of all these schools.

Senator Schroeder-Can you tell me; how many M&O override levies does Meridian School District have currently?

Mr. Vuittoney-We have chosen as a district not to do that. The patrons of our district have passed 9 of the last 11 bonds to build the schools. We've taxed them to a great degree.

Senator Noble-According to the bill, why, after you are up and running the first year and have received 100% for that year, do you need 50% for the 2nd year and 25% for the 3rd year?

Mr. Vuittoney-That initial hit will cover the costs of books and continue to educate the kids.

Senator Gannon-What percentage of an M&O levy would have to apply to your tax base, as large as it is, to solve your \$2 million problem?

Mr. Vuittoney yielded the question to Evie Kieler, the finance manager of Meridian school district. "The market value has been growing in double digits for the last few years. We get about 80% of our money from the state and about 20% from local, so when you get that much of a differential it takes a large portion out of that market value."

Senator Gannon-Do you know what your market value is?

Ms. Kieler-It's about \$8 Billion.

Senator Gannon-You seemed to have looked at the M&O option but you have dismissed it and want to put the burden on the rest of the school districts around the state. Why have you dismissed this option?

Ms. Kieler-We have a number that could help us out over time, but we've been told that number is temporary, it will be one year or 2 year. We want something more stable, to have a revenue source that we can count on and not have to be forever going back and asking for money.

Senator Marley-We need a little more detail and some breakdown on percentages before I can get excited about this.

Senator Jorgenson-Do you consider Kootenai County your patrons?

Mr. Vuittoney-I consider this bill to help the education of all the children in the state of Idaho.

Senator Jorgenson-In Kootenai County they have passed a levy every few years. Am I supposed to tell them they should pay these levies, and Meridian doesn't have to?

Mr. Vuittoney-It may be possible that if this legislation passes they won't need to levy anymore. I don't know all the issues of your district, but this might help them out in the future. Our contention is our patrons already have a heavy tax on them and we're looking a hundred million plus here in the future, and it's very difficult for us to continue to ask them to bear the lions share of that.

Senator Noble asked what the possibilities were of scaling down the 2nd and 3rd years in order to sell this bill to the committee.

Mr. Vuittoney-To get it heard we would be open to that. We need some kind of mechanism here, and we're looking to our leadership for some help to give the same level of education to the students because this is really about them.

Senator Andreason-I know of no other district in the state whose patrons better support their district. I think you ask your patrons for more support than anyone else in the state. Isn't that your reason for not wanting to do

the M&O, because you're already asking them to support a \$150 million in buildings.

Senator Schroeder-I have talked with the State Department of Education, they have a lot of information that will bring to light what Senator Andreason is saying. I think all of us would like that comparative information for different districts.

Senator Gannon-Until we see some of the actual hard figures on how much their people are taxed compared to the state average, compared to a comparable school district, and their teachers salaries, and all the numbers we need so we can see where they are coming from, we can not make an informed decision.

Adjourned

After a presentation to our page Ali Lauder and the welcoming of the new page Jacquilynn Hart, Senator Goedde adjourned the meeting.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 21, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED:

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

Presentation Dr. Marilyn Howard State Superintendent of Public Instruction presented the budget figures that were brought before JFAC last Thursday. Two handouts were given with budget figures which Dr. Howard commented on. (See Attachment #1 and 2.)

Questions Senator Gannon-Do we need to address the new creation of Charter School issues?

Dr. Howard-Yes I think so. The creation of more Charter's creates more support units because of the new governing entity.

Senator Noble-We have had many teachers come into this committee to testify of the importance of mentoring, shouldn't we put more of an emphasis on mentoring?

Dr. Howard-When you ask me to create a list of priorities, I have to respect the district's dollars. My worry is school boards are desperate. You're hearing from teachers that it makes a difference if we can provide mentoring, I'm saying to you, if you can fund it, I would like to have it.

Senator Schroeder passed out data for a 10 year budget trend for the Office of the State Board of Education, that was developed by legislative services office, budget and policy office. Can you prepare similar data from your specific department?

Dr. Howard-Yes I can.

There was a short discussion concerning the future of ISIMS and what the State Department of Education was still doing to help ISIMS to move forward. The State Department of Education still has employees who are the worker bees trying to get a system for the school districts. There was also a discussion on funds used, funds left and funds needed.

Dr. Howard-The districts will still have to come up with a way, with their own money, to send us that information. If we do not get the money we need to fund it, we are looking elsewhere in grants.

Senator Andreason-Do you think the Alberston's Foundation will come forth with funding if you partner with them?

Dr. Howard-I have no reason to believe that they will fund anything else at this time.

After no further questions or discussion from the committee, Senator Goedde thanked Dr. Howard for her presentation and asked Tim Hill to look at the hand out Senator Schroeder gave to the committee to help him get some data for the committee also.

Discussion

Senator Goedde asked the committee to help develop a message for his presentation to JFAC.

It was voiced that this message should be approached by sharing with JFAC the concerns of the Senate Education Committee. These suggestions were determined by the committee without dissent, to be priority.

Senator Schroeder moved that we ask JFAC to provide an adequate estimate in the number of support units anticipated and also fund those units adequately so that money available per support unit doesn't decrease. Motion was seconded by Senator Andreason. A voice vote indicated that it was unanimous.

Senator Marley moved that this committee support the idea of a supplemental to take care of the extra 90 units so our school districts are not placed in a position again where they have already budgeted and spent the money. Motion was seconded by Senator Gannon. A voice vote indicated that it was unanimous.

Senator Gannon moved that this committee ask JFAC if they would revisit the anomalies in the funding formula in the Virtual Charter Schools. Using the specific examples of IDLA, IDVA, IDEA. Motion was seconded by Senator Schroeder. There was a short discussion about the committees responsibility to form legislation and asking JFAC to analyze the use of these funds. A voice vote indicated that it was unanimous.

Senator Marley moved that this committee ask JFAC to evaluate the technological funding in this budget in relationship to the OP study, which was done recently on technology. Motion was seconded by Senator Jorgenson. A voice vote indicated that it was unanimous.

Senator Schroeder moved that the committee ask JFAC to continue to improve on the success of IDLA and continue to fund the program.

Motion was seconded by Senator Gannon. A voice vote indicated that it was unanimous.

Senator Andreason moved that the committee ask JFAC, to their possible extent, to improve the mentoring program. Motion was seconded by Senator Jorgenson. There was a short discussion concerning the importance of mentoring. A voice vote indicated that it was unanimous.

Senator Marley made a motion that this committee would like to see a minimum of 1% increase of teacher salaries. Motion was seconded by Senator Noble. There was a short discussion lead by Senator Marley concerning the current system for teacher salary increase. A voice vote indicated that it was unanimous.

Senator Schroeder made a motion that the committee ask JFAC to take the cap off of property tax. Motion was seconded by Senator Marley. There was a short discussion lead by Senator Schroeder concerning current property tax and property tax replacement. There were a few questions to Tim Hill concerning data. When there was no further questions a voice vote indicated that it was unanimous.

Senator Marley wanted the chairman to let JFAC know that there has been a unanimous consent by the committee on all of these issues.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 22, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

S1144 Continuation from February 17, Senator Bunderson discussed a hand out of County Comparisons by major Idaho taxes.

Senator Bunderson stated we have got to be sensitive to problems with the new growth in certain areas. One of the problems we are having when a new facility is constructed there are certain front end costs associated with that. The way the ADA formula works it moves money after the costs are incurred. It is the rate of growth that is not being addressed which is causing problems.

Senator Schroeder passed out a folder of handouts from the State Department of Education and explained the handouts to the committee and Senator Bunderson. He asked for this data so the senators can see how their districts compare. That way they can determine if they are voting in the best interest of their districts or not. A copy of the handouts can be found in the office of the Senate education secretary.

Senator Bunderson yielded the remaining questions to Eeve Kiler.

Ms. Kiler passed out a number of handouts which can be found in the office of Senate education secretary. She explained the handouts as they were passed out to the Senators.

Ms. Kiler stated we can raise the money for the buildings, it is the operation cost that we are low on. The operation funding is what we are asking for. These handout have several scenarios to help you see where the Meridian School District will be short if this bill does not pass. The underlining issue is this district will be \$5 million short next year.

There were several questions about the current way the Meridian School district uses their funds i.e. staff, administrators and resources.

When there were no further questions for Ms. Kiler, Senator Goedde thanked her for her efforts and hard work and welcomed Mr. Exline to the committee.

Mr. Exline addressed and answered questions that were raised at the first presentation of this bill with a new handout. A copy of this handout can be found in the office of the Senate education secretary.

There was a short discussion about current bonds in the Meridian School District and the finances available to the district in the next year.

When there were no further questions for Mr. Exline, Senator Goedde thanked him and welcomed Reed Olson of the Meridian School Board to testify.

Mr. Olson discussed the issues of funding that he has seen the Meridian School District is faced with. The district has already asked the property tax payers to open the new schools. We are asking the state to fund the operation costs for these new schools within the next 3 years so we can get out of the red.

There was short discussion about the options that Meridian School District has with bonds.

When there were no further questions for Olson, Senator Goedde thanked him and welcomed Loraine Hand of the Meridian School Board to testify.

Loraine Hand; President of the Joplin Parent Teacher Organization (PTO), an elementary school within the Meridian School District. Stated she has two children in elementary school, and two are in middle school. In the 5 years she have been at Joplin, she have held a board position with the PTO for three of the years. She also was a substitute teacher in the Meridian District from February 2003 to October 2004. She was here to talk about the other side of the district, the area that is not experiencing over crowded rooms or portables. The fast growing district issue is affecting their part, which is the older developed part, as much as the areas that are seeing subdivisions growing instead of corn. By sitting on the PTO board she has seen the administration and teachers coming to us more to help subsidize the budget cuts they are receiving each year because of extreme budget cuts, they were asked to set aside money for something as basic as paper. They are very fortunate to have patrons in the district that are willing to pass bonds for new schools, but the operating expense of \$1.5 million to open elementary schools, or \$1 million to open middle schools, or even the \$2 million to open high schools, all which are slated to happen continually, makes it one of the leanest districts when it comes to how to distribute their budget's funding. Because she has been so involved with Joplin, she probably understand a little more how the staff is struggling to maintain the high quality of education, while losing funds and high requirements of curriculum. She has also struggled with the argument of charter school verses public school. If a parent wants their children to receive the best teaching curriculum, it has been hard to fight for the public schools, when the district has not been able to adapt any new curriculum for the last few years because funds have had to be shifted to operational expenses for new schools. By approving Senate Bill No.1144, the fast growing school will not have to reallocate the budget for new schools being opened. It will allow the children to receive a safe environment to come to school in and her district along with other growing districts, the ability to give their children the highest quality curriculum available

Dr. Cliff Green executive director of Idaho School Boards Association.

Dr. Green read a statement from President Wanda Quinn which stated that ISB recognizes the real need of growing districts and if this support for their needs comes from new funds and will not reduce the public education we will stand in support of this bill. However if resources used to help growing districts decreased smaller rural districts with declining enrollment we will have to stand in opposition of S 1144.

John Eikum representing Idaho Rural School Association and Idaho Association of School Administrators. Our association has several concerns with S 1144. There is no definition of facility in this bill which causes concern. We are also concerned about where the money is going to come from. We have many districts that run supplemental levies and we are wondering why Meridian school district can not do that also. Many districts including Meridian have been able in the past to build new schools and operate them and we are wondering why they cannot continue to do that without this added funding.

There were no questions for Dr. Green or Mr. Eikum

Brandi Elkins, a parent of three young students in the Meridian School District. She have been a resident of Meridian since 1993 and she has been an active volunteer in the Meridian School District since 1998. She cannot say enough positive things about the staff and teachers in the Meridian District. However, each year their hands are tied tighter and tighter by budget constraints due to the burgeoning student population and lack of adequate funding for their schools provided by the current funding mechanism. Meridian citizens have been willing to pass bond after bond to construct the new schools necessary to teach the influx of new

students provided by the unprecedented growth taking place in Meridian, growth that is showing NO signs of letting up. But these new schools need money to operate and under the current funding system, that money is siphoned from the budgets of existing schools. This bill would ease this strain on the budgets of existing schools and yet still allow new schools, which are opening at or over capacity, to have all of the needed resources to teach the children. The problem is simple. New homes are built; families move in, children enroll in Meridian schools. They need to provide for these students long before the money becomes available to fund their educations. This bill takes into account the time lag between delivery of educational services and allocation of funds to pay for said educational services. This bill does not detract funding from other schools or districts. In fact, this bill would help other districts facing growth that outpaces infrastructure. In the long run, a well-educated citizenry will benefit each and every one of us in this room today. For that reason, she strongly urged the passing of this bill.

Mike Vittonet from Meridian School District School Board. It was not Meridian school districts intent to not make this a big district/small district issue. We took great care to collaborate with ISBA and other district in order to find a way to help the situation we have concerning growth. This is an unprecedented event in the history of this state, the growth is so overwhelming and we are taking the brunt of it. What we are asking for is a safety net. When S 1560 was developed growth was level and it currently does not work with the growth we are experiencing.

Motion Senator Noble moved a motion to move S 1144 to the 14th order. Motion was seconded by Senator Burkett.

Senator Noble discussed that by sending this bill to the 14th order they could develop some language where perhaps we could send some token to the people that are involved this situation.

Senator Andreason moved a substitute motion to hold S 1144 in committee until Thursday. Motion was seconded by Senator Schroeder.

Senator Andreason explained that in the 14th order debate is limited and if we keep the bill in committee it can be discussed better.

Vote on substitute motion, roll call vote was called. Aye: Goedde, Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Marley, Burkett
Motion passed.

Adjourn Senator Goedde closed the meeting.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 24, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley
- MINUTES:** Meeting was called to order by Senator Goedde, the secretary was asked to take a silent roll.
- MOTION:** Senator Gannon made a motion to hold S1144 in committee. The motion was seconded by Senator Jorgenson.
- Discussion** Regarding S1144 Senator Gannon believes there are some other alternatives or routes that the Meridian School district could use.
- Senator Schroeder felt that this legislation addressed only one district and not all districts. He believes there are other alternatives than this bill and will therefore be voting in favor of the motion.
- Senator Andreason asked if the district had discussed adding start up costs to bonds, and asked for the committees thoughts.
- Senator Goedde stated that he figured that was not generic to code and a new RS would have to be drafted.
- Senator Schroeder responded that if a new RS was drafted he would be in favor of discussing it.
- Senator Burkett stated he would be voting against the motion because he feels that the legislature needs to give school districts some tools to address these special problems which they are facing.
- Senator Jorgenson feels that this bill is trying to cure the symptoms not the sickness, which is the real issue, Neighboring states are dealing with these same issues and are having to revert to higher impact fees. Therefore he will be opposing this bill also.
- The motion to hold S1144 in committee passed with a Voice Vote. Senators Burkett and Andreason asked to be recorded as voting no.
- S 1148** Senator Marley explained this bill was designed to give fair and swift resolution to proposed employment termination. It provides for 180 day probation period, written evaluation of employee performance, and a procedure for the termination of employees. There will be continuing status after the 180 days and annual written reviews. On lines 11-13 it lists the grounds that a person can be dismissed, which will not include political or personal reasons. It states there

should be a period of probation, barring illegal acts, for a reasonable period of time. That period of time will be determined by the school boards.

Questions

Senator Andreason clarified that termination will only happen with both the recommendation of the superintendent and a majority vote of the board of trustees.

Senator Gannon asked if Senator Marley felt the bill language was clear that if an employee was caught doing something illegal they would be terminated.

Senator Marley responded that the word illegal was not used in the bill. It does say just or reasonable causes, and illegal activity would be just cause to fire someone.

Senator Jorgenson clarified that a person subject to this, would be reclassified from "at will" employee to something else. He asked if this proposal was a creation of an elite group of people who are immune from "at will" which is currently one of the state statutes.

Senator Marley explained that what they are suggesting is for a probation period of one school year, (a time period which can determine a person's qualifications for the job). The employee would then gain continuing status. During the summer these highly qualified people are leaving to look for new work because they do not know if they will have a job the following fall when school begins. These employees have no security.

Senator Jorgenson commented that job security is not even affordable in the private sector. Senator Marley responded by saying that there was an amount of security in the private sector especially in large corporations. Those corporations had certain procedures to follow in order to terminate an employee. In the private sector as opposed to the public sector, Idaho's State Personnel Act provides for a 180 days probation, written evaluations, written job description and an appeals process.

A follow up question by Senator Jorgenson dealt with the issue of having a right to work. He feels that this bill is going to grant or give reclassification to a group, which is clearly not fair to others with the same types of uncertainty.

Senator Marley responded that in a school environment, not just the teachers and principle are important. To have the highest quality people affordable these other positions such as teacher aids, lunch ladies, bus drivers, and janitors are also important. It's important for the well being of the school. Also there is the safety issue of background checks and knowing the abilities of the employee.

Senator Marley commented on Senator Jorgenson's inquiry of the grievance process. The grievance process is a long process. It was not taken out of the bill because it has to do with grievance procedures. Those deal with most things, but what the bill is trying to accomplish is a cleaner and quicker way to deal with the termination procedure. Senator Marley further debated, this legislation broadens benefits for the union, however he reasoned this bill has nothing to do with the right to work issue.

Senator Jorgenson stated that after reading 33-517, he felt it provides for

everything Senator Marley talked about, except for elevating a person to an exempt status which allowed for a right to work. He felt that 33-517 allowed for written evaluations, process and appeals takes away from the authority of the superintendent and the people who are in charge.

Senator Marley respectfully disagreed. He stated there needs a clear cut way to terminate fairly.

Testimony Kim Bermeosolo was in favor of the legislation. Attached is a copy of her testimony. (Attachment #1)

Dan Arriola, Wilder School District superintendent is very concerned about the cost that S1148 will cause for his district. He shared examples of a filed grievance in the district and the accrued expenses. He asked that they hold the bill in committee.

Questions Senator Gannon questioned Mr. Arriola's interpretation of the bill. There was a short discussion about the existing code and the proposed legislation. They disagreed with each other's interpretation of S1148.

Senator Burkett stated that under the current grievance procedure, the superintendents decision can be supported if there is substantial evidence. Why shouldn't these people have just and reasonable cause?

Mr. Arriola responded that he would hope through the process and existing language there would be just and reasonable cause. Employees should be treated in a fair manner. He agrees that does not happen all of the time, but thinks that it is possible with the current language.

Senator Marley asked how many non-certified employees were in his district. Mr. Arriola responded there were about a dozen. Senator Marley followed up by asking if there was an evaluation process for those employees. Mr. Arriola answered in the affirmative and explained that they have developed job descriptions through an observation process which aligns to an evaluation process. Their hope with this process is the employees will know up front what their job responsibilities are.

Testimony Marty Meyer from the Coeur d'Alene School District was in favor of S1148. Please see a copy of his testimony attached. (Attachment # 2.)

Dr. Nick Hallett, Superintendent of the Minidoka County School District, stated the problems he sees with this bill is that it constantly refers to classified employees as being employed on a "continuing status". He thinks there needs to be a better definition of what that "continuing status" means. Another problem with this bill is that it provides binding arbitration by the decision maker or by the panel of three, which is not in the current grievance policy. The last problem he has with the bill is that the board has to state in detail reasons for termination, prior to providing the hearing of the termination. S1148 will make it costly, time consuming, and very difficult to maintain accountability in the work environment. Lack of accountability will lead to a decrease in work ethic and job involvement. It will also lead to fewer resources for curriculum and issue more resources to litigations.

There was a short discussion between Senator Marley and Dr. Hallett about the

power that the board currently has and how much they would have if this bill were to pass.

Senator Marley asked Dr. Hallett how many non-certified employees were in his district and if there was an evaluation process for them. Dr. Hallett stated there were roughly 250 to 300 non-certified employees, and explained that they have annual evaluations.

Bob Molck explained that he is a non-certified employee who fears that he could lose his job at any time. He admitted that he is too intimidated by his supervisor to do a written grievance and asked that the committee help non-certified employees have fair and just treatment by passing S1148.

Brian Duncan, the Chairman of the Minidoka School Board and also representing ISBA, said he feels that the board's current hearing panel does a good job. He urged the committee to let the process stand as it is and look at collaborative bargaining.

Kathy Phelan, President of the IEA, stated she was in favor of S1148. A copy of her testimony is attached. (Attachment # 3.)

Brian Julian, a Boise attorney, largely representing school districts, said in his opinion this bill is very dangerous as a legal stand-point. The bill would be granting a property right on continued employment, which is a breeding ground for lawsuits. He questioned the definitions of morality and insubordination. This bill is granting more rights than a tenure teacher has. He stated several issues that could come up and lead toward lawsuits. He concluded that just and reasonable cause will be determined by a jury and the real problem is property rights.

Senator Goedde stated they would hold this bill until Monday and adjourned the meeting at 5:10 P.M.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 28, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: Vice Chairman Noble

MINUTES: Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.

Presentation I-DEA Daryl Bertelsen the Superintendent of the Idaho Distance Education Academy and the Whitepine Joint School District No.288 in Deary, ID.

“It is my pleasure to address you today concerning the I-DEA charter school. I-DEA is an innovative home-based virtual charter program. The Whitepine School Board and administrative staff of I-DEA are truly committed to student achievement and academic success regardless of where the student is physically educated. Further, we believe that all children can learn, and students who score poorly on the Idaho assessments can be educated towards successful improvement. I-DEA is a partnership between the home based educator and our certified contact teachers. I believe that this program has accountability! I-DEA is designed to ensure educational performance for all students and provides sound fiscal management. To enroll in this school one parent must be in the home serving as the parent teacher; the parent works with their contact teacher designing an individual learning plan for each student; parents must have monthly contact concerning student progress with their contact teacher; parents must submit quarterly samples of student work and progress reports; and parents must have their children participate in state mandated testing. To ensure the success of this program we have hired six certified contact teachers. Some of their duties include: assisting the parents in designing an effective individual learning plan for each of their students, monthly contact with their parent teacher, approval of all learning plans and progress reports, approval of parent initiated orders, researching appropriate instructional material and methods to be implemented by the parent, planning and implementing student testing, assisting parents in high school and post graduate planning, providing parent workshops, and much more. We have also hired four field representatives. Their primary responsibility is to act as a liaison between the home based parent and I-DEA. Other duties include: providing orientation to new parents, advising parents on instructional resources, organizing field trips, publishing monthly newsletters to parents, assisting in planning for state mandated testing, and assisting with the development of Parent Advisory Committees. We have embraced technology by developing web-based software programs that: Facilitate student record

keeping. Track student attendance, demographic information, Individual Learning Plans incorporating the Idaho Power Standards, progress reports, and student grading systems, including high school transcripts. Reviewed and teacher approved parent orders. Filter out religious instructional materials. And contain an accounting of all student funds and an inventory of all non-consumable items by family. All accounting systems are designed to ensure fiscal accountability and required auditing practices. Senators, as of this date we have enrolled over 550 students in grades K-8 and 90 students in grades 9-12. Attrition rate for this first year has been approximately 6%. We tested 96% of our students. I understand that our test results were lower than the state average. Please keep in mind that the majority of students we serve did not attend public schools last year, therefore, they have never taken these types of tests. We consider this testing data to be baseline. Training has begun with our contact teachers, field representatives and parents concerning the concept of teaching to standards rather than textbooks thus, student achievement will go up. I want to thank you for this opportunity to present the I-DEA program. I have a vision of a public education where every student in Idaho has an Individual Learning Plan developed and supported by the parents and teachers; where each plan is reviewed and approved by the principal; where samples of student work are provided by students and reviewed by parents, teachers and principals; where parents, teachers and principals develop remediation strategies for each student performing poorly on State Mandated Assessments; where money is allocated to each student to ensure their instructional success; and, most importantly, where public schools have traditionally selected a single textbook approach to be used in the education of students. I-DEA has chosen not to do this because this approach does not consider student reading level, academic achievement or individual learning style. In addition, there is no consideration for preferred instructional styles practiced by teachers. The single textbook approach may work well for some students; however, it does not work well for all students. The heart of I-DEA's instructional program is the Idaho Power Standards. The Power Standards were developed by Dr. Maryanne Rannels to distill the Idaho state standards to the most important instructional objectives, and into a format that could be understood and used by teachers. These drive the Idaho assessment process, making them core curriculum for our students. There are 4 critical components in the model that I-DEA has developed: the Idaho Power Standards, Individual Learning Plans, Analysis of Assessment Data, and Corrective Resources. Some people view a specific textbook as the curriculum. A typical textbook for any elementary grade may have 1,000 pages. There are 180 days in the typical school year and if we factor out school absences the instructional year is measurably less. Typically a teacher starts at the beginning of the textbook and teaches as far through the material as time allows. Research has shown that if a teacher manages to get through the textbook, instruction is happening at a rate too fast for retention. On the other hand, if instruction is too slow, important standards may be missed. Parents compare the Individual Learning Plan to the student's test scores. The parents, contact teachers and field representatives can then identify gaps in the instructional materials and find supplementary, corrective resources. These can include state supported online resources such as: IDLA practice tests, the INET library, Lili and PLATO. Low performing students are I-DEA's first priority. Appropriate corrective instruction and resources will be

developed in an Individual Learning Plan amendment. I-DEA will continue this process until all children have benefitted. Contact teachers, field representatives and administrators will continue to evaluate student progress on subsequent state assessment, continuing this process as stated above. Home educators encourage success in their kids. In consultation with their contact teacher and field representative, home educating parents are becoming familiar with the Idaho Power Standards terminology and their application. Power Standards drive the selection of instructional materials and methodology. Through teamwork and educational resources, I-DEA will enhance continuous and sustained student improvement.”

“I want to introduce Shauna Kron, Program Director and Lead Teacher for I-DEA. She will explain in greater detail how the educational program works.”

“Ms. Kron I-DEA is implementing a different approach with Power Standards as the core of the curriculum. Each student has an Individual Learning Plan imbedded with Power Standards. These standards are taught first and academic enrichment is added as time allows. Students can function at different grade levels, subject by subject, depending on their academic strengths. Power Standards are imbedded at the appropriate grade level, i.e. third grade standards first appear if the student is in the third grade. Selection of standards is also allowed three grades above and below. The multiple levels of Power Standards imbedded in I-DEA's Individual Learning Plan create a versatile document that can be used to plan for all students, from the learning disabled to the gifted. I-DEA matches standards to the instructional level of each student thus avoiding a "One-Size-Fits-All" approach. Parents submit each child's Individual Learning Plan to their assigned contact teacher for approval. Once approved, the parent and contact teacher consult to select instructional materials, taking into account the Power Standards to be taught and the learning styles of the students. I-DEA's first opportunity for assessment was the fall ISAT test. The test scores are low when compared to the state. Many of our students are first time test takers as they were not in a public school prior to I-DEA. Contact teachers, field representatives and parents now have the test data to realize student achievement. Working with one student at a time, the contact teachers have been trained to help a parents assume the lead responsibility in the education of their children. These accountability factors are inherent to our program! Isn't it nice that students who have been taught at home with little or no support or accountability are now under the umbrella of a public school? This Charter School is the most unique program in this state. Other charter schools retain the traditional brick and mortar structure and diverge into non traditional curriculum or retain a traditional textbook curriculum and present it in a non traditional environment. I-DEA presents both the non traditional curriculum in a non traditional environment. I believe that this is the wave of the future in education and I-DEA is a model to be replicated. “

Mr. Bertelsen wished to thank the committee for their time and appreciated the opportunity to answer any questions they had.

Questions

There were a few questions concerning what the role of the parents is in I-DEA, how capable they are to choose the curriculum for their children and the type of curriculum that is offered. The response to these questions came from Mr. Bertelsen who explained the parents are the primary teachers and

most of these parents have already home schooled their children therefore they are very knowledgeable about curriculum.

In response to a question from Senator Schroeder about where the courses come from, Mr. Bertelsen said they do not have actual courses, they teach from the Idaho Learning Standards.

Senator Gannon also asked about the Alaska group and their affiliation with I-DEA. He requested a copy of the contract between the Alaska group and I-DEA.

Mr. Bertelsen replied that the Alaska group started the I-DEA program and have now formed a non-profit organization to share this program. They have an annual contract that is so much per student with them. They are doing some consulting but they learn from their mistakes and a lot of it is a technical service

In response to enquirers from Senator Schroeder about religious courses being offered through I-DEA, Mr. Bertelsen stated that they do not allow or offer any religious teaching in their school. They do not have control over what the parents teach at home but the parents are not allowed to use the I-DEA computers to upgrade or download anything without the permission of I-DEA. I-DEA does not offer any religious courses in the program.

Senator Goedde asked how the Idaho Power Standards relate to the standards that are prescribed in public schools.

Mr. Bertelsen stated that the Idaho Power Standard are roughly 25 to 30 objectives taken from the 4th grade math total set of standards that are "must knows" it is basically the core from those standards. The Power Standards are a "must know" subset of those standards.

In response to a question from Senator Goedde about how I-DEA has access to Plato, Mr. Bertelsen stated that it was bought by the State Board of Education for the school districts to use throughout the state.

Senator Schroeder suggested that a notification be placed on the website of I-DEA stating that it is against state policy to access religious instruction with state software.

Senator Pearce was concerned about the lower ISAT scores and Mr. Bertelsen stated they were also concerned and have been working with teachers throughout the state to better their situation.

Senator Marley had a few questions about the type of textbooks that were used and what kind of training takes place for the parents.

Mr. Bertelsen replied that the textbooks are chosen by the parents and where or not they use the textbooks he does not know. He also explained that the training is a 1 on 1 with a teacher and they report to the teacher once a month.

**Testimony
from Patricia
Beyer**

"I have been asked to supply a "positive" letter on behalf of this public endorsed and financed correspondence school. There are many things to say that are positive and there are concerns to be addressed based on law and function of a school like this that the law does not address.

This school is a great resource for parents that want to have the convenience or necessity of educating in the privacy of their own home and taking on that responsibility with additional support. This school is a wonderful opportunity for the state to collect data on accountability of those using the program that home educate which is not a reflection of those that privately educate "comparably."

The options of using many resources for academics is paramount to fitting the needs of the student and centering learning around the student instead of typical classroom restrictions in resources and time for individual instruction plans.

This school had a difficult start. Access to teachers was not possible until the school year had started. Parents were instructed during community meetings sponsored by the Superintendent and Lead Teacher to purchase, contract and use allotment funding based on verbal presentation and answers.

Information that was conflicting. Changes were made during the year in the Handbook which is the contracted procedure manual after enrollment.

According to Idaho Charter Law these correspondence "Virtual" schools are under the same obligation to provide community or regional meetings to publicly address the district with issues in an official record. This school is not doing that. This school is also engaged at contracting requirement for enrollment like that of internet connection and email address while later changing its procedure to force parents to use a particular email location that is unstable and riddled with a virus that allows private

messages to be bounced to other members in the school. Thus, creating a problem with the privacy of information and potentially causing harm to private property of enrolled participants. There are other concerns that are sub categorical that could be addressed in public meetings on public record for review. It is my intention and interest to see the state enforce the provision of first amendment rights in this public sector school and address why they are refusing to manage and supply those rights and responsibilities' to the public that supports this tax based school."

S1148

Senator Goedde stated due to a proposal from the IEA, the ISBA and the superintendents who wanted to sit down and negotiate this bill he asked for Senator Marley's approval and for unanimous consent that S 1148 be sent to the 14th order. There was no objections. S 1148 was sent to the 14th order.

S1017

Jan Sylvester, the sponsor, presented the bill. This legislation adds a requirement that Charter School lotteries, which are to select students for admission to a Public Charter School and to place students on waiting lists for those schools, are to be conducted by an independent third party.

Testimony

"I have followed the growth of charter schools in Idaho since the initial law was passed in 1998. Many of the charter schools have experienced similar problems. The lottery used for the admission of students is one of the problem areas. Senate Bill 1017 addresses the lottery used to admit students to a public charter school. This bill adds the requirement that the lottery used for admission to a public charter school shall be conducted by an

independent third party. There have been issues raised concerning the validity of some of the lotteries conducted by Idaho charter schools. Having an independent third party conduct the lottery assures that the integrity of the lottery process will be maintained and the credibility of the process will not be questioned. The purpose of a lottery is to assure that every Idaho student has equal access to the option of enrolling in a public charter school. Senate Bill 1017 will make this possible.”

Senator Pearce and Senator Jorgenson asked about the fiscal impact and whether or not there was a cost to having the lotteries conducted by a third party.

Ms. Sylvester did not know how the Charters would choose how to run these lotteries under these new guidelines. She believes that they could get someone from the community to do the lottery for them or if they wanted to spend the money they could pay that third party, it depended on how much the Charter was willing to spend.

Senator Pearce asked if, after the lottery took place the first time, was the third party going to continue to be involved.

Ms. Sylvester stated that she believes that the third party would come in and they would be handed the entrance applications, directions on how to conduct the lottery, the third party would then conduct the lottery after which they would establish the list. She believes they would not be involved until it was time to conduct the lottery again.

Cindy Schiller testified that she had attended a lottery in the past and she feels that there needs to be some kind of process so that these lotteries were conducted legally and fairly and she feels that S1017 is the right process.

Ms. Schiller stated she had older children therefore she did not have any children in the Charter Schools when responding to Senator Jorgenson’s question of if she had any children in the Charter Schools.

Karen Echeverria from the State Board of Education stated that they were in opposition to the bill. The Statement of Purpose does not really state what the purpose of this bill is. It has no criteria in the bill for who or how the outside entity will be selected. They also believe that there will be a fiscal impact because the Charters are going to have to pay someone to come in and run the lottery. If a Charter School has to hire a third party by virtue of being a contractor that third party no longer remains an independent party. Finally, the Charter Schools work with these lotteries all the time; they are the best entity at running them. Ms. Sylvester stated that they would have to train someone else to run the lottery therefore the question is why train someone else when they already know how to run the lotteries themselves. The State Board of Education feels that the Charters should be the ones to decide how their lotteries are going to be run.

“My name is Bridget Barrus and I am President of the Coalition of Idaho Charter School Families. I am here today in opposition to SB 1017. The use of an independent third party to conduct a lottery is not something

that is new to public charter schools because it is provided for in the “model admissions policies” outlined by the State Board of Education’s public charter school rules which were created in accordance with public law. I have a copy for each of you today and I would like to refer you to that section of the rules that outlines the lottery process for public charter schools, particularly Section 203 on pages 5 through 7.

I think it is important to note that first, public charter schools must follow these guidelines when conducting their lotteries. Second, charter schools must outline the policies and procedures they will use to conduct their lottery in their charter. Third, the charter and thus the lottery procedures are approved by an authorizing entity such as a school district or the Public Charter School Commission. And, finally all lotteries are conducted in open, public meetings.

The use of an independent third party, as I mentioned earlier, is already called for in the rules you have before you. If I can refer you to Section 203, Subsection 9b of the rules which can be found on pages 6 and 7. It reads, “a neutral third party shall draw each index card from the container, and such person shall write the selection number on each index card...”. As these rules outline, the independent third party plays an integral part of the lottery process, not only in 9b but as you continue reading through subsection “g” as well.

The State Board’s public charter school rules address the admissions and lottery processes for public charter schools. Further, the charter document of the school which is approved by the authorizer also outlines the process the school will use to conduct their lottery including any variances the school may propose, such as the use of ping pong balls instead of index cards.

Recently I spoke with several representatives from various charter schools across the state to discuss their lottery processes. All of the individuals I spoke with worked with an independent third party to conduct their lottery and this person usually came from the charter school’s authorizing entity. In fact, I am not aware of any school that does not use an independent third party. For example, North Star Public Charter School here in the Treasure Valley has a Meridian School District Trustee conduct their lottery. This is a good example of a charter school working with their authorizer, in this case the local school district, to conduct their lottery appropriately. These types of relationships exist all across Idaho where public charter schools work with an independent third party and their authorizer in accordance with rules already established to conduct their lottery.

I would like to point out that this legislation is unnecessary and instead, will add another level of complexity to a process already working appropriately. In addition this legislation does not address several other critical issues, including:

How a public charter school is to select an independent third party,

Who that third party should be,

The cost of compensating a third party and how a charter school should pay for it, and finally

Once a party is compensated for their services, can they be considered independent?

The current lottery system as outlined in Idaho Code and in the State Board’s Charter School rules provides direction and consistency for both the authorizer and the public charter school. This legislation will not contribute to that consistency and does not address any problems with the current system.

Senators, this legislation is simply unnecessary. It seeks to perpetuate the myth that public charter schools are not acting in accordance with Idaho law when conducting their lotteries. Contrary to what Ms. Sylvester would like you to believe, in the past six years since public charter schools were created in Idaho, there have been no problems or issues that have arisen relating to who conducts the lottery of a public charter school.

In the articles that Ms. Sylvester has provided for you today, none of them demonstrate why the current lottery system is flawed. In the article dated March 25, 2004, entitled "Victory Charter Students May Lose Seats", deals with the setting aside of founder's seats for a lottery not the use of an independent third party. In fact, a member of the Nampa School Board did participate in the lottery identified in the article. The founder's seats issue was resolved when the SB 1444 became law on April 1, 2004. Usually, as you know, when legislation is proposed, it seeks to fix problems not address myths. Unfortunately, this legislation does not seek to address any problems. Once again, I appreciate the opportunity to speak on behalf of the public charter school community regarding this legislation and I urge you to vote no on Senate Bill 1017."

There was a discussion about the rules and statutes concerning how the Charter School lotteries should be run.

Senator Schroeder feels that something needs to be done so that parents can feel that the end results of these lotteries are fair.

Motion

Senator Schroeder moved to send S 1017 to the floor with a recommendation of do pass. Motion was seconded by Senator Marley.

Discussion

Senator Marley thinks that this bill goes in the direction of correcting a problem that he sees out there. He thinks that this may be loose and there are going to have to be rules to guide it, but on the whole he feels this is the direction we need to go.

Senator Pearce stated that we can legislate ourselves right into micro-management. He stated he always hates to support legislation when there isn't a problem and he has talked to people with children in Charter Schools and he does not know any problems, and for that reason he will be voting against.

Roll call voted was requested by Senator Jorgenson

Senator Andreason stated he can not see why we would be against an independent decision maker in the Charter School lotteries. He feels it is healthy and is going to support the bill.

Senator Goedde expressed that he is not in favor of this bill and if it passes the committee he will be getting information from each of the Charter Schools on how their lotteries are being conducted. He feels this legislation is superfluous and is therefore going to vote against it.

Vote

Secretary called the roll Aye: Schroeder, Andreason, Gannon, Marley,

Burkett. Nay: Jorgenson, Pearce, Goedde

Motion passed S 1017 was sent to the Senate floor with recommendation to pass. Senator Schroeder will carry S 1017 to the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 1, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** Pearce
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- S 1047** Senator Goedde stated that due to the request of Senator Schroeder we are going to hold S 1047 since this issue will be taken care of in another bill.
- SJM 106** Senator Goedde present the memorial which is a joint effort between the Idaho Education Association, the Superintendent Association and the Idaho School Board Association. Senator Goedde believes this new memorial covers a lot of points that will pro actively improve NCLB in the state of Idaho. This memorial recognizes there is a need for some changes. Representative Otter has requested some information for him to work with NCLB's problems and Senator Goedde believes this is the vehicle for him.
- Questions** Senator Gannon asked if this new memorial had all of the Utah issues taken care?
- Senator Goedde replied that Senator Schroeder has another memorial RS that he knows will take care of those issues.
- Senator Marley asked from line 23 what does the "N" size mean?
- Senator Goedde stated that "N" size has to do with the determination of a number of people of a subgroup, and we are looking for some flexibility in that "N" size.
- Motion** Senator Gannon moved to send SJM 106 to the floor with a recommendation that it do pass. Motion was seconded by Senator Marley.
- A voice vote indicated that it was unanimous.
- Presentation** "Thank you for allowing me a few minutes of your time today. For the record, my name is Bill Robertson, president of Eastern Idaho Technical College (EITC). It is with pleasure that I bring greetings from faculty, staff and students of our great institution. I am mindful of your very full legislative schedule and will keep my remarks brief and to the point. I would much rather over look a point or two than overstay my welcome. It might be helpful

for you to know about my history at the college. I am just beginning my 34 year of employment there, having been a counselor, a dean of students, a dean of administration, an interim president and now as president. I tell you this so that you will understand that I am truly a "lifer" at the college and a true believer in the value of professional technical education. So what is it that we do at the college? In the simplest terms we do two things: We help people improve their lives and we support regional economic development. Each year thousands of individual students are served by the college. Our mission is focused on pre-employment education, workforce education, developmental and specialized education and high school PTE courses. Pre-employment education speaks of our wide array of credit programs that include offerings in four major divisions. Those divisions are Health Education, Mechanical Trades, Business, Office & Technology and Emergency Services. Students enrolled in pre-employment courses are in pursuit of entry level employment. Most of the students enrolled in these programs attend full time. The Workforce Training Division provides short term, job specific skills upgrade for the incumbent workforce. Courses offered through WFT typically include things such as software applications, OSHA training, business classes, welding and automotive, real estate, fire fighting and so on. Last year over 8000 students were enrolled in WFT classes.

Developmental and Specialized services include Adult Basic Education, which provides education to the functionally illiterate through those seeking achievement of their high school equivalency certificate. Through ABE we also provide English as a Second language and citizenship classes for our immigrant population.

Through our Center for New Directions we provide counseling, assessment, career guidance, and mentoring for non traditional students. These students are typically single parents who are recently divorced or widowed who lack the self-confidence to enter a PTE program without CND services.

High School classes are offered on our campus and through internet based instruction. We participate in the regional Tech Prep Consortium and also work closely with the Eastern Idaho Technical High School. All of these efforts offer technical education at the high school level and provide for advanced placement when they enroll in our college after high school completion.

Our college mission includes services to a nine county region. To meet that obligation we have taken our services on the road. For example we have successfully completed Practical Nurse training in Driggs, Arco and in Salmon. Graduates of these three programs received all of their education in their respective communities. Workforce training classes and Adult Basic Education are also routinely offered in towns such as Arco, Ashton, Challis, Driggs, Dubois, Mackay, Leadore, Ririe and so on. Although our major enrollments are campus based in Idaho Falls, we do all we can to meet the challenges of outreach to our many communities.

I mentioned earlier that in addition to helping people improve their lives through education that the college supports regional economic development. Obviously we do this through providing relevant education that supports the regions employment demands. Business and industry are served with a ready workforce when they need to hire. In addition, we provide continuing education tailored to the needs of individual employers.

For those of you who have visited Idaho Falls you know that our campus is

small but very efficient. I have heard my colleague, President Burke from North Idaho College in these kinds of presentations speak of his beach front campus with great pride. So in keeping with this style let me tell you that we are the only Idaho campus to be flanked by a super WalMart to the east and large shopping mall on the south. Okay, maybe President Burke wins on this one but I will say that in truth our campus is well sited in the heart of the Idaho Falls retail center and we are also adjacent the regional health services corridor. This proximity serves our students very well with opportunities for clinical experiences, internships and field visits. As a campus, we presently operate from four modern instructional buildings and one small maintenance facility. We have no SUB, no recreation facility, nor any student housing. Rather, we operate as a lean, efficient commuter college. Our student population average age is 29, with most students working full or part time there is little interest or for anything but education. The majority of credit students receive financial aid, including the Robert Lee Promise scholarships (over 80 last year).

EITC is accredited by the Northwest Commission of Colleges and Universities. We also have achieved many specialized accreditations and industry endorsements such as NATEF Auto service excellence, Microsoft Academy, Cisco Networking Academy, the Commission on Accreditation of Allied Health Education Programs, to mention a few.

We are currently undergoing an intensive self study as required by the Northwest Commission as a prelude to the April 2007 ten year accreditation review.

In conclusion let me state that EITC operates from a focused mission that serves the regions citizens with purposeful education and we support regional economic development. Thank you, and I will stand for question if you wish.”

Questions

In response to a question from Senator Andreason about what their most important unmet needs are, Mr. Robertson stated the singular most important is the health field education. We could double our enrollment in the nursing field if we had the resources.

Senator Goedde asked if there was any dual enrollment opportunities with EITC and High Schools?

Mr. Robertson stated that those opportunities are in the technical sections which offers dual enrollment.

Senator Goedde also inquired about the governance of EITC.

Mr. Robertson replied that they were created by the legislature in 1969 and that enabling legislation grants the governance of the college to the State Board of Education operation as a state board for professional technical education. They do not have a local board they are a state college.

Senator Gannon asked if they received property taxes, and Mr. Robertson stated they did not.

Senator Goedde asked why kind of nursing degree is achieved through EITC and if they have a waiting list.

Mr. Robertson stated there is a waiting list for the nursing program and that they are licensed practical nurses when they pass their exam, and have an associates of science.

After no further questions or discussion from the committee, Senator Goedde thanked Mr. Robertson for this presentation.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 3, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** None
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- Gubernatorial Appointment of Blake Hall** State Board of Education appointment, Mr. Blake Hall, introduced himself and stated he has enjoyed his work on the State Board of Education for the last five years.
- Questions** Senator Andreason asked him if the Eastern Idaho Technical College was in jeopardy of being taken over and becoming part of ISU?
- Mr. Hall explained that in order for EITC to not continue as a stand alone technical college it would require a legislative action. The State Board of Education could recommended the change but they do not currently have any just cause to recommend such actions, and he is not aware of any legislation in progress to make such a change.
- Senator Goedde stated that fear of raised tuition is a concern of students who have come to visit with him about H 231 and asked if this legislation were to pass would it increase the chances of raised tuition for students.
- Mr. Hall stated that if the State Board of Education increased student fees to the amount each year that students requested there would be a much greater increase than if H 231 were to pass. There currently is nothing in state policy right now that prohibits the State Board to increase student fees tomorrow. H 231 is not going to change that. H 231 allows for the administrations of the higher Education institutions to have more flexibility to run those institutions. It does not change current policy which allows the state board to change the rate of tuition tomorrow.
- Andreason asked why there has to be a continuation of increased fees.
- Mr. Hall stated that there are two reasons that fees have to be increased. First is the cost of education continues to increase. The 2nd reason is due to decisions of the legislature there is a decrease in the level of public support.
- Senator Jorgenson asked for a clarification about the difference between

tuition and fees because he believes there is a difference as far as discretion.

Mr. Hall stated that right now there is a definition that fees cannot be used for matriculation costs and the presidents of these institutions are having to go through loop holes to move money around in order to take care of costs to educate the students. The difference is we are asking to use tuition and fees for what it was intended to do and that is to educate the student. In order to build the strongest universities we need to be able to give some flexibility to the administrations.

Senator Goedde asked if there is a statute for school districts to submit a mentoring program, why have 15 districts and 3 Charter Schools been able to opt out? He also asked who is responsible to over-see that the programs are submitted and what is the penalty for not submitting a program.

Mr. Hall stated that the State Department of Education administers the program but there is no enforcement and no penalty for not submitting the program, because there is no funding for the mentoring programs.

Senator Burkett asked about the relationship between the State Board of Education and the State Department of Education and if or what programs does the State Board of Education foresee that need to be taken from the State Department of Education to be overseen by the board.

Mr. Hall responded that he has been perplexed over the years with this dispute regarding jurisdiction. Some claim that the board has caused this conflict but the Idaho code 33-110 states that the state legislature designated by statute the State Board of Education as the education agency that shall negotiate with and receive all federal funds. The State Board of Education had a rule that differed from the law and therefore there were some changes made in legislation a few years ago. Legislatures, which by statute, designated us (SBOE) to be the education agency for the state of Idaho and to negotiate with the federal government and to receive all federal funds.

There was a discussion about the State Board of Education controlling fees, how every college and university in the state have varying tuition and fees and how the State Board of Education and the Superintendent of Instruction Dr. Howard have a 2% disagreement record. The rumors concerning tension between the State Board of Education and the State Department of Education are more of political battle than fact. Mr. Hall stated that they work will together and have great respect for each other.

In response to a question from Senator Goedde about Boise State entering the community college arena without forming a community college district Mr. Hall explained that when a community college was created in the beginning they were supported by property taxes but this legislative body made decisions and today more than 50% of the revenue or funds that are going to a community college are actually provided by the state. So there is not a true community college system as was originally contemplated by the legislature and supported by local districts. This is a policy issue that will

have to be resolved by the legislature. This legislative body did designate and did provide that Boise State was allowed to expand to a west campus. Mr. Hall stated that, in a perfect world, he would have all state funded community colleges because they are doing a better job of getting High School seniors to start college.

Mr. Hall was thanked for his work on the State Board of Education and for all his efforts in Idaho education.

After no further questions or discussion from the committee, Senator Goedde thanked Mr. Hall and welcomed Mr. Lewis to the committee.

**Gubernatorial
Appointment
of Roderic
Lewis**

State Board of Education appointment, Mr. Rod Lewis, introduced himself and gave a brief life history.

Questions

Senator Goedde asked again if H 231 were to pass what were Mr. Lewis's feelings towards tuition verses fees.

Mr. Lewis stated that the administrations came to the State Board of Education asking why they do business this way and stated that they are not transparent as to how they are allocating these funds. They asked us to move aside this fiction and create the ability to move the funds to where they need them.

Senator Goedde asked about Boise State starting a community college and property tax issues.

Mr. Lewis explained that he believes that what we have in way of community colleges in the state are very beneficial to us, and he feels that more emphasis on community colleges would also be very beneficial. Funding is an unanswered issue right now. It would be preferable to have a community college here. BSU is responsible for the education right now in the Treasure Valley and whether they offer lower division classes or start a community college, there needs to be something. Whether we get local support, state support or no support, we need to move BSU forward at least in providing lower division course because one way or another this area deserves those resources.

There was further discussion about the State Board of Education staffing and why the board has taken over programs from the State Department of Education to which Mr. Lewis replied it was made to be a much larger issue in the press than it was between the two departments and repeated that the State Board of Education and the State Department of Education are collaborating together to better Idaho education.

After no further questions or discussion from the committee, Senator Goedde thanked Mr. Lewis and welcomed Dr. Jann Hill to the committee.

Presentation

Dr. Jann Hill from Lewis-Clark State College, Division of Education presented to the committee. Dr. Hill gave 2 handouts from which she gave

her presentation. (A copy of each handout can be found in the office of the Senate education secretary.)

Questions

Senator Gannon asked if Dr. Hill is familiar with ABCTE and asked if it compares with their PACE program.

Dr. Hill stated she is familiar with it and would like the PACE program to be more technical and computerized like ABCTE but she feels that the PACE program might be a little better because it is Idaho based and Idaho monitored.

There was short discussion about perusing some legislation that would require classroom experience for teacher certification.

After no further questions or discussion from the committee, Senator Goedde thanked Dr. Hill for her presentation.

Minute approval

Senator Goedde asked for unanimous consent that the meeting minutes of February 7th, 8th, 9th, 10th, 14th, 16th and 17th be approved. Without objection the minutes were approved.

Senator Goedde explained the hand outs that were in the Senators folders. Senator Schroeder also handed out some legislation that mirrors Utah legislation concerning NCLB exemption for the Senators to review for possible future legislation.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 7, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Noble, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** none
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- Gubernatorial appointments to the State Board of Education**
- Senator Andreason moved to accept the Governor's appointment of Rod Lewis. Motion was seconded by Senator Gannon.
A voice vote indicated that it was unanimous.
- Senator Pearce moved to accept the Governor's appointment of Blake Hall. Motion was seconded by Senator Noble.
A voice vote indicated that it was unanimous.
- Testimony**
- Mr. Chairman and members of the Senate Education Committee, my name is Jerry Waddoups and I am the Superintendent of Preston Joint School District No.201. I support Senate Bill 1146 or 1173 because I believe it contains necessary modifications to Idaho Code §33-1216 by placing reasonable parameters on paid sick leave benefits for school employees. Preston School District was the Defendant in Porter v. Preston School District, which was decided by the Idaho Supreme Court in December 2004. Essentially, the Court reviewed Idaho Code §33-1216 and determine that all school district employees are entitled to sick leave for each month of service in which the individual works a major portion of his/her scheduled work hours. Unlike state employees and all others eligible for PERSI, such entitlement is not limited to those employees who work at least 20 hours per week. Rather, all employees, regardless of the number of hours they scheduled to work are entitled to sick leave. Given the tremendous financial impact, of the Porter case on school districts, Senate Bills 1146 and 1173 were proposed. Preston School District greatly values its employees. All employees, both certificated and classified and whether they work full- or part-time are important members of our educational team. Our goal is to compensate the employees for their service to kids, and our salaries are competitive for our community. In fact, we receive approximately 20 applications for every open position, which is attributed to the positive work environment, as well as the competitive benefits package provided to our employees. Preston School District is also a very prudent manager of fiscal funds. During the last published fiscal report, Preston School District with \$4353 per full term ADA ranked 114 out of 114 Idaho school districts in terms of state funding. Despite the limited funds, the district is

fiscally responsible and we are committed to parlaying those funds into an excellent educational program. We are extremely proud of our students' achievements. Our ISAT scores are equal to or exceed the state averages. Last year our third grade class had the highest IRI average scores in the state. In fact, in 2005 the State Board of Education named Oakwood Elementary School as a Distinguished Math School, one of 7 in the state. Further, Preston High School received merit accreditation during this last accreditation cycle, one of 10 in the state of Idaho. To insure such continued success for our students, we must continue to prudently manage our financial resources. I believe that the Supreme Court's ruling in Porter v. Preston SD, which we have implemented, has far reaching implications which were never intended by the legislature in establishing sick leave for district employees. Therefore, I believe that Senate Bill 1146 or 1173 must be passed to address the unforeseen inequities to school districts. Specifically, I would like to address two areas of concern: 1. The financial burden to school districts for providing sick leave to all part-time employees is substantial. Preston School District employees are compensated far in excess of the amount the state reimburses the district. Currently, the district pays 44% more for a total of \$366,055, to classified employees than the state allocates for their compensation. The District also pays its certified employees 6% more, a total of \$295,924 than is allocated by the state. Requiring that the district pay sick leave benefits to part-time employees will cost our district an estimated \$40,000 to \$60,000 annually. We simply can't afford the additional costs and maintain a high quality education for students given the inadequate funding of schools. 2. Substitute Employees. Given the fiscal issues facing schools, districts hire a bare-bones staff to cover essential positions during the school year and rely on substitute employees to fill-in when a regular employee is sick or unable to report to work. These individuals are employees of the district and generally work less than an average of 20 hours per week. It is impossible to accurately project their work schedule as they are employed solely on an "as-needed" basis. We do not know that they will work until they are called and agree to work that day. Equitable provision of sick leave to such individuals is not possible. We are a school district that values our part time employees and yet we prudently manage our financial funds. Adding sick leave to all part time employees including substitutes, not only taxes our budget but makes it difficult to run an efficient operation. However, given our limited resources, we will have difficulty running an efficient operation and maintaining our educational standing; when fiscally pressed by providing sick leave to all part time employees. As I indicated, it is a financial burden, insofar as we estimate that it will cost our district between \$40,000 and \$60,000 per year. In addition, the calculation, or projection, of sick leave benefits, for those who work part-time, and or a sporadic schedule is a management nightmare. We feel that our employees are treated fairly, are appropriately compensated. We feel that we compete with the market in Preston. Requiring that the district provide sick leave to part-time employees creates an unreasonable burden on the school district. Therefore, I urge you to vote yes on Senate Bill 1146 or 1173. Thank you for the opportunity to address the Committee.

Senator Goedde thanked Mr. Waddoups, this bill will continue on March 10th.

S1170

Karen Echeverria representing the Charter School Commission presented the bill. This bill is necessary to allow time for the authorized chartering entities to fully review a petition and to work with petitioners to develop the petition for a

charter school so that, when the petition is approved, the resulting charter is one that explains to parents or guardians and students what can be expected from attending the charter school and it is a charter. The authorized chartering entity can evaluate compliance as required.

Questions

Senator Gannon asked why the Charter Commission wanted to remove the assignment of preferences.

Ms. Echeverria replied that the Commission felt that decision was best left up to the local chartering entity. There were lots of conditions that they may or may not know about with the petitions and thought it best to leave the choice to local school district to work with the petitioners to decide what or how those preference would be established.

There was a discussion about the terms “may” and “shall” in the proposed legislation and how those words could be interpreted by the chartering entity and discussion about the charter petition process. Ms. Echeverria stated that the lottery process would still exist even if a Charter chose not to give preference to the founder’s, teachers, and siblings.

Testimony

Mr. Chairman, members of the Committee, my name is Juliana Knudson. I am from Eagle and a parent of a student at HSCS. I am not in favor of Senate Bill 1170 because it gives the Board of Directors of public charter schools absolute discretion to determine what groups of children will be granted admission preferences. Instead, I urge the committee to make a motion to send subsection J back to be amended to provide that should a public charter school decide to establish admission priorities, those priorities must be as follows: 1. Pupils returning to the public charter school. 2. Children of Founders, provided that this admission preference shall be limited to not more than 10% of the capacity of the public charter school. 3. Children of employees of public charter schools. 4. Siblings of pupils already attending public charter school or already selected by the lottery or other random method. 5. Children living in the attendance area of the public charter school. 6. Children living outside the attendance area of the public charter school. There should be no gray area that a Board could rely on to set up a different admission structure. The decision on what group has priority should not be left in the hands of the board of directors of a public charter school. Please remember the legislative intent behind creating charter schools is to, among other things: Improve learning and increase learning opportunities, including the use of different and innovative teaching methods. It is not and should not become an instrument for selling more houses. Thank you for your time.

Dr. Susan Kim

Mr. Chairman, Senators, thank you for the opportunity to discuss Senate Bill 1170. I am the parent of a 5th grader and a 1st grader at Hidden Springs Charter School. My eldest son transferred to Hidden Springs Charter School during its first year of operation from a traditional public school in Boise. For a number of reasons, the traditional public school was not meeting his needs. As a parent who recognizes the indelible impression of early educational experiences, I was pleased that a curriculum alternative existed in the form of Hidden Springs Charter School and its Harbor School Method. This, I think, is the mandate of charter schools; to provide an alternative educational

experience for those who seek it. Today's bill addresses many issues, including admission procedures for charter schools. This has clearly become an increasingly difficult predicament as the demand for admission in many of these schools far exceeds the enrollment capacity. As S1170 is currently worded, the over enrollment policy would be left to the discretion of each school's Board with the exception of those pupils already enrolled in the school who would be guaranteed a spot in subsequent years of operation. It is essential that we provide next highest priority for siblings of currently enrolled students. Parents of students already enrolled in our charter schools have chosen this alternative to their traditional public school option. They have embraced its curriculum and frankly, contributed to its successes. Separating families, which would be the outcome if siblings are not prioritized, would not only devastate families, but would be detrimental to the support that parents are able to provide to these schools. Thank you for your time. I would be happy to stand for questions.

Questions

Senator Goedde stated that even if this legislation were not going to pass, the sibling issue would go away because the attendance area will eventually populate the school.

Dr. Kim stated that was true but it needs to be allowed to go away not kick it out.

Bridget Barrus, President Coalition of Idaho Charter School Families. She has been present during the meetings discussing this legislation and feels that it needs to be adopted. She stated that the issue of attendance area and siblings is a tough issue and was not taken lightly by the Commission. She stated that this legislation would not effect Hidden Springs because their Charter has already been adopted. It is her understanding that this issue was brought forward because of much needed clarification of "may" and "shall" and this new legislation allows for the local Chartering entity to decide.

Senator Schroeder asked if Ms. Barrus could get a letter from Hidden Springs Charter School which states that parents can be candidates and they can all vote on the Board of Directors of the school.

Ms. Barrus is going to ask the Hidden Springs Board of Directors to draft a letter.

There were also interested citizens who asked questions about their concerns in the new legislation to which Ms. Echeverria addressed by stating, they do sympathize with the people out in Hidden Springs but repeated that this legislation does not have an impact on an existing charter.

Questions

Senator Burkett asked if it would be wise to amend this legislation through a rule to ensure that an existing charter cannot be effected by this bill.

Ms. Echeverria stated that if this committee feels that Charters which have already been approved need to come under compliance, with law through rule, she is fine with that, if this bill were to pass.

In response to a concern about virtual charter schools, Ms. Echeverria stated that the Commission feels the market has been saturated. She stated that of the schools currently authorized to open this fall, none are Virtual Charter

Schools. There are 4 petitions pending before the Commission right now and only one of them is a Virtual Charter School.

Senator Schroeder stated that there are several issues here that they don't know the answers to and he wondered if this bill could be held for a day so the committee could get answers to these questions. Those questions are equitable selection process, distribution of assets and lines 47-49 the code that is being covered there.

Senator Goedde stated there is some language there that needs to be considered and wondered about alternate language, if subsection J were deleted, for the amending order.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 8, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Senators Schroeder, Andreason, Gannon, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** Pearce
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- Senator Goedde explained the handout that were in the Senators packets today.
- S1170** Senator Goedde explained that Karen Echeverria has not had time to get all of the committee requests and questions answered from yesterday. Due to people who came to testify for S1170, testimony was taken but debate on the bill will be pushed back for 2 days.
- Testimony Julie Heubach** Quote "Hi, my name is Cynthia Heubach and I am a parent of two Hidden Springs Charter School children. I am a resident of the Hidden Springs community, and am a founding member of the Hidden Springs Charter School. I was there when the first meetings started with an idea of hope that we, as a community, could provide a neighborhood school for our children so that they would not have to be bused to their prospective schools. I was there when the founders worked endless hours writing the charter, and when the committee that I participated in sent out a search to find a principal. I was there with my neighbors when the excitement of all of our efforts became a reality and we finally got the school we had hoped for. That was a long time ago and I am proud of where we have come. Our purpose and mission was to provide a school within walking distance for our children, and we had succeeded. Over the course of that last 4 years I have witnessed a great outpouring of support for the school from the community of Hidden Springs. Who was there building the school's decking that connects each of the structures? Hidden Springs residents. Who was there to order and build ALL the furniture and fixtures for the school? Hidden Springs residents. Who was there to plant and maintain the grounds surrounding the school? Hidden Springs residents. And, most significantly, who donated the land in which the school now resides? Hidden Springs Development. My family has personally donated coat hooks in two classrooms (and installed them), printers, a scanner, furniture, supplies and even program ideas for implementation. I personally have attended PFA meetings, board meetings and several committee groups for various reasons, as well as volunteering in the classrooms. As you can see, I have a personal stake in the school' s success and have witnessed the residents of Hidden

Springs spearhead and implement new growth ideas into the Hidden Springs Charter School. We, in the community, have a vested interest in the success of the school and continue to seek new ways to accommodate that growth. Without the efforts of the Founding members, Hidden Springs residents and the development, this school would not exist today. I am here today to speak on behalf of that group and to confirm the original intent for the attendance area selection process. When writing the charter we had many discussions on how the selection process would work to be "fair" and "consistent" with how other area schools also select their students. Keeping in mind that a charter could be governed differently than other public schools, we wanted to make sure that the integrity of the Founders Intent would remain intact. We sought counsel in the area of attendance selection and the Boise School District was our partner in that process. In nearly every school district in the country, and Idaho is no exception; there is a local school, set up by district boundaries, which draws their attendance within a radius of the school. The Boise School District was part of our team from the onset and continues to oversee our progress. As I see the Bill before you today, it merely clarifies what is already being done to preserve the structure in which the government has established jurisdiction over charters in general. I am not a legal expert and do not claim to be, but I do not see any indiscretions being violated within the charter or the attendance selection process more specifically.

There is no perfect solution to any problem and I sympathize with anyone trying to seek a better place for his or her children to learn and grow. I too would feel the same if my child did not get into this school. If a child who lived in the community, who could play in the fields of the school, who's friends attended the school, who was a stone's throw from the school and yet could not attend, that would also be an injustice. An injustice to the child, his family, the unity with the community and to the original intent of the Founding Members who sought to provide that service, if you will. I have a caring heart and feel for the parents who presented to you yesterday, but in the same vein, I would not want my child "passed over" and bused over the hill for the reasons that I have already mentioned.

This is not an elitist effort to isolate and create a homogeneous school full of autocratic students, but merely a local school for our children. I do not know the exact numbers, but I do believe that we, as residents, do NOT hold the majority of the student positions at the school. We are the minority and may never hold a majority. But I do know one thing for certain- at the end of the day- I know that my neighbors in Hidden Springs hold the key to success (or failure) and have a vested interest in the school's success and should be allowed to attend a school that is right there around the corner -not passed over so that another child from another district can attend a school across the street from our house. Thank you, Mr. Chairman and Committee Members. I appreciate your time." End quote

Questions

In response to a question from Senator Andreason about how students were selected for Hidden Springs Charter School and school attendance's area being determined by boundaries, Ms. Heubach stated that the Hidden Spring Charter states what those selection criteria are and stated that those boundaries are determined by a geographic area.

In response to a question from Senator Gannon about actively recruiting outside the preference area and why, Ms. Heubach stated that they advertised

in the paper but did not recruit. The reason being was at the time Dry Creek, our preference area, was not fully developed and there was not enough students to fill the school.

Senator Burkett gave a scenario of founder's children verse siblings of current students and new residents of Dry Creek area and who should be allowed into the school, to which Ms. Heubach answered that in her opinion it was meant to be a community school so the new resident should have priority over siblings who do not live in the Dry Creek area. The intent was to have a school right across the street for their children to attend. She also stated that there are 6 other options in the area for Charter schools and Hidden Springs should be the Dry Creek neighborhood's first option.

Senator Schroeder explained that the issue of siblings was an important consideration when Charter School legislation was first written. The funding is also an issue since it is public money and public interest in the school. Senator Schroeder asked why not just build a bigger school so more children can attend Hidden Springs Charter School.

Ms. Heubach stated that there needs to be a governing agency. In her opinion, the Boise School district should be that agency, and that there are guidelines in place which they have been conducting since the beginning. She believes that the intent of this community school was to have a smaller school with a lower teacher to student ratio and building a bigger school was not only an issue of funding but would also defeat the purpose of the founders.

Nora Faeth testified in opposition to the S1170 specifically subsection J. She lives outside the preference area and currently has 2 children in Hidden Springs with one more child to start school in 2007 which she would love to have the ability, with sibling preference, to have her last child could attend the Charter. As the Charter was originally written and approved it does give siblings preference although that is not what the board is following. She stated the action is not justified to separate families. There are so many other factors today separating families and keeping them apart. Why not keep siblings together? She would like to see the current people allowed back in as they are now, then founders, teachers and then all siblings before attendance area. She asked the committee to either amend this bill or return it to the sponsor.

There were no questions for Ms. Faeth

Senator Schroeder asked if someone from the State Department could look at the language of Hidden Springs Charter and talk to the committee about it so that there is clarification as to what the Charter intent really was. Dr. Farley stated he would get that information for the committee as soon as possible.

Testimony

Juliana Knudson stated she appreciates the hard effort that the founders put into establishing the Charter School. She feels that the founders children are given a priority in the legislation when it was revised in S 1170. Founders preference is not being taken away. She respectfully requests that subsection J as revised, be removed and instead the section be reamended that should a Charter School want to give admission preference there should be only one option, they have to do it as follows, pupils returning, founders not to exceed 10%, teachers, siblings and then the attendance area. She had a copy of the

Hidden Spring Charter and read from the enrollment procedures "preference will be given to siblings of pupils already enrolled in Hidden Springs Charter school or already selected by the lottery." She asked them to not change anything but just follow the Charter as it was intended.

Questions

Senator Burkett asked if the provision regarding preferences was enacted after or before the Hidden Springs Charter.

Ms. Knudson replied that the Hidden Springs Charter was amended and restated in 2001 and this legislation was enacted about a year ago as S 1444.

There was a short discussion about what was in the code prior to S 1444 to which Mr. Farley stated that preferential admission policy has always been in the Charter School law but has never been well defined and over time that has been tweaked which last year came up as S 1444 which is what brought it to the current language.

There were no further questions to Ms. Knudson and Ms. Heubach was allowed to answer some questions which came up.

Ms. Heubach stated that the board had to clarify what was written in the Charter and established a selection criteria based on the way they interpreted what was written in the Charter. They then answered to the Boise School District to clarify the selection process that they came up with as a board of directors and asked if it was legal and the Boise School district, their governing body, stated it was.

After no further questions or discussion from the committee, Senator Goedde thanked Ms. Heubach and others for their testimony. This issue will be continued on Thursday.

SCR111

Senator Marley stated the purpose of this concurrent resolution is to establish a legislative goal for increasing the beginning and average salary levels for Idaho public school teachers, as well as other categories of public school employees.

Testimony

Quote "Members of the Senate Education Committee, good afternoon. My name is Jim Shackelford, and I am the Executive Director of the Idaho Education Association. It is my privilege this afternoon to participate in the presentation of Senate Concurrent Resolution 111. I have organized my remarks to follow the "whereas" portions of the resolution, and I hope they will be helpful in explaining what the resolution proposes and why we believe it is a most important matter for your consideration.

First, let me tell you what the resolution does. SCR 111 : recognizes the importance of teachers and other public school employees to the academic success of our state's students; and to establishes a goal that 4 years from now-beginning with the 2008-2009 school year-the state will support: a minimum teacher salary of \$35,000, an average teacher salary of at least \$55,000; and commensurate salary increases for other public school employees.

Idaho citizens have consistently indicated their recognition of the importance of our state's public schools to maintaining our democracy and to enhancing our economic vitality. And that same public consistently reports that they value the teachers in their community's schools, that they believe teachers are the most

critical factor-other than parents-in a child's educational growth, and that they believe teachers are sorely underpaid.

Additionally, nationally collected research clearly indicates that the success of our state's and nation's students depends largely on the quality of the individuals working in our public schools. In 1996 the National Commission on Teaching and America's Future published a seminal work, entitled *What Matters Most: Teaching and America's Future*. This report formed the basis for the creation of Idaho's MOST, a multi-year effort focused on improving teacher quality in our state. Idaho's MOST was created by the State Board of Education and financially supported by a very generous gift from the Albertson's Foundation.

The national publication *What Matters Most* had this to say about the essential role teachers play in the education of our children: "What teachers know and can do is the most important influence on what students learn. Recruiting, preparing, and retaining good teachers is the central strategy for improving our schools. School reform cannot succeed unless it focuses on creating the conditions in which teachers can teach and teach well." To attract and retain great public school educators, said the National Commission's report, what we pay them to decide to become a teacher and what we offer them to remain in the profession is a critical component in their considerations. As we all know, in recent years a growing number of demands have been placed on our schools, including the mandates of the No Child Left Behind act, greater and more frequent testing schedules, and the development of state standards and the alignment of curriculum to meet those standards. These dynamics, along with a growing host of social problems that children bring with them when they enter our school house doors, mean that teachers face the most complex and challenging-yet invigorating-times in the history of our profession. In recognition of the need to do more to attract new teachers to Idaho, the legislature has made an effort recently to increase Idaho's beginning teacher pay, which currently stands at \$27,500. And for that all of us in the profession say "thank you."

However, according to information from the American Federation of Teachers, for the 2003-2004 school year that beginning salary level placed Idaho at 41st in the nation. And, while recent legislatures have focused on increasing our beginning teacher pay, due to the state's economic circumstances the legislature has been unable to provide commensurate increases for experienced teachers. The state has not increased the minimum salary multiplier-which drives the salary allocation portion of our public school funding formula-since FY01. It was raised that year to \$23,210, and it remains at that level today. In the packets of information you have regarding this resolution, we have provided a history of the increases in the minimum salary multiplier since it was created in the mid-1990's. In addition to the fact that this multiplier has not been increased in the past 3 years, we have noted that the 10 year average increase in this figure is only 1.85% annually. Since many Idaho school districts use the state's salary allocation schedule to pay their teachers, thousands of Idaho teachers have received no pay raises for the past three years. How can that be? Last year the IEA estimated that almost 55% of Idaho's teachers were at the top step of one of their district's salary schedule columns. With no increase in the state's salary allocation base, districts did not receive any state assistance to provide pay raises for our most experienced educators. Additionally, and unfortunately, the discussions this year about increasing teacher pay are not encouraging. To complicate that, whereas a

generation or two ago the career opportunities for women-who predominately populate the teaching profession in Idaho-were limited, today virtually every occupation is encouraging women to consider joining their ranks. The result is much greater competition between education and the private sector for female workers, including those professions pointed out in lines 24 and 25 of this resolution. To those can be added the following beginning salaries for recent college graduates who majored in comparable professions: Computer science - \$49,000, Accounting --\$41,000, Business Administration --\$38,000. Beginning on line 29 SCR 111 refers to a particularly important rationale for the passage of this resolution. In the fall of 2002 Gov. Kempthorne appointed a task force of leading Idaho citizens to prepare a blueprint for the state to follow as we move toward the year 2020. As you can see, among the recommendations approved by that Task Force is the language found on lines 34-37 of this resolution. That recommendation forms the basis of the target numbers included in this resolution. For your information, the members of the 2020 Task Force Education Committee that developed this recommendation and brought it forward for the entire committee's consideration and approval included: Dr. Richard Hagood, President, Northwest Nazarene University, Jim McClure, former United States Senator, Archie Clemins, Retired Admiral, U.S. Navy and President and COO of Caribou Technologies, Ray Smelek, Chairman of the Board, Extended Systems, Inc., John Roberts, Washington Group International, Skip Oppenheimer, President and CEO, Oppenheimer Development, Steve Casey, Coeur d'Alene High School principal and currently president of the Idaho Association of School Administrators, Millie Flandro, Principal and former legislator, Pocatello, Sam Byrd, who, at the time, was serving as the Executive Director of the Idaho Migrant Council, Nancy Larsen, 2nd grade teacher, Coeur d'Alene and Idaho's 2000 Teacher of the Year. SCR 111 provides a blueprint for moving toward the achievement of the 2020 Task Force's recommendation. Finally, passage of this resolution tells Idaho's public school teachers and other employees that we expect our economy to turn around soon and that, when it does, we promise to recognize their dedication and success by making their salaries a priority. In conclusion, let me return briefly to the 1996 report produced by the National Commission on Teaching and America's Future: Said the commission: "...America's future depends now, as never before, on our ability to teach. If every citizen is to be prepared for a democratic society whose major product is knowledge, every teacher must know how to teach students in ways that help them reach high levels of intellectual and social competence. Every school must be organized to support powerful teaching and learning. Every school district must be able to find and keep good teachers. And every community must be focused on preparing students to become competent citizens and workers in a pluralistic, technological society." In 2003 the National Commission followed up its "What Matters Most" report with a publication titled "No Dream Denied: A Pledge to America's Children." In it the authors-29 nationally recognized leaders from politics, business, and education, had this to say about teachers, teaching, and the role compensation plays in today's public school setting: "If we know that high quality teaching makes a difference, why isn't every child in America getting it? The conventional wisdom is that we lack enough good teachers. But, the conventional wisdom is wrong. The real school staffing problem is teacher retention. Our inability to support high quality teaching in many of our schools is driven not by too few teachers entering the profession, but by too many leaving it for other jobs. The ability to create and maintain a quality teaching and

learning environment in a school is limited not by teacher supply, but by high turnover among the teachers who are already there—turnover that is only aggravated by hiring unqualified and under prepared replacements who leave teaching at very high rates. Pay matters. It impacts who decides to stay in teaching and who goes looking for greener pastures. Compensation systems signal what skills and attributes are valued and what kinds of contributions reap rewards. As a nation we say we value education, but what we pay teachers says otherwise. Good teachers are being driven away by the poor conditions under which they teach, the lack of professional respect they are accorded, and by scandalously low salary structures. ..It is time to increase teacher salaries to a competitive level that is commensurate with the contribution they make to our children and the nation." Thank you for the opportunity to help introduce this legislation to you. And I would be glad to try and answer any questions you might have." End quote

Questions

In response to questions from Senator Andreason concerning the average teachers age and salary, Mr. Shackelford stated upper 40's for age and around \$41,000 for salary.

Senator Jorgenson asked what the per capita income is in Idaho.

Mr. Shackelford replied that he did not know the exact number knows that it is less than \$40,000.

Senator Goedde questioned pay for performance and why that wasn't addressed in the bill, to which Mr. Shackelford stated that while his profession continues to believe that before they add on another way to determine teacher pay they needed to establish a fair and livable wage for current teachers. The resolution itself does not talk about the particular method of getting the average salary up to \$55,000, that issue will be debated in other arena's.

In response to another question from Senator Goedde about exit survey's of young educators and what the percentages were for compensation for teaching, Mr. Shackelford stated that compensation and the teaching and learning conditions, which are roughly equivalent, are the 2 biggest reasons given for leaving.

Testimony Kathy Phelan

Quote "I am Kathy Phelan, an elementary music teacher on leave from the McCall- Donnelly School District, currently serving as president of the Idaho Education Association. Before I begin my remarks, I would like to introduce my colleagues who have joined us today. They are: Cathy Moore from Cascade, Scott Hendrix from Meridian, Dawn Bunn from Buhl ,Teresa Borjian from Meridian, Bart Black from Marsh Valley, Don Kotschevar from Mullan, Jay Linsenbigler from Caldwell, and Karen Morrow from New Meadows. We are here today to urge your support for Senate Concurrent Resolution 111. This resolution will address the real needs of real teachers in Idaho. Teachers have told us, in very personal, compelling stories about the problems they and their families face because of inadequate salaries. I will share several of those stories with you this afternoon. These stories come from my colleagues in this room as well as others who were unable to attend this hearing. However, unless otherwise requested, I have changed the names in the stories to protect the privacy of the teachers who shared their personal information. SCR 111 asks you and your fellow legislators to set a goal for yourselves. That goal

would be to increase Idaho's beginning teacher salary to \$35,000 by 2008-2009, and by that same year, to fund the state's salary allocation, based on the experience and education table, so that the average salary for Idaho teachers will be no less than \$55,000. While those numbers might seem lofty, we did not pluck them out of thin air. The Governor's 2020 Blue Ribbon Task Force presented recommendations regarding the state's economic future to the Governor in October of 2003. One of those recommendations called for establishing a goal to "attract the brightest new educators, retain skilled, veteran educators, and increase expectations for performance," by, in part, adopting the following proposal: "Raise the beginning teacher salary starting in 2004 to reach \$35,000 by 2008 and adjust the current scale to reflect this increased base to provide a professional wage for teachers and principals. Provide funding from the state to meet this salary increase." The 2004 Idaho Legislature took a step in this direction by increasing the minimum entry level salary for teachers to \$27,500. And, in the past, the Legislature has provided sufficient funding to move the average salary paid Idaho teachers from the bottom 10 in the nation to the bottom 20. But those improvements have not been sustained and, in fact, the state's salary allocation base has not been increased since fiscal year 2001. Consequently, many Idaho teachers have not seen salary raises for several years. Let me share with you two stories about the effects of these decisions. The first story is from Emily, who is a second-year teacher. "I love working in the education system. I am a single mom with two young children, ages 4 and 2, trying to do the best I can for them and provide them with opportunities to learn and grow on top of the things they need. Yet, I live month-to-month, barely breaking even (and sometimes not even that) between my take-home pay and my bills. Even as a teacher, I still qualify for Women & Infant Children, or WIC, services. I could not survive without receiving WIC. Food is so expensive. "I live, literally, check to check. My children have medical insurance only because their father (my ex-husband) pays for it through his job. There is absolutely no way I could provide medical insurance for my children. I am not frivolous with my money. I don't spend it on outlandish things or the latest technology. I spend one-third of my income for childcare, one-third for rent, and the other one-third goes to car payments, insurance, utilities and food. I have absolutely nothing left over for extras. I will even go without to provide clothing or necessities for my children. "I work during the summer for additional income by teaching a summer school session. Because my check barely meets my bills, I do not have anything left over for the future. For an educator with a family to support the current pay scale does not meet our needs. I am not asking for an outlandish pay raise, just one that will allow me to provide more than just the minimum basics for my children and their future."

The second story comes from Roy, a more experienced teacher with a young family. Roy has been teaching junior high students for seven years. He still has \$27,000 in student loans to payoff. For additional income, he works at a lumber yard every summer and he coaches two sports. But health insurance premiums for his wife and four young children would eat up 20 percent of his gross income, so they are not insured. Until this year his family was covered by Medicaid. But the master's degree he recently completed pushed him out of Medicaid eligibility. During those first seven years he also qualified for food stamps for two years. He is, however, still eligible for WIC benefits. Recent research in the economics of education has demonstrated the importance of individual teachers for students' academic success. The best way to leave no

child behind is to make sure every classroom has a caring, committed, experienced, professional teacher. We need to recruit and retain good teachers, and that means offering competitive salaries at the start and as teachers become more experienced. Why competitive? Because Idaho "imports" about 40% of its teachers from other states. Because roughly one-third of Idaho's teachers are getting close to retirement age, and that figure is growing every year. Because the percentage of teachers in that "new to the profession" age group of 21-30 is declining every year. Because Idaho needs more teachers. The U.S. Department of Education projects Idaho's enrollment will increase by 15.1% between 2001 and 2013, the fourth largest enrollment increase in the nation. As career opportunities have improved outside of teaching, public schools have lost the captive pool they once had with respect to women --who make up over 75% of all kindergarten through 12th grade teachers --and are today forced to compete with more lucrative professions for the best college graduates. A recent study by the Northwest Federation of Community Organizations found that a family of two adults (one of whom is working full-time) with a toddler and a school-age child needs an annual income of \$38,081 for a "living wage." That figure is beyond the reach of many Idaho teachers. Let me tell you about two more Idaho teachers.

Polly just finished her master's degree and cannot afford to pay it back. She has taken a second job at Wal-Mart, working 33-38 hours a week so she can afford to make her car payment and rent. Her husband has medical problems that require medication that is not entirely covered by insurance. They cannot afford his medication. Fortunately, they have found a doctor who is willing to trade the medication for craftwork that Polly has done professionally. Polly's life is very challenged financially at the moment. Ben left the business world to become a teacher. He has earned a bachelor's degree and another 24 credits. Ben has been an Idaho teacher for nine years. He works hard to provide extra educational opportunities for his students. His drama students have worked with professional actors and appeared in public service television ads. Ben's newspaper students have interviewed Olympic athletes, professional football players and golfers, award-winning music groups, and television reporters. He has written grants that brought an extra \$4,000 to his classroom. Yet, he is frustrated because he is supposed to raise his students' reading comprehension levels but doesn't have enough books to send them home with students. Ben has coached three sports and his teams have won six championships over the last seven years. For all of this, his three children are on Medicaid and his family's income is within striking distance of poverty level. Ben is at a crossroads in his life. He knows he could make twice as much money if he returned to the business world. Ben wonders why his family must suffer financially because he wants "to make a difference" in the lives of children. He says, "Right now, I'm putting other people's kids before my own, and I can't continue to do so." An editorial in the Twin Falls Times News in January included this commentary: "When you're near the bottom in per-pupil spending, in the bottom third for teacher salary, but help students achieve in the top half of national rankings, it shows Idaho teachers giving more than they're getting." By passing Senate Concurrent Resolution 111 you will tell teachers the state of Idaho has set for itself a plan to respect and reward their remarkable efforts, a plan that honors the commitment Idaho teachers have demonstrated on behalf of Idaho's students and recognizes that salaries really do matter. Thank you" End Quote

Karen Marrow from McCall teaches in Meadow Valley, stated the average salary does sounds almost ok but stated that in the rural areas salary is much less than the average salary. She feels like her job is so important and she hears it being said that it is so important but she doesn't see the legislation behind it. "If it really truly is important then you would chose to really truly fund teacher salaries."

Bart Black from Marsh Valley School District. Mr. Black stated that last year he had two colleagues who left the state for better compensation in other states. It is a difficult decision to decide to stay in education in this state. Teachers have had many requirements placed on them to better education without any merit pay for that extra work.

When there were no questions for Mr. Black or Ms. Marrow, Senator Goedde thanked them for their testimony.

Motion Senator Andreason moved to send SCR111 to the Senate floor with recommendation of do pass. Motion was seconded by Senator Schroeder.

Discussion Senator Schroeder explained that he is in favor of SCR111 due to the task force which was put together by the governor which concluded that teacher salaries need to be raised, because it is good for the economy in Idaho. NCLB is going to require higher standards of our teachers and accountability so with those higher standards he feels since we are demanding a higher standard we should be willing to pay for it. He gave a handout to show the percentage of funding in education showing the percentages of funds toward teacher salaries had decreased.

Senator Burkett discussed his personal experience with teachers at Boise High School and stated that this High School was ranked 385th in the nation according to a Newsweek poll. The reason none of those teachers are present in the meeting is because they already have family wealth and are probably the best paid teachers in the state. Boise High is a great school. It's apparent to him why the other smaller schools in the state cannot have the same results and that's because they don't have the financial support. His other reason for supporting this bill was he moved some legislation that offered scholarships for students going into education and he has followed two students who received these scholarships and graduated in Idaho at the top of their class. Neither one are teaching in Idaho. He feels the time has come to address the issue.

Senator Goedde stated he cannot see how we can grant this increase that will make us 10th in the nation where the State of Idaho per capita is 45th in the nation. There is a huge disparity there and he thinks that to measure the ranking of teacher reimbursement at 10th to 45th, it would be the widest spread of any state in the nation. He has some real concerns there, it would be nice to give everyone a raise, but he does not know how to do that.

Senator Jorgenson thanked all the teachers that were there, but where as Idaho is 45th in per capita income in the nation and when you add in all the other taxes the per capita of income for Idaho is in the low 20's. He stated that a lot of those people don't have benefits either and he feels that if we had the revenue he would be all for raises. He is a product of the Idaho public school system but at the same time he has constituents that cannot afford to stay in

their homes because of raising taxes. To agree to something like this is difficult. He stated that to say sales tax is the solution is not the real solution because he feels that sales tax penalizes the low income more than it effects anyone else in Idaho. He sympathizes with the teachers and feels that the system needs to be fixed so there will be revenue to pay higher salaries. To ask people to pay more in salaries than they are currently making is a tough scenario.

Senator Gannon called for a question, Senator Jorgenson was opposed to the vote.

Vote

The motion to move SCR111 to the floor with a recommendation of do pass was voted on, Senator Jorgenson and Senator Goedde asked to be on record as voting no. Motion passed with a vote of 4 to 2. Senator Marley will carry the bill to the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 9, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman vacant, Senators Schroeder, Andreason, Gannon, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** Pearce
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- Presentation** Parents As Teachers Dr. Harriet Shaklee stated Parents as Teachers(PAT) is an international early childhood parent education program serving families from pregnancy until their child enters kindergarten. PAT is designed to enhance child development and school achievement through parent education accessible to all families. The PAT model includes four components: 1) Personal visits where parent educators share age-appropriate child development information with parents, help them observe their child's learning, address parental concerns, and engage the family in meaningful parent/child activities. 2) Group meetings provide opportunities for parents to develop a supportive network of other parents and give children a group play experience. 3) Screening for early identification of developmental delays of health, vision and hearing programs provide ongoing review of each child's development. 4) A resource network is created by the parent educator helping families identify and connect with needed resources and overcome barrier to accessing services. Dr. Shaklee introduced Michelle Welsh to present another program of PAT.
- Ms. Welsh explained the community outreach/partnerships and the experience she has had in working with the community to help continue the funding of PAT and other similar programs. Discussed the governor coordination council for children and families task force and book programs.
- Janica Hardin a mom in PAT. Explained that her family lives in Kuna a small town that has limited resources for families. They do have a small library, a small community park, and great small preschools and daycares, but there mostly support families with children ages three and older. They were then introduced to a program called PAT, which supports families with children. It is a home visiting program with many valuable attributes to offer a community and more importantly families and children. She choose to share something dear to her heart. Like many, both she and her husband work and are raising a family. Daily life never offers enough time for them. What is even more challenging is that her husband works a graveyard shift so their time together as a family is irregular and infrequent. They can count on, a once a

month visit from Shawna, their parent educator, who comes with all the supplies and information for them to spend an hour of time together as a family doing an activity. It is an activity using regular household things. It is simple, but rich with learning opportunities for each of them. Their daughter is comfortable with Shawna and Ms. Hardin appreciates that and Shawna helps her daughter to meet and make new friends. She concluded by saying that she cannot speak enough about the blessings PAT has brought to her family.

- Questions** Senator Goedde asked Ms. Welsh about her education level, she stated she has a BS in Elementary Education and is getting her Masters in Early Childhood Development.
- After no further questions or discussion from the committee, Senator Goedde thanked Dr. Shaklee, Ms. Welsh and Ms. Hardin for their presentation.
- H16** Karen Echeverria presented the bill by stating the purpose of this legislation is to make structure consistent for all colleges, universities, and executive agencies of the State Board of Education.
- There was a short discussion about the reason for the past language by Senator Burkett, but Ms. Echeverria stated it was researched by their legal council and no reason could be determined for the old language.
- Motion** Senator Andreason moved to send H16 to the Senator floor with recommendation of do pass. Motion was seconded by Senator Jorgenson. Senator Jorgenson will carry the bill to the floor.
- SCR 114** Senator Marley presented the resolution by stating it relates to civic education and urges the Secretary of State to convene a summit for civic learning, providing composition of the committee and requiring a report.
- There was a short discussion about local government and where the concentration level would be placed.
- Representative Trail shared some personal experience of seeing civic education in the public schools that he considers a worthwhile endeavor.
- Motion** Senator Jorgenson moved to send SCR114 to the floor with a recommendation of do pass. Motion was seconded by Senator Gannon.
- A voice vote indicated that it was unanimous.
- SCR 115** Senator Marley presented the resolution by stating the intent is to encourage support and advance the educational experience in international study and cultural awareness. He related his personal experience with international study and taking students for 21 years to Europe. He has seen tremendous growth of the students, stronger pride in their country and feels that what American student know about other nations and cultures is minimal to what other nations know about America.
- Representative Trail expressed his desire for this resolution as he has lived outside the U.S. for 12 years and appreciates what he has gained from that experience.

Motion

Senator Gannon moved to send SCR115 to the floor with a recommendation of do pass. Motion was seconded by Senator Jorgenson. A voice vote indicated that it was unanimous. Senator Marley will carry the bill to the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 10, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman vacant, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** none
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- S1170** Karen Echeverria presented a handout which answered questions asked by the committee for S 1170. She stated, Section 33-5205(3)(j), page 6, lines 54 and 55. Why were the words "equitable selection process" added? This language was inserted because it appeared as existing language in the part of the statute that is being proposed to be deleted. The existing language can be found on page 7, lines 9 and 10. The Commission was attempting to mirror the language that already existed in the statute. Section 33-5205(3)(p), page 7, lines 47-49. Why is this Section being proposed to be removed? This section is being proposed for deletion because the new charter revision and revocation procedures added in SB1444 (Section 33-5209(2), Idaho Code) now clarifies the procedure for resolving issues between charter schools and authorized chartering entities. The processes in petitions coming before the Commission were lengthy and cumbersome. The Commission felt that having this requirement in the petition limits how an authorized entity may interact with the school when there is a problem. Attached to this memo is an example of dispute resolution language that the Commission was reviewing. Section 33-5206, page 9, line 48. What is the applicable law referenced in this section? The applicable law is Section 33-601, Idaho Code, Real and Personal Property Acquisition, Use or Disposal of Same.
- Senator Goedde spoke of a handout he gave to the Senators which had amended language for subsection J.
- Motion** Senator Jorgenson moved to send S 1170 to the 14th order. Motion was seconded by Senator Pearce.
- Senator Schroeder moved a substitute motion to hold S 1170 in committee. Motion was seconded by Senator Gannon.
- Discussion** Senator Schroeder stated "What's happening here is if we send this to the amending order, certain folks will put out a "green sheet" and lobby th body down there not to approve the amendments and we will have achieved

nothing. So what we need to do is have the people write a new bill with the corrections in it and bring it back.”

Senator Pearce asked for some clarification to Senator Schroeder’s motion. To which Senator Schroeder replied, “What will happen is, we want to send this bill to the amending order, to amend it. If in fact we are not able to amend it, then it will pass as it is and we will not get the corrections that we want. When we send this bill down there, a group will lobby and send a “green sheet” out not to approve the amendments. Then this will go to the floor and pass. So if we really want these amendments in place we need to get another bill with amendments written in it.”

Senator Pearce stated that if these are friendly amendments with the State Board of Education’s approval then he doesn’t see any advantage of worrying about losing it in the 14th order. He feels if these requests come from the State Board of Education he doesn’t think that killing the bill is right.

Senator Schroeder responded by saying there is a difference between the State Board of Education and the people who want to see this bill pass without amendments. He thinks we need to write another bill and start over.

Senator Goedde suggested that if the support for the amendments was not forthcoming he would stand by Senator Schroeder and debate in favor of defeating the bill, but he did not see that being the case.

Vote

Roll call vote was called for substitute motion Aye: Schroeder, Andreason, Gannon, Marley, Burkett. Nay: Goedde, Pearce, Jorgenson

Substitute motion passed, S 1170 was held in committee.

S 1173

John Watts, legislative advisor of the Idaho School Board Association. The purpose of this legislation is to amend Idaho Code 33-1216 to provide that only certificated and non-certificated employees of any school district or charter school district who regularly work twenty hours or more per week be entitled to one (1) day of sick leave, proportionate to the hours they have worked per day, for each month of service in which they work a majority of that month.

Mr. Watts gave a history of sick leave taken in school districts and court decisions that were made which made this legislation necessary. He also stated that Idaho School Board Association (ISBA) trustees asked that this legislation come forward following the Supreme Court ruling which interpreted any employee in a school district be allowed sick leave.

Questions

In response to an inquiry from Senator Andreason about 20 hour weeks verses 40 hour weeks, Mr. Watts explained that is why the bill states 20 or more so they were able to capture those who were at full time status.

Senator Marley asked how many people they were talking about who would be affected by this bill.

Mr. Watts yielded this question to Dr. Mike Friend, who stated there are two categories, certificated teachers and administrators who work part-time which

is approximately 300 and 3,000 part-time classified employees.

Testimony

Jim Shackelford Executive Director Idaho Education Association, stated their organization disagrees with the ISBA on this legislation. They believe it is appropriate for people who work in the public school district to be provided with a very minimum benefit of some kind of sick leave for each month that they work. He gave several examples of bus drivers, lunch workers, and teacher aids. He also pointed out lines 12 and 13 state this law applies to both certificated and non-certificated employees, which is referring to half time teachers too. They do not feel it is good public policy to encourage employees to come to work when they are sick. Under this provision teachers are being asked to not only make a health decision when they are ill but also an economic decision. The organization feels strongly that people who work in the public schools need to be allowed sick leave benefits for several reasons. They also feel that this statute changes long-standing public policy regarding how sick leave is provided and administered for teachers and other employees in school districts.

Questions

In response to Senator Goedde's question about monthly salaries for certificated full-time and part-time teachers, Mr. Shackelford stated that certificated teachers, both full and part-time are on salary set up by each district. Following that explanation Senator Goedde commented that he would like Mr. Watts to explain how certificated part-time teachers fit into this bill.

Senator Schroeder asked if a part-time employee, speaking of substitutes, is entitled to sick leave if they are called into work one day and do not work because they are sick and consequently end up not working one day that month. He followed up by asking if that really happens. Mr. Shackelford stated that was correct for a substitute to be entitled to a sick day, but they do not believe that is really happening in the school districts.

The question came up about the definition of an employee, to which Mr. Waddoups stated they have been told by their legal council that anyone who receives a W2 is an employee and all those employees who receive a W2 are entitled to sick leave. He read from the Supreme Court's ruling "An employee is entitled to take his or her total amount of sick leave at the beginning of the employment year. The employee does not have to first work a month in order to earn a day of sick leave."

Mr. Shackelford concluded by saying that if they pass this bill they will not only be saying that all employees who work less than 20 hours will be denied any kind of sick leave benefit but they will also be saying to all the school teachers who are on a half time contract they will also lose their sick leave benefit.

Jim Correia, controller from the Meridian School District, stated that he is here because of the concern about substitute teachers. Substitutes are not subcontractors, they are employees for the district. They have no control over when they work. Unfortunately the decision of the court is anybody who works for the district is an employee and deserves sick leave which includes any substitute.

In response to a question from Senator Andreason about lunch room

employees, Mr. Correia stated that it varies, quite a few of them exceed 4 hours a day. Some come in part-time while the children are being feed and to help clean up, those part-time are currently not given sick leave, although if the committee does not pass this bill, according to the Supreme Court ruling, the districts are going to have to start giving sick leave to all employees.

Bruce Gestrin, Assistant Superintendent of the Meridian School District, stood in favor of the bill. He asked why should the districts and how could the district pay sporadic employees sick leave. He appreciated this bill coming forward as it kept in line with PERSI regulations.

Senator Marley asked if they put in the bill, just employees who regularly worked, would that take care of the substitute issue. Mr. Gestrin suggested that then there would have to be a definition of "regularly" which could be open to all kinds of interpretations. They prefer the 20 hours to be in the bill. The absurdity of the letter of the law is what they hoped this bill will cover.

There was a short discussion about the current interpretation of an employee, and a copy of the court decision was passed out. They also discussed interpretation of the attorney that the school districts have been quoting. Senator Schroeder requested that they get the Attorney Generals opinion. Senator Burkett suggested having the Attorney General also define "regularly" in reference to time worked.

Mike Chatterton for Idaho Association of School Business officials, president elect. Stated at in a time when school districts are facing budget cuts, staff reduction, classroom supply decreases, textbook replacement decreases, we are now looking at even less money going into the classrooms for instruction. This ruling from the Supreme Court will not only cost school districts more money in substitute salaries, but it will take away from funding of programs. The district's budgets should be used for the classroom and to reduce student teacher ratios.

Bruce Muir, Business Manager of Vallivue School District, wanted to offer his opinion. He was concerned about the very narrow interpretation of the court definition of an employee. As a business manager, he found these rulings to be unlogical.

Testimony

Teresa Molitor from Idaho Association of Commerce and Industry (IACI) stated she is not here to testify on S 1173, she was here to correct the record regarding S 1170. Her understanding was earlier today in committee a representation was made by Senator Schroeder that a certain organization would put out a "green sheet" against a bill the committee was considering. IACI had taken a position in favor of that bill and would also have taken a position in favor of that bill with amendments. She stated they try hard to be accurate at IACI, if there are questions about IACI position on bills, Ms. Molitor told the committee they can ask her or consult their weekly legislative report. She did not ask the committee to reconsider the vote on S 1170 but reiterated she was here to correct the record regarding IACI's support of S 1170.

Testimony

Dr. Mike Friend Executive Director of Idaho Association of School Administrators, stated that the data that Senator Marley asked for earlier did not include substitute teachers and just wanted to clarify that. They are also in

favor of this bill

Questions

Senator Schroeder asked if both issues of who regularly worked 20 hours per week and proportionality were necessary to satisfy the Supreme Court decision. Dr. Friend replied that, as he read the court ruling, he felt that both are part of that decision and needed to be addressed in the proposed bill.

Brian Mendenhall, Business Manager from the Preston School District, stated that employees who work 20 hours or more are entitled to sick leave. They were told they are discriminating against classified vs. certificated. He asked for the Senators to support this bill.

Discussion

Senator Goedde will ask the Attorney Generals for an opinion of employees as it related to the supreme court decision and the bill is going to be held until they receive that information.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 14, 2005
TIME: 3:00 p.m.
PLACE: Room 433
MEMBERS PRESENT: Chairman Goedde, Vice Chairman vacant, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley
MEMBERS ABSENT/ EXCUSED: None
MINUTES: Meeting was called to order by Senator Goedde, the secretary was asked to take a silent roll.

Senator Goedde asked for the committee's unanimous consent for the meeting minutes of February 15th, 21st, 22nd, 28th, March 1st, 3rd, 7th, 8th, and 9th to be approved. Hearing no dissent, the minutes were approved.

H17 Harvey Lyter stated the reason for H17 was current statute did not allow the agency sufficient authority in payroll methodology and procedural controls to provide for a year-round benefit's package and stable income for all its employees. The change was focused equally on its benefits to the employees as it is to creating stability for the agency. Idaho School for the Deaf and the Blind invests significant resources in staff training in order to ensure the quality of hands-on service to its unique and sensitive clientele. Without the stability provided by these statute changes, an adequate, well-trained workforce cannot be reasonably assured, and the quality and delivery of agency services to its primary clients is degraded.

Motion Senator Marley moved to send H17 to the consent calendar. Motion was seconded by Senator Jorgenson. A voice vote indicated that it was unanimous. Motion passed.

H18 Dana Kelly presented a handout to the committee. A copy of Ms. Kelly's handout is attachment #1.

Motion Senator Gannon moved to send H18 to the floor with recommendation of do pass. Motion was seconded by Senator Andreason. A voice vote indicated that it was unanimous. Senator Gannon will carry the bill to the floor.

H231 Representative Shirley stated the purpose of this legislation is to grant the State Board of Education the authority to set fees, including tuition fees, for all resident and nonresident students attending Boise State University, Idaho State University, and Lewis-Clark State College. The University of Idaho is not included due to the constitutional charter of the University. The purpose of this legislation is not to increase student fees. Rather, it is designed to clarify the purposes for which those funds may be used. The reason this legislation is needed is that the current tuition prohibition sets restrictions on the fees paid by the students and hinders college and universities from being responsive to student needs. Since the fees collected from the students cannot be used for instructional costs, the students cannot have their fees used to support core instructional activities, i.e., faculty salaries, additional faculty, library support. He stated, as a student, there is nothing more frustrating than to find they cannot register for the classes they need and want to graduate in a timely manner. There are some who have expressed concern that H231 will raise student tuition/fees at a more rapid rate than is presently occurring. If he thought that using student fees would raise

the cost of tuition, he would not be willing to assist in carrying the bill. He reiterated that this bill would not affect the amount of fees students will pay. He explained the cost of fees in the state of Idaho, they have raised 7-10% in the last decade but concluded that Idaho tuition costs are still a bargain when compared to the other 15 western states in our region. This is a win-win deal for both the students and administrators. Representative Shirley yielded to Gary Stivers.

Gary Stivers, Executive Director of the State Board of Education, stated that this bill is to create flexibility in the way institutions can use their funds as opposed to a bill to raise student fees. This change does not affect the University of Idaho but President White supports this legislation. As admissions have increased at these institutions, administrations have had to move fees to be used for the cost of instruction. This process of reallocation is imposed by statutory limitations. Mr. Stivers explained the breakdown of the legislation. (See Attachment #2) He concluded that in order to help the students of these institutions this legislation needed to pass and stated that the State Board of Education is dedicated to keep the cost of higher education affordable.

A handout from Mark Dunham, BSU Director of Government Relations was in the Senators' folders addressing the misconceptions of the bill. (The handout is attachment #3.)

Questions

Senator Andreason asked if the State Board of Education would send a letter of assurance that tuition will not be raised due to H231. Mr. Stivers said he would get a letter to the committee.

Senator Jorgenson stated that the only other option would be to raise taxes. Mr. Stivers responded that the Board just went through a study called New Direction, which looked at funding higher education. The Board would like to see those funds come from the state or other resources to fund higher education rather than from students. Without this flexibility, the result could be turning away students or students not being able to take the necessary classes which takes them longer and costs students more.

Senator Pearce asked if there was a danger of a lawsuit if this legislation passed. Mr. Stivers explained that the State of Idaho is different from other states that have had law suits. The institutions are extremely careful in making sure they are not using money inappropriately. That is why they currently have to move funds through the current codes to show the funds are used correctly.

Testimony

Jason Lang spoke in opposition to H231. Attached is a copy of his testimony. Attachment # 4

Kevin Satterlee, from BSU counsel, was asked by Mr. Stivers to be available to address how student fees are set on his campus. BSU has a process on campus where everyone can talk about and request how student fees will be used. When they go through the process, they have hearings where people are free to testify on how they want their student fees spent. Last year BSU, which included administration and student requests, asked for a 15% increase from the State Board of Education. The State Board of Education stated they would not allow fees to increase that much. BSU then lowered it to 10%, to which the State Board of Education said they did not want to raise student fees 10%. Eventually they settled on 8.26%. There is a process to raise fees that is required by the State Board of Education to make sure those funds are used appropriately. The State Board of Education cannot define the matriculation fees into the cost of instruction. There is a carryover balance every year, and every year it is student fee money which cannot be used for matriculation. They can use it for new parking lots or a new roof on a building, but not on a TV in a classroom that is used for instruction.

Arielle Anderson was in opposition of this bill, she felt this issue has not been discussed

on campus enough for the students to be aware of the change and asked the Senators to vote against this legislation.

Daniel Clegg is a freshman at BSU and stated if this legislation were to pass he would have to drop out of school because the cost of tuition would be more than he can afford.

Senator Andreason asked if this legislation were to fail if Mr. Clegg thought it possible that his student fees could increase by as much as 10% next year. Mr. Clegg responded that "regardless of what happens, fees or tuition is going to increase next year, you can't stop progress."

Tabielle Antchekov was in opposition of this bill. Attached is a copy of her testimony. Attachment # 5

Jeff Heinz was in opposition of this bill. He stated "By supporting this legislation it would have a very negative impact on the state's economy. By robbing every Idaho business of potential consumers and rob the state's budget of the associated tax revenue generated by the people that would possibly be prisoners, if their education did not remain fully subsidized."

Victoria Hamrick was in opposition of this bill. In her testimony, she stated she was not able to register for a class because it was full, but she would rather wait a year to take the class than have her tuition increase.

Senator Pearce stated that the reason for this legislation is to hire new teachers for the classes and instruction so that Ms. Hamrick would not have to wait a year when her required classes were full. He then asked if she had some reassurance that the legislation would not raise her fees, would she support the bill? Ms. Hamrick stated she is "afraid that if they raise tuition it will be too high for her to even afford to go to school." She would rather wait to take the class than have her fees increase.

Pamela MaGee was in opposition of this bill. Attached is a copy of her testimony. Attachment # 6

Robert Geddes, lobbyist for Idaho State University, was in favor of this bill. He knows this legislation is to help the students and stated that ISU supports this bill, they think it will allow for a better education and to accommodate the students more beneficially.

Tom Labrecque, ASBSU President, was in opposition of this bill. Attached is a copy of his testimony. Attachment # 7

Tim Flaherty, ASBSU Senator, was in opposition of this bill. Attached is a copy of his testimony. Attachment # 8

Wyatt Parke, ASBSU Senator, was in opposition of this bill. Attached is a copy of his testimony. Attachment # 9

LaTisha Clark, ASBSU Senator, was in opposition of this bill. Attached is a copy of her testimony. Attachment #10

Kamron Ahmed, ASBSU Senator, was in opposition of this bill. Attached is a copy of his testimony. Attachment # 11

Hank Harris was in opposition of this legislation and stated he thinks the State Board of Education should be fired for their terrible job of oversight of funds and said that the legislature should have oversight instead.

Carl Shurtliff, an Attorney in Boise, was here as a lawyer for the Associated Students of Boise State and Lewis-Clark State College. He stated the cost of education is not a cost, it's an investment for the future. He told the Senators that they were being asked to change the paradigm that has guided the educational system throughout Idaho's history, which is a tuition free higher education. He wanted the committee to know that there are some people, who are not students, that were opposed to this legislation because it creates a new philosophical change. This legislation is asking these students to pay tuition when he did not have to pay it when he attended college in Idaho, which is unfair.

Glenn Miles was in opposition to this legislation. He stated that in the original charter, it states no in-state tuition. He suggested that they go back and read the original charter. If they did, he stated they would find that they have been illegally charging tuition in some form or another. The legislatures are the authors of that original tuition, and he felt that this legislator's were in violation of the 14th amendment and would end up in a law suit. He asked that this legislation be held for another year so that the legislator's could think about it more before they made any changes to the original authors intent.

Katie Whittier, ASUI Lobbyist, was in opposition to this bill. She read a letter from Autumn Hansen, President of ASUOfI. Attached is a copy of the letter and an e-mail to Senator Goedde from Ms. Whittier stating her position. Attachment # 12

Ryan McBride, Student Lobbyist for ISU, was in opposition to this bill. He stated the history of the state, over the last twenty years, shows their decreasing support of higher education. This bill only encourages that trend. If fees go up any more, he knows students who will have to drop out of school.

Sid Anderson, student Lobbyist for BSU, was in opposition of this bill. Attached is a copy of his testimony. Attachment # 13

Chris Pentico was in opposition of this bill.

Motion

Senator Burkett stated he saw a whole bunch of issues being raised in what was just supposed to be flexibility for the use of funds. From the students' perspective there is a shift in state policy which is putting more emphasis on student fees and give's leniency to the state to fund higher education less. He doesn't see the emergency in this legislation, he felt they should give the bill more time for the two sides to come to an agreement and moved to hold H231 in committee. Motion was seconded by Senator Marley.

Senator Pearce made a substitute motion to send H231 to the floor with a recommendation of do pass. Motion was seconded by Senator Gannon.

Discussion

Senator Gannon stated the education committee heard the University Presidents give an annual report this session. He felt they were strong individuals who were strong leaders running the universities in Idaho. The committee heard from the State Board of Education members come in and discuss the difficulties they are faced with every year in setting student fees. He feels confident that they truly want to keep down the cost of education. He concluded that if the legislation goes wrong, if passed, the State Board of Education will be in front of this committee explaining what went wrong, and for that reason he was going to support the substitute motion.

Senator Andreason commented that he is highly disturbed by the lack of understanding of the students that the use of this fee structure would be for tuition which would include instruction, which would be to their advantage in the classroom. He stated he is going to support this bill because he felt it would free up the institution's ability to increase the number of classes.

Senator Schroeder stated the students have figured out what is going on, and each year the higher education receives less support. This means the students are going to have to support higher education themselves. This legislation will not stop students from going to college because they know that it is the key to success in life; the more education they get, the more money they are going to make, the more success they will have in life. The debt loads are increasing for students, and he is going to side with the students on this issue. He does not believe that this legislation will keep institutions or the State Board of Education from raising fees. He concluded that he thinks they should hold this for a year or two so they can think about and come back with a better bill.

Senator Jorgenson addressed the students by stating the business of tuition verses fees is a mystical difference. Whatever you call it when you write out the check it is still the same. When an institution is dealing with mystical difference, the money is still the consonant; they need to step up and deal with what the issues are. He stated he does not want the students to feel abandoned, but the only other alternative is increased property tax. In a state with one of the lowest per capita income in the U.S., property tax in not the answer. Sixty-five percent of the entire state's budget this year has been appropriated to education, which clearly had showed him that education was not abandoned. He concluded he was going to support the bill.

Senator Marley stated he feels that they are changing directions on education. He thinks that they are turning their back on education and student fees will be increased by 10% a year. In a state where there is the lowest number of high school seniors attending college and also one of the lowest retention rates in the U.S., he stated one of the major reasons for these issues was due to the increase of fees. He cannot support this legislation.

Senator Pearce stated that when we look at the figures, the dollars spent on state education is still increasing, although it may not be per student because of growth. He had four children last year in college, and he is very aware of the cost of tuition and fees. The reality of it all is the institutions need the flexibility. He did not feel that they were turning their backs on education and concluded that higher education has never looked better in the state. He was going to support this bill.

Voting

The substitute motion to send H231 to the floor with a do pass recommendation. Roll call vote was called. Aye: Goedde, Andreason, Gannon, Pearce, Jorgenson. Nay: Schroeder, Burkett, Marley. Motion passed. Senator Goedde and Senator Pearce will carry the bill to the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 15, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman vacant, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

MINUTES: Meeting was called to order by Senator Goedde, the secretary was asked to take a silent roll.

S1170 Senator Schroeder moved to send S1170 to the 14th order. Motion was seconded by Senator Gannon.

There was a short discussion concerning the proposed amendments. A voice vote indicated that it was unanimous.

S1147 Senator Burkett presented the legislation. The purpose of this legislation is to amend Idaho Code 33-514A to define the situations under which a school district may issue a limited one year contract, which may also be referred to as a category 1 contract.

Testimony Dr. Cliff Green, Executive Director of the Idaho School Board Association (ISBA), stated they are opposed to this bill. This bill reduces local control and flexibility and explained that rural areas will not benefit from this legislation. Also, the ISBA is unclear as to the reason for this legislation, it removes at will employment and seems unnecessary. Before he concluded, he informed the committee that Paul Powell of the Charter School commission was not able to come to the meeting today and asked Dr. Green to tell the committee that the Charter School commission is also opposed to this bill.

Dr. Friend, Executive Director, Idaho Association of School Administrators, stated they are also in opposition to this bill. He stated that this proposed legislation eliminates the purpose of the original bill as it is written. The original intent was to allow a school district, who did not have a candidate for employment by August 1st, to use a single year contract. This legislation does not allow for that flexibility.

Mr. Eikum, Executive Director, Idaho Rural School Association stated he too was in opposition. Rural schools do not have a pool of candidates to choose from. Most of their teachers were hired after August 1st and unless that part of the legislation was amended they could not support this bill.

Kathy Phelan, President of the IEA, stated the limited contract, known as a

Category 1 contract, was enacted to give boards of trustees an emergency hiring option. Any certificated employee hired after August 1 could be issued a one year terminal contract if the district needed to fill a position right away and did not have sufficient time to perform a thorough recruitment/hiring process. The law was enacted with the understanding that this option would be used in unforeseen or emergency situations only. Unfortunately since 1997, the number of Category 1 Contracts issued has grown every year. This year, 660 of the estimated 1200 new teachers hired in Idaho (55%) have been issued Category 1 Contracts-a 21% increase since the 2002-03 school year. That statistic calls for a clear definition of what constitutes unforeseen or emergency circumstances. SB 1147 provides that clarity. Please support SB 1147.

Motion Senator Marley moved to send S1147 to the 14th order. Motion was seconded by Senator Burkett.

Discussion Senator Marley stated that he felt this bill allowed for flexibility. What he sees happening in districts, as a general practice, is hiring a teacher for one year and just placing them in the classroom because they are only going to be there for one year. The district does not try to invest anything more into these teachers since they are only going to be there for one year. It is a disservice to the profession and the students.

Motion Senator Jorgenson made a substitute motion to hold S1147 in committee. Motion was seconded by Senator Pearce.

Discussion Senator Gannon called around to the 7 rural school districts in his area and asked the superintendents how they felt about this legislation and all of them are very concerned about this bill for the very scenario's that were brought forth today. They start on a teacher search and have difficulty finding a good candidate. This legislation forces them when they are making a late hire to put that person under a normal contract. That person might be their only option but not the option that they really want. This legislation does not give them any flexibility. He is going to support the substitute motion.

Senator Burkett stated that he was not in the Senate in 1997 when this original legislation was brought forward but he did not see the words "at will" in category one contracts. He felt that was not the intent at the time to have "at will" and would like to see the committee support teachers and take out the "at will" hiring opinion.

Senator Jorgenson reviewed some material which showed that last year there were about 1800 teaching positions around the state available, of that there were only 9000 applicants. That showed him there were a lot of applicants for these jobs and they needed to give school districts the flexibility to hire the right person. He then called for the question.

Vote Senator Schroeder called for roll call vote. Voting on limiting debate. Nay: Schroeder, Andreason, Marley, Burkett Goedde. Aye: Pearce, Gannon, Jorgenson. Motion failed, debate continued

Discussion Senator Andreason stated he was going to support the bill. He stated even though there were 9000 applicants last year, rural school districts were having difficulty getting teachers to apply in their districts during the August to September start date. This gives the school district the opportunity to hire and

accept a teacher who has applied and hire that teacher for a year to see how they work out before they go to a longer period of time.

Vote

Roll call vote was called by Senator Schroeder. Vote on substitute motion to hold S1147 in committee. Nay: Schroeder, Andreason, Marley, Burkett. Aye: Pearce, Gannon, Jorgenson, Goedde. Motion failed.

Vote on original motion to send S 1147 to the 14th order. Nay: Pearce, Gannon, Jorgenson. Aye Goedde, Schroeder, Andreason, Marley, Burkett. Motion carried.

H202

Representative Smylie has been a teacher in the Boise Meridian school district for 28 years present this bill. The "disruption of the educational process" law has been used by school officials, school resource officers, and other educators as a tool to maintain appropriate discipline and safety in Idaho's schools. A court ruling in May, 2004, however, pointed out that Idaho Code did not specifically include students as persons who could disrupt the educational process. This bill corrects this situation and allows school officials to use this tool.

Testimony

Detective Petty, a police officer in Boise working in the Boise school district. He explained the need for this bill is they have no specific law that deals with students in a classroom or off campus setting that is so specific as to deal with a child who chooses to act inappropriately. School districts have tons of rules to deal with the students but they can not mandate the parents to come to the school when their child is being disruptive. This is sacrificing the other students in the classroom and empowering the one student who is acting inappropriately. This legislation is a tool to be used by law enforcement officers to assist administrators with their mandated responsibility to provide an educational opportunity to the children, in an environment that is free of inside and outside disruptions. It allows officers to utilize the juvenile court in the rare times when the student is beyond even the control of his/her parents and the schools administration. By involving the juvenile court to provide input and control.

Senator Jorgenson asked about special needs children and how they fit in this legislation. Representative Smylie stated this law is for regular disruptive children who do not want to be at school or commit behaviors that go beyond what you can handle in a normal disciplinary manner. He stated most of the concern with this legislation is directed to special needs children but that is not the intent of the bill. There was a short discussion about the difference of disability and behavioral and how that distinction is made.

Senator Lodge who has been a teacher for 35 years and from personal experience stated that the number one concern of a teacher is to have control in their classroom and she felt that this bill would help the teachers in that process and asked that the committee support this bill.

Dr. West from the State Department of Education was in favor of this legislation attached is a copy of his testimony. Attachment #1

Tracy Warren, Program Specialist of the Idaho Council on Developmental Disabilities (ICDD), gave a hand out about why the ICDD was in opposition to

this bill. A copy of Ms. Warren's hand out is attachment #2.

Brindon Neiers, Brindon Neiers, a senior at Eagle High School stated, this spring I will graduate with honors. In my high school career I have been involved in various honors academic classes, I was editor and chief of my school newspaper, a dedicated member of my school's choir, and I am currently an intern at the Council on Developmental Disabilities in correlation with the Honors American Government program at Eagle High. I am here today to respectfully ask you to not support House Bill 202. This legislation is scary to all of Idaho's students, because of the lack of definition of "disrupting the educational process" in Idaho code and this bill, virtually anything a student did in a classroom could be considered a misdemeanor offence. This legislation becomes even more disturbing when applied in a high school setting. It is common knowledge that students talk too much in class, make jokes that disrupt the lesson, even class discussions can sometimes stray from the educational course it was first intended for. However, this bill would make these normal, everyday high school events no longer just "inappropriate for school," but an illegal act. By including students in this bill, Idaho is putting them in danger of ending up in the justice system. The classroom should be an atmosphere of comfort, of learning. It should have the freedom to allow the minds of tomorrow to grow. It should not frighten students or threaten them with a misdemeanor for which there is no clearly defined reason. I believe students should have the responsibility to respect the learning education. However, schools already have multiple avenues to discipline students if they do not respect the learning environment. If proper course through the school is not taken and police are called without expulsion, the student has been robbed of the few rights they have. The school system is in place to protect us, but I do not believe that they should have the place to interpret what "disrupting the educational process" is. I believe that the law is here to protect everyone, even minors. We need to be able to trust our government and our educators, not fear that they will take us to jail at what they call "disruption." To do this we must have a clear meaning of what this law means. Right now, that is not the case. To include students in this law is irresponsible of the people we should be learning from, in other words, you.

Gary Fost, a Boise Police officer for 25 years has for the last 12 years been assigned to East Jr. High as the school resource officer. He discussed special needs children and how they would not be effected by this legislation. As police officers, they do have discretion. Knowing Junior High students can be disruptive, he always tells his teachers before he would ever get involved that they would first have to go through the proper channels of the school district to address the students behavior. This legislation is necessary for the other 29 students in the classroom who need to have their rights address to receive an education.

Jim Baugh, Executive Director of Comprehensive Advocacy, Inc. (CO-AD) was in opposition of this bill. He gave a handout explaining CO-AD's position. A copy of Mr. Baugh's handout is attached, see attachment #3.

Mike Kane, an attorney representing the Sheriffs Association, stated the organization was in favor of this bill. People in this situation do not go to jail, they go to the juvenile justice system. It is not the school system that decides if

these kids are criminals, it the court system. Where a prosecutor has to proven without reasonable doubt that a child was disrupting the classroom. He does not feel that this is a constitutional issue and asked for the committees support.

Jim Shackelford, Executive Director of the Idaho Education Association; here today to speak in support of HB 202. He stated let me begin by saying that Idaho's public school teachers and other educators go the extra mile every day to ensure that our state's students get every opportunity to learn and grow and excel. You've heard it said any number of times, I'm sure, that today's classrooms are more challenging than ever before because of the stresses far too many of our students bring with them into those classrooms. That is true. Teachers report that the work they do is much more than teaching a rigorous curriculum. It involves the human tasks of getting to know every child personally, of sensing how she or he is doing each and every day, and of knowing when to give some extra space while always pushing and prodding toward excellence. However, in spite of the best efforts of a teacher-those who are trained to apply their professional skills of nudging and coaching, as well as downright insisting-on rare occasion those best efforts are insufficient. On rare occasion there is a student who simply won't behave. Surely, as we all know, every school district has a discipline policy; and every teacher I know will do everything she or he can to follow those policies and procedures to the letter. But what about those rare times when nothing-the nudging, the coaching, the insisting, and whatever else is required by the district's discipline policy-works? HB 202 simply gives local school boards another tool to get the attention of a disruptive, uncooperative student and-perhaps-her or his parents. Failing that, the school district can prohibit that student from continuing to do what she or he was doing that was interfering with the learning environment the teacher was trying to create for all the other students. In closing let me make two points. First, the IEA would not be supporting this legislation if we thought it would allow for an abuse of any student's rights. We have, and we continue to, support federal and state laws that ensure students, regardless of their circumstances, their due process rights. And secondly, HB 202 gives local school boards the specific power to exclude from a school building, not to teachers or principals or superintendents. We assume that any action that would result in the prohibition of a student from coming into a school or onto school grounds would be action that would be taken by the school board itself, and we are certain that those decisions would not be made lightly.

Dr. Friend stated the Idaho Association of School Administrator is in favor of this legislation for all the reasons that have already been presented.

Bob Jackson was a concerned parent of an autistic child. He stated that every district in Idaho is not a Boise district. Children with special needs sometimes can not control what they do and a sheriff might be the one who comes into the school to handle a situation of disruption. That sheriff could throw the student on the ground and handcuff them. He is concerned there is no protection for special needs children and asked for the committees reject H202.

Heather Riley, deputy county prosecuting attorney was there in support of H202. From a prosecutors stand-point, all this legislation does is bring them back to where they were prior to May 23, 2004, when the Supreme Court interrupted the law and ruled, based upon their interpretation that the language

did not apply to a student in school. This legislation is a tool for the schools to include actual students who disrupt classroom learning.

Representative Smylie closed by stating that every teacher in the state is aware that there is a very specific disciplinary policy for dealing with disruptive behavior. There has been a lot of criticism that this legislation is here to criminalize disruptive children, even special needs children. He stated this legislation will protect those special needs children instead of the myths that were presented before the committee today. This is a tool to help every child with the right to learn in a safe and nondisruptive environment.

Motion Senator Burkett moved to hold H202 in committee. Motion was seconded by Senator Schroeder.

Senator Jorgenson made a substitute motion to send H202 to the floor with a recommendation of do pass. Motion was seconded by Senator Marley.

Discussion Senator Burkett expressed his concern that this legislation would be determined unconstitutional. It's over inclusive and should not be the way we handle these situations.

Senator Jorgenson stated that they need to be thinking about the other students in the classroom who are there for an education and have a right to learn.

Senator Marley stated, as a classroom teacher he sees a great need for this legislation. He does not feel that this is going to be abused, and it is necessary.

Senator Schroeder stated he felt this bill raised some constitutional issues and that gave him some concern. He would not be supporting this legislation. Senator Andreason is going to trust the school boards, the teachers, and the correction officers to do what's right with this legislation and support this bill

Vote Substitute motion to send H202 to the floor with a recommendation of do pass. Nay: Schroeder, Burkett. Aye: Andreason, Gannon, Pearce, Jorgenson, Marley, Goedde. Motion passed. Senator Jorgenson and Lodge will carry the bill to the floor.

Teacher of the year Paula Connelly of the Coeur d'Alene School District, 2005 Teacher of the year, spoke to the committee about her experience in teaching and the importance of mentoring teachers. A copy of her presentation is attachment # 3.

The Senators thanked Ms. Connelly for her efforts and praised her for teaching. Senator Goedde adjourned the meeting.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 16, 2005
- TIME:** 3:00 p.m.
- PLACE:** Room 433
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman vacant, Senators Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley
- MEMBERS ABSENT/ EXCUSED:** Schroeder
- MINUTES:** Meeting was called to order by Senator Goedde, secretary was asked to take a silent roll.
- Senator Goedde explained there was a letter from the State Board of Education per Senator Andreason's request concerning H231.
- Senator Andreason asked for unanimous consent that a copy of the letter be sent to each university/college Student Body officers and to the Presidents. A copy of the letter can be found in the office of the Senate Education secretary.
- S 1147** Senator Gannon and Representative Trail presented this bill. The purpose of this bill is to require a semester or equivalent of supervised classroom experience for individuals who are seeking a teaching certificate through a computer based alternative program. It has a loose interpretation in the hopes that the State Board of Education will adopt rule with direction from legislatures and information from Pennsylvania law on how mentoring of teachers can be successful. Representative Trail gave a handout from Pennsylvania ABCTE program.
- Questions** Senator Andreason asked if they felt that their proposed legislation was comparable to Pennsylvania's. The reply from Representative Trail was that the way the bill was drafted it allowed for flexibility, with the hope that the State Board of Education would develop a similar program in Idaho.
- Motion** Senator Burkett moved to send S1147 to the floor with a recommendation of a do pass. Motion was seconded by Senator Andreason. A voice vote indicated that it was unanimous.
- SJM109** Senator Goedde and Senator Brandt talked about this resolution and how it is just a beginning process but one that needs to be taken.
- Motion** Senator Marley moved to send SJM109 to the floor with recommendation of do pass. Motion was seconded by Jorgenson. A voice vote indicated that it was unanimous. Memorial will be sponsored by Senator Brandt and Senator Goedde .

HCR17

Allison McClintick present this resolution by stating suicide is the second leading cause of death in the 15-24 year age groups with Idaho being consistently among the states having the highest rates. Our teachers and school personnel are a major part of our children's day when they are in school. It is important that these educators be knowledgeable and prepared, as much as possible, about the risk factors, the protective factors and the suicide warning signs so professionals can be alerted. This resolution asks that the education departments at our colleges and universities do what they can to prepare our teachers to recognize the signs of suicide and to alert the proper professionals.

Testimony

Trudy Jackson from Survivors of Suicide gave a personal account as a mother who wished she would have been able to recognize the warning signs of suicide.

Marilyn Baughman from the Jason Foundation stated "If someone told you that there is a silent epidemic claiming over 5,000 young lives a year, would you be willing to help? Think about this a minute. If there was a virus or bacteria sweeping the nation and it was striking and killing over 100 young people in this country each week and it did not matter if those children were rich, poor, black, white or Hispanic, they became sick and died. Would we hear about this problem? Of course we would. There 100 young lives a week are being added to the toll of teen suicide and still people are sweeping it under the rug. We never hear a word. Is there a logical reason why no one wants to talk about it? The answer is yes, it is a silent subject because so many people are not aware that there is a problem or they are uncomfortable with the topic. The Jason Foundation is in 47 states and 5 countries whose goal is to educate teenagers on the main warning signs and where to go for help." Ms. Baughman referenced a survey taken by Mackenzie Stephens for her senior government project about middle school teachers knowledge on suicide warning signs. A copy of the survey can be found in the office of the Senate Education secretary.

Ms. Baughman concludes that, "when a young person is thinking about suicide, we must give them permission to confront the pain by talking about it which will help relieve the stress. We need more education on how to deal with this silent epidemic. We choose not to be silent anymore. We ask that you not remain silent either."

Juli Ann Bassett, a teen board member for the Jason Foundation, stated "Cancer, aids, heart disease, birth defects, stroke, pneumonia, influenza, and chronic lung disease. Cures and prevention for all of these diseases are currently under study. Every day lives are extended due to scientific discovery. Unfortunately: Suicide kills more young people (ages 15-24) than all of these diseases combined. Suicide is a disease that claims over 100 lives per week, which adds up to 5,000 lives a year. Suicide is 100% preventable. There is no other disease that is 100% preventable. What are we doing to prevent this disease? We have implemented routine testing for things like cancer, and heart disease, and we are able to discover and correct things like birth defects early in pregnancy. What are we doing to prevent suicide? What do students learn in health that can benefit them in suicidal situations? Most students spend weeks on CPR, STDs, and communicable diseases, but they only spend at most

one day on suicide. In Idaho, 1 out of every 5 students are at risk for suicide. That means if a teacher has 6 classes with 25 students in each class, that teacher will come in contact with 30 students at risk of suicide. 30 students who might be contemplating suicide. Four out of five suicide; victims show clear warning signs before their attempt. That means that 24 of those 30 students are showing clear warning signs. Warning signs that could be recognized if only teachers were aware of them and could teach them properly to their students. According to Makenzie's survey that Marilyn addressed, only 17% of teachers feel that they could recognize a student at risk; 17% percent. That means if a student has 6 teachers only 1 will be able to re cognize signs of suicide. Eighty percent of suicides could be prevented if teachers were aware of the warnings signs of suicide. We **need** people to be conscientious of suicide, and the only way for people to be able to recognize suicidal situations is to teach them what to look for. We need to effectively teach those who teach in order to help and stop this Silent Epidemic sweeping our state and nation. Thank You."

Motion

Senator Marley moved a motion to send HCR17 to the floor with recommendation of do pass. Motion was seconded by Senator Jorgenson and Pearce. A voice vote indicated that it was unanimous. Senators Goedde and Marley will carry the resolution on the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 17, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman vacant, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED:

MINUTES: Meeting was called to order by Senator Andreason, secretary was asked to take a silent roll.

S1173 Senator Gannon reported on questions that came up during the last debate of the bill. The committee was each given a copy of the Attorney Generals opinion on employee, and Senator Gannon also proposed an amendment to the original bill, which addressed the concerns of the committee about teachers who worked part-time that were in jeopardy of losing their sick leave.

John Watts addressed some of the committee's questions, specifically Senator Marley's concern about certified employees (i.e. speech pathologists who do not work 20 hours a week) by stating the intent of the original bill that came from the Idaho School Board Association was to not pay sick leave benefits to anyone who did not work 20 hours a week except full-time and part-time teachers.

Testimony John Eikum, Executive Director for the Rural School Association, stated they too are in favor of this bill. He explained that smaller districts will have great difficulty coming up with funds to provide sick leave for employees if this bill were not to pass.

Kathy Phelan, President of the IEA, explained that teachers needed to be allowed sick leave at the beginning of the school year instead of earning one day for each month they work. Simply because of their work environment. They are at greater risk of becoming sick. If this bill were to pass, teachers would have to make a decision to either loss pay or come to work sick.

There was a short discussion about the issue of front loaded sick leave. The old language of the past and the new language of the proposed bill was discussed. Senator Burkett asked if any administrator in the room could comment on if there were issues in the past of teachers abusing their current method of sick leave. Mr. Watts stated he would address that in his closing remarks.

Mr. Watts' closing remarks were, in the Preston School District, a law suit was brought forward because they would not give a bus driver sick leave benefits.

He explained the plain wording of the statute from the district court, upheld by the Supreme Court, that the school district had a duty to provide that benefit. If that is applied to the rest of the state, either through a class action suit or copies of the Supreme Courts decision distributed to put pressure on districts, they projected it could cost upwards of \$1 million. There are 3 policy changes they believed needed to be changed through this legislation. The sick leave benefit needs to be given only to employees who work 20 or more hours a week. He clarified that the proposed amendment today captures teachers on a half-time contract. They also felt that teachers needed to earn their sick leave instead of receiving it up front just like other state employees and the last purpose for this legislation was to appropriate sick leave for the number of hours worked. He asked that they support this legislation with the purposed amendments from Senator Gannon, and only Senator Gannon's amendments.

Senator Marley passed out an other amendment for the committee to consider as he did not agree with Mr. Watts and Senator Gannon's purposed amendments. He agreed there is a problem, but he does not agree with the allocation of sick leave for teachers. He felt the board had not successfully showed the committee there was a problem with current policy to provide sick leave for teachers up front. He felt it was just an action to have more control, which would only take benefits away from teachers, there were no complaints and therefore there was no reason to take it away. He purposed another amendment which would allow teachers to receive sick leave up front. Senator Marley stated he would oppose this legislation without these purposed amendments.

Motion Senator Schroeder moved to hold S1173 in committee. Motion was seconded by Senator Marley.

Discussion Senator Burkett stated he felt that the committee should support these 2 purposed amendments, and send the bill to the 14th order.

Senator Jorgenson stated that, with the existing law's flaw, and potential million dollar cost he felt they had a duty to move legislation this session to help the districts.

Senator Marley explained that if the committee could come up with an agreed amendment he agreed with Senator Jorgenson that they needed to get this legislation out this year. But if the bill stayed as is, he stated he would rather take his chances and do a new bill next year. He stated that there was one problem, but they added other policy changes in the bill, with no just cause or reasons for the changes.

Motion Senator Burkett motioned to send S 1173 to the 14th order with the committees support of Senator Marley's purposed amendment.

Discussion Senator Gannon stated that if they were going to leave the front loaded sick benefit in the legislation the committee should just use his purposed amendment, and leave the old language in place which allowed for the front loading. He felt that they would give the districts some guidance that way.

Senator Schroeder stated he would withdraw this motion if the two sides

wanted to work on an agreed amendment for another day.

Senator Pearce asked what the original objection was to the purposed bill. Mr. Watts replied that part-time teachers were left out of the purposed legislation. Senator Pearce followed up by asking if someone in the room could help him understand teacher contracts. Tom Farley replied that it would be between a teacher and a superintendent to decide if the contract would be part-time or hourly. Senator Pearce commented that there seemed to be ghosts of possible outcomes of the purposed legislation. He stated that the current legislation, as is, was acceptable.

Senator Jorgenson added that he felt the bill was fine as originally written with their understanding of the PERSI definition.

Motion Senator Jorgenson moved to send the original draft of S1173 to the floor with a recommendation of a do pass. Motion was seconded by Senator Pearce.

Senator Schroeder moved a substitute motion to hold S1173 for one legislative day so that an agreement could be reached on amendments. Motion was seconded by Senator Marley.

Vote Senator Schroeder called for a roll call vote. In voting on substitute motion to hold S1173 for one legislative day. The vote was 5 to 2. Motion carried. Senators Pearce and Jorgenson asked to go on record as voting nay.

Gary Stivers spoke to the committee about the purpose of his language in the letter from the State Board of Education concerning H231. After no further questions or discussion from the committee, Senator Goedde thanked Mr. Stivers for his explanation and again asked for unanimous consent to send a copy of the State Board of Education's letter to the university/college presidents and student body officers. There was no objection.

SJR102 Senator Schroeder presented this bill by stating the purpose of this legislation is allow the People of the State of Idaho to decide if they want to amend Section 2, Article IX, of the Constitution of the State of Idaho, to provide that the responsibility of the State Board of Education shall be limited to supervision of the public school system and to provide a separate Board of Regents to supervise the public institutions of post-secondary education and to perform such other functions as prescribed by law.

Testimony Karen Echeverria from the State Board of Education stated that the Board is opposed to this resolution. She explained that it moves contrary to the current trend states are working toward to integrate the entities responsible for K-12 and post secondary education. She stated several examples from other states working towards that integration. She concluded that this resolution also does not explain funding for a Board of Regents.

Questions Senator Gannon commented that the committee has heard that there is a disconnection between k-12 and higher education and asked why not try something else, to which Ms. Echeverria commented that she disagrees it is not working.

Motion Senator Schroeder moved to send SJM102 to the floor with a recommendation to pass. Motion was seconded by Senator Gannon.

Discussion Senator Pearce and Goedde stated they felt the board was working to close the gap and they wanted to wait and see what would happen now that they Board is aware of concerned disconnection.

Vote Senator Schroeder called for a roll call vote. 5 Ayes 3 Nays. Motion carried. Senator Schroeder will carry the bill on the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 21, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Vacant, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

MINUTES: Meeting was called to order by Senator Goedde, the secretary was asked to take a silent roll.

Senator Marley moved that the meeting minutes for March 10, 2005 be approved as written. Motion was seconded by Senator Gannon. Motion carried with a voice vote. Senator Schroeder asked to be recorded as voting no.

Motion Senator Gannon moved to send S 1173 to the 14th order. Motion was seconded by Senator Marley.

Discussion In response to Senator Andreason's question about the amendments that were being proposed, Mr. Watts, Legislative advisor for the Idaho School Board Association (ISBA), explained what had taken place since the last meeting in preparing the current proposed amendment. He stated they were in the process of looking for definitions of an employee but they still wanted to keep in the legislation the two main points of the court ruling which were, employees working less than 20 hours a week would not receive sick leave benefit and that the sick leave benefit would be proportionate to the time they work. They covered the PERSI definition in the proposed amendment. They created 3 categories of employee which were; certificated employees that are not called teachers, i.e., nurses, librarians, counselor. Secondly a non-certificated employee such as a janitor, bus driver or cook, and lastly a school teacher. He stated they believe they were able to capture those 3 categories in Senator Gannon's amendment that they favor. The new amendment also returned front loaded sick leave for teachers.

Senator Schroeder asked if they had amendment language that everyone agrees to. Mr. Watts stated they do not.

Senator Andreason stated he always considered a librarian as a teacher and asked why they were being separated.

Mr. Watts responded that the current amendment addresses the committees' concerns. Since then, new definitions had been brought forward which state, any employee who works in a school is a school teacher, except for classified employees. The PERSI definition was very specific and stated a school teacher, and librarians are certificated staff, which is why they are separated out.

Senator Marley asked if certificated employees who work less than 20 hours a week will not receive sick leave benefit. Mr. Watts yielded to Dr. Cliff Green, Executive Director of ISBA, who responded it was his understanding that part-time certificated employees would not receive sick leave if this legislation passed.

Mr. Watts asked that the committee support this legislation because of the vulnerability that the districts are faced with. This legislation is trying to correct the issues brought up by the Supreme Court.

Senator Jorgenson asked if state employees who work less than 20 hours a week get benefits. Mr. Watts stated that according to code, they do not.

Per Senator Marley's request, Jim Shackelford, Executive Director of the Idaho Education Association, was asked to share his opinion of the amendments. Mr. Shackelford stated what he believed the ISBA was trying to accomplish with S1173 was to address the Supreme Court's decision which was specifically targeted to non-certificated employees who work less than 20 hours a week should receive sick leave. But when the bill was drafted it did more than just cover non-certificated employees. Their concerns stem from this. They hoped that the committee would address that single issue in this legislation. The proposed amendment makes things still complicated with the different categories and creates chaos for districts. They prepared a suggested change, which they gave to the ISBA to work out these issues, in hopes that something good comes from the legislation.

There was a discussion about the 14th order and how agreed language needed to be worked out soon to satisfy both organizations and still pass this legislation this session.

Vote

Senator Schroeder called for a roll call vote. Motion to send S 1173 to the 14th order. Aye: Gannon, Pearce, Marley, Goedde. Nay: Schroeder, Andreason, Jorgenson, Burkett. Motion failed. S1173 is being held in committee.

Senator Andreason asked Mr. Watts if it were possible to include certificated employees, i.e. librarians in the amendments. Mr. Watts stated he would really like to get this legislation moving and he could not speak for the ISBA without first speaking to them, but that could be a possibility.

Senator Andreason asked for unanimous consent that they reconsider S1173 and that they include teachers as counselors and librarians.

There was a discussion about S1173 still being in committee and the possibility of another motion being made. Mr. Watts stated that if they could change the bill to address just the issue of the Supreme Court's ruling of non-certificated employees getting sick leave, that could get them to the point where they could have security from a class action suit. Senator Goedde asked if Mr. Watts, Dr. Green and Mr. Shackelford would like to get together to come up with an agreed amendment and report back to the committee in the next 45 minutes.

Motion

Senator Pearce moved to approve the meeting minutes for March 16, 2005. Motion was seconded by Senator Schroeder. Voice vote indicated it was unanimous.

HCR20 & H315

Dr. Cliff Green, Executive Director of ISBA stated that HCR 20 and H315 were companion bills and asked if they could be heard together. Senator Goedde explained that he was fine with that but stated they would have to be voted on together. Thank you Mr. Chairman, and committee members. For the record my name is Cliff Green and I am staff with the Idaho School Boards Association. Today you have before you H315 and a companion bill HCR20 is a request for help from the 560 serving in 115 school districts in Idaho. As you are aware, H315 addresses the teacher support program. Before we get into the bill I would first like to clearly state for the record the ISBA supports "quality" teacher mentoring programs. This bill is not about whether mentoring is a good or bad practice but how we can provide a quality, cost-effective mentoring program statewide. You will hear stories today of the importance of mentoring and how a quality program can be critical in the survival of a teacher in the first year of their career. We could not concur more, as long as it is a quality program, not just "coffee with your buddies." Research shows that a good mentoring program increases teacher efficacy as well as retention. Quality mentoring is a good thing, like motherhood, apple pie and Chevrolet, most find it

difficult to argue against. So as we go through testimony today I would encourage you to keep your focus on not whether mentoring is a good practice but the following issues: **Here are five things we know to be fact... I would like to address all five in order...** 1. Currently, in 33-514 school districts have an absolute requirement to provide mentoring. 2. We also know funding to provide this support program has not been provided for two years and will not in FY06. 3. We also know our districts are being sued by IEA on behalf of teachers as a result of the statutory requirement. 4. We also know the SDE has promulgated what we believe to be illegal guidelines which restrict districts in testifying in their own defense when an action is filed by the teacher labor union. Today you will hear that these are only guidelines, but in reality they are much more. 5. We are spending funds that could be better spent on our classrooms and children. Currently we have a requirement in law to provide mentoring for teachers. Idaho code 33-514 is designed to create a system of contract categories under which teachers are hired, mentored and, if necessary, terminated. Each of the three contract categories (Category 1, 2 or 3) requires districts to provide four areas of services to teachers: mentoring, peer assistance, administrative assistance and professional development. Interestingly when I was preparing for this presentation, I spent time reading the code (I do that late at night when I need to sleep) and I found a compilers note taken from the intent language when this bill was passed. This body understood the need to fund this program. Intent language included with the statute provided that if the program was not funded with \$2 million dollars in the first year it would be null and void. The program **was** initially funded with \$2 million dollars per year for two years and ultimately terminated in 2002. (Ref: Red Book page 233.) Those who watched the JFAC debates on the public education budget this year know that there was a motion made to include the two million dollars in the FY06 budget and it was defeated. There will be no money for this program in the future. As trustees of the public monies, board members are very mindful of the current economic condition of the state and want to make it clear that we understand and empathize with the tough choices that this legislature has made over the past years to balance the budget. We do not envy your having to make these choices, nor are we here to shame you or to place blame. We don't see this as a promise broken, just an economic reality. As a lack of money became an issue many districts were forced to use scarce discretionary funds to provide this mandated program, funds which could be used for instructing children. An additional unintended consequence of this unfunded program has been litigation between the teacher's labor union and school districts. Let me explain, prior to the development of the language for the statute, during testimony in the 1999 Interim Committee meeting chaired by Rep. Tilman, caution was recommended by counsel for the School Boards Association regarding the potential for litigation arising out of new statutory language. "The IEA's goal," counsel said, "is probably not to keep bad teachers, but their obligation is to defend teachers with employment problems zealously as any lawyer is supposed to defend the client..." "Therefore," continued counsel "we need to be very careful not to create litigation possibilities on either side." Unfortunately the comments were prophetic. As a result, within a short time after the funding was discontinued by the state, lawsuits were filed (*Goble v. Board of Trustees Swan Valley Elementary District* and *Powell v. Madison School District*) on behalf of individuals, citing mentoring-related employment contract violations. Precedence was set with the two initial lawsuits and as a result cases filed citing insufficient mentoring are becoming more common. Currently, there have been additional suits filed in Basin and Middleton school districts which also cite mentoring and breach of contract. In a decision by a district court judge it was stated that the statute 33-514 did not give a right to sue districts. However, the judge did determine that since teacher contracts by reference incorporate Idaho law, there exists a contractual right by which individuals or the teacher labor union, on behalf of an individual can file suit against a district. Bottom line is there is no relief specifically granted under the statute 33-514, but a teacher is still allowed to sue over mentoring through breach of contract. *"Under Idaho law, both statutory and constitutional provisions, as they exist, become a part of every employment contract. If a school district engages in conduct which violates an employee's statutory or constitutional rights, then those violations constitute a breach of that employee's contract. Therefore, if the employee has suffered any damage as a direct and proximate cause of the district's breach of the contract, they are entitled to be compensated for those damages."* Now you may be wondering why I emphasize this point. It's because it comes from the sixth claim for relief found in the Complaint and Demand for Jury Trial filed by IEA counsel Mr. Rumel for the Plaintiff on April 17, 2003 in the U.S. District Court. The difference is subtle, but because of the statute and guidelines, districts continue to be vulnerable to these types of lawsuits. Under the current guidelines for an approved mentoring plan, local boards of education are required to agree in writing to a prohibition of any individual mentor or mentee involved in the support program from testifying in any litigation. In an effort to remedy this situation, a request was made to the State Department by ISBA and SBOE staff for modification of the guidelines, omitting the provision ((READ HANDOUT)) that any individual involved in mentoring or peer assistance be barred from testifying in any litigation. The Department declined the request based on the belief

that the value of the relationship between the mentor and mentee outweighed the need to modify or amend the guidelines or any litigation that could result. The Idaho Education Association also holds this belief. In order to prove support has not been provided, the person asserting this position would have to show what the guidelines required **and** what the school district provided. I am sure that you would agree that the best evidence of what would be required of a school district would be the mentoring guidelines promulgated by the State Department of Education. In order to show that the District breached its duty, a person alleging the breach logically has to put the teacher on the stand to testify what mentoring and peer assistance services the school district provided. For the sake of argument let's assume that person says, "Yes, I was assigned a mentor, but the mentor was always too busy to talk with me" or, "Yes, I met with my mentor but all he would ever talk about was duck hunting." The logical way to rebut that testimony would be to put the mentor on the stand. Obviously, if there is an absolute prohibition against the mentor testifying, the evidence that the teacher was provided with a poor mentor could not be rebutted. This shield provided by the guidelines is being used as a crutch by teachers who are fired because they are of poor quality. In other words, the SDE has turned the shield of the privilege into a sword with no opportunity for districts to defend themselves. Pursuant to Idaho Code §33-514, the state department of education is authorized and directed to "formulate *basic guidelines*..." Idaho Administrative Procedures Act has clear provisions regarding rule promulgation and publication and Idaho Code §67-5231 mandates that purported rules not in compliance with these administrative procedures are voidable. In addition, the Idaho Supreme Court has expressly ruled that agencies cannot enforce policies that are not properly adopted as rules under the Administrative Procedures Act. Since the statute only authorizes SDE to establish guidelines the department cannot exceed its authority. If you apply the definition given by the Department of Administration, the guidelines rise to the level where they should be considered rule. In a conversation with a representative of the Department of Administration it was stated that if a guideline compels a person to do or not do something it should be in rule. Clearly, there is a prohibition regarding testimony and boards were required to sign off on the guidelines by the department. The United States Supreme Court has stated "it is . . . beyond controversy that one of the duties the citizen owes to his government is to support the administration of justice by attending its courts and giving testimony whenever he is properly summoned. Furthermore, Idaho Rule of Evidence 501, states "**except as otherwise provided by constitution, or by statute implementing a constitutional right, or by these or other rules promulgated by the Supreme Court of this State, no person has a privilege to: (1) refuse to be a witness; (2) refuse to disclose any matter; (3) refuse to produce any object or writing; or (4) prevent another from being a witness or disclosing any matter or producing any object or writing.**" The only absolute communication privilege which Idaho courts recognize is between a person and his religious advisor. As you can clearly see the guideline setout by the department of education establishes a privilege at law which is not recognized under the state constitution, statutes or by the Idaho Supreme Court. These guidelines have elevated this relationship to that the highest level privilege recognized by law. ISBA believes once the teacher files suit against a district, this privilege should cease. In summary this really is very simple... we are being sued and ultimately cannot put on our own defense. Moreover, we are spending monies defending ourselves in court which should be going to educate our children. Unfortunately this is money not wisely spent. **The Cost to the Classroom:** You will hear in testimony some "fuzzy math" about what we are spending on litigation. Quotes like "4 out of 3000 teachers" is that enough of a problem to even worry about. Philosophically this concerns me, however, even so here is some data for you to consider. **Madsen School District** Cost of Litigation = \$63,260 # of students = 4,131, Beginning Teachers 2.3 **wan Valley Elementary** Cost of Litigation (Insurance only) = \$63,650 # students = 60 Cost per student = \$1,060 Beginning Teachers = 2.3. **Middleton** Goes to Court in June. Conservative estimate if it gets to Supreme Court is \$56,600 # students 2,451 Beginning Teachers = 2.0. **Basin** Estimates are about \$25k # of students 492. That is a textbook for every child in the district. **In summary, here are things we all know to be true...**School Districts have an absolute requirement to provide mentoring. Funding to provide services and to fulfill the statutory requirement is non-existent. Districts are being sued by IEA on behalf of teachers as a result of the mentoring requirement. SDE has promulgated guidelines which put districts in a position of "no defense" when an action is filed by the teacher labor union. We are spending funds that could be better spent on our classrooms and children. When we presented this in the House we listened to the representatives from both sides of the isle and incorporated their suggestions in these bills. Key pieces of this package accomplish the following: Removing the requirement from 33-514 to avoid the unfunded mandate. Recognizing the role of teacher support and its importance by making it a duty of the board of trustees of a local district in 33-512 to provide support for teachers in their first year in the profession. Uncouple the teacher support programs from contracts which is the crux of the problem. Providing a mechanism (pilot program) for everyone to keep an eye on the

mentoring program via a directive from this body to the State Board of Education. A charge to the SBOE taskforce on mentoring to look at existing Idaho district's mentor programs with a focus on setting up procedures to collect specific data. By specific data I mean student achievement "gain score" data which is critical for the analysis. This is important.. For a research study to have meaningful results it is imperative to set up a data collection methodology prior to the data being collected. If you don't follow this protocol the results would always be suspect by those who would say that the data existed and was chosen to effectuate a biased outcome. A charge to collect data to measure effectiveness. The goal here is to have districts collect the data needed to quantify return on investment. Not just qualitative data like stories or comments from mentors and mentees. A report in 2006 to this committee as well as the House Education Committee on the progress of the pilot and a final report in 2007 with programmatic and funding recommendations. ISBA believes this package will accomplish the needed changes, reduce district liability, help preserve the mentor programs over the two years of pilot testing, and allow the SBOE to bring back evidence to this committee on the outcomes of the pilots. Thank you for your time, I will now stand for questions.

Questions

Senator Jorgenson stated that he felt there is no other option for the legislature to take but to pass this bill because of the potential law suits. He also stated he is disappointed that again this year mentoring was not funded. He then asked why they were moving the responsibility of funding mentoring to the districts. Dr. Green replied that districts already have that responsibility to fund mentoring because the state took away funding.

Senator Burkett asked why they cannot achieve their goal without getting rid of the current statute. Instead stating that school districts shall be exempt from contract liability for not performing mentoring for a period of April 1, 2005 to April 2007.

Dr. Green disagreed with Senator Burkett stating they are moving the language so that the districts are not entangled by contract language which is what the districts are being sued for, a breach of contract.

There was a short discussion as to why the proposed legislation uses the word support and not mentoring, Dr. Green explained that the definition of mentoring has not been clearly defined so the word support was used instead until there was a definite definition of mentoring. What the committee agreed on was to look for a mentoring program that will best meet the needs of Idaho.

There was also a short discussion about the 4 law suits, 2 had been settled out of court. There was limited information available due to a restriction to the settlement release. In the last 6 years, law suits brought before school districts have totaled \$3,005,000.

Senator Goedde asked Dr. West and Karen Echeverria, if a guideline stemmed from a rule, who promulgate rules and how do they correct guidelines. Ms. Echeverria stated that the State Board of Education has rule making authority, the State Department of Education does not. So any rules that the Department wants to adopt, has to come to the Board for approval. Guidelines are not normally an enforceable document. Constitution, law and rules are enforceable. Policy, procedures and guidelines are not. If they wanted to enforce a guideline, the document would have to be incorporated by reference into the rule and those guidelines would have to come before the Board for approval. A rule will over power guidelines, a law will over power a rule. Dr. West concurred.

Senator Jorgenson asked how many new hires there were per year, and Dr. West replied around 2800 to 3300 a year.

Senator Goedde announced that due to the remaining time left in committee, they would continue testimony and discussion the next day on HCR20 and H315.

S1173

Mr. Watts reported they had reached an agreement. They had proposed language to present to the committee for consideration. Senator Goedde asked Mr. Shackelford if he concurred with the new language. Mr. Shackelford stated that as long as the committee

understood the IEA was opposed to the central idea, which is, people who work less than 20 hours a week should not be provided sick leave benefits, setting that aside, the rest of the amendment meets their approval.

Senator Goedde stated that they tabled S1173 until they could come to a consensus between for the 2 organizations, it was now before them now to consider.

Motion Senator Gannon moved to send S1173 to the 14th order. Motion was seconded by Senator Andreason.

Vote Roll call vote was called for by Senator Goedde. Voting Nay: Schroeder Aye: Goedde, Andreason, Gannon, Pearce, Jorgenson, Marley, Burkett. Motion carried. Senator Gannon will carry the bill to the floor.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 22, 2005

TIME: 3:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman vacant, Senators Schroeder, Andreason, Gannon, Pearce, Jorgenson, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

MINUTES: Meeting was called to order by Senator Goedde, the secretary was asked to take a silent roll.

HCR20 & H315 John Watts, legislative advisor for the Idaho School Board Association (ISBA), explained the new proposed amendment for the committee to consider. He explained why the term "support" was used. He stated they have captured the committee's concerns and it still dealt with the issue the ISBA is faced with of possible law suits and liability.

Testimony Kathy Phelan, President of the Idaho Education Association. Speaking in opposition to HB 315. "Teaching is the only profession in which entry-level individuals are expected from day one to do the same job and perform at the same level of competence as experienced practitioners. Teaching is one of the only professional field that lacks a formal structure for staged entry; there is generally no monitored progress through a residency, internship, apprenticeship, or other training experience. Schools need support systems through which every novice teacher is formally linked to an accomplished teacher who can assist in inducting them into the profession. Regardless of where students live, regardless of whether the state legislature provides an adequate annual appropriation for this program, Idaho's new teacher support program is intended to assure all students have access to high quality instruction from their teachers. Teachers strongly believe the question of whether the state or local school districts or some other source of revenue is found, while critically important, should not be driving the decision as to whether a program we all know is needed should be required. The debate over this issue should be about whether local school districts, regardless of the source of funds, should be required to do something that virtually everyone agrees is critical to the success of a large number of our state's students. According to the State Department of Education, 3 years ago-the latest for which information is available-there were 1,200 first year teachers in Idaho and another 2,200 2nd and 3rd year teachers. If each one of those 3,400 teachers had only 20 students in his/her classroom-a number we know is very conservative-88,000 Idaho public school students were being taught by a brand new or very new teacher. That's over one-third of all of our state's students. As Ms. McClintick shared in her report to this committee several weeks ago, support programs such as Idaho's, are invaluable in recruiting and retaining quality individuals into the education profession and they also positively impact student achievement. In addition, earlier this session you heard from two nationally recognized education observers, Dr. Ted Hershberg and Dr. Katy Hacock. You will remember that both emphasized the critical importance of offering strong programs of support for new teachers. Dr. Hershberg told you the best bang for the buck is a focus on development of staff and mentoring. Dr. Hacock called for a reduction in the "churning of teachers," which she said has a negative impact on kids and stability in our schools. Because the history of this law is so critical to this debate, I want to emphasize several points about that history for you this afternoon. In 2000, after several years of contentious debate about teacher contract law, the legislature dramatically reformed the new teacher statutes, laying the foundation for sweeping changes to how local school districts were to interact with these professionals. That change came following the work of an interim legislative committee, which included Sen. Schroeder and co-chaired by former Sen. Darrel Deide and former HEd committee chair, Rep. Fred Tilman. This committee took a collaborative approach to its lengthy work, involving the participation of all education stakeholder groups. The result was an agreement to replace a set of basic employment guarantees for new teachers with a comprehensive system of support for teachers in their first three years of employment in an Idaho school district. In short, what is being proposed for elimination today was crafted over a period of years, included hundreds of hours of

discussion and debate, and reflects many compromises and concessions on the part of all those who were involved. The IEA was pleased to join the interim committee, legislative leaders, and every other education organization-including the school administrators and the school boards associations-in offering our enthusiastic support for the adoption of this new law. The law that emerged from that work-the one being proposed for dramatic change in HB 315-requires school districts to provide four elements of support to teachers in their first three years of employment: mentoring, peer assistance, professional development, and administrative support. Unfortunately, for a number of reasons, many of us have developed a pattern of speech that refers to this program of support as simply "mentoring." However, that short-handed description gives short shrift to the true power of what the 2000 law envisioned, the creation of a professional community supporter by four pillars of support. Mentoring is a critical part of that support program. A process where every new teacher is assigned an experienced colleague to help with the day-to-day events one faces in any new position is extremely important, regardless of the job. However, the entirety of the current law requires much more than this single piece of support. Mentoring is important; but it is only one of the pillars of support that anticipates the other elements will also be in place. Peer assistance is focused and directed intervention pertaining to instructional techniques and performance. This support may involve the use of professional performance standards for educators, analysis of performance, feedback on that performance, assistance with professional growth and related implementation, and critical reflection on professional practices. Peer assistance is that part of the process where a teacher's actual teaching is closely observed, praised or constructively criticized, and specific suggestions for improvements offered. This is where the real substance of the new teacher support program resides, when outstanding teachers watch a new teacher at work and act as a guide for change in instructional skills and interventions. Professional development is the continuing process of building and developing the knowledge, skills, and dispositions needed to provide necessary and essential professional services to assist all student. Administrative support is expected to provide "...leadership for instructional improvement." In many Idaho school districts those four pillars of support for new educators is in place and is producing amazing results. However, we know that in other places the system is not in the shape all of us would like. The solution, however, is not the wholesale elimination of the law as outlined in HB 315 (Unfortunately HB 315 does not move the requirement, instead it dismantles the structure and replaces it with a vague term "support"). We believe we should be focusing our attention on learning from those who are the most successful and working to make certain this vital program succeeds in every school district for every new teacher and every Idaho student. The assertions that have been made by the Idaho School Boards Association about the rationale for this legislation: First, ISBA claimed the law has resulted in a number of costly lawsuits. She have provided a memo from our general counsel which outlines the sum total of lawsuits filed on behalf of teachers since the creation of this law nearly 5 years ago. Out of the approximately 13,200 opportunities for districts to provide support for their newly hired teachers since the creation of this new law, 99.97% of the time they did provide that support. However, in 4 cases-or .03% (three one hundredths of 1 %) of the time litigation ensued because of the alleged failure of 4 school districts to provide adequate support. Second, ISBA claims not allowing mentors/peer assistants to testify in court ties the hands of school districts and leaves the district without the ability to defend itself. To be clear, that restriction is not in the law itself but exists in the implementation guidelines developed by the State Department of Education. Let me explain why that provision is so important. A mentor is, by definition a guide or coach. The relationship between a mentor or peer assistant and his/her protégé is one of complete trust and openness. There is an invisible line between guiding and coaching and supervising and evaluating. If that line is crossed it completely changes the relationship. All of the research provided to the SBE's committee this summer reinforced the absolute necessity for the mentor to be a confidential advisor and guide to the new teacher. Prohibiting the mentor or peer assistant from testifying in court does not leave a school district without the ability to defend itself. Idaho Code requires administrators to supervise and evaluate employees. Principals who might fulfill some of the duties outlined in the SDE's guidelines cannot be barred from testifying in termination matters. Administrators have an obligation to evaluate, and consequently they cannot be considered mentors/peer assistants for the purpose of the SDE's guidelines. Third, ISBA has claimed the current law places an unfunded mandate on Idaho school districts. The fact that recent legislatures have chosen not to appropriate moneys specifically targeted for this support program is indeed unfortunate. But the reality is that even in the best of financial times, this law was an under-funded mandate. And the IEA, along with every other major education organization, including the school boards association, has asked the legislature for funding support every year, recognizing that to be completely successful most school districts would have to add local revenues to the program's funding. While there will always be a debate

about whether the state is providing sufficient money to meet the obligations it imposes on local school districts, today we are debating whether there is true value in one of those mandates. The value of support programs like the one currently in place is borne out by research. A study conducted by the National Center for Education Statistics reported that teachers without induction support leave the profession at a rate almost 70% higher than those who received it (2000). HB 315 assumes only First Year Teachers need support. While one's first year is intense and all-consuming, most teachers in their second, third, and maybe even fourth year or more would report they continue to need support and assistance as they get a strong footing into the profession. Even the Santa Cruz model discussed in the SBE report as one Idaho ought to emulate focuses on a multi-year support program. Finally, the important ingredients in all of our discussions here are the students with whom that instructor works. They deserve a competent, caring, qualified teacher who can help them achieve at greater levels. We believe the current law, fashioned over time with the involvement and support of those it most affects, should be retained and supported. Rather than debate whether to keep or eliminate it, we believe a far better approach would be to recommit ourselves to the goals of the current new teacher support system and begin to work together to discover how to make it successful in every Idaho school district, for every new Idaho educator, and for every Idaho child. On behalf of the nearly 12,000 members of the IEA, I ask that you reject HB 315."

Dr. Mike Friend, Executive Director of Idaho School Association of School Administrators, stated that they have been involved in the discussions around the issue of the annual contract support program as it is now in H315. They do support H315 and the amendments. He explained further a history of development of mentoring programs. He stated that this legislation is an issue of breach of contract, not whether or not mentoring is successful.

Jerry Helgeson Jerry Helgeson, President of the Meridian Education Association. "Thank you for the opportunity to speak to your committee today. Dr. Green was correct yesterday. He told you that you would hear of successful programs of mentoring. With the Meridian district's level testing program and with so many more demands having been placed on teachers in the 1990's, our district could see that a change would have to be made in its mentoring program. In 1999, Meridian's program was turned over to a group of educators whose sole purpose was to work with the first, second and third year teachers, before the new law was enacted. Today, we have five full-time release experienced teachers (one designated Just for Special Education) who work each day with teachers new to our district. Despite the lack of state funding for new teacher support, and with the additional requirements of IDEA and NCLB, the Meridian district believes in the need for this most important and valuable program. With me today is Brenda Mahler, one of the advisors in Meridian's Beginning Teacher Advisor program. I am going to turn the next few minutes over to her. Your decision can lead to greater retention of our good young teachers. You can help Idaho's public schools grow stronger by ensuring a program of support for our less experienced teachers, who very shortly will be the leaders of public education. Committee members, I urge you to vote NO on HB315."

Brenda Mahler a teacher of 20 years. Stated in 1999 I received recognition as a National Board Certified Teacher. In 2001 I earned a Masters degree in Educational Leadership. I have been a Beginning Teacher Advisor for the past five years and currently also work as a middle school administrator. When I began the job of advisor five years ago, one side of my brain felt the positive impact the program must have on teachers and students; the other side of my brain needed data, irrefutable proof that teachers gain professionally through this support. Since I was completing a Masters of Educational Leadership from Northwest Nazarene University, the topic "Advisory Programs' Effects on First Year Teachers" became the focus of the research for my master's project. The data I found affirmed the impact of advisory programs. By supporting teachers in their first year of teaching, there are obvious benefits. Was that not the rationale for the Senate Bill #1372 that mandated schools provide support programs for beginning teachers? As I listened to Dr. Green's testimony on behalf of the Idaho School Boards Association, I heard no argument about the advantages of support programs. What we all heard was an affirmation of the value of such programs which was followed by a proposal to amend Idaho Code 33-512 to support for teachers in their first year of the profession (quite limited from the original code), and to amend Idaho Code 33-514 to eliminate the statutory requirements that districts' provide support programs for teachers during their first three years. As Dr. Green proceeded he made several comments that I would like to address. Dr. Green said, "It becomes a power and duty of the school districts to provide mentoring." Each school district already has this power and duty under the current legislation. But I observe through his new proposal that the specifics of the requirements are being eliminated; the support for first year teachers narrowed, and support for

teachers in their first three years in the district removed. Dr. Green worried that the support is not uniform across the districts and emphasized the need to tailor the support program to our state. I assert that districts currently shape programs to meet the needs of their teachers that fulfill the requirements of supervisory support, mentoring, peer assistance, and professional development. We have done this as individual districts and as groups for I as a representative from. Meridian have worked with Vallivue, Boise, Fruitland, and Emmett to name a few. And just as recommended on page 4, line7. "In developing support programs, nothing shall prevent districts from joining together to formulate a joint program applicable to each member district. " Many districts in Idaho are doing just this. Dr. Green was concerned about the level of support each district provides. He even proposed that some districts do not provide sufficient support which may offer insight into the reason for lawsuits. If teachers have not been provided sufficient support, should they not have the right to question and possibly even take their case to court. Some figures were presented yesterday that attempted to persuade us that the cost of lawsuits was a reason to lower the state's standards for teacher support programs. Please think about this figure, "Replacing a worker costs 25% of that person's salary, the higher cost of losing qualified teachers is paid by the students -lack experienced teachers-expertise and insight." (Norton 1999). With what we know about the positive impact of mentoring on retention rates and student success, any action by our state to decrease our commitment to support programs would really be the costly decision. Probably the challenge by Dr. Green that hit closest to my heart was the concept of confidentiality. As an advisor, the teachers I serve welcome me into their classroom week after week. I co-teach, model, coach, conference and live beside them as a peer. If they had to be concerned that I would testify in court against them, I would become a supervisor and evaluator. Please allow me to explain the confidentiality part of this law as explained to me. An administrator is always allowed and invited to share concerns with the teacher and the advisor. They can also seek assistance from any other source in the district as needed: Instructional Support Staff, Academic Coaches, Department Chairs, Curriculum Leaders, etc. The advisor listens and works with the teacher on areas of concern. Advisors are an advocate and support but have been know to coach a teacher out of the classroom if this meets their needs. As an administrator myself, I recognize the need to be an educational leader, supervisor, and evaluator. These are my responsibilities. When I work with support people, it if possible to impact the quality of a teacher and overcome weaknesses. However, it is also my responsibility to document interventions and discuss these with the teacher. I assert when this is done effectively it is not necessary to have a mentor available to testify. In this year of No Child Left Behind, we must restate the necessity to place a quality teacher in every classroom. The National PTA made this statement in an article on March 25,2005. "In part because teacher quality is so essential to improving student learning, the Elementary and Secondary Education Act (ESEA), renamed the No Child Left Behind Act, requires that by the 2005-2006 academic year all public school teachers be "highly qualified" according to a definition written into the law. ..To achieve these goals, teachers need ongoing content instruction; mechanisms that allow them to network and share information with their peers; and opportunities to form partnerships with colleges, teacher organizations, parents, and other experts in their field New teachers-especially those working in urban areas-have additional needs to ensure that they are prepared to enter the classroom and do not become quickly discouraged and leave the profession. Programs to assist new teachers include internships, apprenticeships, and mentoring." If we recognize the need to have a qualified teacher in every classroom, it is our duty to maintain the support to beginning teachers in all areas: administrative, supervisory, mentoring, peer assistance, and professional development. Is it not the purpose for the national No Child Left Behind Act? And based on the research can we not be of great support to each student by making sure No Teacher is Left Behind? Dr. Green proposes weakening the legislation based on lawsuits, lack of data, concerns and questions. I instead stand before you this year asking to maintain the status quo based on proven experience, current research, and evidence. In the years to come as we continue to collect data and review the pilot programs already in existence, we must strengthen our support to beginning teachers and increase the financial support to districts. Dr. Green said you will hear today personal testimony and emotional appeals against this bill. You will. However, the two teachers who will testify following me are more than that; they are the faces behind the statistics. They are two examples of qualified teachers who make a difference in the lives of students-and data exists to prove it."

Teresa Molitor, Vice President of Human Resources for the Idaho Association of Commerce and Industry, stated she was there in support of H315 and HCR20. Ms. Molitor was a member of the mentoring committee formed last summer, and one goal that was set by the committee was to determine some nexus between mentoring and student achievement. She believes it is possible to determine if the investment on mentoring has an effect of student learning. She continued that

out of 114 districts there are 114 different mentoring plans, so are working and some are not. Another issue she wanted to bring up was mentoring being tied to teacher contracts, as a lobbyist and a lawyer she found that problematic. The statute is tied to the guideline, which prohibits a mentor from testifying in a legal proceeding against a mentee. From a legal status she claimed it is unheard of and urged the support of H315 to change that current law. HCR20 will help to determine what the mentoring plan is and what is the investment going to achieve. She wanted to reiterate that the passage of this bill does not eliminate mentoring in the state of Idaho.

Questions

Senator Goedde asked if a school district could subpoena a mentor to testify to the fact that there was a mentoring program.

Ms. Molitor replied that her understanding, which was not in accordance with Ms. Phelan's testimony, that whether or not a mentor can be subpoenaed is still a question, but it is making it difficult for the school boards to promulgate.

Senator Marley asked what attempts had been made to have mentors testify. Dr. Green answered the question by stating that four law suits had been filed each sighting insufficient mentoring as one of the claims. Two of those law suits were settled because the guidelines of the State Department of Education. Therefore they never had to try to get a mentor to testify.

Testimony

Nicole Misseldine a teacher at Eagle Middle School was mentored by Ms. Mahler in her first years of teaching and spoke of her experience and asked the committee to help all new teachers have the same great experience she had by rejecting H315.

Jim Shackelford, Executive Director of the Idaho Education Association (IEA), stated he would like to address his comments specifically to the amendments that have been purposed. They have considerable concern of the amendments. The amendments make the legislation better but they still do not reach the point where their organization is comfortable. The four primary areas of concerns with the amendments are first the amendments do not establish any kind of standard or guarantee that a standard will be established for mentoring, peer assistance, professional development and administrative support. There could be 114 different programs submitted and all of those programs would be measured against a standard that was developed by the state. This new approach would eliminate the role of the state in the oversight of those programs. Secondly, the issue of confidentiality between mentor and mentee continues to be a concern, they believe that confidential relationship is very important. Thirdly the current proposal is to extend the mentoring program beyond their first year to help with the 2-year study. In actuality, they are eliminating schools need to provide support for teachers in their third year. Last of all the amendments neglect the fact that it releases school districts of providing support for second year teachers who transfer to another district. Mr. Shackelford concluded by asking the committee to hold H315 in committee and begin insisting that educators continue to work to ensure they have a quality program in place.

Dr. Cliff Green, Executive Director of the ISBA, stated that the reason he was before the committee today was because of a statutory requirement to provide teacher mentoring. There was no funding for the last two years nor will it be funded for 2006. There have been four law suits filed citing teacher mentoring. They believe that the guidelines make it illegal for mentors to testify and feel that the guidelines rise to the level of rule. There needs to be State Board policy that either supports or eliminates. He stated the current standards are pretty loose and the mentoring committee had a hard time defining what a mentor/mentoring program really was. The resolution would help them do the research to determine if mentoring is effective for a third year. Also in that third year this resolution will help them to determine what direction mentoring will go. He concluded that the intent of this legislation was not to get rid of mentoring, it is only to help the districts to not be accountable. These are two good pieces of legislation that will help determine a nexus between student achievement and mentoring and in the next three years mentoring they will have better information to help the legislatures determine what to do with mentoring.

Motion

Senator Marley moved to send HCR20 to the floor with recommendation of do pass. Motion was seconded by Senator Jorgenson. A voice vote indicated that it was unanimous.

Senator Pearce moved to send H315 to the floor with a recommendation of do pass. Motion was seconded by Senator Jorgenson.

Senator Gannon made a substitute motion to move H315 to the 14th order. No one seconded the

motion. Motion failed.

Discussion

Senator Burkett stated to have a statute you want to change it only requires a few words that state this statute has no liability for failure to provide a teacher mentoring program. He does not feel that the legislation needs to get rid of this program and he cannot support this bill.

Senator Jorgenson stated since there is no money for mentoring that leaves them wide open for law suits. He understands Senator Burkett's concerns of form over function. He continued by saying that there is an eight-year window of opportunity for teachers to file a law suit for breach of contract. This legislation will only help for future contracts, not current ones. He concluded that the legal exposure is too real and something needs to be done. No one feels that mentoring should be eliminated.

Senator Goedde asked Senator Jorgenson what language in the amendment did not make him comfortable. Senator Jorgenson replied that he wanted to withdraw his second from the motion to send H315 to the floor and seconded Senator Gannon's motion to send the H315 to the 14th order. Senator Pearce's original then failed by lack of a second, making Senator Gannon's motion the original motion.

Senator Pearce asked Senator Goedde if he felt the amendment was necessary. Senator Goedde responded that it gave him some comfort. It did not address all the concerns of the IEA, but it did expand support which was needed. Senator Pearce felt that the amendment was micro-managing. He stated that a good mentoring program needs to be three years and he feels that the universities are not preparing teachers to teach as they should have done. Until they prepare teachers to teach, districts need to provide mentoring for three years.

Senator Goedde suggested that this bill is a bridge, it will get them to the point of having results from the interim committee from HCR20, and at that time, they can make informed decisions about mentoring. He concluded that the four categories in the amendments actually gave local districts more flexibility.

Motion

Senator Schroeder made a substitute motion to hold H315 in committee. Motion was seconded by Senator Burkett.

Discussion

Schroeder explained that due to the shortage of funding, two allies for mentoring are being forced to pick between two issues. He felt that the return investment on mentoring was the greater cause. He did not want to fight over good programs where there is an agreement on its value. The solution is to create more revenues through sales tax and actually have a mentoring program. He concluded that instead of arguing over two good programs and the solution was to hold the bill in committee and work to get it funded.

Senator Andreason explained that he has been studying mentoring nationally for 10 years now, and felt that Ms. Mahler stated it best, if there is a good mentoring program, the outcome will be good teachers.

Vote

Substitute motion to hold H315 in Committee, Roll call votes: Nay, Gannon, Pearce, Jorgenson, Goedde. Aye, Schroeder, Andreason, Marley, Burkett. Motion failed.

Vote of original motion to send H315 to the 14th order, Roll call votes: Nay, Schroeder, Andreason, Marley, Burkett. Aye, Gannon, Pearce, Jorgenson, Goedde. Motion failed, H315 died.

Senator Goedde presented the page Jacqui with a letter of recommendation and a present. Senator Schroeder thanked Senator Goedde for the good job he did as the Chairman.

Senator John Goedde
Chairman

Tenille Claridge
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 29, 2005

TIME: 1:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Jorgenson, Senators Schroeder, Andreason, Gannon, Pearce, Fulcher, Burkett, Marley

MEMBERS ABSENT/ EXCUSED: None

MINUTES: Meeting was called to order by Senator Goedde, the secretary was asked to take a silent roll.

H315 Jim Shackelford, Executive Director of the Idaho Education Association wanted the committee to know that the IEA disagrees with the concept of H315 and yielded to the IEA's general counsel, John Rumel.

Mr. Rumel spoke of class action lawsuits. He stated that class action lawsuits are not the issue at hand, losing mentoring was. He compared the number of law suits to the number of teachers who did not file lawsuits. He stated that the IEA had not filed one class action law suit on mentoring and even though mentoring is an unfunded mandate, he does not believe that there will be any law suits of this nature in the future. Mr. Rumel yielded to Alan Herzfeld also an attorney for IEA to present his research on the Attorney General's opinion.

Mr. Herzfeld discussed an informal opinion of the Attorney General concerning class action lawsuits arising out of Idaho Code 33-514. Mr. Herzfeld disagrees with the Attorney General's opinion and did further research to prove his opinion. He then sent a letter back to the Attorney General stating his belief on the matter. A copy of the Attorney General's letter to Chairman Goedde and Mr. Herzfeld's response are both attached. Attachment #1 and 2.

Questions Senator Andreason explained that during the last week of negotiations with the IEA, he requested a letter of assurance that the IEA would not file any class action lawsuits for reasons of mentoring. A copy of the letter is attachment #3.

Senator Schroeder asked Mr. Shackelford if NCLB had any mentoring requirements. Mr. Shackelford stated not to his knowledge.

Senator Jorgenson asked Mr. Shackelford if a teacher who joined the IEA, lost their constitutional rights. He further explained that an individual could still file a class action suit without the permission of the IEA and felt that the IEA was not in a position to give any letter of assurance when they did not have full control of this type of law suit.

Mr. Shackelford yielded again to Mr. Rumel who in response said it was true,

an individual could still file a lawsuit. Looking at the history of the 4 lawsuits that had been filed he did not believe that more would happen. He concluded he cannot tell the future but felt that the past was a good indicator of what the future would be.

There was a short discussion on commonality, the premise of class action lawsuits, and the liability the state could be faced with. The IEA does not believe there will be more lawsuits, they are fear that H315 will bring an end to mentoring in the school districts, and they do not want to take that chance as mentoring is too valuable to lose.

Testimony

Dr. Phil Kelly, a professor at Boise State, spoke to the committee about his findings in research of the importance of mentoring. He also found in his research that not one school district, who had a written mentoring program, had lost in court. Dr. Kelly fears that H315 will terminate the mentoring program as Idaho code currently states. He asked the committee to hold H315 in committee.

Laura Luthy, a teacher in Kuna, explained that the mentoring program in Kuna was very strong and she too is afraid that if H315 were to pass that mentoring programs will go away indefinitely. She stated that, in the next year, although mentoring is currently not funded, the Kuna school district will lose more funding because of a possible new charter school in the district.

Senator Fulcher asked why Ms. Luthy saw a new charter school as a threat to mentoring.

Ms. Luthy, stated that the charter school is separate from the other schools in the district and believes they do not have to follow the same rules the public schools have to follow. Also if the charter school opens they would lose some 300 children to the charter school and therefore they would lose funding.

Kathy Phelan spoke of the importance of mentoring a new teacher and told the committee that to abandon the mentoring programs would hurt the students. She too does not believe that there is a great liability of potential law suits to have mentoring be an unfunded mandate. The original law was revolutionary as it states, the State of Idaho makes a commitment to the children in the classroom, that through a mentoring program, a teacher will never be abandoned. To take it away would be at the cost of the children.

Senator Jorgenson expressed his concern of potential lawsuits and how devastating it could be to the state. He also conveyed that neither he nor any member of the Senate Education Committee wants mentoring to go away. He knows there is great value to mentoring but felt that the liability is too great to not pass H315.

John Watts, legislative advisor for the Idaho School Board Association (ISBA), stated when funding for mentoring went away, H315 was drafted. H315 includes the mentoring program as a duty in the districts and states that the district shall provide mentoring. He felt that mentoring was captured in the bill to ensure its continuance. He also stated that even though mentoring was not funded, the districts had discretionary funds that they could choose to use for

mentoring, some district were using it for mentoring others were not. HCR19 and HCR20 both will help mentoring as they are set up to research mentoring in the next 2 years. He concluded that this is a nice package that guarantees the program is not going away, it is a power of the district to prioritize if they want a mentoring program. This legislation is a opportunity to fix a program that is obviously broken and make a wrong, right.

Questions Senator Burkett stated that he felt that the state had oversight of mentoring right now, and to say that the districts shall provide mentoring as their duty would leave it up to the districts and the state would lose that oversight.

Mr. Watts believed that the words "shall provide and duty of the district" had been chosen correctly, and stated that due to the current guidelines, mentoring was leading to lawsuits. Clearly showing that those guidelines were not being followed by the districts. Guidelines are not enforceable and concluded again that it is not the intent of H315 to disregard the mentoring program nor the value of a good mentoring program.

Senator Goedde asked for unanimous consent that they limit debate and start on motions. There was no objection.

Motion Senator Jorgenson moved to send H315 to the 14th order. Motion was seconded by Senator Pearce.

Senator Marley made a substitute motion to hold H315 in committee. Motion was seconded by Senator Burkett.

Discussion Senator Marley explained that he feels that the potential for lawsuits had been grossly over exaggerated and he is convinced that mentoring will go away if this bill passes.

Vote Senator Schroeder called for a roll call vote. Vote on the substitute motion to hold H315 in committee. Aye: Schroeder, Andreason, Burkett, Marley. Nay: Gannon, Jorgenson, Pearce, Fulcher, Goedde. Motion failed.

Vote on original motion to send H315 to the 14th order. Nay: Schroeder, Burkett, Marley. Aye: Gannon, Jorgenson, Pearce, Fulcher, Goedde, Andreason. Motion carried

Senator Goedde thanked the committee and adjourned the meeting.

Senator John Goedde
Chairman

Tenille Claridge
Secretary