

House Education Committee

Minutes
2009



MINUTES

HOUSE EDUCATION COMMITTEE

DATE: January 14, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Rep. Chew

GUESTS: Harold Ott, Idaho Rural Schools Assn; Stacey Axmaker, Idaho STAR program; Jan Sylvester Idaho PTA; Mark Browning, Idaho State Board of Education; Dale Bower, SBOE; Robin Nettinga, Idaho Education Association; Bert Marley, IEA; Sherri Wood, IEA; Luci Willits, Department of Education; Karen Echeverria, Idaho School Board Association, Colby Cameron, ISBA; Caty Hall, Fred Riggers

Chairman Nonini called the meeting to order at 9:00 A.M. and a silent roll was taken. He introduced new members of the committee, which include Representatives Thompson, Gibbs, Hartgen and Chew. He also introduced guests that regularly attend Education Committee meetings. He also introduced the Committee's new page, Erica Olsen from Coeur d'Alene.

Chairman Nonini asked Vice Chairman Shirley to briefly discuss the rule review process. Vice Chairman Shirley asked **Karen Echeverria** to explain the rule process as she has expertise in this area. Ms. Echeverria explained that administrative rules have the force and effect of law and it is a very important function of committees. She also explained that rules are implemented throughout the year by state agencies. She explained the difference between the three kinds of rules that the Committee will be hearing. Pending rules are pending review of the Committee. They have gone through a public comment period and will go into effect at the end of the legislative session unless both the House and Senate reject them. A pending fee rule is a rule that is associated with a fee and both the House and Senate have to take affirmative action which is done by a concurrent resolution. Temporary rules are already in effect, will die unless affirmative action is taken by legislature and most of these rules will come back next year as a pending rule.

In response to questions, she explained that the temporary rule will die at the end of the session unless affirmative action is taken and will not necessarily come back as a pending rule. Once the concurrent resolution is drafted by the Legislature, it does not come back to the Committee that heard the rule, but goes to the State Affairs Committee. She explained that it is important for Committee members to pay attention to what Senate Education Committee decides with the rules.

She also explained that the law allows the Legislature the ability to modify

rules, but the Supreme Court has said that modifying rules should be done by executive rule and leadership has decided that the Legislature can accept or reject an entire rule or can reject a part of the rule. If one side rejects a fee rule, then the rule is dead.

Vice Chairman Shirley explained that two subcommittees will be appointed to hear the rules. One will hear the rules of the State Department of Education and the other subcommittee will hear the rules from the State Board of Education. He announced that Rep. Wills will chair one subcommittee and serving with him will be Reps Chadderdon, Chavez, Shepherd, Gibbs, Pence, and Hartgen. This subcommittee will hear the rules from State Department of Education.

He further announced that Rep. Nielsen will chair the subcommittee to hear the rules from the State Board of Education. Serving on his committee will be Reps. Marriott, Boe, Thompson, Thayn, Durst, and Chew.

Chairman Nonini explained that leadership has asked that rules be heard quickly, and then the Committee can take care of other business that is before it. **Luci Willits** will present the Department of Education rules and **Mark Browning** present the State Board of Education rules. He further announced that the subcommittees will meet at the call of the chair and their work should be done within a day or two. The subcommittees will submit a report to full Committee and then the full Committee will either accept or reject the rules.

Chairman Nonini explained that the full committee will not meet tomorrow morning because they will be meeting jointly with the Senate Education Committee tomorrow afternoon. The Committees will hear a report from the Office of Performance Evaluation on funding for public education. The Committees will also hear a presentation on an inventory of government-funded early childhood development and education programs in Idaho.

Chairman Nonini briefly discussed the Governor's proposed budget cuts. He explained that the Governor is proposing to cut about 5% of the Education budget. He further explained that he will have the opportunity to go before JFAC to present Committee recommendations for the Education budget. The Committee will have a presentation by the State Superintendent of Public Instruction's office and the Governor's office concerning the education budget. **Ms. Willits** explained that Superintendent Luna will present his budget to JFAC on Jan. 29th and she invited any Committee member to discuss budget proposals with Mr. Luna.

ADJOURN:

As there was no further business before the Committee, Chairman Nonini adjourned the meeting at 9:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

JOINT MEETING

**HOUSE EDUCATION COMMITTEE
SENATE EDUCATION COMMITTEE**

DATE: January 15, 2009

TIME: 3 P.M.

PLACE: East Conference Room, Joe. R. Williams Building

MEMBERS: Co-Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

Co-Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Sagness, Kelly

**ABSENT/
EXCUSED:** Senator Kelly, Representatives Trail and Wills

GUESTS: See attached list.

Senator Goedde called the meeting to order at 3:05 P.M. and a silent roll was taken.

PRESENTATION **Rakesh Mohan**, director of the Office of Performance Evaluations, introduced the report entitled "Public Education Funding in Idaho" to the joint Committee members. He also introduced the members of his staff who produced the report. These staff members include; **Carrie Parrish, Maureen Shea, Jeff Shinn, Robert Thomas, Kathleen Sullivan** and **Tedd McDonald**.

Mr. Mohan noted that the study was assigned by the Joint Legislative Oversight Committee (JLOC) to study adequacy and the stakeholders perspective of Idaho's Public Education Funding approach, as well as identify and evaluate adequacy issues based on stakeholders' perspectives on fund-distribution. However, no indication is given as to what the findings conclusions and recommendations the report should focus on, and the report is entirely and independently developed by OPE and it's consultants. This report talks about funding approach and linking that approach to outcomes; it also talks about taking strategic approaches. When the study was assigned there were some perceptions that the study would come out with a magic-bullet dollar figure cost of spending per-student, but the study could not have provided such a figure in good-faith. Because there was no audit of any agencies, there was no need for a response. As such there is no response as is standard in a report such as this.

Ms. Parrish noted the timeliness of the report, indicating it provided opportunities to explore how education in Idaho can continue to move forward with or without additional funding.

The report provides opportunities to look at issues of accountability and cost-

effectiveness in public education. She stated that the scope and objectives of the study included evaluating Idaho's approach to funding compared to that of other states, and identifying the strengths and weaknesses of those approaches. It also identified and evaluated adequacy issues based on stakeholder's perspectives on fund allocations to districts and individual schools. She defined equity and adequacy (copy of Powerpoint Presentation attached), noting that equity is more difficult to closely monitor because there are times when fair distribution of funds intersects with whether or not funds are sufficient.

Ms. Parrish pointed out that Idaho's last formula revision was in 1994 through **Senate Bill 1560**, where two of the primary changes included calculations for staff salaries and additional funding added to public education base. She announced that there were three primary report conclusions: 1) conducting an adequacy study is not the solution; 2) Idaho can move forward without an adequacy study; 3) Idaho's funding approach should be reviewed.

Robert (Bob) Thomas addressed the first finding, noting that how other states address funding went into this report. He stated that there are three predominate reasons states conduct adequacy studies: response to legal challenges, to avoid litigation and to improve the state's education system. He noted the concerns about legal challenges lies in the chronology of school finance litigation having been faced nationally (Slides 8, 9 of Powerpoint Presentation). He also addressed the issue of adequacy studies, stating that the desired outcome of an adequacy study on the state level is to meet statutory or constitutional requirements, and to tie funding levels to specific performance outcomes. He stated that the "magic bullet" Mr. Mohan talked about at the beginning of the presentation is usually the desired result, and one that can not be achieved.

Mr. Thomas also addressed "Best Practices," as defined in the report (Slide 11 of Powerpoint Presentation), and that all methodologies have strengths and weaknesses. He noted no promise of any adequacy studies has been fulfilled, and pointed out weaknesses in current adequacy studies, stemming from differing definitions of adequacy (Slide 12 of Powerpoint Presentation). In summary, he stated that adequacy studies may over-promise what can be achieved, standards for adequacy are too often set as rigid requirements instead of goals, and attempts to avoid litigation can backfire if requirements are not met.

Ms. Parrish addressed the question of how can Idaho move forward by stating there was a need for using a cyclical process of goal-setting, investments, outcomes and evaluation, which is outlined on slides 16 through 19 of the Powerpoint Presentation. There is also a need to ensure that the objectives and characteristics common to other state-funded programs are incorporated into the funding process for public education. When discussing goal-setting, she noted that teachers are the least likely to pick standardized tests as an indicator of student achievement, while superintendents are the most likely to pick them.

The issues of reviewing Idaho's education funding was brought up by **Ms.**

Parrish, who indicated three considerations that need to be taken before policymakers move forwards in funding issues These consideration include student achievement, equity and funding formula. (Slide 21 of Powerpoint Presentation); these three considerations should be used to set the course for future funding. She addressed students achievements on tests and equity in education funding.

Dr. Kathleen Sullivan addressed measures of equity, which were to include equality of distribution and fiscal neutrality (Slide 24 of Powerpoint Presentation). She also made note of total funding per pupil, and concluded that there is a degree of equity at the state level on both indicators: equality of distribution and fiscal neutrality. There is however less evidence of equity at the local level on both indicators. Dr. Sullivan discussed equity results in terms of equality of distribution and fiscal neutrality, concluding that there may be some discrepancy as to whether the Equality of Distribution Standard has been met state-wide. This is because a smaller school-district may be receiving more funding per student to provide the same opportunities that a larger school can do on a less-per-student budget.

Maureen Shea discussed the formula rationale. She explained that stakeholders have voiced concerns that the discretionary funds are not keeping pace with fixed costs. In response to a question regarding the use of these funds, Ms. Shea explained that a history of discretionary funding can be found on page 34 of report. She further explained that funding has decreased in recent years. She reported that discretionary funding is a priority for nearly 88% of superintendents surveyed. Funding for Special education is discussed on pages 30-32 of the report. She explained that there has been tremendous growth in the area of students identified as seriously emotionally disturbed. The concern that the state may have over reported or under reported this figure is discussed in appendix b of report. Ms. Shea also discussed the major report conclusions. These conclusions include; conducting an adequacy study is not the solution, Idaho can move forward without an adequacy study and Idaho's funding approach should be reviewed.

Questions from committee members included; Chairman Nonini questioned why there was such growth in the number emotionally disturbed students. OPE responded that they were not able to get that information.

In response to a question regarding an effective process than the current funding formula process used for public schools, **Mr. Thomas** explained that an incremental approach would be best and one should also look at best practices and programs that work. It was explained that goals are things to work towards and with a legislative approach the legislature is in the driver's seat for the funding approach. In response to a question regarding funding formula goals of the state, **Ms. Parrish** responded Idaho does not have its own set of goals and is being mandated by federal goals such as No Child Left Behind.

She further explained that the report did not try to identify what goals would be best for Idaho and this was left up to the policy makers. In response to a question regarding invalid conclusions, Mr. Thomas explained that the report looked at different measures and not the whole picture and it does not give a clear answer. In response to a question regarding if the report says that more or less money should be put in public education, Mr. Thomas responded that the report is not an adequacy study and more study is needed.

Mr. Mohan concluded the presentation and explained that if there were any additional questions from committee members, his office will answer at them at another time.

PRESENTATION

Paul Headlee, senior budget and policy analyst from the Legislative Services Office presented his report entitled "Early Childhood Development and Education in Idaho" to the joint committee. He explained that this report is an inventory of government funded early childhood programs in Idaho. He explained that this inventory was done at the request of the chairmen of the Senate and House Educations committees. The chairmen were interested in what early childhood development and education programs are conducted in Idaho with government funding, the funding sources, and numbers of individuals served. The chairmen were also interested in similar information from other states and Idaho's use of federal funding. (Copy of power point presentation attached)

Mr. Headlee explained that he did not review program effectiveness but kept it at the inventory level. In response to question regarding tribal schools, he explained that they were not part of the inventory. He further explained that the inventory is focused exclusively on entities that receive government funding. 22 programs were identified and FY 2008 program expenditures totaled \$95 million dollars for these programs. The money is 75% federal and 25% state. He explained that 94% of these expenditures were directed toward low income families and children, special needs children, and students who are academically at risk.

The key programs include; Head Start and Early Head Start, Idaho Child Care Program, Infant and Toddler program, Early childhood special education, Title 1, part A funding and Medicaid services. He explained that these programs account for 91% of the total expenditures. In response to a question regarding if the same children can be served in multiple programs, Mr. Headlee explained that this could be the case. He also explained that Medicaid services are services that take place in the school. He explained that he surveyed 180 cities. He reported that with limited budgets most are able to serve quite a few students.

He explained that he does not have information at county level but it will be available later during the session. In response to questions, Mr. Headlee explained that the funding discussed is state dollars. He also discussed the states that fund pre-kindergarten programs and the top ten states with highest pre-K participation rate. He also discussed other reports that have been done that deal with this issue that are available.

In response to a questions regarding outcomes of pre-kindergarten programs and kindergarten readiness, Mr. Headlee explained that he did not look at program outcomes or assess effectiveness. He explained that **Mr. Stan Burton**, executive director of the Idaho Head Start Association could provide this information.

ADJOURN: As there was no further business to be brought before the joint committee, Sen. Goedde adjourned the meeting at 4:50 P.M.

Representative Bob Nonini
Co-Chairman

Claudia Howell
Secretary

Senator John Goedde
Co-Chairman

MINUTES

HOUSE EDUCATION COMMITTEE NIELSEN SUBCOMMITTEE

DATE: January 19, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nielsen, Representatives Marriott, Thayn Thompson, Boe, Durst and Chew

**ABSENT/
EXCUSED:** None

GUESTS: See attached list

Chairman Nielsen called the meeting to order at 9 A.M. A silent roll was taken. He announced that the docket 47-0101-0801 will be moved up to second on the agenda.

**Docket #
08-0104-0801:** **Mark Browning**, Chief Communications Officer of the State Board of Education addressed the subcommittee. He introduced **Dana Kelly**, program director of Student Affairs for the State Board. She explained that this docket deals with residency classification. She explained that this residency legislation followed up the Office of Performance Evaluation's report from January 2004. Statutory changes are in line with the recommendations of OPE. The rule clarifies whether full-time, nonresident students are presumed to be in Idaho primarily for educational purposes, unless they clearly demonstrate they are primarily engaged in activities other than those of a student. She explained that the statute and proposed rule provide the necessary guidance on this issue. The statute states that a student who is enrolled for more than eight hours in any semester or quarter during a twelve month period shall be presumed to be in Idaho primarily for educational purposes. This period of enrollment shall not be counted toward the establishment of a bona fide domicile in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational. It also identifies the factors needed to show that domicile has been established primarily for purposes other than education. These factors include; filing of Idaho state income tax returns covering a period of at least twelve months before the term in which the student proposes to enroll as a resident student, permanent full time employment or the hourly equivalent thereof in the state of Idaho or ownership by the student of the student's living quarters. She explained that in addition to the three factors, the statute provides seven factors which give support to domiciliary intent and provides the basis for the rules to consider a rebuttable presumption clause which provides students an additional means of proving domiciliary intent.

She reported that during the public comment period, the Board received comments regarding the difficulty students face who leave the state to attend school and then choose to return to the state to continue their education. Students who attend school out of state, but who return to Idaho and seek to establish residency, do not meet the residency requirements if they receive scholarships or grants that are more than the support provided by their parents. She explained that the Board modified the rule to exclude educational scholarships or grants provided to the student to attend a post secondary educational institution out of state when determining the percentage of parental support for residency status. She concluded that approval of the rule will align the rule to current statute and make a policy decision to provide students a means to prove domiciliary intent and establishment of Idaho residency for purposes of tuition and fees at Idaho public institutions.

In response to questions from the committee, **Tracie Bent** from the State Board office explained that the addition to the rules was taken from language that was in the statute and the intent is not to change or deviate what was already in statute. In response to a question regarding support for students who have one parent living outside the state, Ms. Kelly responded that more than 51% of parental support has to be from the parent in Idaho to have the student pay instate tuition, but specific cases could be looked at.

MOTION:

Rep. Boe made a motion to recommend approval of **Docket 08-0104-0801** to the full committee. Concerns from committee members were expressed about the Native American section on section j on page 5. Ms. Kelly was requested to bring a copy of the statute that referenced this issue to the full committee meeting and invite a member of a tribe to discuss this issue.

On a voice vote, the motion carried. Chairman Nielsen, Rep. Marriott and Rep. Durst voted NAY.

**Docket #
47-0101-0801:**

Dr. Michael Graham, Administrator of the Idaho Division of Vocational Rehabilitation presented this rule to the subcommittee. He explained that the major portion of rule change is incorporating the VR Field Services manual into rule. He explained that the manual would be incorporated by reference and federal regulations. He further explained that if any policy in the field services manual changes this would have to be changed in the rule which is subject to legislative approval. He explained that accessibility to field services manual has been expanded. He further explained that it is standard procedure for an organization that provides services for individuals with disabilities to have transparency. He acknowledged that the accounting procedures are the least clear in the rules. He reported that the annual audit section in the rule is the least clear and suggested that striking that section due to concerns from provider groups. He explained that in the 21 day comment period, they received comments from three provider organizations.

In response to a question regarding how the field services manual has been changed in the past, Dr. Graham explained that changes were done internally and if this docket is approved, from this point forward it would be a public process.

It was commented that in this docket there is less allowance for clients to appeal, but Dr. Graham reported that there would be no change. He also explained that the manual is available in both electronic and hard copies.

Kathernie Hansen, executive director of Community Partnerships of Idaho, a private agency providing services to individuals with disabilities addressed the subcommittee. She reported that CPI was not asked for input of these rules. She explained that her organization is in opposition to section 301 of the rule that deals with transparency. She explained that requiring for profit agencies to pay for annual audits, disclose the executive director's salary and create a voluntary board without having the benefit of a non profit tax status would pose a burden on her agency. She explained that transparency rules will not change the quality and timeliness of the services provided by her agency. She further explained at the tremendous financial benefits to non profits are why the federal government requires them to have annual audits and a voluntary board. She explained that all this rule will do is add unnecessary expense to small businesses and decrease resources available for services to individuals with disabilities. She further explained that it has been estimated that her organization would be required to pay between \$20,000 and \$30,000 for an annual audit.

Kelly Keele, representing the Idaho Chapter of APSE which is an association for persons in supported employment to improve and expand integrated employment opportunities for persons with disabilities addressed the subcommittee. He expressed his organization's concern regarding the transparency section of the rule docket and procedural problems which may cause confusion and removal of appeal rights from individuals receiving employment services from rule. He explained his organization's specific concerns about the transparency portion of the rule include; cost of coordinating, scheduling and hosting meetings with a voluntary advisory board, high cost of an audit report, and not all community rehabilitation providers are organized as a corporation with a CEO and therefore would not be able to comply with part of the rule. He also expressed concern with the availability of the VR Field Services manual referenced in the rule. He explained that in the current rule, the 2003-2004 manual is reference, but when he requested a copy of this manual, VR was unable to produce one. He further explained that at this time the version of the manual that is available online is the July 2008 version which does not go into effect until the rule docket is approved. He also expressed his concern that the rule docket is not internally consistent and references sections that are not contained in the docket. He concluded that the rules would add requirements which result in no benefit, contain confusing and contradictory statements, reduce protections in rule for the individuals seeking employment and may result in reduced choice and reduced employment opportunities.

In response to questions from committee members, Mr. Keele explained that his organization was not a part of the process in rule making. It was commented that if the committee rejects this rule, then providers would be expected to use 2003-2004 Field Services manual.

Ron Enright, staff member for the Idaho Council on Developmental Disabilities addressed the subcommittee.

He explained that the Council is made up of 23 volunteers who are appointed by the Governor. Their responsibility is to engage in advocacy, capacity building and systemic change activities to improve the quality of life for Idahoans with developmental disabilities. He explained that the Council is in opposition to section 301 of the rule docket that deals with transparency. He explained that the Council believes that employment service providers should be held accountable for helping individuals get a job and that individuals receiving their services are satisfied with the delivery of services. Adding an advisory board, undergoing a financial audit and disclosing the salary of the CEO will not accomplish any of the measurements the Council believes are essential. He further explained that the Council believes that the transparency section will place a difficult financial burden on small for profit business providers by adding costs to their operations.

James Baugh, executive director of CO-AD, an agency that provides representation and advocacy for people with disabilities, addressed the subcommittee. He explained that his agency's concern with the rules is the same as that of the DD council. In response to questions, Mr. Baugh explained that his only concern with the appeal process is that it will be confusing. He further explained that the mediation process already guaranteed in federal regulations. He reported that there are no substantive change in the appeal rights in the rule docket, but should be easily accessible for those who need them. He explained that a non-profit organization, cost for operating a board is about \$24,000 per year and bids for auditors usually run between \$8,000 to \$10,000 per year.

James Moss, administrator of Life's Work, an organization that provides services for individuals with disabilities spoke in opposition to section 301 of the proposed rule docket. He explained that he is a small provider and he has an enormous concern with this part of the rule as does other small rural providers.

Kelly Buckland, executive director of the State Independent Living Council addressed the subcommittee. He explained that his organization is opposed to section 301 of the proposed rule docket explained that IDVR is purchasing a service from a provider at a set fee and the proposed transparency rule does not achieve what the agency wants. His organization feels that VR should focus on outcomes and they are also concerned about that the appeal rights create confusion for a lot of people. He suggested that portion of the rule be rejected.

In response to questions from the subcommittee, **Katherine Hansen** explained that her organization was not involved in the negotiated rule making process. She also explained that IDVR has begun doing audit of long term support services, but she does not know what the findings are. She also clarified that in rule, providers have to be nationally accredited.

Leeann Smiley, a CPA at Community Partnerships of Idaho addressed the subcommittee. She explained that a financial audit would encompass all services, but VR would require an audit for only 6% of services. She explained that a financial audit would not improve services.

Dr. Graham responded to committee questions. He explained that the agency engaged in a review process with Deputy Attorney General with the State Board and he wrote this section dealing with appeals. He further explained that there are no effective changes to the current process. In response to a question regarding legislative oversight of the VR field services manual, Dr. Graham explained that as of right now, the legislature has not had a say so, but if the rule docket is accepted then the legislature would have oversight of future changes to the manual. The recent version incorporated changes from older manuals. In response to a question regarding the possibility of more confusion for clients who would like to go through the appeal process, Dr. Graham explained that it is the opinion of some it would be more confusing. He reported that VR clients are provided with an outline of their rights at the time of application for services. If a client is not satisfied, they can go thru CO-AD and generally other agencies are not involved. In response to a question as to what form of the field services manual is currently being used, Dr. Graham explained that the 2003-2004 manual is used in a fragmented form in the past and is available. He further explained that the version is archived and old electronic forms can be printed out. He commented that there is no hesitancy on VR's part to have this document available to the public.

In response to Committee questions, **Mark Browning** from the State Board explained that the Board followed procedure to have these rules published. There have been several opportunities for the public to comment on the proposed rules. **Dr. Graham** explained that about 33 vendors did express interest in the rules and most are aware that rules get changed on an annual basis. He further explained that there are two membership organizations for service providers and they meet on a quarterly basis. VR staff meets with these organizations and discussion has been held as early as last winter on the proposed rules. Opposition to the proposed rules were voiced last April. In response to a questions as to why the transparency part was put into rule, **Tracie Bent** from the State Board responded that it was recommended by VR. VR felt that it should be transparent for both non-profit and for-profit providers. She further explained that there are about only 20 providers that do no meet transparency requirement already. Dr. Graham explained that his agency felt that transparency is good thing to have across the board.

MOTION:

Rep. Thayne made a motion to recommend approval of **Docket 47-0101-0801** to the full committee the exception of section 301 regarding transparency. In the discussion on the motion it was mentioned that the legislature will have oversight over the field services manual in the future and all agencies should have audits. It was also suggested that there be a rewrite of rule to spell out more clearly "audit information". It was also felt that client participation in appeals should be in manual and also online to provide clarity and less problems.

SUBSTITUTE MOTION:

Rep. Durst made a Substitute Motion to recommend approval of **Docket 47-0101-0801** to the full committee with keeping the sentence under section 100 and un-striking the language is subsections 01, a,b, 02, and 03 and also strike section 301. In response to a question regarding if this proposal would be in conflict with current language, **Mr. Stevenson** from Administrative Rules addressed the subcommittee. He explained that in rejecting this subsection, the stricken language would be put back in the rule.

Dr. Graham responded that if this section were to be put back into rule, it would create a conflict. He explained that the Deputy AG rewrote this section.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. Chew made an Amended Substitute Motion to recommend rejection of the entire docket in full to the full Committee. **Mr. Stevenson** explained that there would be substantial problems with old rule. After committee discussion, Rep. Chew withdrew her motion.

By unanimous consent, Rep. Durst withdrew his substitute motion. There were no objections.

**ORIGINAL
MOTION:**

On a voice vote, the Original Motion to recommend approval of **Docket 47-0101-0801** to the full Committee with the exception of section 301 regarding transparency passed with Chairman Nielsen and Rep. Boe voting NAY.

Chairman Nielsen announced that due to the late hour, the subcommittee will meet again to discuss the remaining rule dockets on today's agenda.

ADJOURN:

There being no further business to be brought before the subcommittee, Chairman Nielsen adjourned at 10:55 A.M.

Representative Pete Nielsen
Chairman

Claudia Howell
Secretary

MINUTES

**HOUSE EDUCATION COMMITTEE
WILLS SUB-COMMITTEE**

DATE: January 19, 2009

TIME: 9:00 A.M.

PLACE: Room 225

MEMBERS: Chairman Wills, Representatives Chadderdon, Shepherd, Gibbs, Hartgen, Pence, Chavez

**ABSENT/
EXCUSED:** None

GUESTS: Luci Willits, Idaho State Department of Education

Chairman Wills called the meeting to order at 9 A.M.

**DOCKET NO:
08-0202-0801** This rule relates to Library Media Specialist title. **Luci Willits** clarified the substance and purpose of the proposed rule making. The rule reflects the degree title universities/colleges use most often nationwide for this endorsement.

MOTION: **Representative Chavez** made a motion to recommend approval of **Docket No. 08-0202-0801** to the full Committee. The motion passed on an unanimous voice vote.

**DOCKET NO:
08-0202-0802** **Luci Willits** clarified that this rule change addresses concerns regarding the definition of "educationally related" credits for re-certification for educators and that it might limit or discourage teachers from seeking another teaching degree or new endorsement.

MOTION: **Representative Pence** made a motion to recommend approval of **Docket No. 08-0202-0802** to the full Committee. The motion passed on an unanimous voice vote.

**DOCKET NO:
08-0202-0803** **Luci Willits** noted this rule change relates to the standards of Idaho School Buses and the operations and the Idaho standards for the certification of professional school personnel.

The majority of the changes reflect revisions to the National Standards and include a structure for referencing paragraphs. The change in depreciation schedule would benefit a few rural school districts that have bus routes that are particularly long and rough. Buses on these routes have a shorter life span.

The rule clarifies Idaho Standards for the initial Certification of Professional School Personnel are used for post secondary programs in the preparation of these individuals. The changes better reflect current professional terminology for school psychologists.

- MOTION:** **Representative Hartgen** made a motion to recommend approval of **Docket No. 08-0202-0803** to the full Committee. The motion passed on an unanimous voice vote.
- DOCKET NO:**
08-0202-0804 **Luci Willits** explained that this rule requires a \$40 fee for a criminal history check for all applicants for certification, school district employees, and anyone with unsupervised contact with students in the K-12 setting. The criminal history check and corresponding fee apply to applicants seeking certification to teach American Indian Languages.
- MOTION:** **Representative Gibbs** made a motion to recommend approval of **Docket No. 08-0202-0804** to the full Committee. The motion passed on an unanimous voice vote.
- DOCKET NO:**
08-0202-0805 This rule reflects changes to the requirements for a school counselor endorsement to increase the percentage of time for the required field experience is in all grade levels (elementary, middle/junior high and high school). **Luci Willits** explained the proposed change to the school psychologist endorsement increases the minimum number of hours for the required internship from 300 hours to 1,200 hours. The increase in hours more closely aligns Idaho's standards to most other states and reflects current research in the area of preparation for school psychologists.
- MOTION:** **Representative Chadderdon** made a motion to recommend approval **Docket No. 08-0202-0805** to the full Committee. The motion passed on an unanimous voice vote.
- DOCKET NO:**
08-0202-0806 **Luci Willits** clarified the additional routes needed to expedite attainment of endorsements for teachers who are needed to teach in areas outside of their current endorsement. These additional routes to endorsement under alternative authorization allow teachers to obtain additional endorsements through three options including traditional course work through a college or Praxis II test. Some pedagogy in content area best practices is required for those under the testing route.
- MOTION:** **Representative Pence** made a motion to recommend approval **Docket No. 08-0202-0806** to the full Committee. The motion passed on an unanimous voice vote.
- DOCKET NO:**
08-0202-0807 **Luci Willits** clarified the \$40 fee for undergoing a criminal history check (**CHC**). This is a standard fee paid by the applicant.
- MOTION:** **Representative Chadderdon** made a motion to recommend approval **Docket No. 08-0202-0807** to the full Committee. The motion passed on an unanimous voice vote.
- DOCKET NO:**
08-0203-0802 **Luci Willits clarified** the Idaho Alternative Assessment Extended Content Standards for Language Arts, Mathematics and Science are revised to reflect the parallel alignment to the Idaho Content Standards.

MOTION: **Representative Chavez** made a motion to recommend approval **Docket No. 08-0203-0802** to the full Committee. The motion passed on an unanimous voice vote.

DOCKET NO: **08-0203-0803** **Luci Willits** clarified pending proposed rule that the essential element of a State Longitudinal Data System is the ability to assign a unique student identifier to students. A unique statewide student identifier connects student data laterally across key databases as well as longitudinally from year to year.

MOTION: **Representative Gibbs** made a motion to recommend approval **Docket No. 08-0203-0803** to the full Committee. The motion passed on an unanimous voice vote.

ADJOURN: Chairman Wills adjourned the meeting at 10:00 A.M.

Representative Wills
Chairman

Shirley Scott
Secretary

MINUTES

**HOUSE EDUCATION COMMITTEE
NIELSEN SUBCOMMITTEE**

- DATE:** January 20, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nielsen, Representatives Marriott, Thayn, Thompson, Boe, Durst, and Chew
- ABSENT/
EXCUSED:** Rep. Boe
- GUESTS:** Ann Joslin, Commission for Libraries; Mark Browning, State Board of Education; Harv Lyter, Professional Technical Education; Bert Marley, Idaho Education Association; Harold Ott, School Administrators Association; Dennis Stevenson, Rules Coordinator Department of Administration; Scott Smith, State Department of Education
- Rep. Shirley announced that Rep. Nielsen was at a meeting and would be late in coming to the subcommittee meeting. He explained that he had been asked by Rep. Nielsen to chair the meeting. Rep. Shirley called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Durst made a motion to approve the minutes of the January 19th, 2009 subcommittee as submitted. On a voice vote the motion passed.
- Docket #30-0101-0801:** **Ann Joslin**, State Librarian presented this rule docket to the subcommittee. She explained that in 2008 the Legislature passed legislation establishing a digital repository of state publications under the coordination of the Commission for Libraries for the purpose of making them available to the public. She further explained that this rule provides a mechanism for operating the digital repository including the authority for the Board of Library Commissioners to grant exemptions to the requirements for state agencies to submit publications and the processes for requesting, granting and reviewing exemptions. She reported that this process has been successful and no agencies have requested that their publications be exempted from this process. In response to a question regarding if this was a cost saving measure, Ms. Joslin explained that some state agencies did not comply with the requirement to submit 20 print copies and there is no way to identify how many publications should be in the system. She further explained that not all agencies print a copy of some of their publications. Also, some documents that are on state agency's websites are never printed. She reported that there are ongoing costs of operating to maintain licenses for the software used.
- MOTION:** Rep. Durst made a motion to recommend approval of **Docket #30-0101-0801** to the full committee. On a voice vote, the motion carried.

- Docket #30-0101-0901:** **Ms. Joslin** presented this docket to the subcommittee. She explained that this is a temporary rule that makes changes to clarify the Commission's grant application process and provides the website address to the Library Services and Technology Act legislation for potential library applicants. She explained that application forms are available on Commission's website. She further explained that an annual mailing is done at the beginning of the competitive grant cycle.
- MOTION:** Rep. Durst made a motion to recommend approval of **Docket #30-0101-0901** to the full committee. On a voice vote, the motion carried.
- Docket #08-0111-0801:** **Tracie Bent** from the State Board of Education addressed the subcommittee. She explained that this rule is a a chapter repeal. Rep. Durst asked that the subcommittee hear the rewrite prior to hearing the chapter repeal.
- Docket #08-0111-0802:** **Ms. Bent** explained that this is the rewrite for the previous docket that repeals the chapter. She explained that this docket clarifies language that was in the original rule. This is a fee rule for registration of post secondary educational institutions and proprietary schools. **Dr. Mike Rush**, interim director of the State Board of Education answered questions from subcommittee members. He explained that there is a change in costs for proprietary schools and there is a cap for these costs established already in Idaho Code. He explained that the issue is that proprietary schools generally charge much less than other schools. He explained that the reason the State Board has not addressed it before is that the fee amounts are not near the cap. The cap is \$2,000. He further explained that there is a rewrite of issues pertaining to proprietary schools in upcoming legislation that will bring about a whole new set of rules. He explained the fees that individuals pay for courses are split between Professional Technical Education and the State Board. He explained that last year, the Department of Education had the responsibility of registering proprietary schools, but this responsibility is now been given to PTE. He explained that most proprietary schools are vocational in nature. He further explained that prior to last year, Idaho had no one handling this and the state was known as one of the two worst states in the nation for diploma mills. He further explained that the Board was given a temporary position to monitor this and to register proprietary schools. This issue will be contained in the new legislation. As of right now the state does not collect enough fees to pay for this part time monitoring. He reported that the biggest problem all of illegitimate institutions is that they do not pay a registration fee. He explained that this rule provides a mechanism through which legislation is implemented.
- MOTION:** Rep. Chew made a motion to recommend approval of **Docket 08-0111-0802** to the full committee. On a voice vote, the motion carried.
- Rep. Nielsen returned from his meeting and chaired the subcommittee meeting.
- Docket #08-0111-0801:** **Ms. Bent** explained that this docket is the chapter repeal and is being replaced by the above docket.

- MOTION:** Rep. Chew made a motion to recommend approval of **Docket #08-0111-0801** to the full committee. On a voice vote, the motion carried.
- Docket #08-0203-0804:** **Ms. Bent** explained that this is a pending rule that pertains to the ISAT test. The rule would allow scores on either the fall or spring 10th grade ISAT to be used for graduation purposes.
- MOTION:** Rep. Thayne made a motion to recommend approval of **Docket #08-0203-0804** to the full committee. On a voice vote, the motion carried.
- Docket #08-0203-0805:** **Ms. Bent** explained purpose of this rule is to combine graduation requirements and puts them together in one section. She explained that students entering 9th grade in the fall of 2008 or later, each student must also achieve a proficient or advanced score on the science portion of the ISAT. These students will be the graduating class of 2013.
- Rep. Nielsen commented that there is a valid complaint regarding the science test. He explained that the complaint is that there are so many areas of science and the test has questions from all of the areas of science and students have not delved into all of these areas. He commented that maybe there should be several tests on each areas. Ms. Bent explained that the test is based on state standards and as graduation requirements are implemented these areas will be tested. She further explained that this is a work in progress. Ms. Bent indicated that she will take these concerns to the staff working on these tests.
- MOTION:** Rep. Thompson made a motion to recommend approval of **Docket #08-0203-0805** to the full committee. On a voice vote, the motion carried.
- Docket #08-0203-0901:** **Luci Willits** from the Department of Education presented this rule to the subcommittee. She explained that this rule deals with humanities and chemistry standards. She further explained that these standards have had input from teachers across the state and statewide chemistry standards were created. Ms. Willits explained that there are some schools that don't offer chemistry. **Scott Smith**, science coordinator for the Department of Education explained that some schools do not offer chemistry and it is an optional requirement for the graduating class of 2013. He further explained that the Idaho Digital Academy does offer this chemistry for students and it does provide virtual labs for chemistry classes. He explained that the Department gives school districts the option to offer other sciences, but there is need to have a statewide rule for chemistry if it is offered.
- MOTION:** Rep. Marriott made a motion to recommend approval **Docket #08-0203-0901** to the full Committee. On a voice vote, the motion carried. Rep. Nielsen explained that a vote in the subcommittee is not binding in the full committee.
- Rep. Shirley questioned if the Senate education rejects a rule, what the impact would this have on subcommittees. **Karen Echevierria** responded that pending rules go into effect unless one committee takes negative action.
- The concurrent resolution would come back to the committee. She further explained that with fee or temporary rules if either side rejects a rule, it would go in a concurrent resolution then this resolution would go to the State

Affairs Committee and would not come back to the Education Committee.

ADJOURN:

There being no further business to be brought before the subcommittee, Rep. Nielsen adjourned the meeting at 10:15 A.M.

Representative Pete Nielsen
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** January 21, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Block and Hartgen
- GUESTS:** See attached list.
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to approve the minutes from the January 14th meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the Wills subcommittee meeting on January 19th as submitted. On a voice vote the motion carried.
- Representative Wills reported that his subcommittee met and heard the rules of the State Department of Education. He thanked the members of his subcommittee for their work and explained that they did not have any problems with rules.
- MOTION:** Rep. Wills made a motion to approve following rule dockets; **08-0202-0801, 08-0202-0802, 08-0202-0803, 08-0202-0804, 08-0202-0805, 08-0202-0806, 08-0202-0807, 08-0203-0802, and 08-0203-0803**. On a voice vote, the motion carried.
- Rep. Nielsen reported that his subcommittee met twice to hear the rules from the State Board of Education. He thanked his members who served on his subcommittee for their hard work. He further reported that the subcommittee recommended approval of all of the rule dockets with the exception of **Docket 47-0101-0801** which are the rules for the Division of Vocational Rehabilitation. The subcommittee also recommended approval of **Docket 08-0104-0801**, which deals with residency requirements but has requested additional information from the Board.
- MOTION:** Rep. Nielsen made a motion to approve following rule dockets; **08-0111-0801, 08-0203-0804, 08-0203-0805, 08-0111-0802, 08-0203-0901, 30-0101-0801, and 30-0101-0901**. On a voice vote, the motion carried.
- Rep. Nielsen explained that the subcommittee had concerns with **Docket 08-**

0104-0801 regarding residency requirements. He further explained that it was felt that Native Americans had preferential treatment regarding residency. The rule states that a student who is a member of any of the Idaho Native American Indian tribe, regardless of current domicile shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education.

Docket 08-0104-0801:

Tracie Bent, from the State Board addressed this concern for the Committee. She explained this part of the rule came from the Senate Indian Affairs Committee in 1994 and was put in statute at that time.

Rep. Durst expressed his concern with how the original statute was passed last year. He has a concern that parents who live in border communities will be disadvantaged with this rule. He reported that there are students who live with different parents in border communities and the child splits time with parents in two different states. If the parent in the neighboring state contributes more than 50% of the support, the student is not eligible for instate tuition.

It was explained that the subcommittee did not recommend rejection of the rule, they just had a question regarding the residency for Native Americans. Rep. Nielsen explained that the vote was not unanimous in the subcommittee. **Ms. Bent** explained that this issue was brought forth by the Indian Affairs Committee and not brought by the State Board. **Mark Browning** explained that it was the will of that committee to help Native Americans attend colleges in Idaho and this is the first time this language has appeared in rule. He further explained that this is more of a housekeeping issue. He also reported that they were unable to get someone from a tribe to testify.

MOTION:

Rep. Nielsen made a motion to approve **Docket 08-0104-0801**. Rep. Wills seconded the motion. On a voice vote, the motion carried with Rep. Durst voting NAY. Rep. Nielsen suggested that Rep. Durst bring statute changes to address his concern.

Docket #47-0101-0801:

Chairman Nonini explained that some issues have come up with this rule. He explained that the Senate Education Committee has acted on this rule and has rejected section 301 that entitled "Transparency" and kept the new language in section 100 entitled "Client/Participant Appeals" and to un-strike the language in subsections **01, a, b 02, and 03**. Rep. Nielsen explained that the subcommittee heard from several groups who testified against the transparency part of the rule and there is still a concern about the section on client appeals. He reported that the subcommittee did not hear from providers who wanted the transparency part of the rule. He further reported that the subcommittee voted to reject the transparency part of the rule but the vote was not unanimous.

Dr. Michael Graham, Administrator of the Idaho Division of Vocational Rehabilitation addressed the Committee. He explained that when the agency was going through the rule making process there was disagreement among the various disability groups. He explained that the agency first began discussing these issues in public meetings as far back as last April.

They followed the process through the Department of Administration and

received 6 comments from 3 separate organizations. He explained that he wrote commentary to each of those comments and have communicated with the providers who expressed concerns. Dr. Graham explained that the VR Field Services manual would be subject to legislative review. Dr. Graham also explained that the proposed changes were based on a a review by the Deputy Attorney General from the State Board and he wrote the language on the appeals process for manual that made it consistent with federal regulations. He explained that the agency does not necessarily need section 100, as this process is already outlined in the federal regulations. He responded to concerns raised about how individuals would know about the appeals process by explaining that every client who applies for VR services is given rights which outline the appeals process and there is not a need to go to the federal regulations. He further explained that the first and most important part is handing these rights to clients. In response to a question from the committee regarding the importance of focusing on outcomes, Dr. Graham explained that the agency has not done client satisfaction surveys for years. The federal government has asked their agency to build a closer monitoring process. He further explained that regardless of outcomes, the agency is responsible for the money it spends on client services which is over \$6 million on an annual basis. He explained that this is a matter of awareness and the transparency issue is greater awareness. In state government, all wages are public and in the disability community most providers have an advisory board which give guidance and input. He commented that the audit portion of the rule is not as clear as it could be. He reported that the audit portion has been the most controversial.

Kelly Keele, representing the Idaho Chapter of APSE, which is the Association for Persons in Supported Employment addressed the Committee. He explained that the association has concerns about the transparency section of the rule and also the appeal section. He further explained that this rule would require all Community Rehabilitation Providers to use a voluntary board, publicly disclose audit information and publish the salary of the CEO annually. He explained that his accountant cannot separate out just the vocation part of agency and the cost for an audit of his agency would be more than his profit margin. He further explained that some providers are not corporations, so they do not have CEOs. He explained this part of the rule would limit choice and opportunities for people with disabilities to be employed in the community. He also recommended to un-strike the language regarding client appeals as there is a need to leave that language in rule as protection.

Russ Doumas, CEO of TESH in Coeur d' Alene, a "not for profit" agency that provides services for individuals with disabilities addressed the committee. He explained that transparency is necessary for all providers using public dollars. It is good oversight of how public dollars are being utilized. He reported that now not all providers have this and there should be the same mechanism for "for profit" service providers. It provides for valuable community input and an independent financial audit is also valuable. He explained that these guidelines are the same guidelines that are applied to small corporations in the community. He further explained that the audit required by the rule would not have to be an expensive audit and he does not think it would be onerous for "for profit" providers.

He explained that there is a need for more transparency, particularly when

looking at spending tax dollars.

In response to questions, Mr. Doumas explained that his board is made up of various community members who serve a three year term . It is one of the requirements that a board member cannot receive any compensation. He also explained that as a 501c3, his agency does not pay taxes on income brought in and excess revenue goes back to the mission of the organization. He acknowledged that he could see potential problems with the audit portion of the rule. He explained that he does feel that there is misuse of public funds currently, but one does not know who will be providing services in the future, so these safeguards should be in place. **Dr. Graham** explained that the reason this transparency portion was put into rule is that the federal government has asked for greater scrutiny. He further explained that there have been issues with a former vendor in the past and there are issues of funding and how the money is being used.

Kelly Buckland, executive director of the State Independent Living Council addressed the Committee. He explained that the council is made up of 22 members that are appointed by the Governor. The council is required by federal law to be made up of a majority of people with disabilities. He reported that the council opposes the section on transparency. He explained that the way that the services are provided is that they are provided hourly, then VR is billed for the hourly services. He explained that the state purchases from a number of vendors. He further explained that the stewardship of public money should be responsibility of the agency. He explained that an audit and advisory board would not provide this. He further explained that this rule does not provide any more transparency for “not for profits”, just “for profits”. He explained that VR does do a good job of providing consumers for their rights and he is not as concerned about this issue, but it would not hurt to have this information both in rule and in the VR Field Services manual.

Dwight Whittaker, representing ACCESS for Idaho addressed the Committee. Rep. Shirley explained that he is on the board for Mr. Whittakers’s organization and does have a conflict of interest.

Mr. Whittaker reemphasized that transparency is good public policy and governance and there is a need to answer to a board of directors and to the tax payers. He explained that transparency provides a focus and what is good for one provider should be good for another provider. He further explained that audit and accounting expenses are deductible and could be taken away from the operating expense. He explained that the cost of voluntary boards is a minimal expense. Advisory boards are the eyes and ears of the community. He also explained that a major factor of accreditation is this transparency issue. He concluded that transparency is good protection for taxpayers, organizations and clients.

In response to questions, Mr. Whittaker explained that the provider “for profit” organization he was previously CEO for, Development Workshop, has three different operations and the total operational budget is about \$5 million dollars. The audit expenses last year totaled approximately \$10,000 which included a foundation and residential facility. An audit is done every year and there is a difference between an audit and a financial review. He explained that a financial review could be as little as a few \$100. He also

explained that each year they do disclose salaries of top executives.

In response to a question regarding the difference in “for profit” and “not for profit”, Mr. Whittaker explained that the basic difference is that “not for profits” must channel any excess revenue back into its mission and “for profits” channel excess revenue back to their shareholders. Non profits are exempt from property tax but all other taxes are paid except for federal and state taxes.

Ron Enright from the Development Disability Council addressed the committee. He shared that there are currently 13 non profit providers in the state providing services to individuals with disabilities. There are 19 for profit agencies in the state with an average of 11 people per agency receiving extended employment services. The largest agency is serving 45 individuals. He explained that the DD Council uses public notices for their board meetings and each notice costs between \$50 to \$100. He reported that the language in the rule is not clear as to what kind of audit would be required. There is a cost of a board and it takes staff time to arrange meetings, prepare minutes and to assemble a board. He explained that the DD council feels that VR should be focused on outcomes. He explained that the VR agency does client satisfaction surveys in house and the DD Council feels that the best way to administer these surveys should be by an impartial outside source rather than by the agency. He explained that the DD council is opposed to the transparency part of rule because it would reduce consumer choice.

Katherine Hansen, representing the largest “for profit” organization in the state addressed the Committee. She explained that her organization, Community Partnerships of Idaho, serve about 45 individuals in long term employment. She explained that there is a need for other choices for people with disabilities. Her organization has an \$8 million dollar budget and her salary is \$70,000 per year for the last 4 years as CEO of the organization. She explained that she is concerned that transparency will not improve services. She also explained that because of their size, an audit would cost between \$20,000 to \$30,000. She further explained that she would have loved to be part of writing this transparency part of the rule, but was not included. She is not opposed to transparency.

M.C. Niland president of WITCO, a “not for profit” provider organization addressed the Committee. She explained that she has had long tenure in this field. She clarified that transparency does not have anything to do with outcomes. She explained that the idea of adding a transparency portion to the rule did not come from not for profit organization, it came from an advisory board to VR and there were different opinions. She explained the providers are trying to be proactive on issues of transparency. She further explained that WITCO has provided approximately \$4 to \$5 million of services per year. The cost of an audit is \$4 to \$5,000 a year. The cost of a 15 person board operation is about \$1,300 per year and no one on the board receives compensation. The board is comprised of community people, parents of children with disabilities, people they serve and community activists. It is a policy board and state auditors set the fees for services.

Marilyn Sword, director of DD council addressed the committee. She explained that there are arguments on both sides and advantages for “non profits” and “for profits”. Non profits can participate in non competitive bids for state contracts for work. She explained that the Council feels that there should be more oversight by VR.

John Boddin, representing Magic Valley Rehabilitation Services in Twin Falls and ACCESS Idaho, made up of 12 non profit agencies addressed the Committee. He explained that the association unanimously support the transparency part in the rule and there was ample opportunity for public input. He further explained that this is good business practice for agencies. He reported that there is a difference of opinion with the “for profits”, but they work together and they are not adversaries.

Chairman Nonini explained that the subcommittee’s recommendation was to reject section 301 of the rule docket dealing with transparency. Rep. Nielsen explained the he would be in favor of rejecting both sections 301 and keeping the new language in section 100 entitled “Client/Participant Appeals” and un-striking the language in the subsections.

MOTION: Rep. Wills made a motion to accept **Docket #47-0101-0801** and reject **Section 301** entitled “Transparency”. In his discussion on the motion, Rep. Wills explained that the committee should put weight in what subcommittee decided. He further explained that once a rule is set in motion and is passed, it is set in law. On a voice vote, the motion passed with Rep. Thompson and Rep. Gibbs voting NAY.

SUBSTITUTE MOTION: Rep. Nielsen made a Substitute Motion to accept **Docket #47-0101-0801** and to keep the new language under **Section 100** entitled “Client/Participant Appeals and to un-strike the language in subsections **01, a., b., 02., and 03.** In his discussion on the motion, Rep. Nielsen explained that he feels that the appeal process should be very visible. After further discussion by the Committee, it was pointed out that the Senate Education Committee decided to recommend rejection of the Transparency part of the rule and to also un-strike the language in subsection 01, 02, 03 of Section 100 in one motion. Rep. Nielsen withdrew his Substitute Motion in order to offer another motion to agree with the Senate Education Committee.

MOTION: Rep. Nielsen made a motion to accept **Docket #47-0101-0801** and reject **Section 301** entitled “Transparency” and to keep the new language under **Section 100** entitled “Client/Participant Appeals and to un-strike the language in subsections **01, a., b., 02., and 03.** On a voice vote, the motion passed.

Chairman Nonini introduced former Representative Jack Barraclough and Chairman of the Education Committee to the members. He announced that the Committee will meet tomorrow morning at 9 A.M. and also will be meeting at Boise City Hall on Tuesday January 27th to hear a presentation from the Idaho School Boards Association and Dr. Gerald Beck, president of the College of Southern Idaho.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 11:10 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** January 22, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Trail, Block, Marriott, Gibbs and Durst
- GUESTS:** Mark Browning, State Board of Education; Dick Ledington, Professional Technical Education; Bert Marley, Idaho Education Association; Fred Riggers, Jessie Bonner, AP reporter; James Smith, University of Idaho; Sherri Wood, IEA; Bill Spence, Lewiston Tribune; Jared Hopkins, Times News
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Thayn made a motion to approve the minutes from the Nielsen subcommittee from January 20th, 2009 as submitted. On a voice vote, the motion passed.
- RS 18241:** **Mark Browning**, Communications director of the Idaho State Board of Education presented this RS to the Committee. He explained that this RS provides for the transfer of real property by the State Board of Education to any other governmental agency, district or entity for a determined amount, including zero. He further explained that last year legislation was enacted that give the State Board authority to transfer property to the College of Western Idaho from Boise State University. That legislation was specific to that transaction. This proposed legislation would put in place the ability to complete a similar transfer should the occasion present itself in the future. In response to a question regarding what kind of property this would affect, Mr. Browning explained that it would be any state owned building, and only for real or personal property that comes under the State Board of Education. In response to a question regarding transfer of property to the US government, Mr. Browning explained that the proposed legislation was made as inclusive as possible. He also reported that there has been no negative comments about this proposed legislation.
- MOTION:** Rep. Wills made a motion to send **RS 18241 to print**. On a voice vote, the motion carried.
- RS 18260:** Mr. Browning presented this RS to the Committee. He explained that this

proposed legislation provides for the transfer of accrued sick leave by state employees who are currently on staff with the Larry Selland College of Technology at Boise State University to the College of Western Idaho. He further explained that this proposed legislation was authored by staff at PERSI, the Public Employees Retirement System and has their support.

MOTION:

Rep. Boe made a motion to send **RS 18260 to print**. On a voice vote, the motion carried.

Chairman Nonini announced that the Education Committee was recorded as present for yesterday's Floor session. He further announced that the Committee will not meet on Friday, January 23rd and Monday, January 26th. The next meeting of the Committee is Tuesday, January 27th at Boise City Hall in the Council chambers at 9 A.M. The Committee will hear a presentation by the Idaho School Board Association and Dr. Beck from the College of Southern Idaho.

Luci Willits announced that State Superintendent Tom Luna will be giving his budget presentation on Thursday, January 29th to JFAC and would be available to discuss his proposed budget with the Education Committee after that date.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:15 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: January 27, 2009

TIME: 9 A.M.

PLACE: Boise City Hall Council chambers

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: See attached list.

Chairman Nonini called the meeting to order at 9:07 and a silent roll was taken.

President Gerald Beck of the College of Southern Idaho addressed the Committee. He thanked the legislature for the support received for FY 2009. He discussed the mission of the College of Southern Idaho which is a comprehensive community college that provides educational, social and cultural opportunities for a diverse population in south central Idaho. He further explained that CSI serves a diverse student population that offers two year degree programs, four year transfer students, technical students and under-prepared and low literacy students. He reported that they serve over 10% of the regional population. He further reported that there has been an 8 to 10% increase in students this semester. Dual credit is offered by CSI in 79 high schools with approximately 1,200 individuals participating. CSI also promotes economic development in the Magic Valley. He explained that the college plans to raise fees by \$5 per credit. He further explained that next year the tuition at CSI will be \$1,200 for full time students. He reported that 60% of the students are part time. He explained that CSI anticipates that over \$1 million will be given to students by the Foundation and for nearly 25 years, the Foundation's generous donors have invested in CSI students. He explained that the CSI Foundation is critical to the college's success. He reported that to date, the Foundation has raised \$1.75 million.

Dr. Beck explained that this year the college had three budget requests to JFAC. He further explained that two of the requests were withdrawn due to the state of the economy. The only request is for 3.4 full time equivalent nursing faculty salaries and benefits, which maintains current faculty heretofore funded through grants and community donations.

He explained that CSI's primary revenue sources include 48.1% state appropriation, 27.4% tuition and fee, 16.8% property tax, 4.6% county tuition, and 3.1% inventory tax phase out and liquor funds.

In response to a question regarding the expected FY 2009 holdbacks, Dr.

Beck explained that to make up this shortfall CSI will reduce expenditures by holding positions vacant, recall faculty planning incentive funds, and reduce capital outlay, travel and supply budgets. Also, they will find additional revenues by increasing spring 2009 class sizes by 10% and tuition and fees receipts over the budget estimate. He also discussed the FY 2010 budget anticipations and strategic plan.

Dr. Beck asked Committee members for help in the area of interpreter costs. He explained that there is a high number of students at CSI who need these services. He further explained that the high number is due to recruitment of students from the Idaho School for the Deaf and Blind.

In response to a question regarding why CSI withdrew the dual enrollment budget request of \$276,000, Dr. Beck explained that there should not be boundaries and school districts should have the choice to work with the university that meets their needs. He further explained that barriers take away choice, and universities do not have service responsibility. In response to a question regarding what amount is needed for interpreter costs and a charter school update in professional technical education, Dr. Beck responded that the college has ongoing partnerships with professional technical charter schools. He explained that there are not enough professional technical education opportunities for high schools because of the high expense. He reported that this year the college will spend about \$250,000 for interpreters and would appreciate any help in this area. He explained that it is difficult to know how many students will be enrolling that would require this service. In response to a question regarding the availability of grant opportunities, Dr. Beck responded that they are looking for grant programs and leads in this area. He explained that since September, the college has written five grants and has been awarded one. He further explained that workforce competitive grants look at unemployment rates and in the Magic Valley the rate is not as high as other parts of the nation. He reported that CSI has been successful in asking for grants because of their great partnership with the business community.

Brian Duncan, president of the Idaho State School Board Association addressed the Committee. He introduced the members of the council and recognized the regional officers. He reported that the ISBA has recently moved into a newly renovated building downtown. He also gave an update on the Lighthouse project which was first discussed last year with the Committee. Part of the project is to study if training of school boards is making a difference in student achievement. He explained that by participating in this study, it has been the first time that school boards have had tools to make effective decisions. He explained that training for local school boards have been increased by 150%. He reported that 13 workshops have been scheduled for across the state. He further reported that ISBA would like to recognize next year one school board member from each of the 8 different regions for their good work.

Mr. Duncan reported that the biggest issue this year for the ISBA is the budget. He explained that the Association supports making cuts that would have the least impact on students in the classroom.

In response to a question regarding what the position of ISBA is in using the money in the public school stabilization fund if massive budget cuts occur,

Mr. Duncan responded that Superintendent Luna has pointed out that this is not a hardship fund, but a stabilization fund. He reported that a good share of the fund will be depleted this year and there may not be much left at the end of the year. He explained that it is tough not to have a rainy day fund and not look at it when it is raining outside. He further explained that the State Department of Education will come up with a solution and maybe could use a portion or none of this fund. At some point in time, staff will be affected but one does not know the specific impact. In response to a question regarding if cuts would affect the No Child Left Behind act, Mr. Duncan responded that it is difficult to speak for all of the districts, but any time the force of teachers is affected it will affect NCLB. In response to a question regarding the ISBA support of non-categorical funding, Mr. Duncan responded that this funding was formerly called discretionary funding. Non-categorical funding can go directly to schools to keep them operating. Mr. Duncan reported that superintendents feel strongly about classroom enhancement projects and they have had positive outcomes. He reported that ISBA feels the most strongly about removing the sideboards for the state lottery and the 2% match in maintenance funding.

Chairman Nonini discussed the handout in Committee member's folders that outline proposed ways to cut the public education budget. He explained that he believes the state may have to look at ways such as reducing teacher staff allowance from 1.10 to 1.05 per unit, and reduce administrative staff allowance by a similar percentage, from 0.075 to 0.0715. Mr. Duncan responded that ISBA has concerns with this proposal as smaller school districts with only 20 teachers would have to reduce two teachers and would have to cut programs with some losing accreditation.

In response to a question regarding the consolidation issue, Mr. Duncan responded that consolidation of services at the administration level may keep students in classrooms, but the issue of consolidation of services and the discussion of lifting the cap on charter schools is not compatible. He explained that school boards originally got together to hire best teachers in the community. Consolidation is already being done and there is a need to look at all areas for efficiency. In response to a question regarding the enhancements for teachers, Mr. Duncan responded that teachers appreciate money to buy classroom supplies and everyone wants schools heated and basic needs met. Whether or not it is a good or bad budget year, students are still moving from grade to grade. He reported that the Association has had a difficult time with new enhancement programs when others are in danger of being cut. He reported that the Association has not taken a position in lifting the cap on charter schools. In response to a question regarding why some school districts seem to do a good job of consolidating their services and others do not, Mr. Duncan explained that most districts look at consolidation of services where they can and they are good business people. School boards need to look at what is best for students and not worry about protecting their turf. It was commented that school districts need to look at consolidation of services.

In response to a question regarding renewable energy located on public endowment lands to generate money for public schools, Mr. Duncan responded that ISBA has had no specific discussions about this issue. In

response to a question regarding the proposal to institute a four day school week to save the state between \$28 to \$31 million, Mr. Duncan questioned where the savings would come from. The definition of a four day school week needs to be better defined and more study is needed.

Chairman Nonini mentioned that all of the Committee members have been invited to lunch today with the members of the School Board Association. He announced that the Committee will meet tomorrow and Thursday at 8:30 A.M. due to full agendas.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:35 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: January 28, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Stacey Axmaker, Idaho STAR Program; Harold Ott, Idaho Rural Schools Assn.; Mike Killwirth, State Board of Education; Matt Spencer, ISU; Suzanne Allen, WWAMI; Jo Seely, U of I; Samantha Storms, U of I; Tricia Crump, U of I; Garrett Holbrook, U of I; James Smith, U of I; Loren Doman, U of I; Stephen Parrott, U of I; Joe Black, U of I; and Dr. Steven Daley-Laursen, interim president University of Idaho.

Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken.

MOTION: Rep. Wills made a motion to approve the minutes from the meeting on January 21st, 2009 as submitted. On a voice vote, the motion carried.

MOTION: Rep. Chavez made a motion to approve the minutes from the joint meeting on January 15th, 2009 as submitted. On a voice vote, the motion carried.

Rep. Boe introduced **Dr. Arthur C. Vailus**, president of Idaho State University to the Committee. Dr. Vailus reported that ISU has had the highest enrollment in the history of the university this past fall. He further reported that they have also had the highest enrollment in early college program (dual enrollment) this past fall as well. ISU is in the top five in the country in graduating students with nuclear science degrees. He explained that education has always been and will be the driver of the American economy. He further explained that investments in institutions need to be weighed carefully when discussing reductions. ISU is the vehicle that helps to provide for the necessary workforce in health care and other areas. ISU serves the largest number of degrees in the health professions in the state ISU serves more than 150 hospital affiliation agreements and 720 individuals serve as faculty in multiple areas in the health care profession. ISU health clinics operate in 14 clinics statewide and serve approximately 30,000 patients per year. He explained that health professions have national accreditation requirements that restrict faculty/student ratios. He reported that there is 100% enrollment in all of these fields. He further reported that in the physician assistant program, there are 50 seats available and 503 applications. This program only receives \$44,000 a year in state funding.

Dr. Vailus reported that ISU is one of the national centers for excellence in

field of energy. He further reported that Idaho could be the production center for medical isotope production in coming years. He explained that the Center for Advanced Energy Studies (CAES) delivers innovative, cost effective, credible energy research leading to sustainable technology-based economic development.

ISU has received \$2.6 million from the National Science Foundation and the US Department of Labor to train nuclear sector workers. ISU also does environmental research with the Geographic Information Systems (GIS) Center which conducts rangeland management studies of Idaho and the impact of climate change on Idaho water and trees.

Dr. Vailus explained that ISU has formed tremendous strategic partnerships with research, industry, medical, government, and international partners. When questioned about the impact of BYU-Idaho on ISU, Dr. Vailus explained that it has been a tremendous positive impact and they have had good collaboration.

When questioned about the worsening economy and his approach to upcoming hold backs, Dr. Vailus explained that ISU has done advanced planning for worse case scenarios and started putting in plans. He has formed a special committee and has looked at a number of inefficiencies. He explained that the first priority are the students. Criteria discussed was what the college can do about reduction in force and generate more credit hours, offer more choices and more flexibility. ISU has implemented programs, increased online access, looked at team teaching paradigms across colleges, and course reconfiguration. He explained that they are already planning a 12% holdback. In response to a question regarding the Physician Assistant program and the consideration to Idaho high school graduates, Dr. Vailus responded that hopefully graduates will stay in Idaho, and the college does give instate people preference, but there is a need to bring in non-Idaho students as well. In response to a question regarding building projects, Dr. Vailus explained that projects are at a halt. He further explained that some of the new buildings have been funded by philanthropy and they are working hard to get donor dollars to fund buildings. In response to a question regarding what tools are needed for funding, Dr. Vailus responded that in addition to more money, there is a need to treat universities like a business. He explained that he is aware that the legislature has limited options. He explained that the recovery rate is 8 to 10 years after a loss, and most have still not recovered yet from last holdback. There is a need to look at higher education carefully and try to do reductions in a step wide fashion, and also trying to generate revenue.

Dr. Vailus explained that ISU has partnerships with other non state entities and there is a need to look at it as a private school, even though it is public. He explained that the physician assistant program only has 50 seats because of the lack of money and not because there is a lack of qualified faculty. He further explained that what is lacking in Idaho is that hospitals, universities and government have gone their own way. There is a need to get together and he is pushing for a way to have everyone put something on the table.

Rep. Shirley commented that the whole state benefits from ISU and not just Pocatello. He further commented that there has been tremendous growth in

Idaho Falls through ISU's energy programs.

Dr. Vailus introduced **Matt Spencer**, ISU Student Body President to the Committee.

Rep. Trail introduced **Dr. Steven Daley-Laursen**, interim president of the University of Idaho to the Committee. He explained that he has had long experience of teaching at U of I and has also been a dean. He came in at a difficult time and is on an interim appointment.

Dr. Daley-Laursen addressed the Committee. He introduced **Garrett Hollbrook**, U of I Student Body President, and other student officers to the Committee. Dr. Daley-Laursen thanked the legislature for their service. He explained that he has had great partnerships with other university presidents. He further explained that 2008 has been a memorable year with the country experiencing the worst financial storm since the 1980's. He reported that this has been a very strategic and positive year for the U of I. They have been building partnerships and investing in strengths. He explained that he has laid out a 7 point strategic action plan implementation to JFAC. He further explained that the number one focus is students. He outlined the four major goals of the strategic plan implementation which include; progressing toward goals, focusing their efforts, need for relevance and impact on society, operating in areas of strengths, and living within their means. He explained that the goal is to transform students and to have them understand what it means to lead through change. He reported that there has been an increase in enrollment with a record freshman class. He further reported that 82% of the state's national merit scholars attended in U of I. The university's retention record is 79%. 54% of students who enter the U of I received degrees.

He discussed the strategic plan process with the Committee. He explained that the planning process began in 2005. He explained that the university is getting rid of duplication and using good judgement based on data. He stated that quality is job one. The university is also paying close attention to policies that drive decision making. He explained that he is aware it is a difficult time to combine deconstruction and reconstruction and creativity. He explained that if one does not make a decision, flexibility drops. He further explained that the internal strategic plan is what is driving their decisions.

In response to a question regarding the WWAMI program, President Daley-Laursen responded that he believes the program is a great success. He introduced **Dr. Suzanne Allen** from WWAMI program. There is a need for more family practice doctors and to increase the number of seats in the WWAMI program.

In response to a question regarding the EPSCOR program, Dr. Daley-Laursen explained that Idaho is one of 14 states in the nation that is termed disadvantaged in pulling in research dollars.

The EPSCOR program levels the playing field. He reported that Idaho just received a \$15 million research grant through their work with other

universities.

In response to a question regarding duplication of efforts in a region, Dr. Daley-Laursen responded that he has had dialogue with other presidents, and the State Board has a policy regarding this issue. Institutions are appointed by the State Board in a certain region. He explained that he does support the Board's position, but questioned what could be changed about the policy. In response to a question regarding regionalizing dual enrollment, Dr. Daley-Laursen responded that partnerships are important, and there is a need for the State Board to expect presidents to lead together and measure that. He explained that this issue should not be micro-managed.

He explained that tools needed by the university to make reductions work, is to see the Governor and legislature as setting a vision. The State Board facilitates higher education to bridge that vision. He explained that changes are coming and there will be more. He explained that he looks forward to a productive discussion about fees and will work with students on this issue.

In response to a question regarding renewable energy on endowment lands, Dr. Daley-Laursen explained that the university hosts an annual President's sustainability program which focuses on different discussions on renewable energy. He explained that he is starting to think about them as a system that interlock. He further explained that sustainability has become a practice at the U of I. It has been planned over a longer term, not just budget to budget year.

Mark Browning, Communications director for the State Board of Education updated the Committee on the presidential search for U of I. He explained that there will be an announcement later today as to who the final two candidates are. He further announced that on Feb. 3rd and 9th, the two candidates will be given the opportunity to meet with legislators. He explained that Dr. Daley-Laursen has done a fantastic job as interim president, but it was decided that he would not be a candidate for president.

Milford Terrell, president of the State Board of Education, updated Committee on the medical education study. He explained that the legislature last year asked the Board to further study the issues surrounding expanded medical education and the need for more physicians in Idaho. The Board established a committee last year to study this issue. The committee scheduled presentations for various stakeholders in the state to study objectives which include; review current medical education programs supported by the state, exploration of options available to meet the projected need for physicians and estimation of the cost/benefit for each medical education option. Findings of the Committee included; physician residency programs play a critical role, there is a serious shortage of primary care physicians in the state especially in rural areas, programs are inadequate, increased access to undergraduate medical programs is necessary and ultimately, an Idaho-based medical program would be a significant benefit to the state.

Committee recommendations included; expand the development of graduate medical education opportunities in the state, immediately increase state

funding for additional number of seats in the WWAMI program, expand the number of medical seats for Idaho sponsored students through partnerships, and a collaborative and comprehensive plan for the establishment of a 4 year Idaho based MD program should be explored.

In response to a question regarding the lack of rural physicians, Mr. Terrell responded that physicians can be encouraged to practice in rural areas through tax incentives or other incentives. In response to a question regarding the immediate recommendation to increase the number of WWAMI seats, Mr. Terrell explained that these recommendations were put together in the summer time and now the state is in dire straights financially. He further explained that "immediate" would be as soon as dollars are available.

In response to a question regarding the recommendation for a full 4 year medical education in WWAMI program, Mr. Terrell explained that as the program is developed the Board is asking for a collaborative effort from all institutions in Idaho. In response to a question regarding current government reimbursement formulas, **Dr. Allen** responded, that physicians are paid more do to procedures and specialists who do these procedures are paid significantly more than family practice physicians. She further explained that this formula is largely set by the medicaid and medicare systems. Rep. Nielsen invited Dr. Allen to come to the House Health and Welfare committee to discuss this topic.

In response to a question regarding the disproportionment between urban and rural Idaho for physicians, Mr. Terrell explained that he would get a response on this issue and send copies of this response to Committee members in the next few days.

In response to a question regarding physician assistants and the issue of making this program more available in the state, Mr. Terrell explained that there has been a lot of discussion on this, and there is further work to be done on this issue. When questioned regarding the tax incentive idea, Mr. Terrell explained that how it is put together and empowered is going to have to come from the legislature because it would be a change in law.

In response to a question regarding the multiplier for reimbursement formulas, Dr. Allen explained that procedures have a code then have multiplier. She further explained that the more money that is given to primary care, specialists would lose funds. She explained that the Legislature can dictate this in certain areas. In response to a question regarding ways to decrease the cost of providing medical education in the state, Dr. Allen explained that WWAMI, which is a five state regional medical school, costs \$45,000/student a year. True educational costs nationwide is \$85,000 per year, but in Idaho \$63,000 per year.

Roy Eiguren introduced **Wendi Fischer**, executive director for America's Foundation for Chess to the Committee. Ms. Fischer explained that she has had great conversations with Supt. Luna who has been supportive of this program.

Ms. Fischer explained that this is the second year of First Move in Idaho. First Move is a curriculum for 2nd and 3rd graders that uses chess as a learning tool in the classroom to teach critical thinking, increase social skills and improve overall academic achievement. She reported that children do

not know how much they are learning, they are just having a great time and it is a powerful educational program.

She explained that in the first year of program, the State Department of Education paid for 100 classrooms to have the program. She reported that out of the 100 that started, 53 continued on and paid for the program. There are 94 total classrooms now participating. Six classrooms quit the program because of their concern about the standardized test involved. She reported that this year they are bringing in 100 to 150 classrooms and looking to outside sources to fund this program. She further reported that they are asking the schools this year to pay a portion up front and not fund the entire program. She explained that this issue is being addressed with Superintendent Luna.

She explained that the cost per student for the first year in the program is \$25/student, the second year \$13/student and the ongoing cost is \$7/student. She explained that the foundation is a non profit organization and schools pay direct program costs, and the national board funds national costs like salaries and offices. She further explained that there is private funding for mapping the program to state standards.

Chairman Nonini announced that the Committee will start tomorrow at 8:30 A.M. and will hear from John Martin from North Idaho College, a presentation from the robotic program in north Idaho, and a presentation on the math initiative from the State Department of Education.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: January 29, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Rep. Chew

GUESTS: Cadey Hull, Idaho School Board Assn.; Cindy Johnstone, Dept. of Ed.; Fred Riggers, Teresa Molitor, North Idaho College; Martin Bilbao, Connolly Smyser; John Martin, NIC; and Rolly Jurgens, NIC

Chairman Nonini called the meeting to order at 8:35 A.M. and a silent roll was taken.

MOTION: Rep. Wills made a motion to approve the minutes from the January 22nd, 2009 meeting as submitted. On a voice vote, the motion passed.

MOTION: Rep. Chavez made a motion to approve the minutes from the January 27th 2009 meeting as submitted. On a voice vote, the motion passed.

PRESENTATION **Cindy Johnstone**, Math Coordinator at the State Department of Education addressed the Committee. She discussed the work that has been completed on the math initiative since the implementation on July 1st of last year. She explained that the focus areas of the math initiative include student achievement, teacher education, and public awareness. She reported that they have finalized the course specific standards for high school and are currently developing an alignment document to assure smooth transition. They are also starting to revise the K-8 standards. Under curriculum the Department has worked with Idaho teachers to develop a tiered list of curricular materials for the districts to use.

Ms. Johnstone reported that the Direct Math Assessment is still in place for grades 4, 6 and 8. The Department is working with 180 teachers to score these assessments. She explained that the instructional support manual is available for teachers to help with intervention. She further explained that the "Apangea Math" program is being used by districts across the state as an intervention tool for students in grades 5-8 and the Department has been happy with the implementation thus far. The Department has opened seats for high school students preparing for the 10th grade ISAT.

In the focus area of teacher education, Ms. Johnstone discussed

professional development. She reported that a three credit course, Mathematical Thinking for Instruction has been developed. She further reported that the Department is paying for three professional development credits, materials for the course, and stipends for the course facilitators. She explained that there are approximately 10,000 educators and administrators that will be taking the MTI course. The goal is to have 2,000 participants each year over the next 5 years.

Ms. Johnstone discussed the last area of focus; public awareness. She reported that there is currently an ad campaign with public service announcements on both television and radio which showing 10 different careers using math everyday. Family math night kits will be assembled in March and the Department continues to do focus groups with districts.

In response to a question regarding the delivery of materials for the Mathematical Thinking for Instruction course, (MTI), Ms. Johnstone explained that teachers come to a central location in their area for the course. It was mentioned that teachers and students are becoming more confident about the way math is approached.

Ms. Johnstone reported that there are some states that are working on math development, but Idaho's math initiative covers standards and teacher professional development and it is statewide. She further explained that the goal of the initiative is to dispel the fear of math.

In response to a question regarding how the Math Initiative would help with the challenge of "senior slump" and students having to take remedial math courses when they get to college, Ms. Johnstone explained that one of the main goals is to bridge students from middle school to high school and training teachers that there are many ways to do math problems. In response to a question regarding test data, Ms. Johnstone explained that the Department will have some test scores back this spring. The spring ISAT data is one way to track this. She further explained that teachers will be able to identify gifted students and with the Apangea math program students are identified that are above grade level.

In response to a question regarding the cost of professional development, Ms. Johnstone explained that Supt. Luna would be the best person to answer the question. She did explain that the Department is working with colleges to get credits for \$65/credit and the textbooks are about \$20. She further explained that there was a \$3.9 million cost for the entire program which was awarded last year and the Department will be asking for the same funding this year.

PRESENTATION

Chairman Nonini introduced **John Martin**, Vice President for Community Relations and Marketing for North Idaho College. Mr. Martin explained that he is filling in for president Dr. Priscilla Bell who is unable to travel at this time due to health issues. Mr. Martin introduced **Rolly Jurgens**, Vice President for Administrative Services for NIC and **Teresa Molitor**, legislative advisor for NIC.

Mr. Martin explained that NIC is the oldest community college in the state and is celebrating their 75th anniversary this year. He further explained that

NIC serves the five northernmost counties Idaho with a population of over 200,000. He reported that much of the population growth is in the adult population. NIC sees a need to adapt their programs and their methods of delivering programs for the changing demographics.

Mr. Martin explained that NIC has developed a 5 year strategic plan which is a roadmap for the immediate future. He further explained that the leadership at the college has made this plan a living, viable document and it is updated every 6 months. He explained that the main campus of NIC is in Coeur d'Alene but they have a Workforce Training Center in Post Falls and outreach centers in various locations.

He explained that their fall enrollment for for-credit classes was 4,856 and the non-credit enrollment exceeded 7,500. NIC has touched over 17,000 individuals with their programs. He reported that dual credit enrollment is up 14% since last spring and distance education is growing tremendously with 10,000 students involved this last fall.

He explained that NIC did not come to the Legislature with "must haves" in these tough economic times, but pledge they will do the best with the resources they have. He did mention a critical need for NIC which is the remodel of a classroom building, Seiter Hall. He explained that for about \$4.5 million, this building could be remodeled to be as good as anything that would be built today. They are hopeful that this project will be funded this year.

Mr. Martin reported that NIC has created this year a new scheduling scheme, referred to as Flip Scheduling, to double the available seats in their welding and diesel technology programs. Flip Scheduling allows them to maximize both lecture and lab facilities more efficiently. He further reported that the Flexible Learning Center makes courses more accessible to students. The center allows students to go to school at any computer, even at home they do not have to register the first day of the semester and it is a self-paced program.

Mr. Martin also reported that NIC is moving to zero based budgeting process this year. Every area of the college will basically start their budget process with a blank sheet of paper and build their budgets from the bottom up. They will look at personnel and resources to see if they are necessary.

He explained that NIC is in the process of looking for ways to expand their campus and their main campus is at capacity. They are in the process of acquiring land for needed expansion.

In response to a question regarding how well NIC works with the 4 year universities, Mr. Martin explained that there are concerns about duplicating what is being done on other campuses but has worked well with surrounding universities to avoid this. He further explained that NIC works with the greatest number of programs with the University of Idaho and Lewis-Clark State College. He reported that all of core general studies do transfer to 4 year colleges easily and this also applies in the professional technical area.

Rep. Chadderdon mentioned that NIC has three higher education graduations on campus.

In response to a question regarding GED opportunities at NIC, Mr. Martin reported that there were 623 GED test takers this past year and it continues to grow. He explained that the GED program at NIC is a model for others and is a big source for their freshman class.

In response to a question regarding the increase in the dual enrollment program, Mr. Martin explained that the increase is due to many factors including the increase of the number of high school students and the increase of the high unemployment rate. He further explained that the panhandle is struggling with low graduation rates for high schools and NIC is trying to reach everyone who has not had post secondary education.

Mr. Martin explained that the solution for everything is not more dollars; it is being smart with how things are done.

In response to a question regarding what the cost is per student is, Mr. Martin explained that he will get the figures to Committee members at a later time. In response to a question regarding the idea of setting up an endowment fund by selling the lakefront property that the main campus is located, Mr. Martin explained that the intrinsic value of the campus is the lakeside location. He further explained that by keeping the property it does preserve public access to the lake. Chairman Nonini explained that there are deed restrictions and when the property was given to college, it was said that it only could be for a college or a hospital.

PRESENTATION

Dr. Lorna Finman, representing the North Idaho Discovery Association addressed the Committee. She introduced **Karlicia Berry**, a gifted and talented teacher from Post Falls and robotics coordinator for NIDA and **Salvatore Lorenzen**, a high school teacher from Post Falls and robotics coach to the Committee.

She explained that the mission of NIDA is to broaden opportunities in science and technology for Idaho youth and their vision is to inspire youth to explore new pathways into science, math, and technology. She further explained that NIDA is non-profit and 100% business funded. Resources are provided free to the schools. The program started with 8 kids in the summer of 2007 and expanded to 150 kids in the gifted and talented program that fall. The program now has almost 500 kids in north Idaho from grades 3 to grade 12.

Dr. Finman explained that there are four different leagues which include Junior First Lego League for grades K-3; First Lego League for grades 4-8, first Technology Challenge for grades 9-12 and First Robotic Challenge for grades 9-12.

She introduced a group of 4th grade students named "Panic Stricken Brainy Chickens" who performed a short skit they had written regarding energy saving by turning off computers when not in use.

It was mentioned that the statistics used in the skit could be given to Chairman Nonini then shared with other House members.

Dr. Finman discussed the types of kids who have been included in this

program which include; gifted students, special education students, regular education students, alternative education students and ESL students. The types of educational settings include; public schools, elementary science and math magnet schools, alternative middle and high schools and private and home schools. She explained that the goal is to get this program out to all kids.

NIDA has sponsored summer camps and also mentors teachers and coaches. There are regional, state, then world festivals run by an organization from New Hampshire. The kids learn all kinds of math and advanced technology. She explained that there are industrial controls on the robots and students will see these same controls in industry.

Rep. Chadderdon mentioned that she attended a regional competition and sat with parents. She reported that the parents were just as involved as their students.

Ms. Berry explained that they teach the kids about gracious professionalism and even when competing with others, they are very supportive of the other teams involved. Dr. Finman explained that the foundation of the program is gracious professionalism.

Dr. Finman explained that the next steps include; increasing opportunities to reach more children by training for teachers, parents and University interns, increase community awareness, increase business participation, align robotics curriculum with the Idaho Educational standards and commission a study to assess student learning outcomes.

It was mentioned that the program is modeled like a sporting event. Dr. Finman explained that there is a \$200 investment for a kit and it is reusable and it only costs \$20/month to have child involved in the after school program. She explained that NIDA is here to provide a helping hand and not ask for money. She further explained that Idaho is ahead is what is happening in the rest of the nation. The organization is promoting awareness for the program and hoping for advocates in the Legislature.

She reported that there are over 400 kids involved and 44 teams at the Lakeland School District. In response to a question regarding how to get more schools involved, Dr. Finman explained that robotics appeal to a broad group and they would love to expand the program into other parts of the state. She explained that students learn how to complete a project on time and on budget.

Dr. Finman explained that there are regional and state championships, and teams are required to give a report. The competition is divided up into four components. Students do research on global theme, come up with solution, have teamwork to solve a problem in 6 minutes, and participates in a robot game. She explained that the material comes in a kit and the basic robot is \$200.

Chairman Nonini introduced **Duane Rassmussen** who was present and who has been very supportive of this program.

Chairman Nonini announced that the Committee will meet tomorrow and will

hear from Dr. Kustra, President of Boise State University and a presentation on the Apangea math initiative. The Committee will meet upon adjournment of the floor session.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** January 30, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Nielsen and Chew
- GUESTS:** Martin Bilbao, Connolly Smyser; Cole Pepper, Connolly Smyser; Glen Zollman, Apangea; Cindy Johnstone, Dept. Of Education
- Chairman Nonini called the meeting to order at 9:15 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to accept the minutes of Jan. 28th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Chavez made a motion to accept the minutes of Jan. 29th, 2009 meeting as submitted. On a voice vote, the motion carried.
- Chairman Nonini announced that the members have a copy of a response by the State Board of Education to a question that was raised by Rep. Durst regarding the medical education study.
- PRESENTATION** **Dr. Bob Kustra**, president of Boise State University addressed the Committee. He introduced former Speaker of the House, **Bruce Newcomb**, representing BSU and **Christy Perry** an intern in the BSU office. He updated the Committee members as to what is going on at the BSU campus. He reported that retention is a major issue and he feels that BSU has had good retention numbers. He reported that 89% of the freshmen who sign up for the first semester also sign up for the second semester. There has been an improvement in math and significant increases in the math scores on campus. He explained that this increase is due in part to the reorganization of the math department and the increased caliber of students. He further explained that 35% of the university's students come in at 3.5 GPA and above. He explained that the university has started marketing more to high ability students. He further explained that BSU is relatively new in participating in the national merit scholarship program. He explained that when he first was hired as the president, a home was given to him when he got to Boise. He sold the home for \$2.2 million and put that money into an endowment fund for national merit scholars. He reported that they now have 21 national merit scholars on campus now.

He explained that the university is proud of it's increasing graduate school

enrollment. He further explained that they will not be able to grow the graduate programs as fast as they want to due to the worsening economy. There has been a 13% increase in number of graduate students.

He explained that the College of Western Idaho, the state's newest community college, was created this past year. There was a concern what would happen to BSU's enrollment when the college opened. He explained that the university has a strategic plan for enrollment action and they have been more serious about advertising their honors college and marketing to high achieving students. 1,200 students moved to the College of Western Idaho and BSU has given the college a \$30 million classroom building and land.

He reported that they had a record number of students graduating last year with 2,677. He explained that 77% of the graduates stay in the Treasure Valley. The university is involved in a comprehensive campaign and are trying to raise \$75 million to build new facilities. He reported that the endowment fund has gone down, due to the bad economy. This fund provides about 850 scholarships per year. The university has kicked off a new campaign called "Dollars for Scholars", where donors are asked to write a check for an individual student's tuition. He reported that they have had moderate success with this, but they still have a long way to go.

Dr. Kustra explained that they have a growing research program at BSU. They have been applying for grants and have been successful. The university has been able to obtain \$28 million in research grants. The university is aspiring to be a metropolitan research university. The research department has done a lot of work in sensor development and materials science is also an area of focus.

He reported that the number one concern the university has this year is about the budget and the enrollment workload adjustment. He explained that this formula was created in 1989 by the State Board and determines the amount of dollars for each student who attends a public Idaho university. He explained that he is concerned that if this formula is not funded it would effect how much each university is owed.

Dr. Kustra reported that the size of their reserves are larger than other universities and they have \$150 million in construction projects on campus. He explained that the bond ratings, effects the cost of money they use to build, depend on the size of what is in the reserve fund.

He reported that they have about 1,400 students per year in the concurrent enrollment program. He further reported that they also have a "Finish in 4" program, in which students enter into a contract to complete their degree in four years. In working with the university, if they do not finish by following what the university has planned out, BSU will pay for the rest of their schooling. He reported that only 45 students have signed up for this program.

In response to a question regarding how BSU handles their student athletes, Dr. Kustra explained that it starts with a quality Athletic Director who then

hires good coaches. The Athletic Director at BSU, Gene Bleymaier, is in his 27th year as Athletic Director at the university. The football coach, Chris Petersen, assigns assistant coaches a small number of players who then go to classes and see if students are actually attending class. He reported that BSU has the highest academic performance rating in the WAC and one of the highest in the country.

In response to a question regarding the federal economic stimulus plan and will there be money for higher education, Dr. Kustra explained that he thought that there would be more federal money available.

In response to a question regarding rural schools not being able to offer certain courses, Dr. Kustra explained that this is the case. Small schools cannot afford the faculty it takes to teach advanced classes. He explained that there is a need to use digital learning and there are opportunities for rural students to take classes online. He reported that last year, Georgia and Alabama together graduated just one physics teacher. Five physics teachers graduated last year from BSU. He further reported that the university has just hired Barbara Morgan, a former astronaut.

He explained that the reason the doctorate program in public policy was cancelled was due to funding issues. He further explained that BSU has 90 vacant positions on hold. When questioned about the role of the State Board with higher education, Dr. Kustra responded that the Board needs to be relieved of oversight and accountability of agencies not related to education and need to focus on higher education as recommended by the Governor and endorsed by the Board. He explained that the Board has spent too much time on other agencies and there was not much accountability or advocacy.

In response to a question regarding BSU's role in University Place in eastern Idaho which offers programs to students from various states, Dr. Kustra explained that BSU does not have a presence there. He further explained that he does not want to overlap or duplicate any efforts currently happening there.

Dr. Kustra reported that the new nursing building will be opening in June. The new building will allow the university to increase the number of nursing students about 30%. He further reported that the nursing program has well over 300 students, but will have to check the exact numbers.

PRESENTATION

Glen Zollman and **Louis Picone** addressed the Committee. Mr. Picone is the CEO and founder of Apangea learning. He explained that Apangea is a tutoring program available for every student who needs it. It is operating in 36 states. He explained that Apangea is part of the Department of Education's math initiative and is operating in over 236 schools in Idaho. Apangea Learning is the first online tutoring service that successfully combines intelligent tutoring systems with multiple escalations of live teacher intervention. The first level is an automated learning coach, then level 2 is a live problem tutor, then level 3 is a concept teacher. Every student gets their own academic experience. The program is a motivational program with self directed learning, social involvement and issue awareness. It also includes custom education plans and real time information for teachers. The schools use Apangea in after school programs, as a second math class for student support and evening and weekend self study.

Mr. Picone explained that academic self esteem is very important and Apangea can level the playing field and get students engaged. Live teachers are available between 7 P.M. and 11 P.M. and the average time for a student to reach a teacher is 7 seconds.

Information is available for both teachers and parents. The program targets students who are struggling the most. He reported that student and parent participation at home has been exceptional and Idaho student's charitable donations lead the nation. He reported that they are adding between 200 to 300 students daily and every day Apangea is providing about 1,000 hours of tutoring. He reported that about 1,000 Idaho students logged on during holiday break. He reported that as of January 24th, 2008; 10,872 students have used this tutoring program and have logged in 41,811 hours. He further reported students can earn points for material redemptions such as T-shirts or they can use their points for charitable donations. 81.5% of Idaho student redemptions are for charity donations.

He thanked the Department's Math Coordinator, **Cindy Johnstone** and **State Superintendent Luna** for their hard work and cooperation.

Mr. Picone explained that it is easier to work with smaller states, but it depends on the structure. He further explained that it is far more efficient to do the top down system as we are doing in Idaho.

In response to a question regarding making the tutoring available for spelling, Mr. Picone explained that they are working on this, but do not have an exact time line.

In response to a question regarding the cost involved, Mr. Picone explained that this program is at no cost to districts. Apangea has a \$1.3 million contract with the State and is a line item budget in the Math Initiative.

Mr. Picone explained that when kids are given the opportunity they will find the way to get online. Teachers in classroom can see what is being done online. The goal of the program is that every student who wants and needs tutoring can afford it.

In response to a question regarding the name "Apangea", Mr. Picone explained that they first used the word "pangea", which was the 7 land masses before they split off into the various continents. When they got a website "pangea" was already taken, they just put an "a" in front of it. The company does not serve students outside the US. They are coming out with a product to address the needs of special needs students. He explained that there are certain groups that they can help a lot, but there are some they cannot.

In response to a question regarding how schools get the program, Mr. Picone explained that it comes from the State Department of Education and schools have to make room for it in their schedule. Once time is found, then there can be flexibility. The company tries to meet the needs of each

particular school.

Chairman Nonini announced that the OPE director, Rakesh Mohan, has said he will come to the Committee and follow up and answer questions regarding the Public Education Funding Formula presentation made at the joint Committee meeting held on January 15th. Chairman Nonini asked Committee members to think about this and let him know at a later time if they would like this follow up.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting adjourned at 10:50 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: February 2, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representatives Block and Chew

GUESTS: Jan Sylvester, Idaho PTA; Zach Harge, Idaho Council on Industry & Environment; Amy Condron, Governor's Office; Sarah Wine, AP; Harold Ott, Idaho Rural Schools Assoc.; Karen Echeverria, Idaho School Boards Assoc.; Colby Cameron, Sullivan & Reberger; Fred Riggers, Sherri Wood, IEA; Luci Willits, Dept. Of Ed.; Lesley Hollister, SDE

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.

RS 18468: Rep. Thayn presented this resolution to the Committee. He explained that this resolution identifies broad policies that may improve the K through 12 public education system in times of budget shortfalls including; grade acceleration, early graduation, parental empowerment and flexibility. He further explained that he wants to be proactive during these tough budget times. He reported that education is undergoing changes, with computer and self learning opening up new frontiers in education. The purpose of this resolution is to stimulate discussion with the Legislature and stakeholders and to share innovative success stories. He further reported that he has discussed this resolution with Superintendent Luna and he is supportive.

In response to a question regarding involving local school districts entering into these partnerships for innovative ideas, Rep. Thayn explained that he would like to involve the local school districts. In response to a question regarding language in the resolution to encourage the State Board of Education to make schools more efficient, Rep. Thayn replied that schools are always striving for efficiency and this proposed resolution would aid in this. In response to a question regarding grade acceleration exams and if it would cost more money for school districts, Rep. Thayn explained that it does not have to cost more and if there is a full hearing, he will talk more about this issue. In response to a question regarding language in the proposed resolution concerning early graduation for eligible students to allow a portion of the money that was saved to follow the student, Rep. Thayn explained that this money would be in the form of scholarships and it is the best way to save the state money. He further explained that this would be rewarding behavior we want and it is a reasonable thing to pursue.

Rep. Thayne explained that he has not discussed this proposed resolution with the Idaho School Board Association or the Superintendents Association, but plans to do so.

MOTION: Rep. Shepherd made a motion **to send RS 18468 to print**. On a voice vote, the motion carried.

RS 18292C1: Rep. Durst presented this resolution to the Committee. He discussed a handout regarding the growth models. He explained that the growth models give schools credit for student improvement over time by tracking individual student achievement from one year to the next to meet the goals of No Child Left Behind. He further explained that the state is currently using a “line drawn in the sand” and if a student can score above line then they are proficient. He explained that there is a need to know how well student has done while in the teacher’s classroom. He further explained that the purpose of this concurrent resolution is to create a task force to assist with the development and submission of an application to the United States Department of Education’s Growth Model Pilot project in regards to Idaho’s compliance with No Child Left Behind assessment requirements.

In response to a question regarding if there will be a change in federal government policy due to the change in Administrations, Rep. Durst explained that there is an assumption that the growth model is the way of the future and the growth model will be a cornerstone of the No Child Left Behind Act. He further explained that the growth model is a better way of measuring student and teacher performance. In response to a question regarding the fiscal note stating that it would cost less than \$10,000, Rep. Durst explained that the bill drafter suggested that there should be some cost. He further explained that the proposed resolution would only involve six members of legislature so the cost would probably be closer to \$2,000. He felt that it would be better to shoot high than have inaccurate fiscal impact. He explained that he has discussed this proposed resolution with most stakeholders with the exception of the State Board and the State Department of Education, but plans to discuss this with them in the near future.

MOTION: Rep. Chavez made a motion **to send RS 18292C1 to print**. In the discussion on the motion, Rep. Durst responded to a question regarding if the goal of the proposed resolution is to change the current teacher’s performance pay system by explaining that Idaho does want a performance based system, but most teachers think basing it on ISAT scores is not adequate. He further explained that the intention is to have a more analytical approach and the state needs to have more tools for this.

On a voice vote, the motion carried.

Chairman Nonini discussed the agenda for tomorrow’s meeting with the Committee members. He asked Committee members if they would be interested in hearing further from OPE regarding the public school funding formula. It was decided that there was only interest from a few members and they could schedule a meeting with OPE director Mohan to have their individual questions answered at a one on one meeting.

Rep. Boe mentioned that it would be a good idea if the Chairman could

share the energy savings ideas that were presented by the students from the recent robotics presentation to the rest of body. Chairman Nonini will do some followup with the Department of Administration to see what kind of savings the state could generate in turning computers off when not in use. It was mentioned that the state may already have statistics regarding this issue.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting 9:30 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 3, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representative Wills
- GUESTS:** Harold Ott, ID Rural Schools Assn.; Phil Homer, ID Assoc. of School Administrators; Chris Rapp, IDLA; Donna Hutchison, IDLA; Wayne Davis, ID Assoc. Of School Administrators; Don Drum, PERSI; M. Cathi Jarvis, ID School Counselors Assn.; Rep. Rich Jarvis; Karen Echeverria, ID School Board Assn.; Robin Nettinga, IEA; Sherri Wood, IEA; Colby Cameron, Sullivan & Reberger; Lloyd Knight, DFM
- Chairman Nonini called the meeting to order 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the January 30th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the February 2nd, 2009 meeting as submitted. On a voice vote, the motion carried.
- RS 18486C1:** Chairman Nonini presented this RS to the Committee. He explained that this is a concurrent resolution that would reject a section and restore three subsections of a pending rule of the Division of Vocational Rehabilitation. The effect of this resolution, if adopted by both houses, would be to prevent the amended language in the section from going to effect and the stricken language in the three subsections from being deleted from the Division's rule. He explained this concurrent resolution is the result of the discussion in the full committee and is the process to go through when rules are rejected.
- MOTION:** Rep. Nielsen made a motion **to send RS 18486C1 to print**. On a voice vote, the motion carried.
- RS 18475:** Rep. Shirley presented this RS to the Committee. He explained that last year legislation was passed for the Idaho Digital Learning Academy that gave their employees independent status from the Wood River school district. He further explained that the previous legislation allowed employees to have all of the benefits that they had under the school district, but missed a few things. This RS gives them these missed benefits.

The proposed legislation provides for the inclusion of sick leave benefits and

severance allowance at retirement in the same manner as provided by traditional public schools. It also provides for accountability by establishing a board of directors. The RS also extends these privileges down to the elementary level and an emergency clause is included.

In response to a question regarding the staff makeup of IDLA, Rep. Shirley explained that it is the same as in local school districts and employees who are half time and more would be entitled to these benefits. He further explained that he will clarify this issue if this RS is printed when it comes back for a bill hearing. In response to a question regarding if the board of directors would be eligible for sick leave, Rep. Shirley explained that many of those who serve on the board of directors would be employed elsewhere and would not receive double benefits. He further explained that this issue would be clarified at bill hearing.

MOTION: Rep. Thompson made a motion **to send RS 18475 to print**. On a voice vote, the motion carried.

RS 18412: Rep. Jarvis presented this RS to the Committee. He explained that this proposed legislation changes the legal dropout age from age 16 to age 18. An exception has been added where a child has successfully graduated from a public, private or parochial high school, or has successfully passed a general educational development (GED) test or similar assessment, or has been otherwise comparably instructed. He explained that education is having an increasing role of importance in today's society. He further explained that those without college degrees are severely limited in job opportunities. He reported that 15.5% of Idaho's population age 25 and older have not received their high school diploma or GED. He further reported that the average income for an individual without a college degree is \$9,600 less than those with degrees. He also reported that 26% of those arriving in prison do not have a high school diploma or GED. He further reported that only 6% of 12 million occupations do not require a college education.

In response to a question regarding that raising the dropout age would be an element of force instead of enticements to stay in school, Rep. Jarvis explained that he is not suggesting that force is better. He further explained that raising the bar is in the best interest of students. The law would help the at risk students.

MOTION: Rep. Chadderdon made a motion **to send RS 18412 to print**. On a voice vote, the motion carried with Rep. Thayne voting NAY.

Chairman Nonini passed the gavel to Vice Chairman Shirley.

PRESENTATION **Dr. Donna Hutchison**, Executive Director of the Idaho Digital Learning Academy addressed the Committee. She gave a brief background of IDLA. She explained that IDLA is a state-sponsored, accredited, online virtual school created through the Legislature in 2002 to provide Idaho students with greater access to a diverse assortment of courses and to highly qualified faculty. She explained that this virtual school was created to address the educational needs of all Idaho students and was one of the first 10 formed in the country.

She explained that the mission of IDLA is to serve the students, school districts, and the state by providing a high quality public school education,

aligned with the state achievement standards, utilizing innovative e-learning methods of delivery.

She gave each committee member a mug which celebrates IDLA's national third place ranking. She explained that IDLA served about 9,500 students this year, which is a 44% increase from last year. The reasons for IDLA include; scheduling conflicts, credit recovery, courses not offered, early graduation, and home school. She reported that 98% of the school districts in the state participate in IDLA. She introduced **Benjamin Merrill**, principal at Notus High School and former principal at Salmon River and two students taking IDLA classes, **Nicole Hardy** and **Celeste Banda**.

Mr. Merrill discussed the IDLA program at Notus High School and Salmon River which is called the Pirate and Savage Academies. He explained that he is also an online principal for IDLA. He further explained that he feels that IDLA is one of the most important aspects of education in the state and it has changed the way they look at education in rural areas. He discussed the challenges of rural high schools and how to reach the expectations of the State Board of Education. He stated that IDLA is a way to offer courses at a minimal cost.

He further stated that advanced placement and dual credit students typically fall through the cracks in rural schools. IDLA gives rural schools the opportunity to offer increased electives and credit retrieval for students who have gotten behind in school. He explained that the goal of the Savage and Pirate Academy is to have 100% of the students participate in a IDLA class in one year. He reported that in two years they have had one student who has failed a course. He further reported that in Year 1 at Salmon River, the Academy offered 20 separate classes; and in year 2 at Notus high school 16 separate courses were offered by the Academy. 40% of the students completed classes with 100% achieving a passing grade. He explained that students are taking dual credit courses which will save them money in college.

He reported that students can take classes through IDLA that they have failed previously. He reported that kids at Notus have same opportunities as large high schools through IDLA. He further reported that students have earned 21 college credits through IDLA and the class sizes have been reduced by 11%.

He discussed why the program has been so successful. He reported that his staff has made it happen by treating IDLA as part of their curriculum. He further reported that they have made a home for the Academy and have developed a clear policy. He explained that IDLA in rural Idaho must take place in the school to give students access to online classes since most students do not have internet access in their homes. He explained that the greatest indicators for success include; full time engaged proctor or teacher, access and availability and an innovative administration and School Board that is open to change, willing to fund the program fully and have high goals and expectations.

District savings include; additional course offerings, availability of highly qualified faculty members and online textbooks.

High school student **Nicole Hardy** addressed the Committee. She shared her experiences with IDLA. She is a Senior at Notus High School. She explained that she did not have any experiences with online courses before taking IDLA classes. She is currently enrolled in a dual credit Psychology class and a Spanish class through IDLA. Both classes are not offered at her school. She explained that most colleges require a foreign language for admittance and she would like to get into a competitive school. She is getting college credits this year which are transferrable. She explained that she took classes to get ahead and not be limited as to what she can do. She further explained that IDLA classes have deadlines and she has an on site teacher to help keep those deadlines. She also explained that she can reach online teachers by phone if she has questions and the teachers are really good about getting back to her quickly. She explained that during the live sessions she can actually speak with the teacher and other classmates. She explained that she likes the Academy because the school has a dedicated time to work on online and they have a site coordinator. She reported that it is difficult for someone not to succeed at IDLA because of the great support system.

High school student **Celeste Banda** addressed the Committee. She is a Junior at Notus High School. She explained that she is taking English 10 through IDLA to make up for missed classes last year due to a death in her family. She further explained that she did not have an opportunity to take the class at another time and this is her first year to do online class. She explained that she was nervous at first but the on site teacher has helped a lot. She further explained that she does not have the internet at home but by taking the online class at school she is already ahead in the class. She explained that with IDLA she would have been able to graduate early, but has chosen to graduate with her class.

Vice Chairman Shirley explained that he is highly impressed with the program and more school districts need on site teachers. Dr. Hutchison discussed "Idaho Live" which is a full featured virtual meeting room that allows text, video, audio and presentation materials to be transmitted live to your desktop.

In response to a question regarding the number of home school students who participate in IDLA, Dr. Hutchison explained that school site people from local school districts have given these numbers and she does not know where students are located. She further explained that IDLA wants home schooled students to work in collaboration with their local school district.

In response to a question regarding the limited number of participants in charter schools, and how many college credit classes are offered, Dr. Hutchison explained that IDLA currently has 54 credits now available and has met with all of the colleges is looking to expand this number. She explained that IDLA has not spent a lot of time reaching out to charter schools, but it will be one of their goals to do that this year and have a higher number of charter school participating next year.

She explained that IDLA does have some overseas students who are traveling with parents.

In response to a question regarding how IDLA has affected students who

might dropout, Dr. Hutchison responded that this is hard to track. She reported that at Salmon River there were 5 students who would not have graduated from a class of 30 and at Notus there was one student who would have dropped out had they not taken a class with IDLA.

In response to a question regarding the size of the budget, how IDLA is funded, Dr. Hutchison explained that the Legislature approved funding formula in 2002 and they are currently operating on a \$4 million budget. She further explained that there are approximately 200 teachers who are part time and most are currently working in Idaho school districts. These teachers account for majority of budget and there are 20 full time employees of IDLA.

She explained that IDLA is not a duplication of services but an expansion of services. She further explained that IDLA is part of multiple solutions for students who are unsuccessful in school. It is a magnification of what can be done.

She explained that IDLA is looking at bringing on teachers for next fall and they are required to be trained for 6 months. She further explained that IDLA is working with the state Department of Education on an endorsement in online learning which would help with the pre-screening process for potential online teachers. There will be further discussion on this issue. She reported that the on-site coordinator is required to take a 15 hour online course from IDLA.

She reported that Michigan and Alabama have required an online experience for graduation. She explained that by taking online classes, it will prepare students for college and for the 21st century.

In response to a question regarding what kind of contract that online teachers are required to sign, Dr. Hutchison explained that expectations include; provide feedback, answer e-mails within 24 hours, and grade assignments within 96 hours. She further explained that there is an online principal to ensure that those requirements are being met.

Vice Chairman Shirley thanked Dr. Hutchison for her good work and also thanked Mr. Merrill and his students for coming to today's meeting.

Vice Chairman Shirley announced that the Committee will meet tomorrow at 9 A.M. to hear from Tim Hill from the State Department of Education presenting on the Public School finance formula.

ADJOURN:

As there was no further business to be brought before the Committee, Vice Chairman Shirley adjourned the meeting at 10:35 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: February 4, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representative Shepherd

GUESTS: Kim Ball, West Bonner County; Carol Rasmussen, West Bonner County; Kathy Heuvel, West Bonner County; Susan Lee, West Bonner County; Derek Dickinson, Lake Pend Oreille School District; Jody Shapiro, Plummer/Worley School District; Rick Jones, Coeur d'Alene School District; Diane Link Lakeland School District; Vicki Loberg, Post Falls School District; Becky Ford, Post Falls School District; Cadey Hull, ID School Board Assn.; Bert Marley, IEA; Candace Turner, Priest River School District; Richard Ledington, PTE; Harold Ott, ID Rural Schools Assn.; Suzanne Budge, SBS Assoc.

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken. He recognized a group of teachers from Districts 1 through 5 visiting the Committee from the Idaho Education Association. He also welcomed the Assistant Superintendent from Post Falls. He reminded Committee members today is "Pie Day" sponsored by the Home Educators Association at the JR Williams Building.

PRESENTATION **Tim Hill** from the State Department of Education addressed the Committee and discussed the Public School Funding formula (Copy report attached). He explained that he would not discuss changes for next year, but just give the facts to the Committee. He explained that his job primarily is to distribute money to schools on a timely basis and he does not make policy. He further explained that he has been with the Department for over 11 years.

He explained that the primary source of Public School funds comes from individual and corporate income tax and sales tax. He further explained that needs exceed available revenues. Public schools received about 48% of state appropriations last year. He explained that dollars vary from year to year on the appropriations side. He further explained that the majority of supplemental levies and bonds are driven by local decisions. He reported that over half of the school districts have supplemental levies. He further reported that Public Schools have about \$400 million in local monies, \$200 million in federal monies and \$100 million of other monies.

He discussed the rules for counting Average Daily Attendance. He explained

that the average daily attendance for a given school is the aggregate days of attendance divided by the number of days school was actually in session. In grades 1 through 12, if the student is present for at least 4 hours it is counted. In kindergarten, if a student is present for 2 ½ hours it is counted because the state does not fund a full day of kindergarten. He explained that attendance is collected 3 times a year and that data is used to calculate salary and benefits. He further explained that at the end of year, the district calculates the best 28 weeks of attendance and this figure drives the need for discretionary money. He explained that poor days of attendance will drive funding down. He further explained that the first reporting period is the first 10 weeks of the school year and this figure drives salary and benefits.

In response to a question regarding districts offering 5 day and 4 day school weeks, Mr. Hill explained there would be no difference in funding. He also explained that only seat time is counted when counting daily attendance.

He discussed the conversion table with the members which takes the attendance number and converts it into a support unit. He explained that it costs more to operate a small program than a large program. Large districts get more money, but less for each student and smaller districts get less money, but more money per student. He explained that the funding formula came into place in FY 1997. **Cindy Parrish**, from the Office of Performance Evaluations, explained that this formula was already in place before 1994 and SB1560 changed the divisor for elementary schools.

Mr. Hill explained that the state sends out more money for secondary students. Secondary schools are likely to have larger staffs and smaller class sizes to meet the needs of their students. He explained that charter schools who have less than 100 students will still have divisor of 12, which is the same as secondary schools.

He explained that the Exceptional Support Units, which consist of schools like juvenile detention centers and special education, the divisor is 12, which drives the amount per student. He explained that the divisor plays a huge role as to how much money is received by each school district. He explained that virtual charter schools use the same divisor as regular charter schools. Students are required to be present 4 hours a day in class or have a certain percentage of completion. He explained that virtual charter schools almost all use the percentage of completion. He further explained that IDLA courses can be counted towards 4 hour attendance per student. In response to a question regarding where the percentage would be found, Mr. Hill explained that it is found in Chapter 52, title 33 of Idaho Code. He explained that the formula is not intended to be punitive.

He explained that districts who lose more than 1% of their attendance will still be funded for next year. He explained that funding does not depend on how large or small the school district is, but who they are teaching.

Mr. Hill explained that who the district hires drives how much money they will receive. He further explained that each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the Experience and Education table.

He reported that data is collected on every employee in the fall and these are the key numbers in determining how much everyone gets paid.

He explained that it is a fully funded mandate for minimum base salaries. He further explained that charter schools do not have taxing authority like school districts so they need extra money. He explained that districts are given an amount of money and when the state increases base salary, it is a local decision to increase that base salary. He further explained that there is not a state salary schedule.

He explained that classified staff includes business managers, computer technicians and others. It was mentioned that there is a need for super classified category for these kinds of positions. In response to a question regarding the experience and education multiplier, Mr. Hill explained that the state always recognize degrees. He further explained that only credits earned after initial certification at an accredited institution of higher education would be allowed. He explained that the district makes up the difference in funding from discretionary funds or local funding. He further explained that School counselors are treated as teachers as far as salaries and that out of 100 teachers there are usually 10 instructional support staff.

Mr. Hill explained that three things affect how school districts are funded. These are staff allowance per unit, the statewide average index and base salaries. The formula is index times base salary, this formula represents the average the state sends to districts. He explained that benefits like medical, dental, etc. has to be paid out of discretionary funds. He further explained that the average funding is about \$90,000 for each support unit. He explained that the funding differences between school districts are who they have hired. He further explained that if a district hires someone with more experience it will cost the district more money and if they hire someone with less experience will be less money. He further explained that there would be more impact to the general fund based on who is hired.

In response to a question regarding the percentage increase of statewide average salary apportionment, Mr. Hill explained that he did not have this figure, but will get this at a later time. In response to a question regarding the funding formula and if it is out of date, **Carrie Parrish** from OPE explained that there are certain pieces of the funding formula such as base salaries that need further review. Mr. Hill explained that the base salary is set by legislature each year and it is reviewed each year and driven by JFAC.

Mr. Hill explained that before one can make any quick assumptions about why one school gets more money than others, it could be who they hire, who they teach and how big or small they are.

He explained that it is a general challenge to break out discretionary fund money to see exactly how is it being spent.

Mr. Hill explained that districts are paid by the state five times a year and the payments that are made to school districts and charter schools in August, October and November are advance payments for the current year and are based upon payments from the preceding school year. He further explained payments are governed by intent language as to how they are to be spent.

Chairman Nonini thanked Mr. Hill for his presentation and invited any Committee members who still had questions to contact Mr. Hill at a later time.

Chairman Nonini announced that the Committee will meet tomorrow morning at 9 A.M. to hear two House bills from the State Board, a follow up to Paul Headlee's presentation on the inventory of Government-funded early childhood programs in the State and John Watts representing "Voices for Children."

ADJOURN:

As there was no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:40 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 5, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** None
- GUESTS:** Harold Ott, ID Rural Schools Assn.; Phil Homer, ID Assoc. of School Administrators; John Watts, Idaho Voices for Children; Mark Browning, Board of Ed.; Richard Ledington, PTE; Corey Surber, St. Alphonsus; Bert Marley, IEA; Genie Sue Weppner, Dept. of Health & Welfare; Milt Gillespie, Mariposa Labs LLC; Amber Sapert; Stan Burten, ID Head Start; Hollis Brookover, College of Western Idaho; Mary Jones, Dept. of Health & Welfare; Beth Toal, St. Lukes; Colby Cameron, Sullivan & Reberger; Paul Headlee, LSO; Michael Pearson, Dept. of H& W; Sara Herring, Idaho Voices for Children
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from February 3rd, 2009 with the following change; on the first page change "Hailey school district" to "Wood River school district". On a voice vote the motion carried.
- MOTION:** Rep. Wills Made a motion to approve the minutes from February 4th, 2009 as submitted. On a voice vote, the motion carried.
- H 18:** **Mark Browning**, Chief Communications Officer for the State Board of Education presented this bill to the Committee. He explained this legislation will allow the former employees of the Seland College of Applied Technology at Boise State University that transfer to the College of Western Idaho to not lose their accrued sick leave because of this transfer. He further explained that this statute will apply to transfers occurring on or before September 1, 2009 and the bill has a sunset date of September 2nd,2009. In response to a question regarding what would happen if this bill did not pass, and would there be savings to the state; Mr. Browning explained that money would not go to the state general fund and the savings to the state would be through PERSI. **Cheryl Wright** from the College of Western Idaho explained that people who have over 10 years of employment would be able to bank their sick leave in PERSI and those with under 10 years of employment would have to start over from scratch if this legislation does not pass. She further explained that the College of Western Idaho does accept vacation time of employees who have transferred.

MOTION: Rep. Wills made a motion **to send HB 18 to the Floor with a DO PASS recommendation.** In the discussion of the motion, Mr. Browning clarified that once the employees are transferred then the need for this legislation is done. On a voice vote, the motion carried. **Rep. Gibbs will sponsor the bill on the House Floor.**

H 19: Mr. Browning presented this bill to the Committee. He explained that this legislation would give the State Board the authority to transfer or convey title, rights and interest in real and personal property held by the Board to other public entities without any consideration or payment. He further explained that last year the Board was given the authority to transfer property to the College of Western Idaho. Under advice from the Attorney General this authority needs to be in existing code.

MOTION: Rep. Durst made a motion **to send HB 19 to the Floor with a DO PASS recommendation.** In the discussion on the motion, the transfer of properties owned by joint ventures between the federal and state governments was discussed. Mr. Browning explained that these properties would be able to be transferred. On a voice vote, the motion carried. **Rep. Thompson and Rep. Durst will sponsor the bill on the House Floor.**

PRESENTATION **Paul Headlee**, analyst with the Legislative Services Office addressed the Committee. He explained that he presented to the joint Senate and House Education Committees on January 15th and gave a report on an inventory of government funded early childhood programs in Idaho. Chairman Nonini mentioned that there was not enough time at the earlier presentation for Committee questions, so Mr. Headlee was invited back.

Mr. Headlee gave a summary of his report and a CD of additional resources to Committee members. He also provided a copy of a letter from Chairman Nonini and Senator Goedde that requests LSO do this research. He explained that the chairmen were interested in what early childhood development and education programs are conducted Idaho with government funding, the funding sources, and numbers of individuals served. He further explained that the chairmen were also interested in similar information from other states and Idaho's use of federal funding. He explained that he did not assess program effectiveness.

He reported that 22 programs were identified and the Department of Education and the Department of Health and Welfare administer over one half of these programs. The expenditures for these programs totaled nearly \$95 million during FY 2008 of which 75% was federal money and 25% was state General Funds.

He further reported that over 94% of all expenditures were directed to low income children, children with disabilities, and academically at risk children. Federal Head Start and the Early Head Start programs were 36% of the expenditures and served 4,727 during the 2006-2007 school year.

He explained that early childhood education services were most often offered by city libraries. He further explained that these services operated with limited budgets, but served a high number of children.

Several universities in the state offer a “blended” early childhood and early childhood special education teaching certificate in which 380 students are enrolled.

Mr. Headlee reported that the 10 states with the highest pre-Kindergarten participation rates were generally located in the southern and eastern areas of the US. Of the 12 states that do not fund pre-Kindergarten programs, two thirds are located in the western US. He further explained that other states’ funding sources for early childhood education included general funds, excise taxes, gaming and lottery monies, cigarette taxes, and public-private partnerships.

He reported that they reviewed federal funding programs for early childhood development and education and found that Idaho’s public and non-public entities take advantage of nearly all government funding opportunities.

In response to questions, Mr. Headlee clarified that family and community services programs are administered by the Department of Health and Welfare and serves children with developmental disabilities.

In response to a question regarding the proposed federal stimulus package, Mr. Headlee explained that there are funds for early childhood care, and some could possibly be used for pre-Kindergarten, but more study is needed. He explained that he will research this issue.

In response to a question regarding programs for children of incarcerated parents, he explained that he is not familiar with any programs specifically for these children, but if they struggle academically there are programs available. **Mary Jones**, director of the Infant and Toddler program for the Department of Health and Welfare explained there is currently a work group from the Department of Corrections and IDHW to work on these issues. She also explained that the Region 4 director is involved to see what other states are doing in this area. Several Committee members requested this information.

In response to a question regarding partnerships with federal projects and service clubs, Mr. Headlee explained that the Albertsons Foundation is helping with scholarships for students for the blended certificates. He explained that he will research this issue and provide this information to the Committee members.

In response to a question regarding the literacy program, Mr. Headlee explained that this program is for children from birth to 7 years old.

In response to a question regarding the State Children’s Insurance Program for children birth to age five, Mr. Headlee explained that this is outside of the school system and in private settings. It is usually an after school student who goes to a provider to receive services.

John Watts, representing the Voices for Children group from the Treasure Valley addressed the Committee. He explained that he has been working with the group a little over a year. He introduced the president and vice president for the group.

He explained that Idaho Voices for Children is an advocacy organization for children and focuses on children's health and education issues. He further explained that the group is made up of representatives of many business organizations including; Blue Cross, US Bank, Boise State, Idaho Parents Unlimited, YMCA, and Saint Alphonsus and St. Luke's hospitals.

He further explained that this group has been working on this issue for over a year and he has met with members of the Legislature, the Governor and the State Superintendent of Schools. He explained that the research from Mr. Headlee adds weight to what the group is bringing. He reported that Idaho has no cogent public policy concerning early childhood education.

Mr. Watts explained that the group has put together a matrix of all the bills since 2001 in the Legislature regarding early childhood education. He reported that there have been 17 bills, but there is no policy in the state regarding early childhood education. He further reported that currently there is a Senate Bill on pre-Kindergarten (**SB 1023**).

He explained that Idaho has the potential to receive \$19 billion over 2 years for early childhood programs in the proposed federal stimulus package. He further explained that this is one of the reasons to form a group to have a plan to know what to do with this money.

Mr. Watts explained that programs in the state seem to be mostly for special needs children, low income and minority children and there is not a lot for single parents and middle income parents.

Idaho Voices for Children is encouraging the Legislature to bring all the advocates to the table and key individuals to set the policy. Mr. Watts explained that an assessment needs to be done after the inventory. He questioned what is the state of Idaho's public policy for early childhood education. He explained that 17 bills have been introduced, but they are not working and House and Senate studies have been introduced and they are not working. There is a need to create an opportunity for the Idaho House, Senate, Governor, and Superintendent to come to the table to decide public policy.

David High, vice president of Voices for Children addressed the Committee. He thanked the Chairman and Mr. Headlee for the comprehensive study. He explained that his group is serious about the idea to take a hard look at the process and get legislature's imprint on this issue. He explained that we know today that the success of children in K thru 12 grades are more dependent on what happens in 0 thru 5 years old. He further explained that 90% of the capacity of the human brain is achieved by age 5 and 80% is achieved by age 3.

He explained that parents are most interested in their kids what is the best

way they can proceed. He further explained that it is clear we are spending a lot of money already, but there is no coordinated public policy approach to the problem. The bulk of the dollars are spent in a few areas and the average parent does not get much benefit.

There is a need to look at the cost benefits at what the state is doing now are there better ways. He explained that there are a number of low cost and no cost things that could be done. He explained that there are smarter ways to do what we are doing. He explained that there is an RS to create this group of policy makers to look at this issue. This group would consist of 3 members of the Senate, 3 members of the House, 2 appointed by the Governor, one appointed by the Superintendent of Public Instruction, and 4 appointed by the Legislative Council to represent parents, businesses, providers and children's groups.

In Committee discussion regarding the proposed federal stimulus money, it was commented that if Idaho gets some of that money where would it go. If the state started something new, after 2 years the federal money would be gone, then the state would have pay for some of these new programs. Mr. Watts commented that they have confidence in the Legislature that this would not happen.

Rep. Thayn commented that he has been interested in early childhood education and is supportive of it. He further commented that most of the early childhood programs are focused on having the state work directly with the child and he feels they should be focused on parents working with their children. He further explained that he wants to build the capacity of parents which would be more cost effective and have long term benefits.

Mr. Watts explained that he is not coming with a preconceived notion of an outcome. He further explained that Idaho's public policy may be to empower families and parents. He explained that there is a need for a high level group to decide what the policy should be.

In response to a question regarding what other states are doing, Mr. Watts explained that there are different approaches for each state.

In response to a question regarding the concern of how to keep Idaho graduates of post secondary institutions who earn a degree in early childhood education in the state, Mr. Watts explained that Idaho is losing some of these graduates because the state does not have plan in place.

Rep. Shirley commented that Idaho Voices for Children is doing what is best for children in Idaho and they are recommending a good thing. He suggested that the Committee could follow up with leadership and the Governor to see where we go from here. Chairman Nonini commented that this issue comes up all the time and all Committee members have different feelings about this issue. He further commented that he knows how dedicated this group is and will take all of this information under serious consideration. He further commented that he appreciated the time, sincerity and passion of the group.

Rep. Durst mentioned that as a father of young children, he cares a lot about early childhood education and he would be disappointed if he were not

involved in process. Rep. Nielsen commented he is concerned that if more state money is put into early childhood education, it will not have as much parental support. Mr. High commented that all research suggests that the heavier the parent involvement, the better the outcomes.

Chairman Nonini announced that the Committee will meet tomorrow, Friday, February 5th upon adjournment of the House Floor to hear three RSs.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:35 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 6, 2009
- TIME:** Upon Adjournment of Floor Session
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Block, Chadderdon and Chew
- GUESTS:** Mark Browning, OSBE; Richard Ledington, PTE; Zach Harvey, Camille Wells, State Dept. of Ed.; Wayne Davis, ID Assn. of School Administrators, Colby Cameron Sullivan & Reberger
- Chairman Nonini called the meeting to order at 9:25 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to approve the minutes from February 5th, 2009 as submitted. On a voice vote, the motion carried.
- RS 18466:** **Rep. Ringo** presented this RS to the Committee. She explained that the purpose of this proposed legislation is to give charter schools the option of awarding enhanced enrollment opportunities to children of certain employees and to certain returning students. She further explained that this has been an issue with a charter school in Moscow. The school feels that they would be more successful in recruiting teachers if the potential teacher's offspring could attend the charter school at an enhanced tuition rate. The proposed legislation would define returning students as students who attended the school within the last three years but withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical and an employer or military transfer or reassignment. These returning students could be included in the second priority group for enhanced enrollment.
- MOTION:** Rep. Durst made a **motion to introduce RS 18466**. Rep. Ringo clarified that local schools would decide whether students of teachers or students of all staff members would be affected by the proposed legislation. On a voice vote, the motion carried.
- RS 18512:** **Rep. Marriott** presented this RS to the Committee. He explained that this proposed legislation adds a new section to Idaho Code relating to tuition for professional-technical students by providing for use of excess county liquor fund money for tuition for professional-technical students. It also provides for a list of enrollees and declares an emergency to allow for the use of funds for the spring semester. He explained that the proposed legislation uses the same language as that of the community colleges using these funds.

He explained that this fund is set up in the State Treasury, but he does not know the formula. In response to a question regarding the effect the proposed legislation would have on the counties, Rep. Marriott explained that the funds can now be used for community college tuition. He explained that he did not know how often there are excess funds. He further explained that the excess money is dedicated to education, but some counties use this fund for county services. He explained that the reason for the emergency clause in the proposed legislation is that there is excess funds available now and can be used. He further explained that students can apply for up to \$500 from this fund. He reported that there were 5,944 professional-technical students in the state last year. It was mentioned that it would be helpful to have the number of these students broken down by region and county.

MOTION: Rep. Shepherd made **a motion to introduce RS 18512**. On a voice vote, the motion carried.

RS 18522: **Rep. Chavez** presented this RS to the Committee. She explained that the purpose of this proposed legislation is to allow the board of trustees of any school district to appoint a person at-large from the school district to fill the unexpired term for any vacant trustee position which has been vacant for more than 90 days. She explained that prior to this , the board had 90 days to fill the vacancies and if they could not find anyone it fell to the county commissioners to fill the vacant position. She further explained that this has occurred in her district. She stated that she is in the process of researching what other states do and will have additional information at a later time. She explained that the person at large would agree to represent a zone should a vacancy occur. She further explained that this proposed legislation is supported by the Idaho School Boards Association, the Idaho Association of Rural Schools, and the School Administrators Association. She clarified that if the person is appointed, they would have to stand for election.

MOTION: Rep. Thayn made **a motion to introduce RS 18522**. On a voice vote, the motion carried.

Chairman Nonini announced that he had received a letter from the Early Childhood Coordinating Council regarding the presentation from John Watts (Voices for Children) at yesterday's meeting. Representatives from The Early Childhood Coordinating Council explained that many of the things asked for by Voices for Children are already being done. Chairman Nonini explained that typically in presentations he does not allow people to speak against the presenter. He further explained that he will contact the Early Childhood Coordinating Council so they can present to the Committee their views on early childhood education in the state.

Chairman Nonini further announced that he will be on Public Television's "Idaho Reports" tonight discussing ideas for the Public Education budget and encouraged members to watch the program.

He reported that he and Senator Goedde have been having a series of meetings concerning the education budget, along with Superintendent Luna. He explained that it has been decided that joint committee meetings with the Senate Education committee will be held to hear ideas for the Public Education budget.

Chairman Nonini and Senator Goedde will be presenting to the JFAC Committee on February 20th with the Committee's recommendations for the Public School budget. He explained that he would like to start joint committee meetings the week of February 16th. It was mentioned that 8 members of the Committee also serve on the House Health and Welfare Committee and they would like to have the joint meetings in the mornings so it would not conflict with afternoon Committee meetings. Chairman Nonini explained that the joint meetings will be worked out to be fair for both bodies. He further explained that any legislation that would come out of the joint committee meetings will be started in the House.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:50 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 9, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** None
- GUESTS:** Janet Gallimore, Historical Society; Fred Riggers, Donna Malone, Boise Education Assoc.; Dawn King, Boise Education Assoc.; Harold Ott, ID Rural Schools Assoc.; Ann Joslin, Commission for Libraries
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from February 6th, 2009 as submitted. On a voice vote, the motion carried.
- RS 18479:** **Rep. Pence** presented this RS to the Committee. She explained that this legislation seeks to permit in state private kindergarten providers the same rights as out of state kindergarten providers. Currently a student who does not reach the age of 5 prior to September 1st, but attends an out of state kindergarten, is permitted to continue to the first grade. If the same student were to attend an in state private kindergarten, the student would be required to repeat kindergarten at the expense of taxpayers. If this legislation is adopted, the students who attend an in-state private kindergarten would be given a first grade entrance exam approved by the State Department of Education. The successful passage of the exam would permit the student to continue on to first grade as those that had attended kindergarten out of state. Rep. Pence explained that there was some concern about the expense of an assessment so the sponsors have identified three assessments that could be accepted by the State Department of Education. Rep. Pence reported that the proposed legislation has the support from the Rural Schools Association and the Superintendents Association.
- In response to a question regarding the requirement in the proposed legislation of administrating the assessment 10 days before school, Rep. Pence explained that teachers are not required to be on the job 10 days before school, but most are already there. In response to a question regarding the possibility of a fiscal impact to school districts for these assessments, Rep. Pence explained that the proposed legislation would only affect those students enrolled in private kindergartens. She further explained that the proposed legislation was generated from one student in Wood River Valley who was not allowed to register for first grade. It was commented that when teachers sign a contract they sign up for a certain amount of days and this would be affected by the proposed

legislation. **Rep. Durst** clarified that the RS states that an administrator could administer the assessment, so it would not necessarily have to be a teacher. He explained that he has spoken with several principals in Boise area and they have said that administering this exam would be a very easy thing to do. It was mentioned that these assessments are already being done in the state of Washington on a routine basis. Rep. Durst explained that the assessment would include physical, developmental as well as academic areas . He further explained that currently there is an assessment process for students entering first grade. When students finish kindergarten, they are given an assessment to see if they are ready for first grade. He also explained that the reason for a statewide assessment is to allow for uniformity between school districts.

MOTION: Rep. Thayne **made a motion to introduce RS 18479**. On a voice vote, the motion carried. Rep. Block requested a copy of assessments that will be used in the proposed legislation.

PRESENTATION **Janet Gallimore**, executive director of the Idaho State Historical Society addressed the Committee. She explained that the mission of the Historical Society is to inspire, enrich and preserve Idaho's past. The Society's role is to be a steward for over 3/4 of a million objects. She reported that they serve over 100,000 Idahoans through special events. The goal of the Historical Society is to provide access and high quality customer services to all Idahoans.

She reported that the Society in 2008 hosted 8 community forums and publishes an electronic newsletter. They also sponsor a community grant program. She discussed the economic impact of the heritage tourism. She also discussed the results of the American Association of State and Local History survey. She also reported that the Society has completed a fund raising audit and the expansion project has been postponed due to tough economic times.

Ms. Gallimore explained that one of the goals of the Society is to optimize public awareness and participation in agency services through enhanced brand identity and building public understanding. The Society also hopes to build a uniform orientation and training program that optimizes skills necessary to achieve the Agency's strategic plan and vision. The Society also plans to improve internal agency communication to enhance agency wide understanding and implementation of their strategic plan, policies and procedures. She explained that the annual plan is crafted from the strategic plan. She explained that the Society enhances communities by bringing new resources to communities statewide and advocating for history. She also explained that the Society will be planning for the celebration of Abraham Lincoln's 200 birthday this year.

Ms. Gallimore reported that she and Rep. Trail are presenting a resolution to the House State Affairs committee this morning, which would preserve the agricultural buildings in the state. Rep. Nielsen commented that Idaho is not a democracy ruled by the majority, but a republic ruled by law. He asked that this be taught by the Historical Society.

PRESENTATION **Ann Joslin**, executive director of the Idaho Commission for Libraries

addressed the Committee. She explained that she will continue to present to the Education committee even though there is legislation moving the Commission for Libraries to be a self-governing agency and no longer under the State Board of Education.

Ms. Joslin explained that the mission of the Idaho Commission for Libraries is to assist libraries to build their capacity to better serve their clientele. She explained that libraries have changed dramatically over the last 10 years. She reported that visits to Idaho public libraries increased 4% in 2007, 6% in 2008 when Idahoans went to their public libraries more than 8 million times. She explained that the Commission has helped with this growth by developing statewide programs that are delivered by public, school and academic librarians. She discussed the "Digital Natives" services which are library services to those generations who have grown up with digital technology. She reported that the Commission has seen a number of public and school libraries recreate their space for young people to enjoy.

She reported that the Commission offers libraries support through continuing library education. She further reported that in 2008 they launched several initiatives to help school librarians think strategically about their services to their students and to their teachers. These initiatives include; school library data, the teacher-librarian's role in student success, and providing professional development opportunities for teacher-librarians.

Ms. Joslin reported that the "Read to Me" program is expanding. This program is the early and family literacy programs they design and coordinate with and for public libraries and their school community partners. This year they increased resources for two of the program elements, "First Book" and "Jump Start Kindergarten" and administered a new one-time mini grant program for the public libraries. "First Book" is a national program designed to give children in at risk families the opportunity to read and own their first new books. In "Jump Start Kindergarten" public library staff attend local school kindergarten registration and provides parents with an early literacy packet, information on the local Summer Reading program and story hours, and a book for each child. She explained that the Commission's FY 2009 appropriation included \$150,000 in one time funds for mini grants to help build the capacity of local libraries.

Ms. Joslin concluded that Idaho's tax supported public, school, and academic libraries as a whole are efficiently run organizations that do not have extra human or material resources to take on additional projects or easily expand services to meet the growing demand. Yet, many Idaho librarians are embracing the challenge of finding creative ways to meet the growing demand for a wide variety of high quality, easily accessible library services.

In response to a question regarding the "Read to Me" program, Ms. Joslin explained that appropriation for expansion of this program was not included in this year's budget request due to tough economic times.

Chairman Nonini announced that the members had copies of two reports from Professional Technical Education. One is the legislative report on the

Idaho Displaced Homemaker programs, and one is the annual PTE FY 2008 report. Committee members also had a copy of a report from Paul Headlee which outlines what other states are doing in K-12 budgets this year. The report includes responses from 36 states. He encouraged Committee members to read these reports.

Chairman Nonini further announced that the Committee will meet tomorrow morning at 9 A.M. to hear from Director Reinke from the Department of Correction and Dr. Dene Thomas, president of Lewis Clark State College.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:15 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 10, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Trail and Chew
- GUESTS:** Harold Ott, ID Rural Schools Assoc.; Phil Homer, ID Assoc. Of School Administrators; Lynn Hansen, Idaho Education Assoc.; Bret Seiden Schwarz, IEA; Kelli Hudson, IEA; Sandy Navrahl, IEA; Sandy Mello, IEA; Scott Schochler, IEA; Tom Farley, IEA; Jim Spencer, IEA; Sherri Wood, IEA; Terry Haun, IEA; Bert Marley, IEA; Fred Riggers; Shane Evans, ID Dept. Of Correction; Cole Pepper, Connolly & Smyser; Brent Reinke, ID Dept. Of Correction; Dene Thomas, Lewis Clark State College; Kathy Martin, LCSC
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken. He welcomed former state senator Terry Haun, a teacher in Emmett and teachers in Districts 8 and 9; from Middleton, McCall, Grangeville and Emmett.
- MOTION:** Rep. Wills made a motion to approve the minutes from the February 9th meeting as submitted. On a voice vote, the motion carried.
- PRESENTATION** **Director Brent Reinke** from the Idaho Department of Correction addressed the Committee. He introduced **Shane Evans**, the Deputy Chief of education for the Department. Mr. Reinke discussed the annual report for FY2008 of the Idaho Department of Correction. He reported that there are 7,232 inmates as of this morning in state facilities across the state. He further reported that there are 13,850 inmates that are managed in community corrections. He also reported that there are 9,100 juveniles in the justice system. He discussed the riot that occurred on January 2nd, 2009 at the Idaho State Correctional Institution south of Boise. He reported that the incident was quickly controlled and did not spread to other facilities. He explained that IDOC had opened the temporary housing unit earlier in the day to make room for 300 Idaho inmates who were incarcerated out of state.
- Director Reinke explained that the Department's No Growth in 2009 initiative will save nearly \$5 million during the next fiscal year. The key elements of the initiative include; fill every state bed every day, expedite opening lower cost beds, place inmates in the right beds, review all parole violations, new violation matrix, launch Treatment Pathways and enhanced job duties. He explained that Treatment Pathways are designed to put the right inmate in the right program at the right time.
- He explained that there are four steps in the Treatment Pathways process.

These steps include; all pathways begin at the receiving and diagnostic unit (RDU) where validated screening and assessment tools are used to determine the offender's needs, individual needs are met, getting on the right path, and building a pathway back to the community. The end goals are to meet the initial parole eligibility date, receive a favorable parole hearing, and parole.

Shane Evans addressed the Committee. He explained that this last year has been one of collaboration in the education of inmates. The highlights of these partnerships include; resource development, public partnerships and private partnerships. He further explained that under resource development, the Department has added 122 computers, enhanced grant opportunities for the welding initiative, designated general fund dollars for program expansion (\$60,000), and has offered offender workforce development training in conjunction with National Institute of Corrections. Public partnerships include Vocational Rehabilitation, continued partnerships with Idaho colleges and universities on various projects and effective collaboration with the Department of Labor and Commerce to align program options. He reported that last year 599 GED's were awarded compared with the much larger inmate population in Florida, which only awarded 620 GED's last year.

In response to a question regarding what the requirements are when an offender comes in without a high school diploma, Mr. Evans explained that they have to get to an 8th grade reading level and they hope all will receive a GED. In response to a question regarding the teachers that work in the facilities, Mr. Evans explained that the Department hires certified instructors but the low salary is an issue. He further explained that the Department has worked the last couple of years to bring up salary, and the staff that they have in the institutions are very dedicated. Director Reinke reported that 40% of Idaho dropouts end up in prison.

In response to a question regarding the riot that occurred in January, Director Reinke reported that there was \$59,000 in building damages and \$51,000 in overtime pay costs. He further reported that Ada County is continuing to do investigative work and prosecution has not been accomplished as of yet.

In response to a question regarding what type of assessments are given in RDU (intake), Mr. Evans explained that inmates are given a comprehensive battery including a basic risk and needs assessment, a comprehensive mental health review, a full medical background, and additional assessments with a medical doctor. He explained that they also have added a career scope assessment for the vocational aspect.

In response to questions regarding the welding and carpentry programs, Mr. Evans explained that there are female inmates in these programs. He further explained that there will soon be more road projects with the federal stimulus bill and the Department has aligned themselves with Caterpillar to train both males and females on backhoes and other equipment. He explained that the target is to obtain jobs that pay about \$14/hour which is considered a minimal wage to support a family.

In response to a question regarding taking college classes while

incarcerated, Mr. Evans explained that there is limited opportunities because they do not have staff to proctor exams as needed. The Department does prepare them for college and is currently working with the College of Western Idaho. He further explained that with the transfer from BSU to CWI, they have seen a 30 day delay in GED testing, but has not seen any other changes.

In response to a question regarding what supports are in place for those offenders reentering the community, Mr. Evans explained that it is important to have academic, personal links, support system, and a comprehensive family reunification project. Faith based programs are also important. Mr. Evans explained that the two key stressors for those reentering the community is money and family. Director Reinke explained that on the Department's website, there is an orientation DVD for families of inmates and what to expect. He explained that he would make this DVD available to Committee members at a later time.

Mr. Evans reported that 75% of the inmate population have a substance abuse or alcohol problem. He further reported that about 50% come in without a high school diploma. He also explained that 35% of the male inmate population have mental health concerns and the female population has double that number. It was mentioned that perhaps a minimum risk inmate could come to address the committee sometime before the end of the session.

In response to a question regarding if inmates receive training in personal finance, Mr. Evans explained that they do offer a budgeting class and the Probation officer works with them on a monthly budget. He reported that a considerable amount of offenders come with financial problems.

In response to a question regarding informal support systems in the state and programs for children of incarcerated parents, Mr. Evans explained that the Department has just finished a pilot project with the Department of Health and Welfare and has just completed a survey to identify needs.

In response to a question regarding more ways to get inmate labor to companies, Director Reinke explained that they are trying to expand on this and are making sure they have appropriate inmates on work crews. He explained that there is a challenge currently in community work centers because of the 40% unemployment rate.

In response to a question regarding faith based programs in facilities Director Reinke reported that there are over 500 volunteers in the facilities south of Boise.

Director Reinke reported that there are 560 inmates in county jails. He explained that the Department has to get inmates within their walls to get costs down in these tough budget times. He further explained that the Department will bring all out of state prisoners back in the state by the end of August.

He also explained that the Department has a quarterly projection update for county jail utilization and they have been meeting with different counties. He

explained that there are 18 jails in the state that are non-certifiable and the facilities they have are wearing out.

PRESENTATION

Rep. Chavez introduced **Dr. Dene Thomas**, president of Lewis Clark State College. She explained that one of Dr. Thomas' greatest qualities is the team that she has assembled that makes the college run well. She explained that Dr. Thomas knows the students and is incredibly visible. Dr. Thomas introduced **Kathy Martin**, Dean of Community Programs.

Dr. Thomas thanked the committee for their continuing interest, involvement and support for Lewis Clark State College, especially in the health professions. She reported that the nursing building is ahead of schedule and will be finished in May instead of July.

She gave a brief history of LCSC. She explained that the school was started in 1893 as a Normal school. In 1965 it became a four year school and the nursing program was established. LCSC's three part role in higher education is to offer academic programs, professional technical programs and community programs. She explained that they meet a wide range of needs that include four year and two year degree programs, certificate programs and serve GED students.

She reported that LCSC has been ranked as the most affordable four year college in Idaho. She discussed the new "PACE" program with takes people with other degrees through an accelerated program to become teachers. She reported that LCSC offers a bachelor of science degree in nursing. They also have a welding initiative with the prison in Orofino.

Dr. Thomas reported that LSCS also has a community college function with their dental hygienist program and this fall the first class entered. She further reported that this program will continue to be independently funded and the need in northern Idaho for dental hygienists is high.

She explained that the average high school graduate entering LCSC has a 2.96 GPA. She further explained that the College works closely with the Nez Perce tribe and also collaborates with outreach centers, participates in AmeriCorps, workforce training and adult basic education. LCSC also partners with St. Joseph's Regional Medical Hospital.

She reported that as state support has declined, and gifts have gone from 1% to 4%. She further reported that last year the college reduced supply cost by 3%.

She also discussed the quality outcomes which include; the nurse exam first time pass rate last year was 94% and the national average is 85%. The social work licensure first time pass rate was 94% with the national pass rate of 78%.

Dr. Thomas explained that LCSC is meeting the budget challenge by reductions in operating expenses including travel and professional development, and has deferred hiring for vacant personnel positions.

Steps being considered include; evaluating all vacant positions, eliminate low demand programs, increase class sizes, reduce athletic scholarships and defer maintenance outlays.

Dr. Thomas reported that the college will open the new nursing and health science building and a dedication is planned for August 28th of this year.

In response to a question regarding LCSC's collaboration with Boise State in the social work program, Dr. Thomas explained that LCSC's program is a bachelor's program and most graduates want and need a master's degree. Boise State has brought their program up north and is offering classes for a master's degree in social work.

Dr. Thomas explained that the new nursing and health science building will not house the new dental hygienist program. She explained that this program is part of professional technical program and is housed elsewhere.

In response to a question regarding why financial aid awards do not show up in the revenue, Dr. Thomas explained that awards are made directly to students. She further explained that when students pay tuition it is channeled through appropriations then comes back to college.

In response to a question regarding occupancy costs on the new nursing building, Dr. Thomas reported that the total occupancy costs are \$487,000. She further reported that some of those costs are for regular maintenance and since this is a brand new building the cost will come down to \$400,000. She also explained that the college has been able to get private donations and grant proposals out, but it will not fund occupancy costs. She reported that they have made a \$400,000 grant request for equipment. She further reported that they will open the building with minimal equipment and make do.

In response to a question regarding tuition and fees, Dr. Thomas explained that the intention is to raise fees for the next academic year. They plan to ask for a 9% increase in student fees for 2010. She further explained that even with this increase, LCSC has the lowest cost of other state institutions. She also reported that she does not intend to ask for differential fees for different degree programs. She explained that there is a high percentage of the student body on financial aid and the average student age is 26.

Chairman Nonini announced that the Committee will meet tomorrow morning at 8:30 in the Lincoln Conference room of the Idaho Supreme Court building to hear from Supt. Luna, Dr. Griffin, president of the College of Western Idaho, and House Bill 58.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:35 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: February 11, 2009

TIME: 8:30 A.M.

PLACE: Lincoln Conference Room, Idaho Supreme Court Building

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representative Marriott

GUESTS: Jason Hancock, Dept. Of Ed.; Mark Brwning, Board of Ed.; Colby Cameron, Sullivan & Reberger; Jay Hummel, Kuna School District; Paul Headlee, LSO; Bryan Fischer, Idaho Values Alliance; Linda Clark, Superintendent of Meridian School District; Jennifer Swindell; Karen Echeverria, ID School Boards Assoc.; Michael MacAvoy; Renee Waite; Joy Cameron; Cindy Hedge, AFL CIO; Harold Ott, ID Rural Schools Assoc.; Phil Homer, ID Assoc. Of School Administrators; Wayne Davis, ID Assoc. Of School Administrators; Bert Marley, IEA; Sherri Wood, IEA; Robert Ball, Idaho Youth Ranch; Tim Hill, Dept. Of Ed.; Robin Nettinga, IEA; Jan Sylvester, ID PTA; Fairy Hitchcock; Rep. George Saylor, Michael McEvoy

Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken.

PRESENTATION **Dr. Dennis Griffin**, president of the College of Western Idaho addressed the Committee. He explained that he was hired in August and the college has been operating for the past 16 months. He introduced staff **Cheryl Wright** and **Shirl Boyce**. He explained that the team has worked hard to build infrastructure with community input. He thanked Ada and Canyon counties, the Governor, and legislators for their support. He also thanked Boise State University for providing office space at their west campus and IT services. He further thanked BSU president, Dr. Kustra who pushed the need for a community college. He explained that the College of Southern Idaho has been very helpful and supportive and is their accreditation partner.

Dr. Griffin outlined the accomplishments of the college which include; started non credit classes a year ago, developed a strategic plan, developed policies and procedures, continue to research best practices, and implemented an enterprise resource computer system. The college has also finalized and implemented a media/community relations plan, created an academic plan and hired and trained student services personnel.

He reported that CWI has started 158 sections of classes throughout the

valley. Of those sections, 12 sections are online classes. They have 11 full time faculty members and 69 adjunct faculty. The college has also hired and trained IT personnel and hired and trained human resources and business office personnel.

He further reported that the college negotiated a MOU with the State Board and BSU to transfer the west campus academic building and Canyon county center.

Milestones of CWI include the President's first State of the College address on Jan. 12th, opened their bookstore and 1,202 students started classes on Jan. 20th. Dr. Griffin reported that students are taking more credits than anticipated with the average student taking over 9 credits. He further reported that the students have filled about 79% of available seats.

He reported things that need to be completed include; implement the strategic plan, finalize the facilities utilization and educational specification plan, complete a campus master plan, refine the transfer of Seland College and establish an Ada County facility. He further reported that by next fall, CWI will be a fully functioning comprehensive community college. He explained that by 3rd year of operation, the college is projecting an enrollment of almost 7,000 students. He further explained that in the first year the college is only spending about 18% of their funds on instruction, but this figure will go up as they are fully functioning. He reported that occupancy costs total \$976,300. He explained that the impact of not receiving funding for the occupancy costs include; projected rapid growth not possible without equitable funding, and the postponement of equipment purchases which may limit high tech instruction delivery.

In response to a question regarding the dynamics between Idaho community colleges and other state's community colleges, Dr. Griffin explained that there is ongoing communication and they work together. He further explained that joint programs serve the needs of students and reduces cost.

Dr. Griffin explained that the classroom building can handle around 5,000 students, but the college does offer classes at different locations. In response to a question regarding what areas of Ada County are being looked at for additional space for the College, Dr. Griffin explained that they are still in negotiation at this time, but it would have to be a place with good access, room for parking, and preferably on a bus line.

In response to a question about adding athletics to the college, Dr. Griffin explained that this is far down on their list of priorities. He suggested that the name of their future team could be the "Fighting Otters".

In response to a question regarding the workforce training development division, Dr. Griffin explained that it is part of Seland college now, but it will be transferred to CWI. The College plans to put it back into one unit, and is now looking for a director. He further explained that the workforce training is one of the most important things they can do.

He reported that currently they are offering 30 to 32 full time credit programs with 1,200 students. He further reported that with workforce training, over

12,000 were served last year at Seland College. He explained that the new director will be developing partnerships and there is a need to expand.

In response to a question regarding the estimated staffing level at three years, **Cheryl Wright** answered that they have transferred 60 employees from Seland College and are bringing 150 permanent employees more.

Chairman Nonini expressed the Committee's appreciation for Dr. Griffin's willingness to work with other colleges and thanked him for his presentation.

PRESENTATION

Tom Luna, State Superintendent of Public Instruction addressed the Committee. He explained that he submitted his budget in September of this year, based on the information they had at that time. He further explained that the budget had 5% increase, but shortly after budget was submitted the economy took a turn for the worst. He explained that the Governor has issued a 4% hold back for this year and Public schools were held harmless for this fiscal year. He thanked the Legislature for creating the Public Education Stabilization Fund. He explained that today's economy is still uncertain and the figures he will present will be for a worst case scenario. He explained that he does not want to cut funding for education and he is always looking for more sources of revenue.

Mr. Luna reported that the Department has cut administrative costs, and in 2007 they modernized the State Department office and was able to move all employees to a single floor in the LBJ building, turn back office space and reduce rental costs. They have also reduced printing costs by 50%. As a result of these savings the Department has been able to fund a Middle School Task Force and created three coordinator positions to offer more technical assistance to schools and districts.

He further reported that he is opposed to the 3% salary increase scheduled for the Superintendent of Public Instruction position and has urged the Legislature to pass legislation that will allow any constitutional officer to choose not to take a pay raise in a given year.

Mr. Luna discussed the Public Schools budget. He explained that it is important to continue to move forward in these difficult times. He further explained that the Department defines results as improved student achievement. He reported that twice as many schools made AYP (average yearly progress) than last year. He explained that a new Idaho reading indicator was implemented in the fall of 2007. It better identifies students who are struggling with reading at an early age and gives teachers more tools in the classroom. He reported that 59% of students in the fall scored at grade level in reading and in the spring 71% of students scored at grade level.

He explained that \$3.9 million was appropriated by the Legislature for the Math Initiative last year. He reported that more than 1,300 teachers will complete the three credit professional development course and more than 20,000 students are receiving the intervention they need in math.

He further reported that currently about 90 local school districts are using the "Apengea" math program and the result is a 9% increase in math skills.

He reported that he has met regularly with stakeholders since the Department knew that cuts had to be made. He further reported that the goal has been to explore cuts without affecting student achievement. He explained that the economic reality is that education cannot sit this one out, but must work to keep moving student achievement forward.

He explained that it is unwise to completely exhaust the Public Education Stabilization Fund (PESF). He further explained that this fund should not be used as the backbone for the new fiscal year. There will be nothing to fall back on if it is needed in following years.

He explained that the state must make budget reductions that will not harm student achievement. Priorities during the budget process include; preserve student teacher contact hours, and preserve programs that direct funding into the classroom and directly impact student achievement.

Superintendent Luna discussed the FY10 potential cuts. (See attached copy) He explained that all of these cuts add up to \$79 million savings to the state.

In response to question as to the amount of money for cuts, Supt. Luna explained that the Governor has suggested \$80 million in cuts but he does not tap into PESF.

In response to a question regarding the idea of freezing the experience movement of the grid for one year saving the state \$6,130,000, Supt. Luna explained that 5 districts in the state have multi year contracts but the other 110 do not. He further explained that this idea would save the state money in the majority of districts but it would be more difficult for those 5 districts.

In response to a question regarding the idea of not allowing high density school districts and charter schools access to the cost per mile measure with regards to the pupil transportation cost cap, Supt. Luna explained that this is a reasonable way to reduce the budget. He further explained that the State did not think that larger school districts would use the cost per mile in high density areas.

In response to a question regarding the idea of reducing discretionary funds and what it would really mean to the school districts, **Jason Hancock** from the Department of Education explained that the state currently spends about \$60 million on maintenance. He further explained that there are different components of which the biggest piece is the lottery. They are proposing to give the state relief to provide state match for next fiscal year, but the lottery funds would still be there. This would allow lottery funds to be used as discretionary funds. Mr. Hancock further explained that the Department sends out over \$350 million in discretionary funds and it is estimated that \$200 million gets spent by districts for health insurance. He further explained that local obligations will have to come out of discretionary funds.

In response to a question regarding transportation funds for high density districts, Mr. Hancock explained that state reimburses about 85% of eligible costs. The state calculates the statewide average cost per mile and the average cost per rider and will reimburse the district if it meets one of these

averages. If the district is over this average, they are not reimbursed. He explained that the thinking was that denser school districts would use cost per rider and rural districts would use cost per mile. He explained that the cost per mile starts when bus leaves the bus barn, and miles end when the bus returns to the yard.

Chairman Nonini announced that the Committee will have a chance to hear more from the Superintendent in joint committee meetings next week.

Supt. Luna thanked the Committee for the opportunity to discuss the budget cuts ideas. He explained that there has been talk of a federal stimulus package, but there is no clear understanding of where this is going. He explained that he has been told that money could be available in July or October, but it is difficult to build a budget on a stimulus package with no specific numbers yet available.

H 58:

Rep. Rich Jarvis presented this bill to the Committee. He explained that during this difficult economic times the most important resource is the people of Idaho. He further explained that there is a \$209,000 economic benefit from a high school graduate over a dropout. He suggested that names of the proposed bill could be the "Parent Empowerment Act", "High School Reform Act", or the "Idaho Economic Stimulus Act." He explained that the mission of the State Department of Education includes establishing public schools and educating students up to age 18.

He reported that 1,890 students dropped out last year which would make the fiscal impact of retaining these students \$11 million. He further reported that the average high school drop out averages \$260,00 in lost earnings. He reported that the state of Indiana passed legislation to raise the legal drop out age to 18 and their graduation rate rose from 74.8% to 84%. He further reported that 94% of the 12 million new jobs require a college education.

In response to a question regarding how many states have age 18 as their legal drop out age, Rep. Jarvis explained that 18 states have this requirement and several other states are discussing this issue. He reported that the results have been mixed. Several states have not increased graduation rates, but some have. He explained that this bill is not the only solution to the dropout rate.

In response to a question regarding how to accommodate students in rural school districts if the proposed legislation were to pass, Rep. Jarvis explained that students could use IDLA which is an alternative way to get education online. He further explained that this proposed legislation is just step one.

He explained that the proposed legislation would encourage parental involvement.

PRO:

Cindy Hedge, representing Idaho AFL CIO addressed the Committee. She spoke **in support of HB 58**. She explained that student's part time jobs are sometimes turned into sole support jobs if they drop out of school. She

further explained that high school diplomas and GED's are required for the military and apprenticeship programs. She explained that HB 58 is the first step to keep students in school.

PRO: **Wayne Davis**, representing the Idaho Association of School Administrators, **spoke in support of HB 58**. He explained that students who drop out shut down and quit learning early and the cost of serving these students later on is more. He explained that not all members of the Association support HB 58 due to the lack of programs to keep the students engaged. He further explained that this bill will not solve all of the problems, but if it does save a few kids then it would be worth it.

PRO: **Sherri Wood**, president of IEA **spoke in support of HB 58**. She explained that the mission of IEA is that all students receive their high school diploma. She further explained that Idaho's graduation rate is 76% and only 48% of American Indian students graduate. She explained that she has taught for 28 years and has had students at a young age who knew they could drop out at age 16. She acknowledged that this bill would not fix all of the drop out problems but it would be a start. She explained that now is the time to end the era of enabling drop outs. She further explained that we have the infrastructure and programs to accommodate schools, but do not have all of the needed programs.

PRO: **Dr. Robert Ball**, representing the Idaho Youth Ranch **spoke in support of HB 58**. He explained that the Youth Ranch served 1,800 at risk kids and their families in the state last year. He further explained that the cornerstone of their effort is the child's success in education. He explained that he sees this as a community issue and Idahoans should come together to solve this issue. He explained that his wife is a high school teacher and she commented that it is the teacher's role to engage and motivate all students. He further explained that raising the legal drop out age to 18 would increase student success in school. He explained that the one of the requirements to be in a youth home is to complete their education.

CON: **Fairy Hitchcock**, **spoke in opposition to HB 58**. She explained that her daughter graduated at age 17 and started classes at BSU at age 13. She further explained that she was not allowed to take advanced placement classes. She felt that parents would be criminally prosecuted because their kids would not be in school because of this bill.

PRO: **Jay Hummel**, representing the Kuna School district, **spoke in support of HB 58**. He explained that this is a good first step. He felt that there would not be an \$11 million impact in the first year.

PRO: **Linda Clark**, Superintendent of Meridian School District **spoke in support of HB 58**. She explained that structures are already in place for student success and funding for alternative schools and professional technical education is already in place. She felt that this legislation would be an important tool in the arsenal and it would change how people think.

She explained that students would look at viable options if they could not drop out at 16.

CON: **Michael McEvoy**, **spoke in opposition to HB 58**. He explained that this

legislation would take away the value of decision making and felt there was coercion in bill.

CON: **Bryan Fischer**, executive director of the Idaho Values Alliance, **spoke in opposition to HB 58**. He explained that he is concerned about classroom discipline and the cost of the legislation. He felt that the learning atmosphere would be affected and there would be exposure for parents in this bill. He explained that there would be an increased cost for probation officers and court officers. He further explained that 13 states have dropout age of 18, but only two of them have a better graduation rate than Idaho. He explained that there is a question as to whether the bill would be effective. He further explained that we should look for ways to strengthen and stabilize Idaho families.

Karen Echeverria, executive director of the Idaho School Boards Association explained that her organization remains neutral on this issue because of concerns regarding the availability of the needed infrastructure to deal with at risk students.

PRO: **Renee Waite**, a juvenile probation officer **spoke in support of HB 58**. She explained that youth are more likely to become involved in drugs when not in school.

CON: **Joy Cameron**, **spoke in opposition to HB 58**. She explained that she graduated early from high school and students need options.

CON: **Paul Venable**, **spoke in opposition to HB 58**. He expressed his concern about children turning off learning at age 12. He explained that it appears that the statistics do not support this legislation. He further explained that the state should find some way to incentive students to move forward in the educational system.

Rep. Jarvis commented that those students who graduate early would be allowed to go on to other schools.

MOTION: Rep. Nielsen made a motion **to HOLD HB 58 in Committee**. In speaking to his motion, he explained that with the present system we are succeeding. He explained that he has spent most of his adult life working with kids and they need encouragement and help. He further explained that we have the ability with the present law to use tough love to encourage children to remain in school. Choice is a better alternative than force.

SUBSTITUTE MOTION: Rep. Hartgen made a Substitute Motion **to send HB 58 to the Floor with a DO Pass recommendation**.

In the discussions on the motions, it was commented that dropout rates are not lowering, there is a need to be looking at this issue but it needs more study. It was further commented that cost is a factor with the proposed legislation. It was mentioned that those who leave school early are ill prepared for the job market. It was further mentioned that there are

structures in place now for at risk students and districts are doing things now to keep students in school. It was commented that the Committee is faced with a tough decision.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

On a roll call vote, **the Substitute Motion to send HB 58 to the Floor with a DO PASS recommendation failed with 9 NAY votes, 8 AYE votes and 1 absent and excused.** Representatives Shirley, Trail, Block, Hartgen, Boe, Chavez, Durst, and Chew voted **AYE**. Representatives Nielsen, Chadderdon, Shepherd, Wills, Thayn, Gibbs, Thompson, Pence and Nonini voted **NAY**. Rep. Marriott was absent.

**VOTE ON
ORIGINAL
MOTION:**

On a voice vote, the Original Motion to **Hold HB 58 in Committee** passed.

Chairman Nonini thanked Rep. Jarvis for his hard work on this issue and asked that he keep this in the forefront.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 11:30 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: February 12, 2009

TIME: 8:30 A.M.

PLACE: Lincoln Conference Room, Idaho Supreme Court Building

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Karen Echeverria, ID School Boards Assoc.; Harold Ott, ID Rural Schools Assoc.; Laurie Boeckel, PTA; Kerry Elder, PTA; Carrie Jo Alcoser, PTA; Jared Tatro, Office of Performance Evaluations; Sherrie Feist, PTA; Tammy Nuez, PTA; Amber Gunnell, PTA; Heather Timothy, PTA; Erin Taylor, PTA; Maureen Chadwick, PTA; Susan Bench, PTA; Shawnee Stosich, PTA; Angela Nelson, PTA; Wayne Davis, ID Assoc. Of School Administrators; Bert Marley, IEA; Nick Draper, Post Register; Fred Riggers; Robin Nettingea, IEA; Mark Browning, State Board; Barb Bode, PTA

Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken. He welcomed members of the Idaho PTA.

RS 18620: Chairman Nonini presented this RS to the Committee and Vice Chairman Shirley chaired the meeting. Chairman Nonini explained that the state is facing difficult situations in education with the struggling economy. He further explained that the state is looking at ways to address the necessary cuts. In order to do some of the things that Superintendent Luna is suggesting, there are some needed changes in statutes.

Chairman Nonini explained that the purpose of **RS 18620** is to grant school districts the tools and flexibility they will need to manage a likely reduction in state funding for employee salaries. He explained that **Jason Hancock**, from the State Department of Education would be able to answer any questions.

He explained that Section 1 of the proposed legislation reduces the maximum length of principal's and superintendent's contracts from two years to one year.

Section 2 changes the deadline for non-reemployment to July 1st which gives the districts more time to see how their financial numbers are. Section 3 deletes language for school districts to lower the pay for teachers. Section 4, eliminates the cross reference for early retirement program. Section 5, gives the districts relief of the "use it or lose it" requirement for teacher funds and reduces administrative staff funds by multiplying the support units by .715.

Section 6 freezes one year of teachers and administrators moves on the

experience and education grid. The index capped and lowered. Chairman Nonini explained that there is one change to the proposed legislation. The new index cap numbers are on page 8, lines 34, 35 and 36, replace 1.57524 with 1.56274 and on lines 39, 40 and 41, replace 1.84596 with 1.83881.

Section 7 repeals a code section and Section 8 corrects the cross reference of the repeal of early retirement.

Section 9 specifies that labor contracts expire at end of each fiscal year and not be carried forward. Section 10 grants school districts the right to impose a reduction in force. Section 11 encourages school districts to reduce school funding by not affecting student teacher contract time and Section 12 declares that an emergency exists because districts need to start looking at next year's budgets before the end of this fiscal year.

Rep. Chavez commented that she has huge concerns about not having continuing contracts for teachers and administrators. She further commented that she understood that we all need to made sacrifices in these tough economic times. She explained that teachers teach the same amount of contract time with less money. She felt that teachers will not want to teach in Idaho with this language and she cannot support this proposed legislation. Chairman Nonini responded that no one takes this lightly and the state is in a crisis.

In response to a question regarding the proposed federal stimulus package and how the funds would impact the proposed legislation, Chairman Nonini explained that it is hard to say how we move forward with not knowing the dollar amounts that may come.

MOTION:

Rep. Gibbs made a motion **to introduce RS 18620 with the changes on page 8 as outlined by Chairman Nonini**. In the discussion on the motion, Chairman Nonini responded to a question regarding why there was no sunset on the proposed legislation. He explained it is hard to know when economic times will get better and one cannot pick a date as of yet. He further explained that the point is to make sure we can weather the storm however long it may be.

SUBSTITUTE MOTION:

Rep. Durst made a **Substitute Motion to return RS 18620 to the Sponsor**. Vice Chairman Shirley reminded Committee members that joint meetings with the Senate Education Committee have been scheduled for next week and further questions and concerns could be raised at that time.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

On a roll call vote, the **Substitute motion to return RS 18620 to the sponsor failed** with **10 NAY** votes, **5 AYE** votes and **2 absent and excused**. Representatives Shirley, Block, Nielsen, Chadderdon, Shepherd, Wills, Thayn, Gibbs, Hartgen, and Thompson voted **NAY**. Representatives Trail, Pence, Chavez, Durst, and Chew voted **AYE**. Representatives Marriott and Boe were absent.

ROLL CALL

On a roll call vote, the **Original Motion to introduce RS 18620 with the**

VOTE ON ORIGINAL MOTION:

changes outlined by Chairman Nonini passed with 10 AYE votes, 5 NAY votes, and 2 absent and excused. Representatives Shirley, Block, Nielsen, Chadderdon, Shepherd, Wills, Thayn, Gibbs, Hartgen, and Thompson voted **AYE**. Representatives Trail, Pence, Chavez, Durst and Chew voted **NAY**. Representatives Marriott and Boe were absent.

RS 18616:

Chairman Nonini presented this RS to the Committee. He explained that **RS 18616** deals with the transportation issues. He further explained that if this proposed legislation passes, JFAC will appropriate an additional \$23.4 million in discretionary funds to offset the financial impact to schools. He explained that the impact of this proposed legislation is a \$2.5 million savings to the state and the district's impact will be minimal.

He explained that this proposed legislation eliminates reimbursement for miles that are unrelated to transporting students to and from school, including the elimination of state funding for field trips. It also requires that high density school districts be measured based on the cost per student rider. It also reduces the state reimbursement match from 85% to 50% for all but Department assessment and fees and bus purchases and maintenance. Lastly, it defines the area in which public charter schools may receive reimbursement for the cost of transporting students.

In response to a question regarding information for the transportation cost per district, Chairman Nonini explained that he would have that information at the joint hearings next week. He also clarified that the state does not currently reimburse for athletics.

MOTION:

Rep. Wills **made a Motion to introduce RS 18616**. On a voice vote, the motion carried with Representatives Chavez, Durst and Chew voting NAY.

PRESENTATION

Barb Bode, Idaho PTA president addressed the Committee. She explained that the PTA is the only national parent organization. The vision of the PTA is "Making Every Child's Potential a Reality." She explained that the Idaho PTA has been at the table with Superintendent Luna discussing the path forward in these tough times. She further explained that the Idaho PTA does not have a position that would support cuts to public education funding, but they do support responsible spending of public education funds. They also oppose creating or continuing unfunded mandates.

Laurie Boeckel, the Idaho PTA Legislative Vice Chairman addressed the Committee. She discussed the Idaho PTA legislative priorities for 2009. These priorities include; parent involvement and responsibility, education funding, Idaho Endowment Lands, accountability in the education process, early childhood education and development, and promoting childhood nutrition, health and safety.

In response to a question regarding suggestions for parental involvement, Ms. Bode explained that there is a national PTA organization program called "Family School Partnerships" which can be used to educate parents and the community.

It contains questions like how school is doing and if parents have equal say

about policies in the school district. She explained that information on this program can be found on their national website; www.pta.org

It was commented that study after study shows parental involvement has the highest impact on student achievement.

In response to a question regarding the PTA's position on the beer and wine tax, Ms. Bode explained that the PTA would like to see increased penalties for those who supply alcohol to minors but do not have a position on the tax.

Ms. Bode explained that the PTA does not support high stakes testing, but they do support testing that provides feedback to parents, teachers and students. She further explained that the PTA does not believe that a single test is the answer to determining the student's success in life.

She explained that the PTA has no direct position on teacher salaries and contracts. She further explained that the PTA does support an increase in state sales tax that would be directed toward education.

Chairman Nonini announced that the Committee will meet upon Adjournment of the Floor session tomorrow. The House will go on the Floor at 8 A.M. tomorrow. The Committee will hear one presentation from the Early Childhood Coordinating Council.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:50 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 13, 2009
- TIME:** Upon Adjournment of the House
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Block, Shepherd, Wills, and Boe.
- GUESTS:** Janice Fletcher, Early Childhood Coordinating Council, Amber Seipert, EC3; Camille Wells, Dept. Of Ed.; Robin Nettinga, IEA; Bert Marley, IEA; John Watts, Voices for Children; Colby Cameron, Sullivan & Reberger; Karen Echeverria, ID School Board Assoc.
- Chairman Nonini called the meeting to order at 8:40 A.M. and a silent roll was taken.
- MOTION:** Rep. Chadderdon made a motion to approve the minutes from the February 10th, 2009 meeting as submitted. On a voice vote, the motion carried.
- PRESENTATION** **Amber Seipert**, Co-chair of the Early Childhood Coordinating Council addressed the Committee. She introduced **Dr. Janice Fletcher**, professor in the Department of Family and Consumer Science Department at the University of Idaho.
- Ms. Seipert explained that the mission of the Council is to provide leadership, education and coordination for early childhood services in Idaho. The Council was first established as the advisory group to the Infant Toddler Program in 1991. It merged with the Early Childhood Cross Systems Task Force in 2006. The scope of roles and responsibilities for the Council changed at that time to include all children from birth through eight and their families. They merged again in 2008 with an advisory group for Head Start. She explained that merging the groups into one allowed for the obtainment of federal funds and sustainability for the Council.
- She reported that currently there are 26 members on the Council representing all areas of the state and almost every major stakeholder in the field of early childhood education and development. She further reported that the Council has representation from 19 of the 22 budget line items discussed by Paul Headlee in his inventory report.
- Ms. Seipert explained that the Council is not a group that lobbies, but a group that has expertise, knowledge, diversity, research savvy and is poised for political will to invest in early childhood care and education.
- She further explained that the Council's role is to conduct planning and

implementation for early childhood in the state.

She offered the following suggestions to Committee members; join the Council in planning for the next three years, when economic times are better consider the gaps in services that are identified across the state, understand their efforts in systems building and streamlining government efficiencies, consider the Council as holding the expertise in the field of early childhood, look closely at duplication when deciding to form another committee to look at early childhood issues and move forward together with research based decisions.

Dr. Fletcher explained that the Council started under Governor Kempthorne, but has since moved away from the Governor's office and they have federal mandates. She further explained that the Systems Grant comes through the Governor's office. She reported that the Council meets quarterly and the Executive director is under the Governor's office. She further reported that there is involvement on the Council from the State Department of Education.

It was commented that 4 or 5 years ago Speaker Newcomb appointed an interim committee to study early childhood issues and the Council was one of the groups who presented to the interim committee. The interim committee planned to meet more but did not, It felt that the state should bring these groups in a coordinated effort. Dr. Fletcher explained that the Council aims to be inclusive and has had collaboration with Voices for Children.

In response to a question regarding including parents in early childhood education, Ms. Seipert explained that parent development is key. She further explained that the goal is to help the child and the only way to help the child is through the parent.

In response to a question regarding advocating for public policy, Ms. Seipert explained that the Council cannot advocate or lobby and their mission is to lead, educate and coordinate. She further explained that she knows that the Council needs to do a better job of being more visible. She explained that the Council can provide information when asked. Dr. Fletcher explained that the Council can document on how municipalities go about child care licensing and also has data as to what the cities are doing, but the Council cannot advocate for child care licensure.

In response to a question regarding the impact to early childhood programs with the proposed cuts at the University of Idaho, Dr. Fletcher explained that the University is proposing to cut or consolidate 41 programs, but is further studying the issue. She further explained that the University is looking to redesign programs, but it will not limit the efforts of promoting early childhood programs.

In response to a question regarding the difference between the Council and Voices for Children, Dr. Fletcher explained that the big difference is the lobby aspect. She further explained that the Council collaborates with other groups, but they have not have developed programs with Voices for Children.

She reported that Voices for Children can come to the Council, but they cannot go to them.

In response to a question regarding government control, Ms. Seipert explained that the Council is there to help parents raise their children and some parents lack the needed skills. She explained that it is better to help the parent instead of the child and the Council's views sometime differ from her own opinions.

Dr. Fletcher explained that the number one way to improve early childhood development in the state is by educating the parents. She further explained that the best situation for early childhood development is the family. She also explained that society insecurities can cause childhood poverty. Dr. Fletcher listed ways to increase the number of nurturing homes which include; breast feeding, prevention of lead poisoning, providing tools for parents, providing tools for mothers, providing programs for women, quality child care, making sure people providing child care are qualified, seat belt safety, children's health insurance, immunizations, Head Start programs and nutrition programs.

It was recommended that the Council work with Voices with Children. Dr. Fletcher explained that they could work well together. She further explained that both groups are after the same outcome, which is healthy families.

John Watts, legislative advisor for Voices with Children explained the difference between the Council and his group. He explained that both of what they do is important. He further explained that the Council is involved in 19 of 22 programs based on funding. He explained that there is a large group of middle class families whose needs are not addressed. He explained that there is no policy from the Governor's office or the Superintendent's office regarding early childhood education. He explained that there is a need for a single direction and a move in a direction that gives Idaho a policy for children from birth through age 4. He further explained that there is a need for all stakeholders to agree if the state needs a policy and what that policy should look like.

Chairman Nonini announced that the Committee will meet jointly with the Senate Education Committee at 8:30 A.M. on Monday, February 16th to hear bills regarding budget cuts for public education.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:30 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 17, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Vice Chairman Shirley, Representatives Wills, Thompson, Pence and Chavez
- GUESTS:** Harold Ott, ID Rural Schools Assoc.; Wayne Davis, ID Assoc. of School Administrators; Melissa Borg, IEA; Sherri Wood, IEA; Wendy Brings, IEA; Marji Bass, IEA; Lisa Desilet, IEA; Jackie Seibold, IEA; Jaime Durst, IEA; Bert Marley, IEA; Tami Bromley, IEA; Mark Browning, State Board of Ed; John Mackey, United Heritage; Colby Cameron, Sullivan & Reberger; Cindy Wilson, IEA; Matt Winnlesworth, IEA
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken. He recognized a group of teachers from the Meridian School District, including the wife of Rep. Durst.
- MOTION:** Rep. Thayn made a motion to approve the minutes from the February 11th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Hartgen made a motion to approve the minutes from the February 12th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Durst made a motion to approve the minutes from the February 13th, 2009 meeting as submitted. On a voice vote, the motion carried.
- Chairman Nonini announced that Representatives Wills, Pence, Chavez and Vice Chairman Shirley will be excused from the Committee meeting this morning. He explained that they are working on compromise language with **HB 117**, which was printed last week. The bill deals with Public School personnel costs and contracts.
- RS 18677:** Rep. Nonini presented this RS to the Committee and Rep. Trail chaired the Committee. He explained that last year there was up to 40 co-sponsors on legislation passed to expand broadband connectivity in the state. He further explained that this proposed legislation helps to clarify how to get back E-rate federal dollars which are paid on local phone bills. The bill also provides for an oversight committee for the Idaho Education Network and outlines who would serve on this committee and how it would be put together.

He further explained that this proposed legislation separates the network facility creation responsibilities of the Department of Administration from

those duties that relate to the coordination and distribution of instructional and training services, materials and courses which are currently the responsibility of the Superintendent of Public Instruction and the State Department of Education. He explained that it is not just the education community that can benefit from the network.

In response to a question regarding oversight of the Network, **Teresa Luna**, Deputy Director of the Department of Administration explained that she is aware of the long term intent to create a separate division away from the Department of Administration to oversee the Network, but this would not conflict with the proposed legislation.

MOTION: Rep. Block made a motion **to introduce RS 18677 to print**. On a voice vote, the motion carried.

RS 18478: Rep. Boe presented this RS to the Committee. She explained that the purpose of this legislation is to allow the entry of Idaho into an Interstate Compact to help children of military personnel to overcome educational barriers due to frequent moves. She explained that the Compact has already been joined by 11 other states. She explained that she learned this past week that there is currently a Senate Bill which has been introduced and printed, but has not yet had a hearing, dealing with this same issue. She asked that the Committee print the proposed legislation and then she will contact the sponsor of the Senate bill to see if these bills could be combined.

In response to a question regarding which states are involved with the Compact, Rep. Boe explained that she did not have a list of states, but does know that the state of Washington is involved and ten other states currently have pending legislation to enter this Compact.

MOTION: Rep. Thayn made a motion **to introduce RS 18478 to print**. On a voice vote, the motion carried.

RS 18704: Chairman Nonini explained that the House Education committee is considered a privileged committee and can consider RSs after the deadline. He further explained that he had invited **Mr. Mackey** to introduce his RS to the Committee, but most likely the bill will be referred to the House Business Committee.

John Mackey, representing United Heritage presented this RS to the Committee. He explained that this legislation allows the Director of the Department of Insurance to approve non-traditional groups for economical group life insurance coverage. The Director will retain the authority to disapprove any proposed group that is contrary to the best interests of the public, would not result in economies of acquisition or administration for the insured individuals, or that would offer benefits that are not reasonable in relation to the premiums to be charged. He explained that 23 states have already enacted similar legislation.

MOTION: Rep. Gibbs made a motion **to introduce RS 18704 to print**. On a voice vote, the motion carried.

Chairman Nonini explained that he is still scheduled to present to JFAC on Friday, February 20th with recommendations for the Public Education budget.

He further explained that the possibility of receiving federal stimulus dollars have changed things and there are conflicting reports as to how much Idaho will receive and when the state will receive it.

ADJOURN:

There being no further business to come before the Committee, Chairman Nonini adjourned the meeting at 9:35 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 18, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** None
- GUESTS:** Fred Riggers, Phyllis Smith, North Star Charter School; Will Rainford, Roman Catholic Diocese of Boise; Julie Lynde, Cornerstone Family Council; Bert Marley, IEA; Sue Myers, Anser; Bryan Fischer, Idaho Values Alliance; Harold Ott, ID Rural Schools Assoc.; Wayne Davis ID Assoc. of School Administrators; Sherri Wood, IEA; Harv Lyter, PTE; Benjamin Davenport, Risch Pisca; Zach Hange, Capitol West; Tamara Baysinger, Board of Ed.; Shirley Rau, Dept. of Ed.; Cadey Hull, ID School Boards Assoc.; Roger Quarles, Superintendent of Caldwell School District; Robin Nettinga, IEA; Ken Burgess, Coalition of Idaho Charter School Families; Diane Demnest, Executive Director of the Idaho Charter School Network
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the February 17th, 2009 meeting with the following change; on page 2, first paragraph, last sentence, insert "that can benefit from the network." On a voice vote, the motion carried.
- HCR 7:** Rep. Thayn presented this Concurrent Resolution to the Committee. He explained that this resolution identifies broad policies that may improve the K through 12 Public Education system in times of budget shortfalls including: grade acceleration, early graduation, parental empowerment and flexibility. He further explained that the key to reforming education is to focus on the needs of the students and how it might impact the adults. He explained that **HCR 7** was written general enough to encourage diverse opinions and is the starting point that could lead to fruitful discussions.
- He explained that he feels that the three main assumptions of public education include; the assumption that the State's role in education is more important than the parent's role, the assumption that seat time equates to learning, and the assumption that the value of education is determined by how much is spent on it. Rep. Thayn explained that new assumptions should include; the parent's role is more important than the State's role, students learn at different speeds and have different views, and the quality of education should be measured by the achievement of clearly identified goals.
- He further explained that these new assumptions would change public

schools by allowing parents to be seen as an important resource and strong partner in reinforcing what goes on at school and it would allow students to learn as quickly as they can by putting an incentive in place to allow the student to accelerate. He explained that the incentive could be that for every semester the student graduates early, they would receive a \$1,000 scholarship.

He explained that the ideas in the proposed resolution are not completely new and public schools are moving in this direction already. He reported that New Hampshire is implementing new ideas and expect students to be ready for college by age 16. He further reported that there are some school districts in the state that allow students to challenge some of the high school courses to receive credit.

Rep. Thayne explained that the proposed resolution clearly identifies what the state wants to accomplish and allows for more opportunities for students to move ahead. He further explained some are concerned about the possible social impact of the new ideas. He explained that students would be more engaged rather than drop out of school, they could test out. He further explained that there would be more satisfied students and less stress for the teachers.

In response to a question regarding the availability of parental choice in public education, Rep. Thayne explained that the most important decisions are now made by the state. Parents are discouraged from teaching their kids and are not encouraged to get involved in the instructional part of education. **Dr. Wayne Davis**, former superintendent of the Grangeville School District reported that in his district, when a student has the ability to pass a class, they are given a test, then the student can move ahead into next area. The student has to meet the minimum graduation requirements and has to have the certain number of credits and pass the required tests. He reported that when he was superintendent, the district had 6 to 10 students who graduated early.

When asked if he had discussed the proposed resolution with the State Board, the Idaho Education Association and other stakeholders, Rep. Thayne explained that he has been talking about these ideas for the last 5 years. He further explained that he has shared these concepts with stakeholders, but they would have to comment themselves.

In response to a question regarding what other states are doing in this area, Rep. Thayne explained that Texas is establishing courses for exit or credit and New Hampshire is establishing Board of Exams.

In response to a question regarding what portion of money would follow the student, Rep. Thayne explained that the intention is to have the money follow student to higher education or professional technical education.

When asked if he had talked to teachers regarding his assumptions of public education, Rep. Thayne explained that he obtained these assumptions from his study of education for the past 30 years.

He further explained that he is a former school teacher and he recognizes that there are good things going on in public education.

In response to a question regarding how early childhood education would tie into the proposed resolution, Rep. Thayne explained that the proposed resolution has nothing to do with early childhood education.

Rep. Thayne explained that there may or may not be additional legislation if the resolution were to pass. He further explained that any additional legislation would be the result of committee input.

Rep. Thayne explained that parents should be more important than the state or at least equal partners in education. He further explained that the State Department of Education and the State Board of Education need to let go of some of their responsibilities and turn it over to the parents.

MOTION:

Rep. Nielsen made a **Motion to send HCR 7 to the Floor with a DO PASS recommendation**. In the discussion on the motion, Rep. Nielsen explained that he felt that the resolution does not eliminate school district personnel in the decision making process but could boost student academic achievement by empowering parents and students with increased choices and options.

In response to a question regarding if there are studies being done on an ungraded system, Rep. Thayne explained that he was not aware of any.

It was mentioned that the last sentence of the proposed legislation “be it resolved that the strengthening of programs to ensure every student graduates with a marketable skill” might be a stumbling block. Rep. Thayne explained that this sentence has to do with professional technical education and if we move down this road, then students would have financial incentives to pursue professional technical education.

In response to a question regarding what happens to the student who has no parents or those with parental problems, Rep. Thayne explained that if there are more students engaged in learning, then the teacher would have more time to spend with these students who need extra help.

PRO:

Will Rainford, representing the Boise Catholic Diocese spoke in **support of HCR 7**. He explained that families should be able to solve their own problems and he sees this resolution as strengthening families. He explained that he is also a professor of Social Work and he sees students drop out because they do not see what they are doing as relevant in their life.

PRO:

Bryan Fischer, executive director of the Idaho Values Alliance, spoke in **support of HCR 7**. He explained that Idaho is on the leading edge of educational reform. He further explained that parents are the primary consumers of education and the state should give them assurance that the educational system is flexible for their children.

Sherri Wood, president of the Idaho Education Association explained that she did not check pro or con when signing up to testify concerning this legislation.

She further explained that it is difficult to be opposed to the things outlined in the resolution but she is not sure anything would change by passing the legislation. She reported that she has spent 28 years in the classroom and these things are already happening in the public schools.

Rep. Thayne concluded that one of the things that will change by passing this resolution is that if every student in the state knew they could get a scholarship if they graduated early, it would move students along and allow for more opportunities.

SUBSTITUTE MOTION:

Rep. Chavez made a **Substitute Motion to hold HCR 7 in Committee**. She explained that she is concerned about early graduation for students and taking scholarship money with them in these unsettled economic times. She further explained that this could amount to a great deal of money.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

A roll call vote was requested on the Substitute Motion to hold HCR 7 in Committee. **The Substitute Motion failed, 8-10. Voting in favor** of the Substitute Motion were Representatives Shirley, Trail, Wills, Gibbs, Boe, Pence, Chavez and Chew. **Voting in opposition** to the Substitute Motion were Representatives Block, Nielsen, Chadderdon, Shepherd, Marriott, Thayne, Hartgen, Thompson, Durst and Nonini.

VOTE ON ORIGINAL MOTION:

On a voice vote, **the Original Motion to send HCR 7 to the Floor with a DO PASS recommendation passed** with Representatives Trail, Chavez and Chew voting NAY. Rep. Thayne will sponsor HCR 7 on the House Floor.

H 79:

Rep. Ringo presented this bill to the Committee. She explained that the purpose of this legislation is to give charter schools the option of awarding an enhanced enrollment opportunity to children of certain employees and to certain returning students. She explained that the founders of the school would be admitted in the first priority group provided that this admission preference would be limited to not more than 10% of the capacity of the school. She further explained that the proposed legislation addresses a situation in which a child attending a charter school could come back to that school if they had to leave due to a parent's sabbatical or military deployment.

MOTION:

Rep. Wills made a **Motion to send HB 79 to the Floor with a DO PASS recommendation**. Rep. Ringo explained that she has obtained an opinion from the Attorney General and the proposed legislation poses no problems.

PRO:

Phyllis Smith, the principal of Northstar Charter School in Eagle **spoke in support of HB 79**. She explained that there are three reasons to pass this legislation. These reasons include; the passage of the legislation would allow for the attraction and retention of good teachers by offering incentives to have teacher's children attend the charter school, the founding families have done a lot of work prior to the school starting so the same courtesy should be extended them and it would be a low impact to the school and affect a low number of students.

PRO:

Diane Demnest, executive director of the Idaho Charter School Network, **spoke in support of HB 79**.

She explained that under the current charter school law, teachers do not have the provision for their own children to attend the school at an enhanced enrollment opportunity. She further explained that charter school teachers want to be engaged in their own child's education. She reported that by providing charter schools this opportunity, it would bring more teachers into system.

Chairman Nonini explained that the Coalition of Idaho Charter School Families support this bill, but they do not wish to testify.

VOTE: On a voice vote, **the Motion to send H 79 to the Floor with a DO PASS recommendation passed.** Rep. Ringo will sponsor the bill on the House Floor.

S 1012: **Dr. Mike Rush**, Executive Director of the State Board of Education presented this bill to the Committee. He explained that this legislation revises the current criteria and process for school surety bonding and student tuition recovery funding for proprietary schools. He further explained that these changes are necessary to ensure against loss of tuition previously collected, so that appropriate student reimbursement can be made in the event of a school closure or default. The new language will be easier for students and school administrators to understand and for the state staff to manage and implement.

He explained that there was a version of this legislation before the Committee last year which did not pass. He reported that the Board has made the necessary improvements and the stakeholders are in agreement. He explained that the legislation strengthens tuition recovery, eliminates a broad base bond and removes the current exemption for flight schools.

He explained that the state is currently the actuary and the proposed legislation gives this responsibility to the private sector. It also changes the course based fee structure and allows the State Board to create the fee structure. He explained that costs will go down and consumer protection will go up.

Harv Lyter, the proprietary schools coordinator for Professional Technical Education, explained that degree-granting schools are considered a post secondary school and a proprietary school is defined as a non-degree granting school. Proprietary schools usually offer short courses and these programs would be covered by the surety bond.

MOTION: Rep. Thompson **made a Motion to send SB 1012 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried.** Rep. Thompson and Chairman Nonini will sponsor the bill on the House Floor.

S 1019: **Dr. Rush** presented this bill to the Committee. He explained that this legislation would repeal the section of the statute that established the ICTL (Idaho Council for Technology and Learning) and allow for those functions currently administered by the ICTL to be carried out through existing administrative structures. He explained that the ICTL was created in 1994 and it jump started Idaho's use of technology in public education.

The Council also connected most of the schools in Idaho to the Web and created Idaho Digital Learning Academy. He explained that the state has moved beyond the need for the Council. Activities handled by the Council would be transferred to the Department of Education and contributions made by this Council should be recognized and celebrated.

MOTION: Vice Chairman Shirley made a **Motion to send SB 1019 to the Floor with**

a DO PASS recommendation. He explained that he served as Vice Chair of ICTL with former State Senator Mel Richardson as Chairman. He further explained that the Council has served it's time and purpose.

On a voice vote, the motion carried. Rep. Shirley will sponsor the bill on the House Floor.

Chairman Nonini announced that his JFAC presentation regarding recommendations from the Committee on the Public Education budget has been rescheduled for next Wednesday, February 25th.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:50 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 19, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Boe and Pence
- GUESTS:** Sherri Wood, IEA; Robin Nettinga, IEA; Julie Taylor, Blue Cross; Joie McGarvin, America's Health Insurance Plans; Cadey Hull, ID School Boards Assoc.; Karen Echeverria, ID School Boards Assoc.; Harold Ott, ID Rural Schools Assoc.; Cole Pepper, Connolly & Smyser; Donna Hutchison, IDLA; Sharon Burke, ID Assoc. of Counties; James Smith, University of Idaho; Wayne Davis, ID Assoc. of School Administrators; Don Drum, PERSI; Sarah Fuhrman, Roden Law Firm
- Chairman Nonini called the meeting at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to approve the minutes from the February 18th, 2009 meeting as submitted. On a voice vote, the motion carried.
- RS 18729:** Chairman Nonini presented this RS to the committee and Vice Chairman Shirley chaired the meeting. Chairman Nonini explained that should this bill be introduced, it will most likely be referred to the House Business Committee. The purpose of this legislation is to further clarify the legislative intent of Idaho Code with regard to accessibility to health care. It will more clearly define how contracting is done when independent network providers are used.
- MOTION:** Rep. Nielsen made a **Motion to introduce RS 18729. On a voice vote, the motion carried.** In response to a question regarding the reason for the proposed legislation, Chairman Nonini explained that this legislation deals primarily with an issue in north Idaho. An individual stand alone network of health care providers was formed in north Idaho and a hospital was denied entrance into the network. The proposed legislation would correct this issue. He further explained that the stand alone network was formed for managed care products. He reported that the constituents have been caught in the cross fire and have limited access to health care. If the legislation were to pass, insurance companies would have to negotiate with any willing providers. He clarified that this legislation would replace **HB 74**.
- H 57:** Vice Chairman Shirley presented this bill to the Committee. He explained that this bill provides that public school employment is extended to Idaho Digital Learning academy employees and establishes provisions for the inclusion of sick leave benefits and severance allowance at retirement.

He further explained that last year the Idaho Digital Learning Academy was established as a separate governing entity. Last year's legislation also allowed IDLA to expand their offerings to the elementary school level. He explained that IDLA is not asking for anything new, but putting into statute the benefits they have always had. He explained that the Board of Directors for IDLA could include either high school or elementary school principals. He further explained that there is an emergency clause retroactive to July 1, 2008 when IDLA was made a separate governing entity.

Vice Chairman Shirley explained that the employees of IDLA have served the state well. He reported that IDLA has served 9,500 students already this year and credited this success to CEO **Donna Hutchison** and her staff. Idaho is ranked third in the nation in online learning policy and practice. He further reported that this legislation has the support of all stakeholders and PERSI approves this action.

Donna Hutchison, CEO of IDLA spoke **in support of HB 57**. She explained that this legislation would clarify existing policy. She further explained that sick leave would pertain to full time employees. IDLA employees and board of directors are subject to the same provisions as that of any other school district.

MOTION: Rep. Thompson made a **Motion to send HB 57 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried.** Rep. Shirley will sponsor the bill on the House Floor.

H 78: Rep. Chavez presented this bill to the Committee. She explained that the purpose of this legislation is to provide the board of trustees of any school district the ability to appoint a person at-large from the school district to fill the unexpired term for any vacant trustee position which has been vacant for more than 90 days. She explained that this situation has occurred in Benewah, Idaho and Nez Perce counties. She reported that **HB 78** is supported by the Idaho School Boards Association, the Rural Schools Association, the Association of School Administrations and the Idaho Association of Counties.

She explained that the appointee would only fill the vacant position until the next election and they would represent the zone of the vacant position. She further explained that this is not something that happens on a regular basis. She explained that if someone is gone from the school board for a regular meeting that school district cannot do business. She further explained that this situation is possible in remote rural areas and sometimes it is impossible to find someone willing to serve within their designated zone.

Karen Echeverria, executive director of the Idaho School Boards Association clarified that only the people that live in that zone can run for reelection. If no one from the zone runs, then the trustees can appoint someone at that time.

In response to a comment that the proposed legislation could cause unintended consequences down the road, Rep. Chavez explained that she does not see unintended consequences. She further explained that the appointee only lasts for the interim and persons from the zone would be encouraged to run for the vacancy.

She explained that **HB 78** gives districts the flexibility to do business.

Rep. Wills explained that the proposed legislation fills a gap. He further explained that vacancies for more than 90 days happens rarely. **HB 78** allows school districts to do business as usual.

MOTION: Rep. Wills made a **Motion to send HB 78 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried.** Rep. Chavez will sponsor the bill on the House Floor.

SB 1018: **Mark Browning**, from the State Board of Education presented this bill to the Committee. He explained that this bill is part of the Governor's package for the reorganization of the State Board of Education. **SB 1018** designates the State Board for Professional-Technical Education, in cooperation with the State Board of Corrections as the responsible entities in the education of prisoners who are under the jurisdiction of the Department of Corrections. He explained that the primary focus of prisoner education is GED and technical training which are best administered through the Division of Professional Technical Education.

MOTION: Rep. Nielsen made a **Motion to send SB 1018 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried.** Rep. Nielsen will sponsor the bill on the House Floor.

Chairman Nonini announced that there would be no committee meeting tomorrow and joint meetings with the Senate Education Committee scheduled for next week have been postponed.

The Committee honored the page, Erica Olson, whose last day with the Committee is tomorrow.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: February 23, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representatives Block, Gibbs and Chew

GUESTS: Sherri Wood, IEA; Robin Nettinga, IEA; Mark Browning, State Board of Ed.; Jan Sylvester, Idaho PTA; Wayne Davis, ID Assoc. of School Administrators; Tom Luna, Superintendent of Public Instruction; Luci Willits, State Department of Education; Cadey Hull, ID School Boards Assoc.; Skip Smeyser, Connolly & Smeyser

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.

MOTION: Rep. Chavez made a motion to approve the minutes from the February 19th, 2009 meeting as submitted. On a voice vote, the motion carried.

HB 157: Chairman Nonini presented the bill to the Committee and Vice Chairman Shirley chaired the meeting. He explained that this proposed legislation separates the Idaho Education Network (IEN) facility creation responsibilities of the Department of Administration from those duties that relate to the coordination and distribution of instructional and training services, materials and courses which are currently the responsibility of the Superintendent of Public Instruction and the State Department of Education. The bill also provides for an oversight committee for the Idaho Education Network and outlines who would serve on this committee and how it would be put together. He further explained that the proposed legislation clarifies how "E" rate dollars are available to Idaho.

HB 157 also provides for a Resource Advisory Council to oversee the IEN. Chairman Nonini explained that the Albertson's Foundation is willing to step up and assist in this endeavor and they were concerned about the right kind of oversight council. He further explained that the bill also establishes other subcommittees. He explained that people with expertise in the technology area would be appointed to serve on the Council and subcommittees.

Chairman Nonini explained that the educational aspects of the network will stay under the Department of Education but other duties would fall under the Department of Administration. He further explained that the Albertson's Foundation would help mitigate the costs under the fiscal note of the bill by helping with meals and committee rooms.

He reported that there is an opportunity to use of some of the federal

stimulus dollars to get the Network off the ground. He explained that if the State were to fund \$3 million from stimulus dollars, we would receive \$7 million in "E" rate dollars and the Albertson's Foundation would give \$3 million. He further explained that this dollar figure could rise depending how much money is used from the stimulus money received by the state.

In response to a question regarding future funding of the IEN, Chairman Nonini explained that it will cost between \$30 to \$40 million for the entire cost, but there is a need to get something established and there will be some future requests for appropriations. He further explained that stimulus dollars would be an appropriate use of funds.

Answering a concern about the possibility of "E" rate dollars going away, Chairman Nonini explained that the once the structure is built for the Network, districts would still receive "E" rate dollars.

He clarified that the Governor will have discretion over a large portion of the federal stimulus money, but he is a supporter of IEN. He explained that there is potential with broadband dollars other than IEN, and this connectivity would be available to all schools and would not compete with the Superintendent's proposed longitudinal data system. Chairman Nonini reported that there is potential broadband support to link up small rural businesses.

The makeup of the Resource Advisory Council was discussed. Chairman Nonini explained that this Council would be appointed by the Superintendent and he would hope that the members would be appointed for their technical expertise and not their political party. He further explained that **HB 157** is not a partisan piece of legislation and last year it had over 40 co sponsors from both parties. He explained that the Council would be a broad based oversight committee to ensure proper safeguards are in place.

Chairman Nonini explained that bigger school districts are doing a better job of capturing the "E" rate money because they have business managers. He further explained that the reason the IEN would be put under the Department of Administration is to make sure all of the districts can capture this money.

MOTION:

Rep. Marriott made a **motion to send HB 157 to the Floor with a DO PASS recommendation.**

Jan Sylvester, representing the Idaho PTA addressed the Committee. She explained her comments not representative of the PTA. She commented that a section needs to be added to the bill to explained what the term "E" rate dollars means. She further explained that it would be helpful as the legislation moves forward and clarification is needed.

PRO:

Superintendent Tom Luna spoke in support of **HB 157**. He explained that once the Network is up and running, districts will continue to qualify for "E"rate dollars.

He explained that IEN is an information highway and longitudinal data, the math initiative and assessments for teachers are all vehicles on the highway.

He further explained that the IEN will connect every school.

He explained that about \$40 million would be the necessary to include every district across the state in the Network. He further explained that the ability to have broadband connection is critical in all of the schools. This connection gives all schools the ability to deliver dual credit courses, offer advanced placement courses, foreign language classes and for some rural districts this network would fill the need for basic core math and science classes.

Supt. Luna explained that districts cannot tap into “E” rate dollars left on the table in the past. In response to a question regarding the amount of federal stimulus money that will be available to Idaho, **Supt. Luna** explained that they are still trying to figure this out and will know a lot more this week. He reported that Idaho is receiving \$340 million for education of which about \$18 million is for one time expenditures. He further reported that there are other parts of stimulus dollars that Idaho can apply for through applications which include innovation grants that are not formula driven.

He explained that the goal is for state to support the network down to delivery system. He further explained that there will be some hardware in classrooms and schools that are needed to hook up to Network.

Teresa Luna, deputy administrator of the Department of Administration responded to a question the Advisory Council and subcommittee. She explained that the Council would be chaired by the Chief Information Officer of the Department of Administration. She further explained that the Advisory Council would review the curriculum and the subcommittee would deal with the technical aspects of the Network.

Supt. Luna explained that the first phase of the Network would connect the public high schools.

PRO:

Skip Smyser, representing the law firm of Connolly and Smyser, **spoke in support of HB 157**. He explained that he is working with 114 of the 117 school districts in the state to apply for “E” rate funding. He explained that there is an opportunity to collect approximately \$117 per student in “E” rate dollars and Idaho currently receives about \$58 per student of these funds. He further explained that when forming the Council it is important to have people with technological backgrounds.

Mr. Smyser explained that new jobs will be created by establishing the infrastructure for the Network. He reported that his group will be going to every school district in the state with an inventory to know what each individual school district needs to be part of this system.

Because Chairman Nonini had to leave for another meeting, Vice Chairman Shirley chaired the meeting.

SUBSTITUTE MOTION:

Rep. Boe made a **Substitute Motion to send HB to General Orders** to insert language on page 2 to explain “E” rate dollars and change fiscal note to reflect this explanation.

She explained that there has been a lot of discussion on “E” rate dollars, and one cannot assume that everyone would understand this. She explained that

she felt that this would be stronger legislation if this explanation was put into the bill.

In the discussion on the Substitute Motion it was Rep. Wills commented that once a bill is sent to General Orders, it opens up the possibility for further unwanted changes to the bill. He asked the Committee to support the Original Motion.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was requested on the Substitute Motion to send HB 157 to General Orders to insert language to explain “e” rate dollars. **The Substitute Motion failed, 3-11-4. Voting in favor** of the Substitute Motion were Representatives Trail, Boe and Durst. **Voting in opposition** to the Substitute Motion were Representatives Shirley, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Thompson, Pence, and Chavez. Representatives Block, Gibbs, Chew and Nonini were absent.

Rep. Durst expressed his concern regarding the formation of the Resource Advisory Council for the Idaho Education Network. He felt representation on the Council needs to be established by the legislature and not the Superintendent’s office to ensure minority party representation. He further explained that it is important to have right voice in the room.

**VOTE ON
ORIGINAL
MOTION:**

On a voice vote, **the Original Motion to send HB 157 to the Floor with a DO PASS recommendation carried with Rep. Durst voting NAY.** Chairman Nonini will sponsor the bill on the House Floor.

RS 18721:

Rep. Wills presented this proposed legislation to the Committee. He explained that the legislation would give another tool for small school districts by changing the word “shall” to “may” regarding annexation of lapsed school districts. He explained that if there are less than five students in a school district, then the district is dissolved. He further explained that one year this number may be reached, but it may change with new students moving in. This proposed legislation would let the state board make the decision to dissolve the school district.

MOTION:

Rep. Nielsen made a **Motion to introduce RS 18721.** On a voice vote, the motion carried.

Vice Chairman Shirley introduced the new Committee page, Phillip Alexander to the Committee.

ADJOURN:

There being no further business to be brought before the Committee Vice Chairman Shirley adjourned the meeting at 10:20 A.M.

Representative Mack Shirley
Vice Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: February 24, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representative Block

GUESTS: Robin Nettinga, IEA; Sherri Wood, IEA; Tim Hill, Dept. of Ed.; Phil Homer, ID Assoc. of School Administrators; Wayne Davis IASA; Mark Browning, State Board of Ed.; Bert Marley, IEA

Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken.

The Committee watched the presentation by **Matt Freeman** and **Paul Headlee** of the Legislative Services Office to the Joint Finance and Appropriation Committee regarding the federal stimulus money for Public Education. (See attached report)

The Committee discussed budget ideas for Chairman Nonini's presentation to JFAC tomorrow morning.

Chairman Nonini explained that there is \$166 million for the Public School budget from federal stimulus dollars. He further explained that the state currently has a \$109 million budget shortfall for FY10 and a \$85 million shortfall for FY09. He also reported that it is estimated that there will be an additional 125 support units (new classrooms) next year at a cost of \$92,000 each. He further reported that an assumption has been made that there will be a negative \$182 million in the K-12 budget based on a negative 2.5% revenue growth. If there is a flat revenue, there will be a \$150 million hole and if there is a 5% revenue growth, there would be a \$88 million shortfall. He explained that there is still a need to work on legislation to address budget shortfalls and the federal stimulus money will not solve all of the problem. He further explained that a group of Representatives from the Committee have been working on legislation with stakeholders to come up with compromise language regarding possible budget cuts.

In response to a question regarding the reason for the growth of new support units, Chairman Nonini explained that the assumption is that it is due to several factors including population growth, some families who had sent their children to private schools and now sending them to public schools because of job loss and people are moving back into the state.

Rep. Durst commented that he felt that budget cuts for public education would not be necessary with a methodic reorganization of other budgets the state could be in a situation that the education budget could be held harmless. He further commented that there are other stabilization funds, and public education should have access to them. Chairman Nonini commented that other funds have been used for public education.

In response to a question regarding a projection as to how many teachers will be retiring and how many support units will employ brand new teachers, **Tim Hill**, from the Department of Education explained that paying experienced teachers drives the cost of \$92,000 per support unit. He further explained that the state this year saw the number of retirees and new teachers stabilize. He also explained that instead of the 125 new support units for 2010, it will more likely be 160 new support units and 2011 could have 175 new support units.

Rep. Hartgen commented that there is a need for more analysis of support units and the impact of growth rates. He further commented that the state could be looking at a much more serious situation in 2010 and more pressure could be put on the state's funding capacity. He also mentioned that there is a need to look carefully at the educator's multiple year contracts and a cautious tone should be taken with JFAC.

Rep. Durst commented that as of last week, there is a total of \$180 million available in the state's reserve accounts.

Rep. Boe commented regarding IDEA funding, explaining that in the past it was the practice of the Committee to send a resolution to Congress to encourage more funding for IDEA. She further commented that Congress in the past has never come up with what was promised and this funding has a significant impact on every school district in the state

Committee members agreed that funding for the Idaho Education Network would be a good use of stimulus money.

Rep. Chavez commented that another use of federal stimulus money should be for the schools such as the middle school in Lapwai School District that are in serious need of repair.

Vice Chairman Shirley commented that the figures heard during the JFAC presentation confirm that the state is in a crisis. He further commented that he feels the Committee is taking the right approach with the subcommittee looking at changing statute with possible budget cuts, including addressing multi year contracts and teacher furloughs. He also commented that each Committee member had a letter from the executive director of the Idaho School Boards Association, **Karen Echeverria** regarding her Association's recommendations for possible budget cuts.

Chairman Nonini explained that there are some things that need to be addressed by legislation. He further explained that proposed legislation could give the needed tools to local districts and sunset clauses could be put in place. He explained that he will recommend to JFAC to go with caution, but do their best to maintain student teacher contact time.

Chairman Nonini explained that he will discuss funding for IEN, the

longitudinal data system, and repairs for older schools with JFAC.

MOTION: Rep. Chavez made a motion to accept the minutes of the February 19th, 2009 meeting as submitted with correcting the spelling of "Smeyser" to "Smyser" On a voice vote, the motion carried.

RS 18384C3: Former Speaker of the House, **Bruce Newcomb** presented this RS to the Committee. He explained that the purpose of the legislation is to allow the Idaho State Board of Education to establish deferred compensation plans for certain employees of Idaho's public institutions of higher education.

MOTION: Rep. Gibbs made a **Motion to introduce RS 18384C3. On a voice vote, the motion carried.**

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:15 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** February 25, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representative Block
- GUESTS:** Stacey Axmaker, Idaho STAR Program; Cadey Hull, School Boards Assoc.; Fred Riggers; Fritz Hallberg; Dana Kelly, State Board of Ed.; Jessica Piper, State Board of Ed.; Mark Browning, State Board of Ed.
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to approve the minutes from the February 24th, 2009 meeting as submitted. On a voice vote, the motion carried.
- Chairman Nonini reported on his presentation to JFAC this morning. He stated it was a brief report and mentioned the funding needs for maintaining student teacher time, math and reading initiatives, longitudinal data system, and the Idaho Education Network. He also discussed the support unit growth, and recommended that JFAC be cautious in their funding approach. Sen. Goedde reported that a subcommittee of legislators is working with stakeholders regarding budget cuts for education.
- SB 1079:** **Mark Browning**, State Board of Education presented this bill to the Committee. He announced that the State Board of Education is meeting tomorrow at 8:30 A.M. in the Jordan Ballroom at Boise State University and invited Committee members to attend. Chairman Nonini announced that the Committee will not meet tomorrow or Friday so members would be free to attend the Board meeting if interested.
- Mr. Browning** explained that **SB 1079** transfers the responsibility for STAR (Skills Training Advantage for Riders) motorcycle riding program from the Department of Education to the Division of Professional-Technical Education. He explained that the program is a better fit under PTE because most of students who participate in this program are adults. He explained that there is no fiscal impact. He further explained that the program is currently administered through Boise State's Seland college.
- MOTION:** Rep. Thayn made a **Motion to send SB 1079 to the Floor with a DO PASS recommendation.**

Rep. Wills commented that **SB 1079** is good move and has been needed for

some time. Rep. Chadderdon mentioned that last year she brought a resolution forward to raise awareness for motocross safety and questioned whether the STAR program would relate to motocross. **Mr Browning** responded that he would give the names of those responsible for motocross safety programs to those who administer the STARS program.

Mr. Browning clarified that a STAR certificate is required for motorcycle licensure for those under 21 years of age.

PRO:

Stacey Axmaker, director of the Motorcycle Safety Program known as STAR (Skills Training Advantage for Riders) spoke in support of **SB 1079**. He explained that this program was created in 1996 and has trained over 20,000 riders in its 13 year history. He reported that a review of all 4,282 motorcycle crashes in Idaho from 1996 through 2006 revealed that 87% of those involved had not attended a STAR training class. STAR training is associated with a 71% reduced crash risk.

Mr. Axmaker explained that helmets plus other riding gear are required in STAR classes for teachers and students. On the roads students are encourage to wear protective gear. He clarified that the program is targeted toward street riding on two wheel vehicles. He reported that participation in the program has been growing and there has been a 15% to 23% increase in students each year.

VOTE ON MOTION:

On a voice vote, the Motion carried. Rep. Thayne will sponsor the bill on the House Floor.

PRESENTATION

Dana Kelly, Student Affairs Program Manager for the State Board of Education discussed the Idaho Opportunity Scholarship with the Committee. She introduced **Jessica Piper** from the State Board who also works on this scholarship.

She explained that the Opportunity Scholarship was established two years ago when the Governor and the Legislature supported the concept of a need-based aid program to provide financial resources to Idaho students who are economically disadvantaged. It is based upon a shared responsibility model. The student is expected to work, save, or find funding to assist with the cost of attendance. The State Board of Education set \$5,000 as the amount the student and or family should contribute towards their cost of education on an annual basis. Also, this program requires that all students must apply for federal aid and must accept all federal grant and/or gift aid.

Ms. Kelly explained that the Opportunity Scholarship is designed so that the state funds are used as a "last dollars" mechanism. The Board set the maximum amount of the scholarship at \$3,000. She further explained that the majority of students have received the maximum amount.

Students are required to be Idaho residents, graduates of an Idaho high school (or its equivalent), attend school full time and meet basic academic criteria. Priority is given to renewal applicants who continue to meet the eligibility criteria. 400 renewal awards were made for FY09.

The Board anticipates awarding 300 new scholarships for the current award

year.

Ms. Kelly explained that the recipients are coming from very poor families according to federal standards. All have received full federal Pell Grant funding. She reported that they have seen a significant increase in the number of applications each year.

Ms. Kelly explained that there is no cap on the awards but there is a funding limit. She further explained that \$1,925,000 was appropriated last year and the Board fully anticipates awarding every dollar. She reported that there is \$20 million in an endowment fund and the interest from this fund is used for scholarships. She explained that the Board anticipates that this year's appropriation will be a little over \$1 million and the Board will use proceeds from the endowment fund.

The Board anticipates more renewals coming through this year and fewer new students. It is also anticipated that 143 less students will be able to be served.

In response to a question regarding the possibility of federal stimulus money for scholarships, **Ms. Kelly** explained that the Board does not see any direct benefit to the state, but there will be increases in the federal Pell Grants. She also explained that the Governor's goal three years ago was to have \$100 million in the endowment fund but this has not happened with the weakened economy. **Mr. Browning** explained that earnings from endowment fund are about \$500,000.

In response to a question regarding the least amount of money requested by a student, **Ms. Kelly** explained that this year it was \$87 and last year it was \$7.

Ms. Kelly explained that students can still take out loans, but it is their choice. In response to a question regarding scholarships for students in programs lasting longer than the traditional four years, **Ms. Kelly** explained that initial limitation was intended for professional students who never graduated. In rule it states that students who are close to the maximum amount of credits have to show they are close to graduating to justify receiving the scholarship.

In response to a question regarding how the interest of the endowment fund is invested, **Ms. Kelly** explained that the money is in a fund managed by the State Treasurer and these funds are put in a very conservative portfolio with a firm in Boise.

Ms. Kelly explained that the minimum GPA for the scholarship for the initial application from a high school graduate is 3.0. Ongoing college students have to maintain a 2.0 GPA and remain in good academic standing with the institution.

In response to a question regarding the endowment fund, **Ms. Kelly** explained that the Board has only used interest from the fund and not the principle but will further research this.

Ms. Kelly explained that many of the students still have to take out loans in

addition to the scholarship. She also explained that being alcohol or drug free is not a condition of this scholarship.

She gave a brief historical background of the Opportunity Scholarship. She explained that a student aid task force was formed four years ago to look at a need-based scholarship because statistics showed that Idaho contributed an average of \$17 dollars for need-based aid compared to our neighboring state of Washington which contributed over \$300. The Opportunity Scholarship helped move Idaho forward.

Ms. Kelly explained that \$55,000 was appropriated to administer the Opportunity Scholarship which pays for part of salaries and a data base of information. She further explained that the maximum by statute and rule is \$55,000 per year.

She explained that the program was not set up in its current form to help everyone who needs help. She further explained that the scholarship promoted the desire of Idaho to move students into college and get them through college in a timely manner.

Ms. Kelly explained that individuals and corporations are encouraged to donate to the endowment fund, but the tax benefits are not as great as those of charitable contributions.

Rep. Trail commented that this program is a great illustration of groups working well together. The groups that established this program were the State Board of Education, House and Senate Education Committees and the Governor's office.

Chairman Nonini announced that the Committee will not meet tomorrow or Friday.

ADJOURN

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:10 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 2, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Trail and Durst
- GUESTS:** Christine Simon, IEA; Betty Reimann, IEA; Harold Ott, ID Rural Schools Assoc.; Karen Echeverria, ID School Boards Assoc.; Mark Browning, State Board of Ed.; James Smith, University of Idaho, Sherri Wood, IEA, Bruce Newcomb, Boise State University
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a Motion to accept the minutes from the February 25th, 2009 meeting as submitted. On a voice vote, the motion carried.
- H 193:** Rep. Wills presented this bill to the Committee. He explained that this legislation allows the State Board of Education to look at each small school district's concerns when considering closure due to low attendance. The legislation allows the State Board to waive closure for one year.
- In response to a question regarding when the last time a small school district was closed, **Karen Echeverria**, Executive Director of the Idaho School Boards Association, explained that she did not know the last time this happened, but this is usually a rare occurrence.
- Rep. Wills explained that this legislation would impact three school districts and it could be up to four or five. He further explained that closure of a small school district would only affect schools for the lower grades as those few small districts do not offer high school. He further commented that elementary aged students could ride as much as 70 miles one way to school if their district were to close.
- MOTION:** Rep. Thompson made a **Motion to send HB 193 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried.** Rep. Wills will sponsor the bill on the House Floor.
- H 199:** Former Speaker of the House, **Bruce Newcomb** presented this bill to the Committee. He explained that the purpose of this legislation is to allow the State Board of Education to establish deferred compensation plans for highly compensated employees of higher education.
- He explained that deferred compensation plans gives the State Board the

tools they need in recruiting for highly compensated positions such as College Presidents and also would help in retain employees. He further explained that this legislation would allow the State Board to contract for less money and it is good business practice.

Chairman Nonini explained that Committee members had a letter in their folders from **Milford Terrell**, president of the State Board of Education, who is in support of this legislation.

Mr. Newcomb gave a brief background of the IRS Code cited in **H 199**. He explained that the 400 series in IRS Code deals with retirement plans for employees.

In response to a question regarding why the community colleges in the state were not included in **H 199**, **Mr. Newcomb** explained that these colleges are not funded solely by the State and this legislation pertains to four year institutions. He also clarified that the legislation does not just pertain to college presidents, but all highly compensated employees and for those individuals who are in or out of PERSI.

MOTION:

Rep. Nielsen made a **Motion to send HB 199 to the Floor with a DO PASS recommendation.**

Mr. Newcomb clarified that the State Board of Education has to approve the deferred compensation plan.

On a voice vote, the motion carried. Chairman Nonini will sponsor the bill on the House Floor.

Chairman Nonini explained that the Committee members received information on the "Gear Up" program under the State Board of Education in their folders. He further explained a presentation on this program can be scheduled if it is the desire of the Committee members.

Chairman Nonini announced that the subcommittee working on compromise language for **HB 117** has been working hard and progress has been made. It is the hope to have the compromise language ready for a committee hearing at the end of the week or the beginning of next week.

Rep. Boe mentioned that it would be helpful to share the information from the presentation by the Post Falls students regarding energy savings in turning off computers with the members of the House. Chairman Nonini will make an announcement with this information on the House Floor.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:25 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 3, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** None
- GUESTS:** Cadey Hull, ID School Boards Assoc.; Harold Ott, ID Rural Schools Assoc.; Hilaree Stephens, IEA; Christine Hall, IEA; Lara Luthy, IEA; Julie Dillehay, IEA; Ellen Weygint, IEA; Allen Weygint, IEA; Zach Hauge, Capitol West; Sherri Wood, IEA; Benjamin Davenport, Risch Pisca; Mark Browning, State Board of Ed.; Fred Riggers, Bert Marley, IEA
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken. He welcomed a group of teachers from Nampa, Mountain Home and Boise areas.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the March 2nd, 2009 meeting as submitted. On a voice vote, the motion carried.
- RS 18780:** Rep. Thayn presented this RS to the Committee. He explained that this resolution is similar to **HCR 7**, which was passed out of the Committee recently but with a few changes. He further explained that changes were made to answer concerns expressed by others.
- He explained that the proposed resolution says the state will “possibly” operate with fewer funds instead of saying the state “will” operate with fewer funds. Working with local school districts and local school boards has also been added to the proposed resolution. “As many resources as possible” was also added regarding ways allocate money to improve educational outcomes. “Enabling” was added for parents to become more active in the learning process.
- He explained that “Consider” wise policies that improve educational outcomes was added to stimulate discussion and not set policy. He further explained that on page 2 “when possible” was added to ensure every student graduates with a marketable skill.
- In response to a question regarding how to achieve “enabling” a parent to become more active in the educational process, Rep. Thayn explained that this idea needs to be discussed more thoroughly and when parents are involved the child gets the best outcomes.
- In response to a question regarding the possibility of trailer legislation with

the proposed resolution, Rep. Thayne explained that he does have some general ideas and could create a list, but he is trying to get input of others before he creates his own list.

In response to a question regarding the idea in the proposed legislation that deals with scholarship money following the student to higher education if they finish high school early, Rep. Thayne explained he feels that one of the things stymieing education is the focus on the financial needs of institutions rather than focusing on the student. He further explained that he feels the proposed resolution will not bankrupt the schools and there are ways to both maintain the financial integrity of the school and let the student move ahead. He also explained that high schools could have a community college aspect to them and there would still be money for the school district while students operate under community college rules. He explained that he does not have a mechanism to allow this to happen. He further explained that the proposed resolution is a roadmap of issues that needs to be discussed and he does not have all of the answers. There is a need to get all stakeholders together to discuss these issues further.

In response to a question regarding how institutions of higher education would be affected by the proposed resolution, Rep. Thayne explained that he has considered this. He further explained that currently a student does not have to be high school graduate to go to college and there are a lot of ways to get into college. He further explained that Washington state has a good template in this area.

Rep. Thayne explained that most of the things in the proposed resolution the state is already doing at some level. He further explained that it is his desire with the proposed resolution to make options more transparent so more students know they exist. He also explained that currently if a student completes classes early, they need to get permission from the local school board to graduate early. He stated that he would like to this to be the parent's decision.

Rep. Wills commented that the proposed legislation is a resolution not a bill. He further commented that parents already have power and do not need to be enabled.

MOTION:

Rep. Wills made a **Motion to introduce RS 18780**. He stated that he would like to see a response from the Department of Education and the State Board of Education when the legislation comes back for a hearing. **On a voice vote, the motion carried.**

Rep. Boe commented that in the past, it has been a courtesy to print legislation especially from members of the committee. Chairman Nonini explained that he does not want to stymie discussion and will take questions from members. Rep. Wills commented that the purpose of a print hearing is to understand the philosophy of proposed legislation and where the idea comes from. These are important questions of the sponsor. Chairman Nonini explained that he has not been told by Leadership not to print certain legislation.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:40 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 4, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** None
- GUESTS:** Harold Ott, ID Rural Schools Assoc.; Phil Homer, ID Assoc. of School Administrators; Dana Kelly, State Board of Ed.; Cadey Hull, School Boards Assoc.; Mark Browning, State Board of Ed.; Jared Tatro, OPE; Bert Marley, IEA
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to approve the minutes from the March 3rd, 2009 meeting as submitted. On a voice vote, the motion carried.
- RS 18686:** **Rep. Shirley Ringo** presented this RS to the Committee. She explained that this legislation provides that an Idaho resident does not lose his or her Idaho residency when attending a college or university in another state. She gave a brief background of the proposed legislation. She explained that the Office of Performance Evaluations did a study of higher education residency requirements. OPE recommended that state should clarify residency requirements which resulted in **HB 401**, passed last year. She explained that there was an oversight of an issue and it is addressed in the proposed legislation.
- She explained that there are some Idaho high school graduates who go to college out of state then return to Idaho to attend graduate school or other advanced programs. In current statute, students are given a 30 month provision to leave the state and then return and still maintain Idaho residency. The proposed legislation states that time spent outside of Idaho attending a college does not count towards the 30 month provision, but the individual must maintain his or her residence in Idaho.
- Chairman Nonini mentioned that this issue has been raised by the University of Idaho's law school, which has Idaho students who attend college outside of the state, then return Idaho to attend law school. **Rep. Ringo** clarified that the proposed legislation would also cover Idaho students applying for medical school who go to college outside of the state.
- MOTION:** Rep. Durst made a **motion to introduce RS 18686**.

In response to a question regarding if the proposed legislation would

preclude students who have established residency in another state while attending college and then return to Idaho for further schooling, **Rep. Ringo** explained that the student could gain residency again in Idaho after following the needed requirements.

On a voice vote, the motion carried.

RS 18778:

Rep. Wendy Jaquet presented this RS to the Committee. She explained that the purpose of this legislation is to require written notice of a public hearing for a petition to establish non-virtual public charter schools and a petition to make revisions to a non-virtual public charter school provided that the amendment includes a proposal to increase the enrollment cap by 10% or more. The proposed legislation also requires notice shall be given from the Public Charter School Commission to the school board where the proposed charter school would be located at least 30 days before the public hearing. Also, this legislation will allow for the affected school districts and petitioners to submit written and/or oral comments about the potential impacts of such petitions on traditional schools.

Rep. Jaquet explained that Rep. Pence is a co-sponsor of the proposed legislation. Rep. Pence explained that there was a situation in the Gooding School District in which a charter school wanted to expand and a large segment of the community did not have the opportunity to comment. She explained that the charter school was following procedure, but the openness that is created in this bill is good for districts.

Rep. Jaquet explained that charter schools do not see this as punitive and the Department of Education is supportive of the proposed legislation.

Rep. Durst expressed his concern with “physically located” in the proposed legislation. He explained that in Ada County there is a charter school located in Meridian School District, but pulls students from Boise School District.

Rep. Jaquet explained that it was thought that it would be an unfair burden to charter schools to require them to do public notices in the newspaper, so it was suggested that a letter to the school district was appropriate to keep costs down.

MOTION:

Rep. Gibbs made a **Motion to introduce RS 18778**. It was commented that when the bill comes back for a hearing, it would be helpful to have **Tamara Baysinger**, the Charter School Commission program manager and **Ken Burgess**, who represents the Charter Schools come to answer any concerns.

On a voice vote, the motion carried.

ADJOURN:

There being no further business to be brought before the committee, Chairman Nonini adjourned the meeting at 9:30 A.M.

Representative Bob Nonini Chairman

Claudia Howell Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 5, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Vice Chairman Shirley, Representatives Wills and Durst

GUESTS: Ann Heltsley, Citizens for Reasonable Taxation; Allison McClintick, State Board of Ed.; Mary Dunne, ID School for the Deaf and Blind; Jeff Woods, ISDB; John Watts, ID Library Association, Senator Tim Corder

Chairman Nonini called the meeting to order at 9:05 A.M. and a silent roll was taken.

PRESENTATION **Mary Dunne**, Superintendent of the Idaho School for the Deaf and Blind addressed the Committee. She explained that ISDB serves 1,094 youth statewide, 1,015 through outreach programs, and 79 residential students.

In response to a question regarding common causes for deafness and blindness, **Ms. Dunne** explained that there are risk factors from some drugs and certain antibiotics. Other causes include prenatal factors, extreme prematurity and the use of oxygen at birth which is a high indicator of vision loss. She further explained that heredity is not a common factor. She concluded that there are many unknown causes.

Ms. Dunne explained that ISDB offers early intervention services for children from birth to 3 years old. Services are provided to families and focuses on parent education. In response to a question regarding the Department of Health and Welfare's Infant Toddler program, **Ms. Dunne** explained that the program is the lead agency in working with these families and they do refer any families with children with hearing or vision loss to ISDB. She further explained that ISDB does emphasize workshops which give parents the opportunity to network.

She explained that ISDB has regional preschools for children ages 3 to 5 with vision and hearing loss around the state. These preschools are located in Gooding, Meridian, Pocatello, Idaho Falls and Nampa. She explained that ISDB is invited by local school districts to sponsor preschool classes. She further explained that they do not have preschool programs regionally unless they have at least 3 preschoolers who would qualify.

Ms. Dunne stated that it is important to keep parent involvement at the

forefront. She explained that ISDB has the technology to connect children to their parents and students in other states by using video phones on campus and two way video conferencing. She further explained that parents join IEP meetings and children go home every weekend. She reported that ISDB has seen an increase in campus enrollment in the last two years and the economy will impact some of the services that they have been able to offer.

She discussed the outreach support offered by ISDB. She explained that the school loans Assistive Listening equipment and devices for vision impaired children.

She reported that there have been very successful graduates of ISDB including a number of professional careers including doctors and lawyers. She explained that all kinds of careers are open to graduates and children who get an early start with engaged parents can be very successful.

In response to a question regarding educating low vision/blind and hard of hearing/deaf students together, **Ms. Dunne** explained that in larger states there are advantages to have the two services separated. She further explained that the strengths are different between blind and deaf students. She reported that cafeteria services, library, and bus can be shared to be efficient. In response to a question regarding the makeup of the ISDB's staff, **Ms. Dunne** explained that the school has a difficult time finding teachers who are blind to teach the blind. She reported that they recently had a blind teacher leave the school to move to another state which offers better public transportation. She further reported that the school serves more deaf students than blind and there will always be a difference of opinion in serving these populations together.

She reported that ISDB met AYP last year and they have been continuing to offer quality programs, but they have not been held harmless in budget cuts. She further reported that the ability to provide classes in the hometowns of students has been increasing.

Chairman Nonini explained that there has been some discussion regarding federal stimulus dollars for ISDB and encouraged **Ms. Dunne** to offer recommendations that could go through the Committee and then to the Governor for consideration.

Ms. Dunne introduced **Jeff Woods**, ISDB's Director of Finance and HR, **Allison McClintick**, from the State Board of Education and **Steven Snow**, Executive Director of the Council for the Deaf and Hard of Hearing and graduate of ISDB. Sign language interpreter, **June Flannery** was also introduced.

S 1060a:

Senator Tim Corder presented this bill to the Committee. He explained that this bill amends and clarifies the process to dissolve a library taxing district. It reaffirms that each county commission involved with a library district shall accept and review a citizen petition requesting dissolution and conduct a public hearing to consider the petition.

The bill clarifies that each county commission after consideration of testimony and information at a public hearing may rule to dismiss the petition

or to move it to the ballot for a vote on the question. It further limits any dissolution petition to one per every two years once settled by a public vote or county commission ruling.

Sen. Corder explained that this issue is not new to districts and the legislation comes from an issue in Boise County. He further explained that all of the language in the bill was borrowed from somewhere else in Code with the exception of the language regarding limiting the dissolution petition to one every two years. He explained that the state is setting up the process so that disagreements can be aired in the county.

John Watts, representing Idaho Library Association **spoke in support of S 1060a**. He explained that the bill clarifies that library districts are to be dissolved in the same manner as they were created. First, citizen must petition their county commissioners and request a hearing to demonstrate support, a need, a plan and a budget. The county commissioners then have the option of ordering or not ordering an election to ask the voters to create a library district. To dissolve a library district, these steps would also be followed in reverse.

He explained that there are four kinds of libraries including; library districts run from property levies, city libraries, university libraries and public school libraries. He explained that all libraries were created by statute and to dissolve a library district it should also be based in statute.

In response to a question regarding if there is an issue of dissolving a library district currently, **Mr. Watts** explained that there was not. **Senator Corder** explained that there is an issue in Boise County where the County Commissioners are requesting clarity.

Ann Heltsley, representing Citizens for Reasonable Taxation **spoke in opposition to S 1060a**. She explained that she lives in Idaho City and the Boise County Commissioners have been told that they cannot dissolve a library district. She further explained that she feels this bill would put more roadblocks preventing citizens to exercise their rights. She provided a handout to Committee members outlining the history of the Boise Basin Library Taxing district.

Due to the lateness of the hour and the number of questions from Committee members, Chairman Nonini announced that the Committee will continue the discussion on **SB 1060a**, on Thursday, March 12th to give everyone fair time to have their questions answered.

RS 18801:

Rep. Marriott presented this RS to the Committee. He explained that the proposed legislation is similar to **H 77** which deals with tuition for professional technical students. He explained that the only changes made was changing “shall” to “may” regarding monies available for tuition costs and the date was changed to reflect the end of the federal fiscal year instead of the state fiscal year.

MOTION:

Rep. Gibbs made a **Motion to introduce RS 18801. On a voice vote,**

the motion carried.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:25 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 9, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representative Trail
- GUESTS:** Dawn King, Boise Educators Assoc.; Morgan Coats, BEA; Randi Sinclair, BEA; Heather Eshelby-Goade, BEA; Cindy Schaffeld, BEA; Amy Adams, BEA; Amy Hutchinson, BEA; Jennifer Robbins-Smith, BEA; Fred Riggers, Mark Browning, State Board of Ed.; Greg Williamson, KBOI News Radio
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Wills made a motion to approve the minutes from the March 5th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Thompson made a motion to approve the minutes from the March 4th, 2009 meeting as submitted. On a voice vote, the motion carried.
- RS 18815:** **Rep. Ruchti** presented this RS to the Committee. He explained that Rep. Thompson and Rep. Shirley are co-sponsors of this proposed legislation. He explained that the purpose of the legislation is to protect the privacy of victims of sexual crimes. He further explained that this bill keeps the victim's photograph, name, address and phone number confidential in certain court records. Exceptions include, the defendant has the right to know who has made the charge against them, the court could disclose the information, non-profit organizations who help victims of sexual crimes and any publication or media. The proposed legislation also outlines how the pseudonym is to be selected and liability is also outlined. He explained that the victim can waive their rights.
- In response to a question regarding the reason for the section on liability, **Rep. Ruchti** explained that the standard is negligence and this would be a higher standard.
- Rep. Ruchti** explained that under current court rules, identities of victims under 18 years old are not disclosed, but the proposed legislation is broader and would include all victims including adults.
- MOTION:** Rep. Boe made a **Motion to introduce RS 18815.**

In response to a question regarding how the proposed legislation would the

impact those accused of crimes, **Rep. Ruchti** explained that the defendant charged with crime has a right to know who has accused them of the crime. He further explained that the defendant cannot use it maliciously to get back at the victim, but has to use it for their defense. He explained that there is a legitimate concern about false accusations. He further explained that there is a stiff penalty for this and there is a higher standard of proof.

Rep. Ruchti explained that he has spoken with representatives of the courts, law enforcement and defense attorneys regarding the proposed legislation and will make sure they have no concerns when the bill is scheduled for a hearing. It was suggested that he also talk with representatives of press groups.

On a voice vote, the motion carried. **Rep. Ruchti** explained that the proposed legislation has been discussed with the chairman of the House Judiciary and Rules Committee and they will hear this legislation.

RS 18810:

Rep. Hartgen presented this RS to the Committee. He explained that the purpose of this legislation is to correct a procedural process in the remittance of monies collected from juveniles performing community service. He further explained that under current law, 60 cents per hour is collected from juvenile offenders and is sent to the State Insurance Fund for the purpose of securing workers compensation insurance for the juveniles. But in the case of self-insured counties, such as Ada County, the money is returned because, as a self-insured county, it covers itself for workers compensation purposes. The proposed change would make it clear that if a county is self-insured and provides workers compensation insurance for persons performing community service, remittance to the State Insurance Fund would not be required.

He explained that Ada County is the only self-insured county in the state. He further explained that if the bill is printed, it would be heard in the House Commerce and Human Resources Committee as it deals with workers compensation issues.

MOTION:

Rep. Thompson **made a Motion to introduce RS 18810. On a voice vote, the motion carried.**

Chairman Nonini welcomed a group of teachers from the Boise School district.

RS 18785:

Rep. Nielsen presented this RS to the Committee. He explained that teachers in college nursing staffs are nearing retirement and nurses with B.S degrees are leaving the state to obtain higher paying jobs. He further explained that the proposed legislation is a scholarship idea to help get nurses who have a B.S. degree to pursue their education to a master's degree or doctorate degree in nursing to be able to teach at the college level.

He explained that an eligible student would sign an agreement committing themselves to serving as an instructor of nursing at a school or college of nursing in Idaho for four years after graduation.

He further explained that for every \$50 dollars donated, it would reduce the

tax liability of the taxpayer by \$4 dollars, and there would be a corresponding reduction in tax revenue to the state.

In response to a question regarding the focus on educating rather than bringing nurses back into the state by offering a loan repayment program, Rep. Nielsen explained that he did not think of this idea and wanted to focus on opening it up to people from other areas to come and attend school and stay in the state to teach.

MOTION: Rep. Marriott **made a Motion to introduce RS 18785. On a voice vote, the motion carried.**

RS 18794: Rep. Thayn presented this RS to the Committee. He explained that the purpose of this legislation is to empower day care consumers with tools useful in identifying quality day care. He further explained that the proposed legislation states that all day care providers shall provide an informational pamphlet, created by the Department of Health & Welfare which will include; the important role of parents, basic characteristics of a quality day care, a link to a Department of Health & Welfare website that contains more detailed and expansive information and a Department or other phone number for parents to report unsafe, dangerous or harmful activities within the day care.

He explained that if the bill is printed it will be sent to the House Health and Welfare Committee for a hearing.

MOTION: Rep. Marriott made a **Motion to introduce RS 18794.**

In response to a question regarding who is writing the definition of the role of parents and what constitutes a quality day care, Rep. Thayn explained that the Department of Health & Welfare would create the pamphlet.

On a voice vote, the motion carried.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 10, 2009
- TIME:** 8:30 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Rep. Wills
- GUESTS:** Benjamin Davenport, Risch/Pisca; Tamra Baysinger, Public Charter School Commission; Camille Wells, State Department of Education; Mark Browning, State Board of Education; Tracie Bent, State Board of Ed.; Ken Burgess, Coalition of Idaho Charter School Families; Sherri Wood IEA; Robin Nettinga, IEA; Brent Reinke, ID Department of Corrections
- Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken.
- MOTION:** Rep. Chadderdon made a motion to approve the minutes from the March 9th, 2009 meeting as submitted. On a voice vote, the motion carried.
- H 212:** **Rep. Wendy Jaquet** presented this bill to the Committee. She explained that the purpose of the legislation is to require written notice of a public hearing for a petition to establish a non-virtual public charter school and a petition to make revisions to a non-virtual public charter school provided that the petition includes a proposal to increase the enrollment cap by 10% or more. She explained that notice shall be given from the Public Charter School Commission to the school board where the proposed charter school would be located at least 30 days before the public hearing. Also, this legislation would allow for affected school districts and petitioners to submit written and/or oral comments about the potential impacts of such petitions on traditional schools.
- MOTION:** Rep. Chavez made a **Motion to send H 212 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried. Rep. Jaquet and Rep. Pence will co-sponsor the bill on the House Floor.**
- S 1121:** **Sen. John Goedde** presented this bill to the Committee. He explained that the bill requires the Public Charter School commission to notify the district in which the charter school has a physical presence as well as other districts within their primary attendance area should that area be five or fewer districts. Districts that are notified are allowed to present testimony concerning such a petition at the Charter Commission hearing.
- MOTION:** Rep. Nielsen made a **Motion to send S 1121 to the Floor with a DO PASS**

recommendation. On a voice vote, the motion carried. Rep. Nielsen will sponsor the bill on the House Floor.

S 1078: **Tracie Bent**, from the State Board of Education presented this bill to the Committee. She explained that this bill clarifies existing procedures that the State Board of Education must take after a proposal for district consolidation, deconsolidation, or boundary change is approved by voters. She further explained that the procedures presently outlined are varied, vague, and are not aligned to each other.

She explained that the last school district that changed boundaries was the Grangeville School District. She further explained that when school district boundaries change, other government agencies have to be notified and this legislation clarifies who will be notified and how they will be notified.

MOTION: Rep. Boe made a **Motion to send S 1078 to the Floor with a DO PASS recommendation.**

In response to a question regarding the rules that will be promulgated by the State Board as outlined in the legislation, **Ms. Bent** explained that the Board does not anticipate writing any new rules at this time, but added this language in case rules need to be added in the future. **Ms. Bent** explained that the only thing this bill does is clarify procedures for the State Board and there are no intentions or thoughts about forcing districts to consolidate. She clarified that currently the State Board of Education promulgates all of the rules for the Department of Education.

On a voice vote, the motion carried. Rep. Boe will carry the bill on the House Floor.

PRESENTATION **Director Brent Reinke**, of the Idaho Department of Corrections explained that during his presentation to the Committee a few weeks ago, there was a request to bring inmates to the Committee to discuss where they have come from and some successes they have had in education while they have been incarcerated.

He reported that the Department currently has 7,251 individuals incarcerated with about 13,800 in Community Corrections. He explained that "TC" means therapeutic community. **Director Reinke** introduced staff members and inmates which included **Officer Allen**, **Officer Trumble**, inmate **Marion Gayer**, inmate **Jane Atkinson**, inmate **Lisle**, **Officer Conant** and **Kevin Kempf**, chief of Community Corrections.

Marion Gayer, an inmate in the Rider Unit, a 6 month program, addressed the Committee. She explained that she lives in Boise and is incarcerated because of meth addiction. She further explained that she was an addict since age 13, and dropped out of school at 15. Because of her instructor in the Rider program, she has obtained her GED, and she wants to go forward with her education and attend college.

In response to questions from the Committee, **Ms. Gayer** explained that there were no problems with her school, but it was her own choice to drop

out. She reported that she would like to study journalism in college and eventually work for National Geographic.

She explained that she had some strong relationships with teachers. She reported that she is 20 years old and was introduced to meth by someone she met outside of school, a friend of her brother's. She explained that she takes full responsibility for her actions. When questioned about the Governor's anti-meth media campaign, **Ms. Gayer** explained that if she had seen the ads when she was younger, she would have been more aware of the dangers and she would have been less likely to try it. She explained that everything that is said in the ads is true.

Ms. Gayer explained that she is in favor of raising the legal dropout age to 18. She felt that if she were legally obligated to stay in school until age 18, she would have not dropped out.

She reported that she will be released at the end of April.

Susan Atkinson, an inmate in TC (therapeutic community) at the South Boise Correctional Institute addressed the Committee. She reported that she is 43 years old, divorced mother of one from Preston, Idaho, She explained that she was introduced to meth in Preston a few years ago. She dropped out of school at 15. She explained that in her freshman year of high school, she started smoking, drinking and using cocaine.

She reported that she is currently incarcerated because of a possession charge, but she has been previously incarcerated for grand theft forgery.

She also reported that she is currently trying to finish passing the GED and just has the math portion of the test left. She explained that by passing the other portions of the test, it has given her self confidence. She also explained that she has received training in a workforce readiness class and has her flagger's permit. She would like to work in the medical field, perhaps in a nursing home, but will be limited to where she can get a job as an ex-felon.

In response to questions from the Committee, **Ms. Atkinson** explained that she attends education classes three hours a week and spends her quiet time after 7 P.M. studying.

She reported that her confidence is returning, and it is a good feeling to get her self esteem back. She explained that she has a desire to learn now.

She explained that she is able to keep up with her GED classes even though she has been transferred to several institutions. She further explained that if she were not incarcerated, she would not have considered getting her GED.

In response to a question regarding what opportunities she has had while incarcerated, **Ms. Atkinson** explained that she has been involved in the

therapeutic community, a relapse prevention program, and group counseling.

When questioned about what supports are needed after her release, **Ms. Atkinson** explained that an after care program is available and also AA and NA. She further explained that she does not know where she can take classes when she is released and is not sure what they have to offer her in the community she will be released in.

She explained that her son is in Idaho and lives with her sister in law. She further explained that his football coach is his mentor but he is not receiving counseling currently. She explained that she would like to have one on one counseling with her son when she is released to work on anger issues.

She reported that going to church in prison has helped a lot and she has not missed a Sunday in two years.

In response to a question regarding what would have prevented her from getting into this life, **Ms. Atkinson** explained that she would have listened to her grandmother and paid more attention to her mentors at an earlier age.

Inmate Lisle addressed the Committee. He explained that he is a native Idahoan and had aspirations to become a pro rodeo cowboy. Because of injuries, he did not achieve that goal and became a bartender. He explained that he developed a drinking problem and has had 4 DUI charges. He explained that sports was his main focus and he dropped out of high school just two credits short of graduation.

He explained that he did not have any interaction with a counselor in high school and if he had, he could have had better direction.

After he was incarcerated he realized he had to do some serious changes in his life, but found a long waiting list for programs. He explained he found sanctuary in the prison library. He started gaining confidence and started working on his GED. He obtained his GED and high school diploma while incarcerated.

He reported that he is working on independent computer learning and is currently studying calculus and trigonometry. Opportunities available to him include, computer literacy classes, college funding by learning how to fill out college applications, career assessment, and career information system.

Inmate Lisle reported that most are not allowed to pursue education if on parole or probation, but the focus is more on jobs and recovery. He reported that he is eligible for parole in July.

Director Reinke explained that in order to meet parole goals, those that are released cannot go to school. He also reported that less than \$1/day per

inmate is spent on education. He explained that there are more educational opportunities for men in prison than women because there are more men than women incarcerated. He explained that the Department has limited resources in dealing with their large population. He also explained that they have approximately 700 volunteers at the South Boise complex, but more resources are needed.

Director Reinke reported that computer access is limited and it is a requirement that there is no internet access. The institutions can only use donated computers.

Director Reinke explained that when a former inmate is “gold sealed” it means that they have met all of their obligations and are no longer bound by the state. He further explained that for a former inmate to regain their voting rights, they have to contact the courts.

Inmate Lisle explained that inmates do not qualify for pell grants and felt it was best to go to a community college first then apply for a grant for further schooling.

Director Reinke reported that Idaho ranks in the 40's nationally in funding for education for prisons. He further reported that over half of high school dropouts wind up in prison. He explained that collaboration with the public and private sector is key and the Department cannot accomplish anything without partnerships.

Chairman Nonini thanked the participants for coming and wished them success.

ADJOURN:

As there was no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:25 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 11, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Barry Peters, ID Coalition of Home Educators; Lori Shewmaker; Kirt Naylor, Governor's Task Force on Children at Risk; Linda Patchin, Christian Home Schools of Idaho; Fred Riggers, Sherri Wood, IEA; Amy Condron, Governor's Office; Karen Echeverria, ID School Boards Assoc.; Paul Venable; Julie Lynde, Cornerstone Family Council; Bert Marley, IEA; Jason Hancock, Department of Education

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.

S 1017aa: **Senator Russ Fulcher** presented this bill to the Committee. He explained that this legislation comes from the Governor's Task Force for Children at Risk. The task force originated in 1988 and consists of 20 members of varying backgrounds.

He explained that the legislation clarifies under what circumstances a child may be found to suffer educational neglect by tying this term to the compulsory education requirements of Idaho Code. He explained that the new language will provide guidance to parents, child protection case workers, and the courts in applying this standard.

Sen. Fulcher explained that the bill attempts to correct current language in Idaho Code and give the Department of Health and Welfare more tools to address child neglect cases. The bill defines "neglect" and ties that definition to a section of Idaho Code.

He explained that before the sponsor of the bill, the Governor's Task Force for Children at Risk came to the Legislature they had worked out concerns of the Home Schools Association. He explained that home educators were also looking for a way to clarify Section 33-202 of Idaho Code regarding compulsory school attendance.

Sen. Fulcher explained that public and virtual charter schools were included because when the Code was addressed in 1992, the state did not have public and virtual charter schools.

Sen. Fulcher explained that this legislation would put a tool in the toolbox to allow the Department of Health and Welfare to decide if a child is neglected or not. He explained that the intent of this bill is not to put in place a monitoring system or outline standards for home educators.

He further explained that this is not an intent to try and unify the definition of neglect in other parts of the Code. He explained that there were two amendments to the bill in the Senate which deletes “comparably” on page 4, line 30 and inserts “as defined in section 33-202 of Idaho Code.” The bill is also amended to delete “or at the direction of” replace “otherwise comparably instructed.” **Sen. Fulcher** explained that language was clarified to allow for instances when someone other than the parent or guardian is the instructor.

Kirtland Naylor, an attorney and chairman of the Governor’s Task Force for Children at Risk, **spoke in support for SB 1017aa**. He explained that the Task Force is a diverse group consisting of educators, counselors, attorneys and prosecutors. He explained that the group had heard of children that were suspected of being abused, then the parent pulled the child out of school to home school. He related an instance of a child who was sexually abused then pulled out of school to be home schooled. He explained that most home educators do a wonderful job, but the task force was concerned with the few who would use home schooling to abuse the system.

Mr. Naylor explained that the task force did look at statutes of neighboring states, but found that with home education there were inconsistent definitions of educational neglect. He explained that in most cases where there is educational neglect, there will usually be other forms of neglect. The home educators see this legislation as a step forward.

He explained that the bill was amended in the Senate to clarify language regarding the definition of “comparably” instructed. He explained that idea was to simplify the language and to provide a definition of neglect.

In response to a question regarding when this legislation would be used, **Mr. Naylor** explained that there would have to be a referral to the Department of Health and Welfare of suspected educational neglect. He further explained that there is not a criminal penalty for the parent or guardian, but it would fall back to the Child Protection Act and action could be taken under the Act.

MOTION:

Rep. Durst made a **Motion to send SB 1017aa to the Floor with a DO PASS recommendation.**

In the discussion on the Motion concerns were mentioned regarding “comparably instructed”. It was commented that the intent was to simply make the few that are not getting any education some attention. It was further commented that the collaboration between law enforcement, the Department of Health and Welfare and education has been necessary for a long time.

The lack of a fiscal impact was also mentioned. It was felt that there could be a fiscal impact because more testing would be done in the home and in the schools.

Barry Peters, attorney on the board for the Idaho Coalition for Home Educators spoke in support of **SB 1017aa**. He explained that Home Educators appreciated being asked for input in this legislation. He explained that the California case in which a judge ruled that the parent or guardian had to have a teaching credential to teach their child in the home sparked a desire for them to jump into this discussion. He explained that this ruling was later overturned. As a result of that case, they realized that there was not a clear definition, and began a dialogue. He explained that the amendments are an improvement of the original bill.

VOTE ON MOTION:

On a voice vote, the motion carried. Chairman Nonini will sponsor the bill on the House Floor.

HCR 27:

Rep. Thayne presented this resolution to the Committee. He explained that **HCR 27** asks the Legislature to consider several different issues to improve education including; boost academic achievement by increasing the student's desire to learn, enable parents to become more involved, create grade acceleration exams to encourage students to move ahead, allow early graduation from high school, allow some of the money to follow the student upon early graduation, and work toward every student graduating with a marketable skill.

He explained that he is not talking about vouchers, or encouraging home schooling. He further explained that when parents and teachers work together and have clearly identified goals, there will be better results.

It was commented that there would be a fiscal impact to individual districts by having money follow the students to college who graduate early. It was further commented that there are already mechanisms in place for student advancement including dual enrollment and the use of the Idaho Digital Learning Academy. Rep. Thayne explained that the amounts of money that might follow a student who would graduate early would be up for discussion.

MOTION:

Rep. Hartgen made a **motion to send HCR 27 to the Floor with a DO PASS recommendation**. It was commented that the resolution opens the door for more innovative ideas and encourages parents to become more active in the education of their children.

SUBSTITUTE MOTION:

Rep. Nielsen **made a Substitute Motion to send HCR 27 to General Orders to strike "enabling" parents to become more active in the learning process on line 26 and replace with "encourage"**. Rep. Thayne responded that he used the word "enabling" and defined it as "to provide with the means or opportunity; to make possible, practical, or easy; to give legal power, capacity or sanction.

After hearing the definition, Rep. Nielsen **withdrew his Substitute Motion**.

Lori Shewmaker spoke in **support of HCR 27**. She explained that she is the mother of an 11 year old son. She explained that her son is in 5th grade and is doing 7th and 9th grade work, and is bored in his class.

She explained that under the current system, once his work is done he could become a disturbance in his class. She explained that the public school system should not impede the more advanced students. She further explained that she is not concerned with her son's emotional development if he were to take advanced classes. It was commented that it is not uncommon for students to be enrolled in community college while still in high school and there are good things already happening in the schools.

Paul Venable spoke in **support of HCR 27**. He explained that this legislation would have significant positive impact on education in Idaho. He explained that there is legislation that would will follow this resolution. He explained that parents are more important than the state and the state should recognize the superior role of the parent. He further explained that this resolution would open the door to higher graduation rates and could result in significant savings to the state.

SUBSTITUTE MOTION:

Rep. Chavez made a **Substitute Motion to hold HCR 27** in Committee. She expressed her concern about possible legislation that could follow this resolution. Rep. Thayne explained that there is no legislation planned at this time, and the purpose of the resolution is to stimulate an open ended discussion regarding innovative ideas to improve the Public Education system.

On a voice vote, the Substitute Motion failed.

VOTE ON ORIGINAL MOTION:

On a voice vote, the Original Motion to send HCR 27 to the Floor with a DO PASS recommendation carried with Representatives Chavez, Pence, and Chew voting NAY.

Rep. Thayne will sponsor the resolution on the House Floor.

H 84:

Rep. Pence presented this bill to the Committee. She explained that currently a student who does not reach the age of five prior to September 1st, but attends an out of state kindergarten, is permitted to continue to first grade. If the same student were to attend an in state private kindergarten, the student would be required to repeat kindergarten at the expense of taxpayers. She explained that if this legislation is adopted, the student who attends an in state private kindergarten would be given a first grade entrance exam approved by the State Department of Education. The successful passage of the exam would permit the student to continue on to first grade as those that had attended kindergarten out of state.

Rep. Pence explained that there were some concerns about the cost of the assessment test. She further explained that she and Rep. Durst have researched assessment tests and have found several examples that could be used. She also explained that there were concerns about whether a child would be emotionally ready to move ahead. She explained that the kindergarten teacher would know if the student would be ready to move on and this would be a built in safeguard to ensure the child would be ready. She further explained that the legislation has the approval of the State Department of Education and the Idaho Rural Schools Association.

Rep. Durst provided handouts to Committee members with an opinion from the Attorney General regarding this section of Code. He explained that the Attorney General's opinion states that it has never

been the intention of the Code to have this inequity. He explained that the legislation is trying to provide some safeguards for teachers and parents to do what is best for their kids. It gives the school districts another tool by using an assessment test to make sure these kids are ready to go to first grade even if they are not old enough.

Rep. Pence explained that this legislation could be applied to home schooled children. Rep. Durst explained that this legislation does not change the date when a student starts kindergarten, but it would affect children who go to a private provider in or out of state and they do not meet age requirement for first grade, they could have the choice to attend first grade if they pass the assessment.

MOTION:

Rep. Thayne made a **Motion to send HB 84 to the Floor with a DO PASS recommendation.** He explained that the legislation would affect only a small group of kids and parents would have the choice to send their child to first grade.

Rep. Boe clarified that there are no state kindergartens and there are no state statutes to dictate the age at which a child starts kindergarten.

Karen Echeverria, executive director of the Idaho School Boards Association **spoke in opposition to H 84.** She explained that the legislation only addresses privately educated kindergartners.

SUBSTITUTE MOTION:

Rep. Nielsen made a **Substitute Motion to hold H 84 in Committee.** He explained that he felt this legislation would open the door to pre-K. He explained that he was concerned about the maturity level of children 5 or under.

Rep. Durst explained that kids that go to out of state public or private kindergarten are already able to start kindergarten at an earlier age.

AMENDED SUBSTITUTE MOTION:

Rep. Chavez made an **Amended Substitute Motion to Hold H 84 until time certain, Monday, March 16th** for further clarification. **On a voice vote, the Amended Substitute Motion carried.**

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:55 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 12, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representative Wills

GUESTS: Ann Heltsley, Citizens for Reasonable Taxation; A.L. Wisdom; Harold Ott, ID Rural Schools Assoc.; Sherri Wood, IEA; Mark Browning, State Board of Ed.

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.

MOTION: Rep. Chavez made a motion to approve the minutes from the March 10th and 11th, 2009 meetings as submitted. On a voice vote, the motion carried.

S 1060a: **Senator Tim Corder** presented this bill to the Committee. He explained that this legislation clarifies the process to dissolve a library taxing district. It reaffirms that each county commission involved with a library district shall accept and review a citizen petition requesting dissolution and conduct a public hearing to consider the petition. He explained that the legislation also clarifies that each county commission, after consideration of testimony and information at a public hearing, may rule to dismiss the petition or to put it on a ballot. The bill also limits any dissolution petition to one per every two years once settled by a public vote or county commission ruling.

Sen. Corder explained that the bill is made up of parts of statutes from other parts of Code with the exception of the two year waiting time. He explained that any group of citizens 50 or more can petition the county commissioners to have a hearing and then hear all of the evidence, pro and con to decide if the library district should be dissolved. At that meeting, the county commissioners can make a decision if it is in the best interest of the county to have an election or not.

In response to a question regarding the meaning of the language on page 2, lines 4-6; "when the library district embraces more than one county, the petition and procedure for praying for the dissolution of the district shall be carried forward in each county as though that county were the only county affected", **Sen. Corder** explained that in the case where a library district covers more than one county, each county proceeds as if they were the only one. He further explained that if hearings are held on separate occasions, in the end it requires both counties to affirm.

In response to a question as to why a library district would be dissolved,

Sen. Corder explained that reasons include; people may believe that the formation of the district was incorrect and due to the location of the library, some may not feel that they are being served by it.

It was discussed if the county commissioners should be given the right to decide if there is a valid petition before them. **Sen. Corder** explained that the commissioners have always had this power. He further explained that the commissioners have the right to decide what is in the best interest of the county and they do this in every meeting.

It was commented that there is pending legislation regarding the consolidation of elections and that would affect this bill. It was further commented that if a petition is brought in an even year and the county commissioners decide not to hold an election, then the petitioners would have to wait 3 years instead of 2 because of the pending legislation which states that partisan elections would be held in even years and all other items would be on the ballot in odd years.

Sen. Corder explained that in the last election in Boise County, 81% of the voters voted to preserve the Basin Library District. In response to a question regarding what needs to be fixed, **Sen. Corder** explained that the county commissioners did not think they had the power to make that decision and there are a number of people that are opposed to the library district in Boise County. He further explained that this issue would be resolved with this bill.

It was mentioned that when the library districts were formed populations were different and realignment is needed. **Sen. Corder** explained that there will always be some who will be disadvantaged.

It was commented that by limiting the petitioners to once every two years, it takes away the constitutional rights of citizens. **Sen. Corder** explained that the right to petition is not being taken away and many parts of statutes limits the petitioner.

Sen. Corder explained that the reason behind this bill is that county commissioners were uneasy about this issue and wanted clarity.

Sen. Corder clarified the following; this legislation does not make it easier to dissolve library districts, it does not change the duties of the county commissioners and it also does not advocate for the dissolution of library districts.

John Watts, representing the Idaho Library Association explained that when a library is part of a city it would not be affected by this legislation.

In response to a question as to why two years was chosen to limit the petitions, **Sen. Corder** explained that this was a subjective number and one year is in the current statute. He further explained that two years is reasonable so people can work together and solve issues.

Rep. Nielsen explained that Boise County is part his and **Senator Corder's**

Legislative district and he is aware of the contention regarding this issue. He explained that he felt that people in the minority still have the right to petition as often they want. He further explained that in every area where voting was established, there was a clear mandate from people to keep the library district in Boise County.

Sen. Corder explained that he is willing to accept the will of the Committee should they decide that limiting the petition to every two years is a stumbling block and he could support changing it back to once a year.

Ann Heltsley, representing the Citizens for Reasonable Taxation and a resident of Boise County **spoke in opposition to SB 1060a**.

She explained that the voting for the formation of the Basin Library district in Boise County was held in only one polling place. She explained that this bill would affect the entire state. She further explained that library districts were formed with a broad brush years ago, and things have changed greatly. When the Idaho City library was formed there were only 13 or 14 registered voters in Lowman.

Ms. Heltsley explained that the bill used part of the highway and bridge and irrigation district statutes. She further explained that these statutes only require 25 signatures for a petition for dissolution and this legislation asks for signatures of 10% or a minimum of 50 registered voters to bring the petition. She explained that the problem with limiting the people's right to petition is that it is unconstitutional.

She explained that the issue of a dissolution of a library district has nothing to do whether a library is functional or whether or not the advocates like kids. She explained that more people voted in the last election to not dissolve the library district because it was a general election and there were more polling locations. She further explained that people were not allowed to ask anything except one question, dissolve it or not dissolve it. She explained that a library district cannot be redistricted unless the whole district is dissolved.

Ms. Heltsley explained that only one petition was brought to the county commissioners to ask for dissolution. She further explained that this legislation will affect the entire state and it can be challenged to see if it is unconstitutional.

Ms. Heltsley explained that no other statutes require a two year waiting period.

Mr. Watts explained that the Library Association did not ask for an Attorney General's opinion as to the constitutionality of the two year waiting period for petitioners. He further explained that it is within the constitutional right of the legislature to set policy regarding elections.

In response to a question as to why two years was put into the legislation, **Mr. Watts** explained that in smaller communities libraries are the hub and

every time an election is held, the library must pay for the election. He further explained that there could be a significant fiscal impact to the libraries if elections are held more often.

- MOTION:** Rep. Gibbs made a **Motion to send SB 1060a to the Floor with a DO PASS recommendation.**
- SUBSTITUTE MOTION:** Rep. Thayn made a **Substitute Motion to hold SB 1060a to time certain, Wednesday, March 18th.** He explained that he still has concerns regarding county commissioners determining if dissolution is in the best interest of the district and the county and would like to have time to address these concerns with interested parties.
- AMENDED SUBSTITUTE MOTION:** Rep. Marriott made an **Amended Substitute Motion to HOLD SB 1060a in Committee.** He explained that the will of the people has spoken and this legislation is not needed.
- A.L. Wisdom**, a resident of Boise County explained he is **in opposition to S 1060a** but had no new information to offer.
- Mr. Watts** explained that there are 54 Library Districts in the state.
- Rep. Nielsen commented that he was in favor of the Substitute Motion. He explained that if a library district is in two counties, one county could vote to dissolve and one could vote to keep the library. He explained that there needs to be further work done to resolve a situation like this.
- John Watts** explained that statutory language was put in the bill from the hospital districts as well as from the highway and bridge and irrigation districts.
- Rep. Pence explained that nobody wants to get rid of Library Districts and redistricting should be the solution.
- CALL OF THE QUESTION:** Rep. Durst Called For The Question to end the debate. On a voice vote, the Call of the Question carried.
- ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:** A Roll Call vote was requested on the **Amended Substitute Motion to HOLD SB 1060a in Committee. The Amended Substitute Motion failed, 3-13-1. Voting in favor** to the Amended Substitute Motion were Representatives Shepherd, Marriott and Thayn. **Voting in opposition** to the Amended Substitute Motion were Representatives Shirley, Trail, Block, Nielsen, Chadderdon, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, and Chew. Rep. Wills was absent.
- ROLL CALL VOTE ON SUBSTITUTE MOTION:** A Roll Call vote was requested on the **Substitute Motion to HOLD SB 1060a until time certain, Wednesday, March 18th. The Substitute Motion carried, 11-5-1. Voting in favor** of the Substitute Motion were Representatives Trail, Block, Nielsen, Chadderdon, Shepherd, Marriott, Thayn, Hartgen, Thompson, Durst and Chew.
- Voting in opposition** to the Substitute Motion were Representatives Shirley, Gibbs, Boe, Pence and Chavez. Rep. Wills was absent.

Chairman Nonini explained that the Committee will hear **S 1060a** on Wednesday, March 18th, but will not take much public testimony and interested members should work with **Senator Corder** on possible amendments to the bill.

Rep. Boe mentioned that it was a supreme effort of the Department of Corrections and inmates that presented in the Committee recently and suggested that the secretary draft a thank you letter to Director and to the specific inmates thanking them for their informative and interesting presentation. Chairman Nonini agreed and directed the secretary to draft the letter.

Chairman Nonini announced that agreement has been worked out on legislation replacing **H 117** and thanked the members of the subcommittee for their hard work and dedication. The subcommittee was chaired by Rep. Wills and included Representatives Shirley, Pence and Chavez. He also thanked the stakeholders who worked very hard on compromise language and explained that everyone is in agreement. He further announced that the Committee should see an RS early next week.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:40 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 16, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Rep. Wills
- GUESTS:** Sherri Wood, IEA; Greg Williamson, KBOI News Radio; Harold Ott, ID Rural Schools Assoc.; Phil Homer, ID Assoc. of School Administrators; Wayne Davis, ID Assoc. of School Administrators; Kay Moor, IASA; Joseph Kren, IASA; Byron Yankey, IASA; JoAnn Curtis IASA; Joe Yochum, IASA; Karen Echeverria, ID School Board Assoc.; Jason Hancock, Dept. of Ed.; Roger Sherman
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the March 12th, 2009 meeting as submitted. On a voice vote, the motion carried.
- Wayne Davis**, executive director of the Idaho Association of School Administrators introduced his executive board. Board members included, **Chris Massingale**, executive assistant, **Joe Yochum**, president and regional director who explained that the association has 761 members, **Byron Yanke**, chair of the elementary school principal group made up of 258 members of elementary principals, **Joe Kren**, chair of the superintendent's group and superintendent of Potlatch School District who explained that this group is made up of 136 members of school superintendents, **Kay Moor**, chair of the elementary school principals group and an elementary school principal in Idaho Falls, and **Joann Curtis**, chair of the special education group made up of 77 members. **Mr. Davis** explained that the chair of the secondary principals group, **John Cordell**, could not be in attendance.
- RS 18793:** **Rep. Cronin** presented this RS to the Committee. He explained that the purpose of the legislation is to provide statutory authority for the Idaho Children's Trust Fund to administer or contract out the administration of the Parent as Teachers Program. The legislation also gives the Idaho Children's Trust Fund the authority to pursue grants and other sources of funding to support this program.
- Rep. Cronin** gave a brief background of the Parents as Teachers Program. He explained that the program provides parents with child development information and has over 3,000 sites across the country and is the largest parent organization in the nation.
- He further explained that the goals of the program include; increase parent knowledge, increase student readiness, prevent child abuse and neglect,

and recognize developmental disabilities. He reported that this program was established by an Executive Order of Governor Kempthorne and operated in the state for close to 10 years and was terminated by an Executive Order of Governor Otter due to his concerns regarding the possible misuse of federal funds. He further reported that this bill does not seek General Fund money. He explained that this legislation would create a "bucket" for potential federal funds. He further explained that the mission of Children's Trust Fund goes well with the Parents as Teachers Program.

It was commented that there is a need to have data showing the number of children that have graduated from this program who are school ready. **Rep. Cronin** explained that this information could be incorporated into the legislation. Rep. Durst commented by looking at the Parents as Teacher's annual report, it would speak to readiness and the program would have the latitude to work with the State Department of Education to obtain this data.

MOTION: Rep. Gibbs made a **Motion to introduce RS 18793**. In the discussion on the motion, **Rep. Cronin** explained that he has talked to Governor Otter's staff regarding this legislation and will continue the conversation. Vice Chairman Shirley reported that his home district, Madison School District, still offers the Parents as Teachers Program through a grant offered by the local school district.

On a voice vote, the motion carried.

H 84: Rep. Pence addressed the Committee. She explained that this bill deals with an inequity in statute regarding in state private kindergarten providers be given the same rights as out of state kindergarten providers. Currently a student who does not reach the age of five prior to September 1st, but attends an out of state kindergarten, is permitted to continue to first grade. If the same student were to attend an in state private kindergarten, the student would be required to repeat kindergarten at the expense of taxpayers. She further explained that if this legislation is adopted, the student who attends an in state private kindergarten would be given a first grade entrance exam approved by the State Department of Education. The successful passage of the exam would permit the student to continue on to first grade.

MOTION: Rep. Chavez made a **Motion to send HB 84 to the Floor with a DO PASS recommendation**. Rep. Nielsen commented that he felt that this legislation would open the door for out of state people. He further commented that in Idaho, if door is opened, people will want mandatory kindergarten and would also lead to a call for lowering the age for kindergarten students in the state.

SUBSTITUTE MOTION: Rep. Nielsen made a **Substitute Motion to HOLD HB 84 in Committee**. In the discussion on the motion it was commented that the real target of the legislation is people who live in border communities in which private kindergarten providers compete with their out of state counterparts.

It was further commented that children that attend kindergarten out of state now automatically go on to first grade without having to take an assessment

test, but with this legislation it would require that the child pass an assessment test to see if they are first grade ready. It was also commented that there is no new language in the legislation and it also addresses the readiness concerns. It was further mentioned that this legislation is a way to use existing language and adds an assessment tool. Rep. Nielsen commented that if this legislation passes, there will be some who would like to make kindergarten mandatory and have preschool financed by the state.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was called for on the **Substitute Motion to HOLD H 84 in Committee. The Substitute Motion failed, 5-11-1. Voting in favor** of the Substitute Motion were Representatives Nielsen, Shepherd, Marriott, Gibbs, and Thompson. **Voting in opposition** to the Substitute Motion were Representatives Shirley, Trail, Block, Chadderdon, Thayn, Hartgen, Boe, Pence, Chavez, Durst and Chew. Rep. Wills was absent.

**VOTE ON
ORIGINAL
MOTION:**

On a voice vote, the **Original Motion to send H 84 to the Floor with a DO PASS recommendation carried.** Representatives Nielsen, Marriott, and Gibbs voted NAY.

H 225:

Rep. Thayn presented this bill to the Committee. He explained that the purpose of this legislation is to empower day care consumers with tools useful in identifying quality day care by providing a pamphlet to parents that includes; the important role of parents, the basic characteristics of a quality day care, a link to a Department of Health and Welfare approved website that contains more detailed and expansive information and a Department or other phone number for parents to report unsafe, dangerous, or harmful activities within the day care. He explained that he has talked to the Department and there is a possibility that the pamphlet could be done with their existing budget.

MOTION:

Rep. Durst made a **Motion to send H 225 to the Floor with a DO PASS recommendation.** He explained that it is important that parents know what they are getting in day care. It was commented that there is a day care licensing bill coming from the Senate and Rep. Thayn explained that **H 225** would not be in conflict with that bill. Rep. Thayn clarified that the characteristics of quality day care would be on the Department's website as well as in the pamphlet. Rep. Thayn explained that the Department of Health and Welfare would develop rules to further define quality day care characteristics. He further explained that this legislation is part of the day care licensing bill and in the bill it lists things day cares should have.

On a voice vote, the motion carried.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 17, 2009
- TIME:** 9 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Rep. Boe
- GUESTS:** Sherri Wood, IEA; Nan Merich, IEA; Chanse Balmer, IEA; Aaron Hall, IEA; Andrea Nielsen, IEA; Kerry Ellen Elliott, ID Assoc. of Counties; John Watts, ID Chamber Alliance; Joy Merz, IEA; Dana Harris, IEA; Valerie Williams, IEA; Marilyn Binger, IEA; Lois Willie, IEA; Randy Willie, IEA; John Barker, IEA; Wayne Davis, ID Assoc. of School Administrators; Philip Homer, ID Assoc. of School Administrators; Harold Ott, ID Rural Schools Assoc.; Camille Wells, State Dept. of Ed.; Mark Browning, State Board of Ed.
- Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the March 16th, 2009 meeting as submitted. On a voice vote, the motion carried.
- Chairman Nonini welcomed a group of teachers visiting from Region 5, which represents the Pocatello area.
- RS 18844:** Rep. Thompson presented this RS to the Committee. He explained that this proposed legislation is a Joint Memorial that asks the federal government to identify and provide federal funding for the delivery of the Doctor of Medicine degree in Idaho. He explained that on Line 22 "an allopathic medical school" is the treatment of disease using conventional medical therapy. He further explained that there is a Senate Joint Memorial dealing with a similar topic. He reported that the Senate legislation deals with residency and his proposed legislation deals with a four year degree program. He also reported that there could possibly be federal stimulus money to fund a Doctor of Medicine degree in Idaho.
- Chairman Nonini explained that the current way the state delivers medical education to students in the state is through the WWAMI program and asked if the proposed legislation would affect this program. Rep. Thompson explained that the proposed legislation is just a joint memorial to ask for federal funding and would not affect the WWAMI program. He explained that the federal money received would be specific to the degree of Doctor of Medicine.
- MOTION:** Rep. Gibbs made a **Motion to introduce RS 18844. On a voice vote,**

the motion carried.

H 221:

Rep. Marriott presented this bill to the Committee. He explained that this legislation came from a request of a county commissioner. The proposed legislation adds a new section to provide for the use of excess county liquor fund money for tuition for professional technical students. It also provides for a list of enrollees and declares an emergency to allow for the use of funds for the spring semester.

It was mentioned that how the liquor funds are to be spent is found in Idaho Code, Title 23, chapter 4, section B. It was also mentioned that in rural counties, where there are not as many students attending community colleges, the excess liquor fund money is used for needed county services. Rep. Marriott clarified that in the proposed legislation, county commissioners would be given discretionary authority over these funds.

Rep. Marriott clarified that students can receive up to \$500 per semester and there is a lifetime cap of \$3,000 of tuition aid.

Rep. Hartgen commented that a number of counties under report the number of students attending community colleges and students sometimes claim residency in the host county of the college. He further commented that counties have figured out how to manipulate the numbers. Rep. Marriott explained that community colleges are required to report to the counties the number of students who attend that school.

Rep. Marriott explained that the intent of the legislation is to help those students who want to attend professional technical schools and not community colleges.

Rep. Pence commented that in Gooding County, commissioners sometimes have to find additional money to support their students attending community colleges.

Rep. Marriott clarified that the tuition help goes directly to the community college and not to the student and it would not affect the \$300,000 given to community colleges by the state.

Kerry Ellen Elliott, representing the Idaho Association of Counties, **spoke in opposition to H 221**. She explained that the Association is opposed to **H 221** because many counties are spending beyond what they receive in liquor moneys for their communities and several counties are imposing levies to meet this obligation. She further explained that expanding this benefit beyond the community college system would be difficult for counties and once they assume this responsibility it would be very difficult to pull back. She also explained that the additional cost would have to be paid by taxpayers in the form of a levy. She reported that if there is a surplus, counties can use this money to pay for other county services.

Once funds are exhausted, commissioners have to decide which county

student receives assistance and which does not. She explained that there could be an influx of students who want this benefit. She further explained that if the county wants to independently contract with professional technical schools they can do that without putting it in statute.

Ms. Elliott explained that the Association is also concerned about a possible technical issue with the legislation. She explained that the definition of post secondary professional technical institutions is not clearly defined and could include other colleges such as Stevens Henagar College.

It was mentioned that the emergency clause contained in the legislation could have the potential for county budget problems. It was further mentioned that although it is discretionary for the counties, there will be great pressure on them for these services.

Ms. Elliott explained that there is a formula used to put money into the community college fund. She gave two examples of counties including Cassia County, which received about \$69,000 in liquor funds and had to pay out approximately \$290,000 in tuition costs and Ada County, which received about \$2 million in liquor funds and their obligation was about \$150,000 to the community college account.

John Watts, representing the Idaho Chamber Alliance **spoke in support of H 221**. He explained that there is a need for professional technical graduates to fill various positions in the state. He pointed out that on line 14 of the bill it states “may” and the counties are not obligated to pay additional tuition money for professional technical students. He explained that this is a limited bill and it has a good purpose. He further explained that the legislation would give the state another tool in recruiting workers.

MOTION:

Rep. Hartgen made a **Motion to hold H 221 in Committee**. In the discussion on the motion, he explained that this bill would expand the cost to the host counties of community and professional technical colleges. He further explained that counties are using this money in other ways and it would encourage under reporting for other counties.

It was commented that community colleges receive funds from counties where they voted to establish the college. The requirements to establish residency was discussed. It was mentioned that proof of residency is not required. It was also mentioned that the county has to keep track of where the student lives and also has to verify the addresses. It was commented that there is a \$3,000 lifetime limit in tuition aide and the students could have attended school in different counties. It was also commented that this is a big issue for counties that have community colleges.

Rep. Durst commented that there is a lack of clarity as to what constitutes a post secondary professional technical institution. He also mentioned that the emergency clause in the legislation could impact county budgets

Rep. Marriott explained that he was not aware of the potential problems

discussed by committee members and if there are problems, there is a need to look at them. He reported that 5,944 students graduated last year from post secondary professional technical schools from 6 different districts. He explained that the reason for the emergency clause in the legislation was to assist students immediately. He also reported that he changed the date in the legislation to September 30th to coincide with county budgeting.

VOTE ON THE MOTION:

On a voice vote, the **Motion to HOLD H 221 in Committee carried with Representatives Marriott and Trail voting NAY.**

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:30 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 18, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Rep. Nielsen

GUESTS: A.L. Wisdom; Annie Heltsley; Cadey Hull, ID School Boards Assoc.; Sherri Wood, IEA; Jan Sylvester, ID PTA; Harold Ott, ID Rural Schools Assoc.; Mark Browning, State Board of Ed.; Bert Marley, IEA; Jan Wall, ID Commission for Libraries; Mike Vuittonez, Meridian School District school board member

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.

RS 18869: Chairman Nonini presented this RS to the Committee and Vice Chairman Shirley chaired the meeting. He explained that **RS 18869** is a compromise piece of legislation and commended Rep. Wills, Vice Chairman Shirley, Rep. Pence and Rep. Chavez for their hard work on the subcommittee which met for four weeks. He also commended the Idaho Education Association, the Idaho Association of School Administrators and the Idaho School Boards Association for their work on this compromise legislation. He explained that if the RS is introduced, it is his intention to have a full bill hearing on Friday, March 20th.

He explained that the purpose of the legislation is to amend code sections 33-402 related to notice requirements, 33-515 related to issuance of renewable contracts, and code section 33-601 and 33-801 that cross reference 33-402 and 33-801. The legislation also adds a new code section 33-522 that relates to financial emergencies.

MOTION: Rep. Gibbs made a **Motion to introduce RS 18869**. Chairman Nonini explained that there is no known opposition to this legislation. Rep. Wills commented that there will be some things that people will see and will be talking about it.

On a voice vote, the motion carried.

S 1060a: **Sen. Corder** presented this bill to the Committee. He explained that the Committee has heard three days of testimony on this bill and addressed some concerns that have been expressed by Committee members.

He explained how issues are handled between counties if more than one

county is involved is already addressed in section 33-127a of Idaho Code. He further explained that there was a concern expressed about the two year waiting period for petitioners to ask for consideration of a petition to dissolve a library district. He explained that **H 102**, which this year has passed through both the House and Senate, states that whenever any school district, road district, herd district, or other district has heretofore been modified after a lapse of two years, no challenge shall be heard or considered after seven years.

MOTION: Rep. Gibbs made a **Motion to send SB 1060a to the Floor with a DO PASS recommendation**. In the discussion on the motion, Rep. Gibbs commented that after three days of testimony, the committee members have heard from all sides. He further commented that two years between petitions is reasonable. **Sen. Corder** explained that he did not believe county commissioners would limit petitioners to 7 years even though **H 102** gives them this right.

Rep. Thayn expressed his concerns with lines 25-27 on page 2 of the bill. He explained that if the commissioners from more than one county covered by a library district, either county could determine the dissolution of the library district if they feel it is not in the best interest of the county.

It was commented that two out of the three county commissioners have to stand for elections every two years and if the voters do not agree with their decisions, they could be voted out.

SUBSTITUTE MOTION: Rep. Thayn made a **Substitute Motion to send S 1060a to General Orders**. He explained that he would propose an amendment that would deal with lines 25-27 on page 2. He further explained that he might propose elimination of the last sentence in subsection 5 on page 2 of the bill on lines 25 through lines 27. He explained that he also might also propose an amendment to add that the county commissioners can determine the best interests of the county, but it would still go to the voters.

CALL FOR THE QUESTION: **On a voice vote, the Call for the Question carried.**

ROLL CALL VOTE ON SUBSTITUTE MOTION: A roll call vote was requested on the **Substitute Motion to send S 1060a to General Orders**. The roll call vote failed, **8-9-1**. **Voting in favor** of the Substitute Motion were Representatives Chadderdon, Shepherd, Wills, Marriott, Thayn, Hartgen, Thompson and Chew. **Voting in opposition** to the Substitute Motion were Representatives Shirley, Trail, Block, Gibbs, Boe, Pence, Chavez, Durst and Nonini. Rep. Nielsen was absent.

A. L. Wisdom spoke in opposition in S 1060a. He explained that there is a number of provisions in the proposed bill that are vague and ambiguous.

He further explained that the legislation is an attempt to preserve one unconstitutionally formed library district, but would affect all of the library districts in the state. He asked that the Committee hold **S 1060a** in Committee.

Jan Wall, representing the Idaho Commission for Libraries explained that the Boise Basin Library district was not established unconstitutionally. She further explained that there is nothing in the bill that is not already allowed in statute. She explained that current law is not clear enough and clarity is needed.

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

A roll call vote was requested on the **Original Motion to send S 1060a to the Floor with a DO PASS recommendation**. The roll call vote carried, **11-5-1. Voting in favor** of the Original Motion were Representatives Shirley, Trail, Block, Chadderdon, Wills, Gibbs, Boe, Pence, Chavez, Durst and Chew. **Voting in opposition** to the Original Motion were Representatives Shepherd, Marriott, Thayn, Hartgen and Thompson. Rep. Nielsen was absent.

RS 18852:

Vice Chairman Shirley presented this RS to the Committee and explained that the Co-sponsor of the proposed legislation is **Rep. Jarvis**. He explained that there is a concern that was brought to his attention in the Madison School district. The district is building several new schools and they were concerned that they were required to pay for two plan reviews for an additional cost to the district of \$240,000.

Rep. Jarvis explained that school districts are paying twice for the same thing. He further explained that all parties involved agreed at the onset that it did not make any sense to have two plan reviews. All school district building plans are required to be approved by the local government and the Division of Building Safety. He explained that in the proposed legislation it states that the local government can charge whatever fee they want as long as it not more than the fee charged by the Division of Building Safety. The proposed legislation also makes it possible for the local government to partner with the Division of Building Safety.

MOTION:

Rep. Thompson made a **Motion to introduce RS 18852**. In the discussion on the motion, Rep. Boe mentioned that she is aware of legislation in the Senate regarding the building of "green" schools which adds a person to inspect the building to make sure the building is energy efficient. Chairman Nonini explained that the Senate bill was referred to the House Environment, Energy & Technology Committee yesterday. Vice Chairman Shirley explained that there would be no conflict with the Senate bill and the proposed legislation. He explained that **RS 18852** is a simple plan review of school building plans.

Kelly Pearce, Administrator of the Division of Building Safety commented that there would be no conflict with the Senate bill. He further commented that the review proposed by the Senate bill can be done independently of the plan review and the two can co-exist.

Rep. Jarvis explained that the proposed legislation eliminates the need for

school districts to do double plan reviews. He also clarified that when there is not an eligible local government entity to do the plan review, then the Division of Building Safety would be used.

On a voice vote, the motion carried.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:50 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 19, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Jan Sylvester, ID PTA; Jared Tatro, Office of Performance Evaluations; Cadey Hull, ID School Boards Assoc.; Mark Browning, State Board of Ed.; Suzanne Budge, SBS Associates LLC; Benjamin Davenport, Risch Pisca; Wayne Davis, ID Assoc. of School Administrators; Sherri Wood, IEA; Bert Marley, IEA

Chairman Nonini called the meeting to order at 9:10 and a silent roll was taken.

RS 18873: Chairman Nonini presented this RS to the Committee and Vice Chairman Shirley chaired the meeting. He explained that **RS 18873** is a replacement for **H 118**. He explained that the intent of the proposed legislation to help school districts keep more money in their transportation costs.

He explained that **H 118** created winners and losers among school districts. He explained that if the proposed legislation passes, there would be a \$4.2 million savings to the General Fund made up of a \$2.5 million savings in the state no longer reimbursing for transportation costs for field trips, and \$1.7 million savings in changing how districts are reimbursed for transportation costs. He explained that currently school districts can choose to be reimbursed on either the cost per mile or the cost per student rider. He explained that the intent was to have the districts who have a denser population use the per rider reimbursement and the rural districts use the per mile reimbursement. He reported that out of the \$1.7 million savings to the State by changing the reimbursement methods, \$1.4 million is allocated to the Boise School District.

Chairman Nonini explained that the proposed legislation states that districts who have 20 or more students per square mile would be considered a high density district and would be reimbursed at the cost per rider. He further explained that the reimbursement rate would change from 85% to 50%. The reimbursement money would be in the form of block grants that the districts would apply for.

He further explained that after FY2010, transportation reimbursements would be calculated in support unit growth.

Chairman Nonini explained that the intent of the proposed legislation is to try to find savings so teachers do not have to take further pay cuts.

MOTION:

Rep. Nielsen made a **Motion to introduce RS 18873.**

In response to a question regarding reimbursement of transportation costs for virtual charter schools, Chairman Nonini explained that virtual charter schools do have some transportation costs in transporting equipment and the proposed legislation tries to keep costs neutral. He further explained that this question would be answered more thoroughly should the bill be printed and a hearing held.

Rep. Durst requested a detailed matrix that indicates the transportation cost per district and also a breakdown by district of field trip costs.

Chairman Nonini explained that this issue was not worked on by a subcommittee due to time constraints. He further explained that **H 118** was replaced by the proposed legislation with changes in response to concerns from various stakeholders. He also explained that prior to **H 118**, weekly meetings were held with the Department of Education and interested stakeholders. He reported that this issue has been discussed since January.

Chairman Nonini clarified that athletic trips are not reimbursed currently by the state.

Rep. Durst requested copies of the number of school districts in the state and their number of students per square mile.

On a voice vote, the motion carried with Representatives Durst and Chew voting NAY.

Chairman Nonini welcomed former Education committee member and Representative, Mike Mitchell to the Committee.

Chairman Nonini announced that the Committee will meet at 8 A.M. tomorrow morning to hear an RS regarding eliminating early teacher's retirement and freeze part of the teacher's pay grid. He explained that this would affect 23% of teachers.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 20, 2009

TIME: 8 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representative Marriott

GUESTS: Anne Ritter, Meridian School District School Board Trustee; Greg Williamson, KBOI news radio; Dr. Harriet Shaklee, U of I extension; Connie Davis, Parents as Teachers; Kathie Garrett, lobbyist; Sherri Wood, IEA; Bert Marley, IEA; Eldon Wallace; Harold Ott, ID Rural Schools Assoc. and ID Assoc. of School Administrators; Pat Stephens, Family Advocates; Hillarie Barela, Family Advocates; Karen Echeverria, ID School Boards Assoc.; Roger Sherman, ID Children's Trust Fund; Wayne Freedman, Council School Board member; Dr. Patrice Burgess, University of Idaho

Chairman Nonini called the meeting to order at 8 A.M. and a silent roll was taken.

MOTION: Rep. Chavez made a motion to approve the minutes from the March 17th and March 18th, 2009 meetings as submitted. On a voice vote, the motion carried.

H 245: **Rep. Cronin** presented this bill to the Committee. He explained that the purpose of this legislation is to provide statutory authority for the Idaho Children's Trust fund to administer or contract out the administration of the Parents as Teachers Program. He explained that the Parents as Teachers program is an international parent education organization serving families throughout pregnancy until their child enters kindergarten.

He explained that at the height of the program, there were over 1,000 on the waiting list. He reported that there have been success measures that shows that the program works. He further reported that parents usually stick with this program for several years and it increases parent's knowledge, confidence and ability. He explained that screening is also a part of this program.

Rep. Cronin explained that **H 245** does not identify a funding source or ask for money from the General Fund. He explained that there is federal legislation called the Education Begins at Home Act which is currently before Congress. The bill would give funding to the states based on their population of children ages 3 to 5.

Rep. Cronin explained that families find out about the Parents as Teachers Program from local agencies and some school districts. Parents can choose

parts of the program they would like to be involved in, however, the program is comprehensive by nature. Parents do not sign a contract and it is voluntary throughout the program. **Rep. Cronin** clarified that monthly home visits are one of the primary parts of the program.

MOTION:

Rep. Thompson made a **Motion to send H 245 to the Floor with a DO PASS recommendation.**

In response to a question regarding how the program is administered, **Rep. Cronin** explained that if the parents decline a home visit, no one will followup and ask them to participate. The program is voluntary. If the educator goes into the home and finds evidence of abuse or neglect, they would be obligated to report this.

Dr. Harriet Shaklee, from the University of Idaho extension program **spoke in support of H 245.** She provided copies of the Idaho Parents as Teachers 2007 annual report. She reported that 3,500 families and over 5,000 children were served in 2005. She further reported that almost 49% of the families served were low income and almost 12% were single parents. She explained that the most common departure point was when the child entered kindergarten. Parents increased in their knowledge of child development and felt better connected with other families. The program also establishes regular family reading time and activities with children. The outcomes for children included, better school readiness and advantages in school programs through the 3rd grade.

In response to a question regarding if parenting skills are declining, **Dr. Shaklee** responded that parenting skills are not going down, but more is expected of children than in the past. She explained that there is a need for the program because there are children who still struggle.

In response to a question regarding the costs of the Parents as Teacher Program compared to those of pre-kindergarten and Head Start, **Dr. Shaklee** explained that the Parents as Teachers Program cost is approximately \$800 per child and Head Start is about \$7,000 per child.

Dr. Shaklee explained that the program operated in the state for close to 10 years and was started originally from a grant from the Albertson's Foundation. The program was terminated in 2007 by an executive order from the Governor because of the possible misuse of TANF funds from the Department of Health and Welfare.

In response to a question regarding the positive long term economic impact to the state, **Dr. Shaklee** explained that there are return investments on early childhood programs and savings to the justice system.

Connie Davis, representing Parents as Teachers program and the contract administrator involved for last 8 years with the program, **spoke in support**

of H 245. She discussed the possible future funding potential from the federal government. She reported that there are 8 Parents as Teachers programs operating in the state currently. These programs are in Pocatello, Idaho Falls, Coeur d'Alene, Caldwell, Boise and in three school districts including Middleton, Mountain Home and Rexburg.

She further reported that the Parents as Teachers program is present in all 50 states and internationally. The program is celebrating it's 25th anniversary this year. She also reported that Idaho has been a star in this program.

Roger Sherman, executive director of the Idaho Children's Trust Fund **spoke in support of H 245.** He explained that the mission of the Idaho Children's Trust Fund is to strengthen families to prevent abuse and neglect. He further explained that the trust fund was created in 1985 and receives no appropriation funds and is funded by a checkoff on tax forms. He explained that the Parents as Teachers program is compatible with their goal. He further explained that the trust fund already makes grants on a regional basis.

Mr. Sherman clarified that the Trust Fund currently pays the Treasurer's Office and the State Tax Commission for administrative costs.

Hillarie Barela, a parent participating in Parents as Teachers Program **spoke in support of H 245.** She explained that she and her husband became parents at 18 and moved to Boise from a small town. They became involved in the Family Advocate program (Parents as Teachers program) and found a new family and support system. They have been a part of the program for almost 3 years. She explained that the parent educator comes to their home once a week and does activities with her children. She reported that she sees a difference in her children and any of their concerns are answered by the parent educator. She explained that she loves the visits and it gives her confidence to be the best mom she can be. She also explained that by attending the group meetings once a month, they have the opportunity to network with other parents. They also have the opportunity to take their children to places they normally cannot afford. She concluded that she and her husband are always learning new things and would like to see other families learn about this program.

Ms. Barela explained that the group meeting is usually made up of about 8 families of different ages. She further explained that she has never felt that the home educator has intruded in her life and the educator has never offered any unwanted information.

Rep. Cronin thanked Rep. Durst for getting involved in this legislation. He explained that this is a program that works and it has been proven in Idaho.

VOTE ON MOTION:

On a voice vote, the motion carried.

HJM 7:

Rep. Thompson presented this memorial to the Committee. He explained that the purpose of this memorial is to ask the federal government to identify

and provide federal funding for the delivery of the Doctor of Medicine degree in Idaho.

MOTION: Rep. Gibbs made a **Motion to send HJM 7 to the Floor with a DO PASS recommendation.**

In response to a question as to the reason for the proposed legislation, Rep. Thompson explained that the intent is to ask for funding and the funding would be used at the discretion of the State Board of Education. He further explained that it was not his intent to leave out any kind of medical program. In response to a question regarding the reason for bringing forward this legislation, Rep. Thompson explained that it started with a discussion with some members of the congressional delegation to see if Idaho could get some federal dollars.

On a voice vote, the motion carried.

Dr. Patrice Burgess, representing the University of Idaho **spoke in opposition to HJM 7**. She explained that there is a Senate Memorial on the House Floor regarding the medical residency program to lift the cap of federal funding. She explained that she is not supportive of asking for new federal money. She further explained that Idaho currently offers 3 out of the 4 years program through the WWAMI program for medical education and feels this program is the best way to move forward.

Chairman Nonini explained that the cost per student for the WWAMI program is about \$40,000 to \$50,000 and the average annual cost to have a medical school in the state is about \$80,000 per student. Rep. Thompson explained that **HJM 7** does not compete with the Senate memorial and would not affect funding for WWAMI program.

There was a short discussion regarding the vote on **HJM 7** in light of the testimony provided by **Dr. Burgess**. Chairman Nonini announced that he and the sponsor would meet with leadership and will report back to the Committee next week.

RS 18878: Chairman Nonini presented this RS to the Committee. He explained that this is the third piece of legislation to get moving through the process that needs to be passed so that JFAC can set a lower budget in FY10 than in FY09. **RS 18878** deals with a one year freeze on the teacher's pay grid and a repeal of the early retirement incentive program. He explained that the early retirement would be cut in half for FY10 and then be eliminated. He explained that should the RS be printed, the Committee will have a bill hearing on Tuesday, March 24th.

He explained that the one year freeze addresses only those who are moving down the grid, not across the grid. He further explained that by doing the freeze, it would result in a \$6 million savings to the State. He explained that this needs to be put in Code because the state would be obligated to pay money out even if local districts froze the pay on the grid.

He also explained that the early retirement incentive is cut by one half of for

fiscal year 2010 and eliminated for the following year. Teachers that apply for early retirement this year are paid out of next year's appropriation. The average pay out is in the \$17,000 to \$18,000 range and would be cut in half. He explained that he would like to propose adding language to the emergency clause in section 7 of the bill on page 4. The language added would be "shall be in full force and effect on and after passage and approval and **retroactively to March 1, 2009.**

Rep. Chavez commented that she cannot support this legislation and asked why there was no sunset clause. Chairman Nonini explained that by eliminating the early teacher retirement program, it would result in a salary savings to teachers by .5%.

Chairman Nonini reported that freezing by freezing the pay grid for one year, it would affect 23% of the teachers in the state. **Jason Hancock**, from the Department of Education explained that based on percentages of 5 years ago, there was about a \$4 million cost to the state of teachers moving across the grid. The Department felt that teachers should be allowed to move across the grid because they have paid for professional development credits.

Chairman Nonini explained that both the pay grid and the early teacher retirement is in the same bill in an effort to get both passed at once and to be expedient.

MOTION:

Rep. Thayne made a **Motion to introduce RS 18878 with the correction outlined by Chairman Nonini.**

Rep. Durst explained that he will support the motion to print **RS 18878** but he will not support this bill when it comes back to Committee. He further explained although the legislation would save the state money, the cost to the Boise School District will be high.

Chairman Nonini clarified that both pieces deal with same section of Idaho Code and both deal with teacher compensation.

On a voice vote, the motion carried with Representatives Trail, Boe, Pence and Chavez voting NAY.

H 252:

Chairman Nonini presented this bill to the Committee. He explained that this legislation is the result of a lot of hard work done by the subcommittee chaired by Rep. Wills and stakeholders. He discussed the new section of the legislation which outlines how financial emergency really happens and how it gets declared. He further explained that the legislation give options and flexibility for the local school districts regarding declaring a financial emergency. He explained that the district can declare a financial emergency if their anticipated expenditures and revenue is less than 5 ½ % of the school district's unrestricted general fund budget. He explained that all of the stakeholders agreed to these numbers. He further explained that the financial emergency would be effective for one fiscal year at a time. The proposed legislation also contains a sunset clause. He reported that the current financial emergency that the state finds itself in is what is driving this legislation.

The ability to go to their local school districts for due process hearing was

added to the legislation. He explained that this would be not a short process. He further explained that the state would probably see this played out in next week and a half with teachers who are starting to negotiate their contracts.

Rep. Chavez clarified the time line in the legislation. She explained that June 22nd is the date boards need to set their budgets and to send their notices, but the process time line is 67 days.

Chairman Nonini explained that if there is an increase of funding in the future, the financial emergency would go away.

Chairman Nonini clarified that the due process language in the legislation is existing language taken from other parts in the Code.

Karen Echeverria, executive director of the Idaho School Boards Association testified **in support of H 252**. She thanked those who participated in the negotiations for this legislation and reported that they did not get everything they wanted. She explained that the Committee will hear from teachers and trustees because they did not get everything they wanted. She further explained that legislation is the art of compromise and the group accomplished their goal. She reported that this legislation will give districts flexibility. She explained that if this legislation is passed, the state will see school districts declaring financial emergencies in the next few days.

In response to a question regarding when the financial emergency could be met, **Ms. Echeverria** explained that districts would look at their unrestricted fund balance and determine if the fund balance is 5 ½% of their total budget, then a financial emergency could be declared. This emergency can be met anytime during the year. She explained that there are school districts already that would qualify, but she did not have a list of these districts. In response to a question regarding which districts have supplemental levies, **Ms. Echeverria** explained that there are 61 districts with levies.

MOTION:

Rep. Thompson made a **Motion to send H 252 to the Floor with a DO Pass recommendation**.

Sherri Wood, president of the Idaho Education Association, **spoke in support of H 252**. She expressed her appreciation for the collaboration on this legislation. She explained that the state is facing an economic crisis and the IEA believes there is ample state money to fund any needs. She further explained that this legislation states that a financial emergency can be declared at the local level and the tools to do this already exist. She also explained that there is a combination of conditions that make it difficult to declare a financial emergency. The legislation requires school districts to meet certain conditions, asks local school districts to negotiate in an expedited time frame, and ensures due process rights. She explained that the legislation is not perfect and there are parts the Association does not like.

Ms. Wood explained that the Association believes that the public school budget could be kept whole by using part of stabilization fund and federal funding.

In response to a question regarding the differences between **H 117** and **H**

252, Jason Hancock, from the State Department of Education explained **H 252** lays out a more formal and lengthy process than **H 117** regarding declaring a financial emergency and due process.

Harold Ott, executive director of the Idaho Rural School Association and standing in for **Dr. Wayne Davis**, executive director of the Idaho Association of School Administrators **spoke in support of H 252**. He explained that this legislation is an example of best compromise one can have. He reported that under the leadership of Rep. Wills, the subcommittee was outstanding. He also reported that under **Dr. Davis'** leadership, they had conversations with every region of administrators and boards during the entire time of negotiation. He explained that no business manager wants to use this process.

Anne Ritter, a trustee for the Meridian School Board, **spoke in support of H 252**. She explained that under current law, the only option is to let teachers go in tough economic times. This legislation offers options that would not affect student teacher ratios. She explained that this is a statewide problem, but solutions are local.

Wayne Freedman, president elect of the Idaho School Boards Association and also representing Council School District, **spoke in support of H 252**. He explained that in the Council district there is a 25 to 30% unemployment rate. They have a \$2 million budget and they ended year with \$6,000 account balance. They had to consolidate services and eliminated many programs. He reported that the ability to pass a supplemental levy is non-existent for his district. He further reported that the district is above the state average in proficiency levels with all of these cuts. He explained that this legislation will help them in their district.

Rep. Wills thanked those who worked so hard on this compromise bill. He explained that the group met more than once a day and this legislation is one of a kind for Idaho. He explained that everyone came to the table because they had a desire to make something work.

Chairman Nonini reported that **Jan Sylvester**, representing the Idaho PTA was also involved in the negotiations.

Rep. Pence explained that it was an honor to work with everyone and explained that the legislation is a legal document and would not be challenged on legal basis. Rep. Chavez also expressed her thanks and appreciation to all involved. She explained that this legislation could be a template for other states to follow.

On a voice vote, the motion carried.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned at 11:15.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 23, 2009
- TIME:** 8 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representative Thompson
- GUESTS:** Sherri Wood, IEA; Wayne Davis, ID Assoc. of School Administrators; Harold Ott, ID Rural Schools Assoc.; Janet Orndorff, Boise School District Trustee; Nancy Gregory, Boise School District Trustee; Angie Spracher, Nampa School District; Carol Sayles, Middleton School District; Barbara Crow, IEA; Marty Meyer, IEA; Mark Browning, State Board of Ed.; Jared Tatro, Office of Performance Evaluations; Benjamin Davenport, Risch Pisca; Bert Marley, IEA; Jason Hancock, State Dept. of Ed.
- Chairman Nonini called the meeting to order at 8 A.M. and a silent roll was taken. He welcomed two members of the Coeur d'Alene Education Association.
- MOTION:** Rep. Wills made a motion to approve the minutes from the March 19th, 2009 meeting as submitted. On a voice vote, the motion carried.
- H 225:** Rep. Thayn presented this bill to the Committee. He explained that this bill was pulled back to Committee because of his concerns regarding the intent of the bill. He explained that when wrote **H 225**, it was intended to apply to all day care providers. He proposed an amendment to the bill, which inserts language including providers who operate a group day care facility or a day care center. He further explained that currently in code, day care facility is defined as 7 or more kids.
- Rep. Durst explained that there are day care providers caring for 7 children or less that receive ICCP (Idaho Child Care Program) payments from the state and questioned why they would not be included by the legislation. Rep. Thayn explained that it was not his intent to exclude anyone and would include those receiving ICCP payments. Rep. Durst explained that he could bring another amendment to include these day cares receiving ICCP payments and Rep. Thayn agreed with the additional amendment.
- MOTION:** Rep. Hartgen made a **Motion to send H 225 to General Orders** with the amendments proposed by Rep. Thayn and Rep. Durst. **On a voice vote, the motion carried with Rep. Gibbs voting NAY.**
- H 256:** Chairman Nonini presented this bill to the Committee and Vice Chairman

Shirley chaired the meeting. Chairman Nonini explained that a new SOP has been drafted by **Jason Hancock** of the State Department of Education and copies were given to Committee members. He explained that the fiscal note is more accurate and more detail is given.

Chairman Nonini explained that this bill is part of a package of bills to give JFAC some direction to set the Public Education budget next Monday, March 30th. He explained that this bill eliminates state reimbursement for field trips and changes the reimbursement rate for transportation costs from 85% to 50%. He further explained that block grants will be available to the school districts so they will be kept whole. After FY10, there is a calculated growth factor for support units. He explained that the goal is to have school districts look for efficiencies by providing the block grant incentive. He explained that this legislation is part of Superintendent Luna's "10 bad ideas" to cut the public school budget.

He explained that the state is in a financial crisis and no one wants to eliminate funding for field trips, but cuts need to be made.

Jason Hancock, from the State Department of Education addressed the Committee. He explained that this legislation is not something the Department wanted brought forward. He further explained that options are limited and revenues coming into the State General Fund are down. He explained that **H 256** follows along with the priorities Superintendent Luna outlined, which is to minimize any impact to student teacher contact time and teacher resources for the classroom. He explained that transportation costs represent overhead costs, and that each dollar spent on transportation is a dollar that cannot make it into the classroom. It is essential that all overhead costs be scrutinized.

He provided copies of a letter dated March 18th, 2009 from the House and Senate Education chairmen to the co-chairs of JFAC which offers a time line for the bills that affect the budget number to move through the process. On back of the letter, there is a table for the budget if these bill are moved through. He explained that the table shows the general fund target number for the public education budget of \$1.32 billion. He further explained that this target is a substantial reduction compared to the 2009 number of \$1.48 billion. He explained that the Department has been working with JFAC trying to use federal stimulus money and apply these dollars under proposed teacher cuts. He explained that if **H 256** passes, there would be a savings of \$4.2 million. He further explained that if **H 256** does not pass, then JFAC would still reduce the budget for public schools and it would grow the amount of the salary cut.

Rep. Durst questioned the necessity of **H 256** and asked what the annual amount of money was for the \$350 spent per teacher for supplies. **Mr. Hancock** clarified that the state spends over \$5 million per year for supplies. He also explained that the Superintendent's goal is to maintain student teacher contact time and maintain resources for the classroom. He further explained that the \$350 per teacher for supplies will be cut by 14%.

In response to a question regarding why there was no sunset clause in the bill, **Mr. Hancock**, explained that they do not know how deep the economic hole is and how long it will last. He further explained that as soon as the state budget recovers, the Department will start restoring programs that have been eliminated. He explained that field trips are part of the educational experience and the Department wants to fund these trips when things get better.

Rep. Hartgen commented that field trips could be funded by local districts He further commented that individual districts could choose to cut trips for athletics and put that money into field trips.

MOTION:

Rep. Gibbs made a **Motion to send H 256 to the Floor with a DO PASS recommendation.**

Rep. Trail questioned whether the data for the Moscow School District was current. **Mr. Hancock** explained that the number of students per square mile includes charter schools and when this law would be applied, these numbers would be pulled out. By pulling these numbers, Moscow School District would be below the 20 students per square mile and therefore would not be considered a high density district.

In response to a question regarding why other areas were not cut, **Mr. Hancock** explained that the Department looked at everything and textbooks will be cut by 50% and teacher supplies by 14%. He further explained that the plan was developed by looking at maintaining student teacher contact time.

Rep. Durst questioned the need to cut public education with \$114 million in the state's Stabilization Fund (PESF). **Mr. Hancock** explained that nobody wants to cut field trips, but the parameters were established by JFAC, and if they decide not to cut in one area, they will have to cut somewhere else. He further explained that the Department plans to withdraw approximately \$40 million from stimulus dollars to cover shortfalls.

Rep. Wills commented that Rep. Durst's questions were out of the order regarding this bill, because **Jason Hancock** is an employee of the Department and cannot answer questions regarding the thinking behind budget cuts.

Mr. Hancock explained that the legislation requires that high population density school districts be measured based on the cost per student rider, for the purpose of the pupil transportation cost cap. He provided a handout to Committee members of school districts and the funding formula if high density district and charter schools are required to use the cost per rider. He explained that 17 districts have to operate cost per rider. He further explained that only two districts would be impacted by this and six charter schools. By using this formula, it would result in a \$1.5 million savings to the state. He explained that the Twin Falls school district would qualify as high density district, but there would be no impact because cost per rider is more favorable.

Mr. Hancock explained the last part of the bill. He explained this legislation reduces the state reimbursement match from 85% to 50% for all transportation reimbursements with the exception of bus purchases and maintenance and converts the dollars saved into a pupil transportation block grant. He explained that this would be cost neutral for every district for FY2010. He further explained that dollars could be applied to pupil transportation costs, but the district could spend it on other things.

Mr. Hancock reported that this part of the legislation would be providing a carrot for districts controlling costs and keeping overall transportation costs down. He also clarified that it would not matter if the definition of a support unit is changed down the road as this legislation establishes the cost per support unit.

Mr. Hancock explained that charter schools do not have to offer transportation, and that is why there is a variance in costs.

Dr. Wayne Davis, executive director of the Idaho Association of School Administrators **spoke in opposition to H 256**. He explained that the incentive to provide block grants is a good concept, the Association struggles with the field trip issue and cannot support impacts on high density areas. He provided a handout to Committee members which outlined transportation cost saving examples from various districts across the state. He explained that high density districts have the same safety issues as rural districts. He further explained that this bill focuses on saving the state money, but does not address safety.

Chairman Nonini commented that the responses from the school districts were to **H 118** not **H 256**. Dr. Davis agreed that this was the case. Chairman Nonini further commented that it was great to see that the districts are already doing these cost savings and with the passage of the legislation, they could get back 50 cents on the dollar rather than 15 cents. **Dr. Davis** commented that if we are already doing these things, why are we looking at changing the formula. **Dr. Davis** further commented that the legislation is a good solution for the short term, but not for the long term.

Harold Ott executive director for the Idaho Rural Schools Association **spoke in opposition to H 256**. He explained that the Association has concerns with three elements in the bill. These elements include field trips, high density, and the new formula. In discussing the field trip piece, he explained that in challenging times districts face financially, districts did know this would happen and have spent a lot of money on field trips and will not be reimbursed next year with the passage of this legislation. He explained that he has only been contacted by one district in the state that wanted to make a change. He explained that the hope is to not encourage districts to compromise safety issues to save money.

Janet Orndorff, a Boise School District Trustee for 18 years, **spoke in**

opposition to H 256. She explained that the Boise school District stands to lose \$1.45 million in transportation funding if this legislation passes. She made the following points; there are restrictions for high density districts, calculations do not add up, there are concerns about the no reimbursement for field trips since school districts are paid a year after the transportation occurs and districts have already incurred these expenses.

Chairman Nonini questioned how much money the Boise School District will receive in IDEA federal stimulus money. **Ms. Orndorff** and **Superintendent Stan Olson** reported that this has not been calculated yet. Chairman Nonini reported that he has found out that Boise School District will receive about \$6.2 million in IDEA funds and suggested that perhaps half of this money could be used for transportation costs. **Mr. Olson** replied that federal funding for special education services is about 17% and it is supposed to be 60%. He further replied that the concept of shifting dollars would be challenging to the district.

In response to a question regarding what suggestions she would have to find \$1.4 million in savings if this legislation does not pass, **Ms. Orndorff** explained that she would look at cutting non statutory items, such as textbooks, classroom supplies and remedial dollars. She further explained that there is a need to look at these items for the good of the children. She further explained that she understands that we are in difficult times, but does not want to make cuts in the wrong places.

Bert Marley, representing the IEA **spoke in opposition to H 256.** He explained that the Association feels that this bill is not necessary and the state does not need to cut educational funding. He expressed his concern that this is cost neutral, but after 2011 it ceases to be cost neutral. He explained that the Association is also concerned that there is no sunset clause in the legislation. He further explained that there is a need to go back and look at it and see if it is doing what it is supposed to be doing and make changes in the future.

Nancy Gregory, a Boise School District Trustee **spoke in opposition to H 256.** She explained that according to the current State Department of Education's spread sheet, Boise School District is currently using the most advantageous reimbursement rate. She also explained that in the OPE report, they indicated they had difficulty understanding the ideas for bus efficiency and asked how districts know how many kids actually ride the bus. She explained that several years ago, the Boise School District handed out free hamburger coupons to bus riders. She further explained that by knowing how many students ride the bus, the district was able to reduce 6 routes and consolidate others. She explained that the Boise School District is building a new bus barn almost 2 miles closer than the current location. She reported that the District had an increase of 5% of transportation costs and the state average was 36% increase.

Jason Hancock pointed out that as outlined in the IASA handout; the good

work that is being done makes the case for block grants and the ability for districts to retain more of the savings that they generate. He explained that the State Department does not have the numbers for transportation costs broken out for charter and virtual charter schools. He further explained that charter schools give the Department an estimation of transportation costs and they are given money up front. That money is trued up and they are treated exactly the same as a school district.

Mr. Hancock clarified that the Department's transportation inspectors do visit virtual charter schools and it is a level playing field. He also clarified that 5 or 6 districts are using hardship waivers.

Rep. Chavez commented that this is an issue of fairness and the legislation is penalizing districts for being efficient. She gave an example of a teacher who received two grants from the Governor's Office which had field trip components. She had a concern about fulfilling the grant with the elimination of the state reimbursement for field trips. **Mr. Hancock** explained that the Department is not happy about removing funding for field trips, but as soon as dollars are up, they will bring back reimbursements for field trips. He further explained that the school districts could decide if field trips are worthwhile, then they can pay for it. He also explained that athletic departments have talked about maybe reducing the number of games, so there could be a few dollars that could be used for field trips.

Rep. Gibbs restated his **Motion to send H 256 to the Floor with a DO PASS recommendation.**

SUBSTITUTE MOTION:

Rep. Durst made a **Substitute Motion to HOLD H 256 in Committee.** In speaking to his motion he explained that he felt there were three points why this legislation is bad. There is a question of need, and there are other ways to address the \$4.2 million. There is an issue of fairness, and the state should not change the rules of the game after school districts have already taken field trips. The last issue is one of safety. He explained that he does not want to put kids at risk and by making kids walk a longer distance to school, it is putting their safety at risk.

Rep. Boe spoke in support of the Substitute Motion. She explained that she applauds people trying to find ways to save money but she is concerned about districts experiencing declining enrollment. She felt that a lot of districts are already operating as efficiently as they can.

Chairman Nonini spoke in support of the Original Motion. He explained that the date to set the public education budget is a week away and the Committee does not have the luxury to sit down with stakeholders to work out compromises.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

A roll call vote was called for the **Substitute Motion to HOLD H 256 in Committee.** The **Substitute Motion failed, 6-10-1. Voting in favor** of the Substitute Motion were Representatives Trail, Boe, Pence, Chavez, Durst, and Chew. **Voting in opposition** to the Substitute Motion were Representatives Shirley, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Gibbs, and Hartgen. Rep. Thompson was absent.

VOTE ON

On a voice vote, the **Original Motion to send H 256 to the Floor with a DO**

**ORIGINAL
MOTION:**

PASS recommendation carried with Representatives Boe, Pence, Chavez, Durst and Chew voting NAY. Chairman Nonini will sponsor the bill on the House Floor.

Chairman Nonini announced that due to the lateness of the hour, **H 224** will be rescheduled for a later time.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 11:05 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 24, 2009
- TIME:** 8 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** None
- GUESTS:** Jack Rayne, Div. of Building Safety; Arlan Smith, DBS; Patrick Grace, DBS; Kelly Pearce, DBS; Matt Newton, Benton Construction; Jan Sylvester, ID PTA; Wayne Davis, ID Assoc. of School Administrators; Phil Homer, IASA; Paul Aston, Minidoka County; Sherri Wood, IEA; Barbara Croft, IEA; Jimmie Brodin, City of Nampa; Jeanne Johnson, IEA; Erik Makrush, ID Assoc. of Building Officials; Greg Kiestler, IEA; Laurie Kiestler, IEA; Katholyn Howell, IEA; Virginia Jones, IEA; Emilie Lewis, IEA; Linda Law, IEA; Richard Law, IEA; Harold Ott, ID Rural Schools Assoc.; Karen Echeverria, ID School Boards Assoc.; Jason Hancock, State Dept. of Ed.; Mark Browning, State Board of Ed.; Mike Vuittonet, Meridian School Dist.; Carol Sayles, Luci Willits, State Dept. of Ed.; Supt. Tom Luna, State Dept. of Ed.
- Chairman Nonini called the meeting to order at 8 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a motion to approve the minutes from the March 20th, 2009 meeting with the following additions; on page 3, second paragraph strike "international" and insert "internationally" and on page 6, at the end of the second paragraph, last sentence add the following; "but the process time line is 67 days". On a voice vote, the motion carried.
- Chairman Nonini welcomed a group of teachers from Region 6 in eastern Idaho.
- H 262:** Chairman Nonini presented this bill to the Committee and Vice Chairman Shirley chaired the meeting. Vice Chairman Shirley announced that many have signed up to testify and the floor session starts at 10:30 A.M. and asked testifiers to be brief.
- Chairman Nonini explained that this bill is the third piece of legislation that deal with code changes to allow JFAC to set the Public Education budget that will be lower than previous years. He explained that **H 252** dealt with teacher contracts, **H 256** dealt with transportation and now **H 262** deals with freezing the teacher pay grid for one year and eliminates the early retirement incentive . He further explained that there is a new Statement of Purpose for this bill that is more detailed.
- He explained that the purpose of the this legislation is to reduce the cost of

the FY 10 Public Schools appropriation to minimize the amount that will have to be cut from teacher and other K-12 staff salaries. The legislation will put a one year freeze in the movement on the state salary reimbursement grid for years of experience. It also phases out the Early Retirement Program for teachers.

He explained that the ERIP program would be cut in half for FY 10. He further explained that teachers retiring this year would receive one half of their payment FY 2010.

Mr. Hancock explained that the freezing one year of experience movement on the state salary reimbursement grid will save an estimated \$6.13 million in FY10. He further explained that the phasing out of the Early Retirement Program will save \$2.0 million in FY10. In total, this bill will save the state General Fund \$8.13 million in FY 2010.

In response to a question regarding the necessity to change Code, **Mr. Hancock** explained that the state is required to fund the movement in the grid.

Chairman Nonini explained that this would be a one year freeze and there would be no provision to jump ahead two years once the grid is not frozen. Teachers would lose a year movement on the grid.

Rep. Durst questioned the need for the legislation with federal stimulus money and \$114 million in the state Public Schools Stabilization Fund. **Superintendent Luna** responded that the state will use part of the Stabilization Fund to cover shortfalls and will probably have to tap the fund again. He further explained that Stabilization fund moneys would be used so school districts will not have to make budget cuts in the middle of the year.

Tim Hill, from the State Department of Education addressed the Committee. He provided copies of a handout that outlined the payout for the Early Retirement Program. He explained that there are no right or wrong answers and the outcomes are the functions of assumptions. He explained that administrators were removed from this program several years ago. He explained that the chart used numbers from the IEA, and an analysis was done.

In response to a question regarding if an analysis was done on the phase out of the Early Retirement Program of one half, **Mr. Hill** explained that there was not. He further explained that if a teacher decides to stay an additional three years and they have not reached the rule of 90, their retirement pay would increase.

Jason Hancock, from the State Department of Education addressed the Committee. He explained that the state would save money because those teachers who are the most experienced are higher on the grid, and when they retire, they are usually replaced by lower paid teachers. He explained that there is an assumption made that every teacher who takes early retirement but would not retire without this incentive. He further explained that this is not the case, and in some cases this incentive gets them to retire early.

He explained that teachers who take this benefit and receive this money, but

would take a hit on their PERSI if they retire early. He explained that there is another assumption that every teacher who retires is replaced by a minimum paid teacher. He explained that new teachers get hired all of the time and the majority of teachers are probably minimum salary teachers.

Rep. Durst commented that if a district is contractually obligated to pay for this program then they would have to pay for it.

Rep. Pence commented that at 55 years of age, teachers get 55% of their allocation. **Mr. Hancock** explained that if a district has more experienced teachers, they would get more money.

Mr. Hancock clarified that if a teacher reaches the rule of 90, they do not qualify for the early retirement incentive. He further explained that one of the main reasons the early retirement program was put in place was that the state wanted to move forward in the technology area and teachers that did not want to use technology could take an early retirement.

Rep. Chavez commented that it is not just about money. She explained that her husband taught middle school with a master's degree for 30 years. They could not afford to invest when they young and they did take an early retirement incentive when he retired after 32 years. She explained that it is important to understand that teachers are not bailing out to get a big check. She further explained that early retirement money gets invested to have something to fall back on.

Mr. Hancock explained that administrators were taken out of program several years ago and the state did not see an increase in the grid. He further explained that because this is a phase out approach for FY 10, one cannot say more or less teachers will take it. He explained that no other state employee gets this benefit.

Mr. Hancock explained that movement on the grid represents a 3.75% raise. He also explained that if **H 262** does not pass, it would be an equivalent of about 1% reduction to pay cuts.

In response to a question regarding what proportion move sideways on the pay grid, **Mr. Hancock** replied that about 15% are moving across. He also clarified that the freezing of the grid also applies to administrators.

Rep. Durst called for the **Division of the Question**. He explained that according to **House Rule 15**, any member of the Committee may call for the Division of the Question. He explained that according to **House Rule 15**, any bill with two different issues in it can be divided into two separate parts. He further explained that there are two issues in this bill. He would like to separate freezing the grid and the issue of the early retirement. Chairman Nonini, explained that both issues are found in same section of Idaho code.

The committee was put at ease.

Vice Chairman Shirley called the meeting back to order. He explained that

the Speaker was consulted regarding **House Rule 15** and he explained that if the bill is divided into two parts, there would be two new RS's drafted and two new bills would be made. He further clarified that **House Rule 15** would be requested in the form of a Motion. Rep. Boe explained that if the bill is separated into two new bills, a hearing could be held together and most of the hearing has been conducted already.

MOTION:

Rep. Durst made a **Motion to invoke House Rule 15, the Division of the Question**. In speaking to his motion, Rep. Durst explained that he would like to separate the section dealing with early retirement incentive from the section on freezing the pay grid. He further explained that it is clear they are two different questions and are in the same title, but they deal with different issues in the same subject. He explained that he would have a difficult time voting on this legislation as written as he has different views on different parts.

Chairman Nonini spoke against the motion. He explained that he understood the comment and the two issues could stand alone, but they both deal with the same Code section, teacher compensation. He explained that there is a time issue and this bill should stand together.

Rep. Boe supported the Motion. She explained that the fiscal impact is already separated and there has been a hearing on both already. She further explained that she understood there is a time factor for JFAC to set the budget, but there are ways to speed up action on the Floor and the time factor should not be an impediment.

Rep. Wills spoke against the Motion. He explained that both issues are in the same part of Idaho Code and are subsections of a chapter. He further explained that there is a long ways for this process to go through.

On a voice vote, the Motion failed.

Dr. Wayne Davis, executive director of the Idaho Association of School Administrators **spoke in support of H 262** but expressed his concerns. He explained that he supports the need for adjusting salaries in this process, but asked that the process for funding have a minimal impact to the formula. He also explained that he was concerned about freezing the pay grid. He asked that this decision be made at the local level.

Dr. Davis explained that the Early Retirement program is a tool for many administrators to see who should be leaving the profession and it would be difficult for administrators to eliminate this program.

Sherri Wood, president of the IEA **spoke in opposition to H 262**. She explained that she understands difficult decisions have to be made. She further explained that there are a group of legislators who believe everyone ought to suffer and another group that are opposed to early retirement incentives. She also explained that freezing the experience steps will affect more teachers than the 23% reported by the sponsor. She provided a handout to Committee members that showed the salary allocation schedule. She reported that 22% of teachers are in middle of grid and approximately 45% would be affected by the freeze.

She explained that the Association feels that the Legislature does not need to cut teacher's salaries at all. She further explained that state employees salaries have increased 15% in the last several years and teacher salaries have increased only 8%. She explained that the solution to the problem would be to recommend to JFAC to find best the course of action at the local level. She explained that the Early Retirement System is an important program to the state. She further explained that the number of female teachers who started their teaching career at age 22, then took time off to stay home with children, cannot reach rule of 90. She reported that when the state implemented this program, the districts did away with their early retirement programs. She explained that the IEA evaluated ERIP program, and making the assumption that teachers usually retire at age 60, and the average teacher taking advantage of ERIP program is 58 years old. She explained that the savings to the state is in excess of \$90 million over the last 10 years. She further explained that under current Idaho law, teachers have a vested right to ERIP. She explained that **H 262** will be subject to legal challenge if enacted.

In response to a question regarding how the freeze will affect teachers when they retire, **Ms. Wood** explained that the teacher's retirement is based on the cumulative amount of money over time and if they lose a year, they would need to stay in the system a year longer.

Harold Ott, executive director of the Idaho Rural Schools Association, **spoke in opposition to H 262**. He explained that he realizes cuts need to be made. He explained that when serving on the Rural Task Force, the number one goal was the teacher demand issue. He explained that it is the unintended consequence of freezing the pay grid to keep and retain qualified teachers.

Chairman Nonini concluded and responded to comments. He reported that there are about 13,000 teachers in Idaho and about 230 a year access ERIP. This represents less than 2% of teachers using this incentive.

Jason Hancock clarified that 22% of teachers would be affected by freezing the grid for FY 2010.

Chairman Nonini explained that when state employees got pay raises it was by merit and teachers do not get paid by merit. He further explained that everyone could have a different assumption regarding the savings of the ERIP program. He further explained that the ERIP program is not a vested right, it is not on the negotiation table, and is not negotiated in any teacher contract. He explained that there is a need to look at the whole state. Some state employees are losing their jobs and there is a need to look at the big picture. He concluded that in other states, teachers are being laid off and Idaho is keeping teachers employed.

MOTION: Rep. Nielsen **made a Motion to send H 262 to the Floor with a DO PASS recommendation and send directly to the Seconding Reading calendar.**

SUBSTITUTE MOTION: Rep. Chavez made a **Substitute Motion to HOLD H 262 in Committee to time certain, Friday, March 27th to amend bill to make more clear the freeze on pay grid.** She explained that decisions can be made and addressed at the local level.

She further explained that funds are available and by freezing the pay grid, it could seriously undermine the recruitment and retainment of teachers.

CALL OF THE QUESTION:

Rep. Gibbs Called for the Question on the Substitute Motion. On a voice vote, the call carried.

VOTE ON SUBSTITUTE MOTION:

On a voice vote, the **Substitute Motion to HOLD H 262 until time certain, Friday, March 27th failed.** Representatives Trail, Boe, Pence, Chavez, Durst and Chew voted AYE.

Rep. Durst commented that the legislative process is supposed to take time and be deliberative and by rushing this legislation through the process, it sends a message to constituents that legislators do not care what they think.

ROLL CALL VOTE ON ORIGINAL MOTION:

A Roll Call vote was called for on the **Original Motion to send H 262 to the Floor with a DO PASS recommendation and directly to the Second Reading calendar.** The Roll Call vote carried, **10-6. Voting in favor** of the Motion were Representatives Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Gibbs, Hartgen and Thompson. **Voting in opposition** to the Motion were Representatives Trail, Boe, Pence, Chavez, Durst, and Chew.

H 251:

Rep. Jarvis presented this bill to the Committee. He explained that this legislation will authorize school districts to elect whether they will have the Division of Building Safety or the local jurisdiction in which the school will be located perform the school plan review for building construction when the proposed work is valued in excess of \$100,000, so long as the plan review is performed by a person with the appropriate certifications.

He explained that while the committee was meeting earlier this morning, groups that had concerns with this bill have worked out their differences. He reported that the bill has the full support of all interested stakeholders and there is no opposition.

Kelly Pearce, administrator of the Division of Building Safety explained that the bill meets all objectives that they set out to meet and it is a huge win for the locals.

Rep. Jarvis explained that they will come back next session with amendments, but want to advance this legislation this year to save the school districts money.

MOTION:

Rep. Wills made a **Motion to send H 251 to the Floor with a DO PASS recommendation.**

Leon Duce, representing the Association of Idaho Cities explained that the Association has agreed to support this bill as written and will come back next year with changes.

Karen Echeverria, executive director of the Idaho School Boards Association stood in **support of H 251.**

Mike Vuittonet, representing the Meridian School District, spoke in support of **H 251.** He explained that the Meridian School District spent over \$700,000

in duplicate fees over the last 10 years.

In response to a question regarding the availability of qualified inspectors locally, **Kelly Pearce** explained that there are jurisdictions that have fully qualified people, and **H 251** gives local jurisdictions flexibility. He further explained that local jurisdictions could contract with the Division of Building Safety for electrical and plumbing inspections.

On a voice vote, the motion carried.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 10:30 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: March 25, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Chairman Nonini

GUESTS: Susan Bradley, National Federation of the Blind; Sherri Wood, IEA; Ray Lockary; Michael Graham, Idaho Division of Vocational Rehabilitation; Aylee Schaefer, State Board of Education; Robin Nettinga, IEA; Mark Browning, State Board of Ed.; Dr. Mike Rush, State Board of Ed.; Mary Dunne, ID School for the Deaf and Blind

Vice Chairman Shirley called the meeting to order at 9 A.M. and a silent roll was taken. He explained that Chairman Nonini was attending another Committee meeting.

S 1074aa: **Dr. Mike Rush**, executive director of the State Board of Education presented this bill to the Committee. He explained that this legislation is part of the package that the Governor's office and the State Board worked on to streamline and focus the State Board's activities. He further explained that the Governor felt that the State Board of Education needed to be a policy making board and this piece of legislation is consistent with that philosophy.

He explained that the purpose of this bill is to provide for improved educational opportunities for deaf and blind students across the state. It replaces the current School for the Deaf and Blind with the newly created Idaho Bureau of Educational Services for the Deaf and the Blind and creates a Board of Directors to govern the Bureau's activities. The Bureau will be charged with working with school districts across the entire state to ensure the delivery of services to students in need and may operate a residency program. He explained that while the Bureau remains under the authority of the State Board of Education, this bill removes the State Board from the day to day program operations.

Dr. Rush explained that the Idaho School for the Deaf and Blind (ISDB) has been administered by the State Board since it's beginning and has been treated as a state agency. He further explained that ISDB offers statewide services and provides support for children not of school age. He explained that ISDB is a unique entity in the state and is similar to other school districts. He also explained that ISDB needs a group to focus on their particular needs and still recruit teachers that have to have specific expertise.

Dr. Rush explained that the language in the bill was modeled after language

in the legislation that created the Idaho Digital Learning Academy. He further explained that the IDLA operates statewide. He also explained that the Board of Directors would be appointed by the Governor and the Board would elect the Administrator. He explained that this legislation facilitates the transfer of new employees to the new structure. **Dr. Rush** introduced **Mary Dunne**, Superintendent of ISDB and **Aylee Schaefer**, transition coordinator for deaf and blind services for the State Board of Education.

Dr. Rush explained that ISDB had some unresolved issues and a summit was convened and a professional was hired to facilitate the summit. He explained that anyone who was interested was invited to participate and about 140 attended. He further explained that the summit was organized allow everyone to participate. As a result of the summit, there were 8 recommendations made. One was an advisory committee to implement recommendations. **Dr. Rush** complimented **Aylee Schaefer** for her hard work on this summit.

In response to a question regarding the possibility of separating education services for the deaf and blind students in the state, **Dr. Rush** explained that the school has worked hard to address concerns and they do serve students with multiple disabilities. He further explained that there would be representation from both the deaf and the blind on the Board of Directors. He also explained that the Board of Directors would wrestle with this issue. He also clarified that the State Board of Education will still have rule making authority for ISDB.

Dr. Rush clarified that the School will not have individual bonding power with this legislation and would still would be a state entity.

Mary Dunne explained that there are 79 students on campus and the school also serves an additional 1,015 through outreach programs.

There was a concern expressed regarding the language in the bill that states that the school “may” operate a residential school. **Ms. Dunne** clarified that it was not her understanding that this would open the door for the possibility of closing the residential school. She explained that this language would give flexibility to the school to meet the changing needs of the students. **Dr. Rush** commented that it would be hard to have an outreach program without a residential school. He further commented that at the summit, the deaf population were more in favor of a residential school than the blind population. He also clarified that the intent of the language is to require the operation of a residential school.

Dr. Rush clarified that the school will still be funded by the state and the language in the bill regarding average daily attendance funding is language regarding the use of lottery funds.

In response to a question regarding the standards and requirements for graduation from ISDB, **Ms. Schaefer** explained that the standards and requirements are similar to those of the public schools. **Dr. Rush** explained that the Department of Education would be tied to the school because the Superintendent of Public Instruction would serve as head of the Board of Directors.

Ms. Schaefer explained that there are separate standards for those who are deaf and those who are blind or visually impaired. The standards also address those with additional disabilities. She further explained that these standards were approved last year by the State Board and there were no standards in place previously. The standards consist of 50 specific goals.

Dr. Rush explained that there were no concerns expressed from the blind and deaf community regarding this legislation when it was heard in the Senate Education Committee. He further explained that the bill was amended to include a representative from both communities on the Board of Directors.

In response to a concern expressed regarding language in the bill giving the Administrator of ISDB the right to release a student not making progress, **Ms. Dunne** explained that this language is the same as existing language. She further explained that she has never seen this applied in her 37 year tenure at the school and she would never make a decision to release a student without input from the IEP team. **Dr. Rush** explained that there has not been any issues at the Board level regarding this language.

MOTION:

Rep. Wills made a Motion to send S 1074aa to the Floor with a DO PASS recommendation. In speaking to his motion, he explained that he has had the opportunity to go to ISDB's winter retreat and was impressed with what he experienced. He further commented that the individuals at the school receive the best care and attention. He explained that this legislation is heading down the right path and endorsed the residential facility.

Susan Bradley, first vice president of the National Federation of the Blind in Idaho **spoke in support of S 1074aa.** She explained that she feels that education for the blind and deaf should be separated and this legislation is the first step.

Ray Lockary spoke in support of S 1074aa. He explained that he attended the Summit meeting and this legislation is one of the outcomes from that meeting. He further explained that the language was modified in bill to include a deaf and blind person and that makes this legislation better. He further explained that the Advisory Council would be in Board rule and it would be hard to dismantle it.

In response to a question regarding the structure of schools for the deaf and blind population in other states, **Ms. Schaefer** explained that other states were looked at and the way schools are managed vary greatly. She explained that she will formally gather the information from other states for the Committee members and send it to the secretary.

In response to a question regarding the possibility of shutting down the residential school without the advice and consent of the legislature, **Dr. Rush** explained that this would not be the case according to information the Board received from the Attorney General. He further explained that this legislation is one of the recommendations from the summit and the residential school is necessary to meet the needs of students. He further explained that the standards that were adopted require a full continuum of services.

Rep. Pence commented that she attended part of summit and congratulated **Dr. Rush** in handling the situation he inherited regarding the School for the Deaf and Blind.

VOTE: **On a voice vote, the motion carried. Vice Chairman Shirley and Rep. Pence will sponsor the bill on the House Floor.**

ADJOURN: There being no further business to be brought before the Committee, Vice Chairman Shirley adjourned the meeting at 10:05 A.M.

Representative Mack Shirley
Vice Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 27, 2009
- TIME:** 8:30 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Representatives Trail, Block, Nielsen, Wills, Thayn, Boe, Chavez and Chew
- GUESTS:** Mark Cotner, COSSA; Cadey Hull, ID School Boards Assoc.; Tamara Baysinger, Public Charter School Commission; Benjamin Davenport, Risch & Pisca; Dick Ledington, Division of Professional Technical Ed.
- Chairman Nonini called the meeting to order at 8:40 A.M. and a silent roll was taken. He explained that several of the members were involved in other meetings and would not be in attendance.
- RS 18891:** **Mark Cotner**, executive director of COSSA (Canyon-Owyhee School Service Agency) presented this RS to the Committee. He explained that COSSA is a five school district cooperative service agency in Canyon and Owyhee counties comprised of Homedale, Marsing, Notus, Parma and Wilder school districts.
- He explained that the purpose of this legislation is to provide increased opportunity and efficiency for the operation of cooperative school agencies. Section One of the proposed legislation would allow a cooperative service agency (consortium) to act as its own fiscal agent for the purpose of providing an alternative school program. He further explained that COSSA has its own school board with oversight. Currently it costs \$20,000 per year to send funds for the alternative school program to individual districts rather than directly to the consortium. This is double the work and double the expense. Passage of the proposed legislation would save the consortium \$20,000. He explained that there have been no objections from the State Department of Education or the consortium regarding the proposed legislation and he has worked with Tim Hill and Jason Hancock from the Department in drafting this the legislation.
- MOTION:** Rep. Durst made a **Motion to introduce RS 18891. On a voice vote, the motion carried.** Chairman Nonini announced that the intent is to have a bill hearing on this legislation on Tuesday, March 31st.
- RS 18866:** **Luci Willits** from the State Department of Education presented this RS to the committee. She explained that the State Department of Education was appropriated \$50,000 last year to form a Task Force to come up with a statewide teacher evaluation model. Rep. Chavez served on this committee.

She explained that the proposed legislation is the one statutory change required by the recommendations of the Teacher Evaluation Task Force. While most of the recommendations will be proposed through the rule making process, the Task Force also recommended that all teachers be included in the recommended performance evaluation standards and processes. Under current law, teachers employed under Category 1 contracts are not required to be evaluated. This legislation deletes this exemption. She explained that the Task Force felt that beginning teachers should have the opportunity to be evaluated and given good feedback. She further explained that this concept has broad support from all interested stakeholders.

MOTION: Rep. Thompson made a **Motion to introduce RS 18866. On a voice vote, the motion carried.**

RS 18867: **Ms. Willits** introduced this RS to the Committee. She explained that the purpose of this legislation is to provide school districts with the opportunity to provide virtual education programs and programs that are a blend of traditional and virtual programs. It also provides methods for counting average daily attendance in such programs, and allows school districts to use a portion of its state salary funds to pay for the cost of virtual courses, including virtual dual credit courses. She further explained that this is an innovative way to educate students but there is currently no funding mechanism for this.

In response to a question regarding how the IDLA (Idaho Digital Learning Academy) would fit into the proposed legislation, **Ms. Willits** explained that this would allow the school district to choose any virtual program and IDLA would be included. She further explained that the proposed legislation would help IDLA to expand their services.

Rep. Durst commented that higher education is going in this direction of offering blended classes. He questioned if there was a way to require school districts to make sure that they have the expertise to implement a blended program such as knowledge of high speed internet, etc. **Ms. Willits** responded that the Department would look into this and would report back to the Committee.

MOTION: Rep. Shepherd made a **Motion to introduce RS 18867. On a voice vote, the motion carried.**

Chairman Nonini announced that it is his intention to schedule all three bills introduced today for a bill hearing on Tuesday, March 31st.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

- DATE:** March 31, 2009
- TIME:** 8 A.M.
- PLACE:** Room 148
- MEMBERS:** Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew
- ABSENT/
EXCUSED:** Rep. Trail
- GUESTS:** Jan Sylvester, Idaho PTA; Harold Ott, ID Rural Schools Assoc.; Sherri Wood, IEA; David C. Lewis, MEA; Robin Nettinga, IEA; Phil Homer, ID Assoc. of School Administrators; Jason Hancock, State Dept. of Ed.; Mark Browning, State Board of Ed.
- Chairman Nonini called the meeting to order at 8 A.M. and a silent roll was taken.
- MOTION:** Rep. Chavez made a Motion to approve the minutes from the March 23th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Chavez made a Motion to approve the minutes from the March 24th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Chavez made a Motion to approve the minutes from the March 25th, 2009 meeting as submitted. On a voice vote, the motion carried.
- MOTION:** Rep. Chavez made a Motion to approve the minutes from the March 27rd, 2009 meeting as submitted. On a voice vote, the motion carried.
- S 1159:** **Senator John Goedde** presented this bill to the Committee. He explained that this bill will eliminate the financial incentive for public school districts to deconsolidate. He explained that the Office of Performance of Evaluations did a study on the consolidation of services to make schools more efficient. He further explained that voters choose to deconsolidate, and this has a financial impact. He explained that the bill no longer allows school districts to deconsolidate and receive financial funding based on the size of the district after deconsolidation.
- Sen. Goedde** explained that the bill does not address charter schools and virtual charter schools. He further explained that in the case of school districts, voters decide if they should deconsolidate, and in the case of charter and virtual charter schools, they have to go to their trustees if they decide to deconsolidate.

In response to a question as to why the charter schools were not included

in the legislation, **Sen. Goedde** explained that charter schools may draw down the attendance of area schools and if the voters choose to make themselves smaller districts, the state should not reward them financially.

In response to a question regarding why school districts should be penalized for deconsolidation, **Sen. Goedde** explained that school districts would still be able to deconsolidate if they choose to, but this legislation would not give them a financial incentive.

Jason Hancock, from the State Department of Education discussed the table of divisors on page 2 and page 3 of the bill. He explained that if a school district has 800 students, then the divisor would be 18.5 to arrive at the number of the support units which would be funded by the state.

In response to a question regarding the divisor for exceptional education support units, **Mr. Hancock** explained that this percentage is set by rule and money is carved out which is meant to recognize that there are a certain number of children in any school district are exceptional and either in special education programs or in gifted and talented programs. This gives additional dollars to districts for these students. He explained that this is a percentage of the total students in a school district and is an arbitrary percentage which is calculated the same for all districts. **Mr. Hancock** explained that state funding for alternative schools is based solely on attendance. He further explained that if there were elementary alternative schools the legislature could devise a new divisor.

Sen. Goedde explained that deconsolidation has happened only twice in the last 9 years. He further explained that recently school districts in the Riggins and the Lake Pend Oreille areas have deconsolidated because some segments of the population felt that they were not adequately represented.

It was mentioned that school districts could deconsolidate but keep administrative costs together. **Sen. Goedde** explained that there is no need for duplication, but some districts may have the desire to duplicate.

MOTION: Rep. Nielsen made a **Motion to send S 1159 to the Floor with a DO PASS recommendation.**

SUBSTITUTE MOTION: Rep. Durst made a **Substitute Motion to send S 1159 to General Orders** with an amendment to include charter schools and virtual charter schools. Rep. Chavez seconded the motion.

Rep. Thayne explained that he was uncomfortable sending the bill to General Orders without input from those who would be affected and felt this would be premature.

AMENDED SUBSTITUTE MOTION: Rep. Marriott made an **Amended Substitute Motion to HOLD S 1159 in Committee.** He explained that deconsolidation should not be based on finances.

ROLL CALL VOTE ON A roll call vote was called for the Amended Substitute Motion to **HOLD S 1159** in Committee. The **Amended Substitute Motion failed, 4-12-1.**

**AMENDED
SUBSTITUTE
MOTION:**

Voting in favor were Representatives Shepherd, Marriott, Thayn, and Hartgen. **Voting in opposition** were Representatives Shirley, Block, Nielsen, Chadderdon, Wills, Gibbs, Thompson, Boe, Pence, Chavez, Durst and Chew. Rep. Trail was absent.

Rep. Nielsen explained that the House is considering a bill regarding charter schools. This bill outlines that charter schools would be open about what they want to accomplish and that the amendment to the bill would not help this situation.

Rep. Boe clarified that the charter school bill just requires a hearing with the Charter School Commission, but the voters will not have a say. She further explained that the Charter School Commission would not get involved unless district says no to the charter school.

Chairman Nonini explained that he would not be comfortable with the Substitute Motion without discussion of the proposed amendments with the Charter School Commission.

Rep. Durst mentioned that the vote of the people is critical and this is why the amendment is important. He explained that the he would be willing to amend his Substitute Motion to hold **S 1159** to time certain, Wednesday, April 1st to allow time to discuss the proposed amendment with the Charter School Commission.

Chairman Nonini spoke against the Substitute Motion. He explained that school districts that lose students to charter schools still receive about 90% of their ADA money the first year after a charter school is formed. Rep. Nielsen mentioned that if the bill is sent to General Orders, it would most likely die because the session is drawing to a close.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was called for the **Substitute Motion to send S 1159 to General Orders with amendments proposed by Rep. Durst. The Substitute Motion failed, 5-11-1. Voting in favor** were Representatives Boe, Pence, Chavez, Durst and Chew. **Voting in opposition** were Representatives Shirley, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Gibbs, Hartgen, and Thompson. Rep. Trail was absent.

**VOTE ON
ORIGINAL
MOTION:**

On a voice vote, the **Original Motion to send S 1159 to the Floor with a DO PASS recommendation carried. Rep. Nielsen will sponsor the bill on the House Floor.**

ADJOURN:

As there was no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 8:50 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 2, 2009

TIME: 8 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representatives Marriott and Chew

GUESTS: Bert Marley, IEA; Sherri Wood, IEA

Chairman Nonini called the meeting to order at 8 A.M. and a silent roll was taken.

MOTION: Rep. Wills made a motion to approve the minutes from the March 31st, 2009 meeting as submitted. On a voice vote, the motion carried.

S 1154: **State Treasurer Ron Crane** presented this bill to the Committee. He explained that the Idaho School Bond Guaranty was created in 1999 to provide an “aaa” rated credit enhanced program for school districts.

He explained that this Program allows school districts to sell voter approved bonds with the best credit rating possible (“aaa”) and obtain lower interest rates. The estimated total interest cost savings is \$26 million from bonds issued and are guaranteed to date.

Treasurer Crane explained that since this Program has begun, it has guaranteed a total of \$820.4 million of school bonds of which there is currently \$618.6 million outstanding. He further explained that 66 out of 115 Idaho school districts have bonds guaranteed through this Program.

He also explained that there have been no payment defaults on any of the guaranteed bonds and as a result, there have been no direct costs to the State related to this Program, other than the cost of its administration.

Treasurer Crane reported that the existing Idaho School Bond Guaranty Program has a total guaranty capacity and cap of \$800 million with a \$20 million per district cap. He explained that the \$800 million cap is in place to maintain the Programs’ “aaa” rating.

He explained that **S 1154** includes technical corrections to clarify the

following; how the \$800 million guaranty is calculated; the application process and time lines for approvals, the calculation of the interest rate charged by the Endowment Fund Investment Board on notes purchased and other terms, the ability of the Program and the Treasurer's Office to charge fees for the application and credit enhancement, the ability of the Program to make loans from other endowment funds, and codifies the actual practice related to application review and approval which is that the State Department of Education monitors school districts' fiscal solvency, and enables the Treasurer's Office to rely on such information.

Treasurer Crane explained that the proposed legislation creates a second tier guaranty program to provide needed access to the bond market for growing, mid-sized school districts. He further explained that all districts would first apply for the guaranty program backed by the sales tax pledge and districts with capacity under the \$20 million per district cap could then further apply for the credit enhancement provided by the backing of the Public School Endowment Fund and achieve the "aaa" rating.

He concluded that **S 1154** provides needed clarifications to get the Program back up and running. The new substantive provision of the bill will further reduce school districts' borrowing costs at a very low risk to the State.

Treasurer Crane explained that **S 1154** does not impact the State's General Fund and the risk to sales tax account is extremely low. He further explained that based on historical data, it is estimated that \$450 million of the capacity of the Program will be requested over the next 5 years. The interest cost saving is a \$32.5 million savings to school districts.

In response to a question regarding if there would be an impact to the Program with the variation in the State's sales tax receipts, **Treasurer Crane** explained that it would not be impacted in a negative way. He further explained that the State Treasurer's Office has worked out a formula which outlines that the school district's annual payments cannot be more than 10% of the last year's sales tax revenue.

In response to a question regarding how the school district's bond rating would be affected if the district declares a financial emergency, **Eric Herring**, representing Seattle Northwest Securities, responded that it would depend on the individual situation. He explained that if a district had a fund balance above 5 ½ % then it went below 5 ½ %, would be viewed as a negative. He further explained that in general, anything that protects general fund balance would be viewed as a positive.

Mr. Herring stated that when a school district gets a bond, they seek credit enhancement, and they may use State's credit rating.

In response to a question regarding the reason that bond insurers have lost

their “aaa” rating, **Mr. Herringer** explained that the insurers were also insurers of sub prime lenders and have experienced huge losses.

Mr. Herringer explained that most states have fiscal bond guaranty and Idaho ranks 3rd or 4th lowest in the nation in the lowest dept per capita.

MOTION:

Rep. Hartgen made a **Motion to send S 1154 to the Floor with a DO PASS recommendation. On a voice vote, the motion carried. Vice Chairman Shirley and Rep. Hartgen** will sponsor the bill on the House Floor.

Rep. Trail thanked **Sherri Wood** and IEA for the teacher’s forum held last night at Boise High School. He requested that the IEA research the fiscal impact of **H 262**, which freezes the teacher pay grid for one year to find out exactly how many teacher’s retirements would be affected by this freeze. Chairman Nonini asked for the same information from the Department of Labor as to how many of the 51,000 Idahoans who have lost their jobs would be affected in retirement costs. Rep. Boe commented that she was impressed that so many were in attendance at last night’s forum. She further commented that there are wonderful and highly qualified teachers in the state. Chairman Nonini commented that he heard the forum was well run and was well attended. **Sherri Wood** thanked those who attended the forum.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 8:55 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 3, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representatives Trail and Hartgen

GUESTS: Bert Marley, IEA; Robin Nettinga, IEA; Mark Browning, State Board of Ed.; Luci Willits, State Dept. of Ed.

Rep. Boe passed out a press release to Committee members regarding the robotic team from Pocatello who is headed to the international championship competition in Atlanta after winning regional games in Seattle.

MOTION: Rep. Chavez made a motion to approve the minutes of the April 2nd, 2009 meeting as submitted. On a voice vote, the motion carried.

Chairman Nonini announced that he will be out of town next week and Vice Chairman Shirley will conduct the meetings. He further announced that the Committee will meet at 8:30 A.M. on Monday, April 6th to hear **H 269** that deals with the Cooperative Service Agencies. He briefly discussed some upcoming issues that may be coming to the Committee.

The committee expressed their appreciation and thanks to the Committee page, Philip Alexander and the Committee secretary.

Mark Browning, from the State Board of Education announced that the Board will be setting fees and tuition costs on Monday at Boise State University. He further announced that the new appointee to the Board, Don Soltman, will stand for a confirmation hearing on Tuesday, April 7th in the Senate Education Committee.

In response to a question regarding the search for the new president of the University of Idaho, **Mr. Browning** explained that the process is ongoing. The search committee put forward 5 names, but several have withdrawn for various reasons.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:05 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 6, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Chairman Nonini, Representative Boe

GUESTS: Mark Cotner, Executive Director, COSSA; Jared Tatro, Office of Performance Evaluations; Robin Nettinga, IEA; Sherri Wood, IEA; Harold Ott, ID Rural Schools Assoc.; Wayne Davis, ID Assoc. of School Administrators; Luci Willits, State Dept. of Ed.; Douglas R. Jones

Due to the absence of Chairman Nonini, Vice Chairman Shirley called the meeting to order at 8:30 A.M. and a silent roll was taken.

MOTION: Rep. Wills made a Motion to approve the minutes from the April 3rd, 2009 meeting as submitted. On a voice vote, the motion carried.

H 269: **Mark Cotner**, Executive Director of COSSA (Canyon-Owyhee School Service Agency) presented the bill to the Committee. He explained that this legislation makes key changes to Idaho Code relating to cooperative service agencies. He further explained that this Code allows for two or more school districts to join together for educational purposes to form a service agency to purchase materials and/or provide services. **Mr. Cotner** explained that COSSA provides special education services, professional technical education and an alternative high school.

Mr. Cotner explained that a cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed .1%.

He explained that the purpose of **H 269** is to allow a cooperative service agency to act as its own fiscal agent for the purpose of providing an alternative school program. He further explained that currently the state sends funding to the Homedale School District for the alternative high school in COSSA. Homedale then sends the funding to COSSA. By allowing the consortium to act as its own fiscal agent, it would save \$20,000 and would lessen the burden on the Homedale School district. He explained that the alternative school provides education for all five districts in the consortium.

Mr. Cotner explained that no one district wants the additional burden on

their district and they hold the COSSA board responsible for their success rates.

In response to a question regarding how the formula is currently being figured, **Mr. Cotner** explained that the alternative high school operates as a stand alone school, and uses ADA and apportionment from the state for funding. He further explained that this legislation would have no negative ramifications to other districts and no negative impact to the current formula.

In response to a question regarding where the \$20,000 is saved, **Mr. Cotner** explained that the savings would be to the consortium members. He further explained that COSSA has an agreement with Homedale to keep 2% of state money for administrative costs. He also explained that the \$20,000 would be spent on students. He reported that the Homedale School district does support this legislation.

Mr. Cotner explained that this legislation applies to the whole state and a cooperative service agency provides savings to rural school districts.

MOTION:

Rep. Wills made a motion to **send H 269 to the Floor with a DO PASS recommendation.**

Mr. Cotner clarified that cooperative service agencies could cover any combination of services and not just those that are covered by COSSA. He further clarified that this legislation just addresses alternative school services.

On a voice vote, the motion carried. Rep. Bolz will sponsor the bill on the House Floor.

Vice Chairman Shirley welcomed **Sen. Melinda Smyser**. She explained that her mother was on the school board when COSSA was formed in 1969. He also welcomed former representative Doug Jones.

ADJOURN:

There being no further business to be brought before the Committee, Vice Chairman Shirley adjourned the meeting at 8:55 A.M.

Representative Mack Shirley
Vice Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 8, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Chairman Nonini, Representatives Nielsen, Wills, Durst and Chew

GUESTS: Todd Haynes, Boise State University; R. Scott Rasmussen, Idaho State University; Marilyn Davis, ISU; Marilyn Whitney, Idaho National Lab; Mark Browning, State Board of Ed.; Sherri Wood, IEA

MOTION: Rep. Chavez made a motion to approve the minutes from the April 6th, 2009 meeting as submitted. On a voice vote, the motion carried.

Due to the absence of Chairman Nonini, Vice Chairman Shirley called the meeting to order at 8:30 A.M. and a silent roll was taken.

Rep. Boe reported that the Pocatello school district passed a levy yesterday by 72% and 10,000 people voted.

Richard Holtman, Manager of Energy Workforce Initiatives for the Idaho National Laboratory's Center for Advanced Energy Studies addressed the Committee. He explained that one of the critical challenges facing all of America's private and government employers is the ability to recruit and retain a skilled workforce. He further explained that all forms of energy must be explored and a balanced national energy policy and portfolio adopted. He discussed the key workforce challenges facing the U.S. energy sector which include; the rising demand for well educated and skilled workers, insufficient supply of qualified workers, and insufficient worker education and training leading to an energy career. He reported that the discovery and application of renewable energy alternatives will create new job opportunities and companies that develop wind, solar, biomass, geothermal, and hydropower sources will all require skilled employees. He further reported that America's energy sector is exploring specific solutions to closing the skills gap in critical occupations. Recently proposed strategies that could address workforce challenges include; recruiting technical staff from the U.S. military and declining industries, raising awareness and understanding of the energy sector career opportunities among students and younger workers through online resources, and increasing support for government sponsored energy research and education programs.

Dr. Marilyn Davis, from Idaho State University addressed the Committee.

She explained that ESTEC (Energy Systems Technology and Education Center) was established at ISU through a \$2 million grant from the federal government and a \$600,000 grant from the National Science Foundation. The center was established in 2007 in response to industry identified needs for trained technicians in the energy sector. It is housed in 22,000 square feet of remodeled space at ISU. The Center delivers accredited and nationally standardized Engineering Technology AAS and BS degrees in energy systems operations and maintenance. She explained that the goal is to repopulate the energy technician pipeline. She further explained that the Center provides education programs for K-12 students, teachers, parents and counselors. She reported that the Center has a unique partnership of regional, state, national, and international industry, learning institutions, social service agencies, government and the DOE Laboratory.

She explained that the ESTEC National Advisory Council is made up of members of industry and economic development, education and social services and government representatives.

Dr. Davis explained that the Center had graduated its first class of 14 in 2008 and placed all 14 graduates. They also had a glowing on site review by the U.S. Department of Labor and they are among the top 5% of grants they manage. Future strategic direction include; joint proposal with Central Virginia Community College, create ESTEC East, West, North and South and extend the ESTEC curricula and concepts.

She reported that ESTEC is proposing an Energy Operations Technician/Nuclear Engineering Technology curriculum done in conjunction with the Nuclear Energy Institute. In the future, ESTC hopes to identify and secure additional program space and grow the program.

Dr. Todd Schwartz from the College of Southern Idaho addressed the Committee. He explained that the Wind Tech program at CSI was approved as of August of 2008. They have visited other programs and the Advisory Committee has met and is still forming industry partnerships. He reported that interviews for instructors begin next week and classes are set to begin in the fall of 2009. He explained that the major funding for this program is from a U.S. Department of Labor workforce grant (WIRE). He further explained that there is a tremendous need for renewable energy jobs and it is the intent of the College of Southern Idaho to overlap and integrate these programs and deliver them in an efficient manner.

Todd Haynes, Energy Systems Research Engineer from Boise State University addressed the Committee. He explained that one of the goals of BSU's President Kustra is to transform BSU into a metropolitan research university of distinction. He further explained that much of the research that takes place in the College of Engineering and several projects are tackling some of the challenges that increased wind energy present to grid operators. He further explained that one of the key undergraduate opportunities is the Wind for Schools program. Boise State was named one of six Wind Application Centers by the U.S. Department of Energy.

As a Wind Application Center, they are charged with implementing the Wind

for Schools program. In this project, undergraduate engineering students get real world experience installing small, grid-tied wind turbines at K-12 schools in the state. The turbines offset a small amount of the school's electricity. He reported that BSU is targeting rural schools for the Wind for Schools program and familiarizing students and community members with a growing industry which is creating jobs in their areas.

Mr. Haynes explained that Boise State is leading a research project forecasting power output from a wind farm near Mountain Home.

Gary Seifert, Manager of Wind Powering America at the Idaho National Laboratory addressed the Committee. He reported that Idaho is uniquely positioned to have unprecedented growth in renewable energy in the near and long term future and the availability of trained technicians is small to meet the demand for subsequent technicians. He further reported that there are several wind projects that are in various stages of planning and development and this equates to at least 100 additional jobs. He explained that an investment in education is needed to develop homegrown employees. He explained that with a source of locally trained technicians, the Idaho workforce can support renewable energy growth. He concluded that the energy corridor needs a strong trained workforce to keep jobs and energy projects in Idaho.

Vice Chairman Shirley thanked the presenters for their informative presentation.

ADJOURN:

There being no further business to be brought before the Committee, Vice Chairman Shirley adjourned the meeting at 9:30 A.M.

Representative Mack Shirley
Vice Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 9, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Chairman Nonini

GUESTS: Susan Jenkins; Bill Knickrehm, Emmett School District; Karen Echeverria, ID School Boards Assoc.; Gary Larsen, Nampa School District; Misty Koepper, Nampa School District; Jared Tatro, Office of Performance Evaluations; Jan Sylvester, Idaho PTA; Robin Nettinga, IEA; Wayne Davis, ID Assoc. of School Administrators; Harold Ott, ID Rural Schools Assoc.; Sherri Wood, IEA; Jason Hancock, State Dept. of Ed.; Colby Cameron, Sullivan & Reberger; Suzanne Budge

Due to the absence of Chairman Nonini, Vice Chairman Shirley called the meeting to order at 8:30 A.M. and a silent roll was taken. He announced that subsequent meetings of the Committee will be at the call of the Chair.

H 303: **Jason Hancock**, from the State Department of Education presented this bill to the Committee. He provided copies to Committee members of a letter of support for **H 303** from **Melvin Beutler**, Superintendent of the West Side School district. (See attached letter)

He explained that this legislation amends Section 33-1004, Idaho Code, to provide school districts with relief from the "use it or lose it" requirement of state funding for instructional staff positions. It provides that up to 2.63% of the state-funded teaching positions may be shifted to federal funds for the two year period during which school districts will have access to additional federal special education funding. It also provides up to 5% relief from "use it or lose it" if the funds are used to defray the cost of virtual education courses, including virtual dual credit courses, authorizes districts to offer such programs, and provides for the counting and reporting of daily attendance.

He explained that the reason for the 2.63% number is because that is percentage that JFAC has directed to be cut for FY10 budget for teacher salaries. He further explained that the reason for the shift of federal funds is that there is money coming from the federal government in the stimulus package for special education (IDEA) funds. He clarified that these IDEA funds are available for only two years.

In response to a question regarding if the percentage of 2.63% is supported by the superintendents, **Mr. Hancock** explained that they do support this. Rep. Gibbs commented that he supports this legislation and would support a motion to send it to the Floor with a DO PASS recommendation.

Mr. Hancock explained that the more rural school districts offer dual credit courses.

Mr. Hancock clarified that **H 303** allows school districts to use up to 5% of teacher funding only to defray the cost for blended or virtual education classes. He further clarified that every school district in the state could benefit from the passage of this legislation with the exception of some of the small districts. He also explained that the home schooled student who takes virtual education classes could be counted as part of the average daily attendance while taking these classes.

In response to a question regarding if this legislation is needed because this language is already in code, **Mr. Hancock** explained that current code only relates to charter schools and **H 303** would give school districts flexibility.

In response to a question regarding what would happen if a parent did not have access to the needed hardware for virtual classes, **Mr. Hancock** explained that the school could provide a computer, but the computer would belong to the school. He clarified that there is nothing in the bill that requires a school district to deliver virtual or blended classes and almost everyone in the state has access to at least a dial up connection to the internet. He further clarified that **H 303** would give the districts the ability to offer the same classes as charter schools. In response to a question regarding if the state would be able to enter a home to check for safety issues because it would be considered a school facility, **Mr. Hancock** explained that is not the interpretation of the State Department of Education.

In response to a question regarding the impact of the proposed legislation on virtual charter schools, **Mr. Hancock** explained that passage of this bill could provide those kinds of programs with some competition.

Bill Knickrehm, principal of Emmett High School **spoke in support of H 303**. He explained that rural school districts are interested in the virtual piece of this legislation. He reported that there are approximately 20,000 students not attending public schools in the state and Emmett has about 400 students not attending public schools. He explained that there are a variety of reasons why they do not attend and by looking at blended courses which offer online instruction, this opportunity could be offered to these students. He further explained that it is difficult to measure how home schooled students are doing and would like to start to integrate some of these students into public schools. He explained that virtual schools would allow school districts to reach out to students who are home schooled. He concluded that **H 303** would allow rural school districts such as Emmett to offer a variety of courses.

Gary Larsen, Superintendent of the Nampa School district **spoke in**

support of H 303. He explained that his district feels that **H 303** as essential to managing the reduction in teacher salary funds in a way that best serves children in Nampa. He further explained that it is essential because it would provide districts the flexibility to use federal stimulus funds in conjunction with state general funds to preserve staffing levels, potentially maintain teacher pay or lessen the level of pay cuts and manage class sizes within state goals. He reported that the impact of 2.63% reduction for the Nampa school district is about \$976,000 or about 23 teaching positions. He further reported that **H 303** would allow the district to shift support for some of the teaching positions from general funds to either special education or Title 1 funds freeing up general funds for them to absorb the cuts.

In response to a question regarding the demographics of his district and the number of homes with access to the internet, **Supt. Larsen** explained that Nampa School District has the largest number of ELL students in the state. He further explained that the district would try to be student centered to meet the needs of students and try to work through it in a way to benefit students and parents.

Misty Koeppen, Nampa Education Association President, **spoke in support of H 303.** She explained that the Association has worked hard to keep staff members' pay where it is to provide for their own families. She reported that the Association supports the superintendent and the district.

Dr. Wayne Davis, executive director of the Idaho Association of School Administrators addressed the Committee. He explained that school district superintendents have requested the ability to staff at a 95% level funded by the state with the ability to use the 5% funding instead of losing it. He further explained that some require flexibility greater than the 5% to resolve their staffing needs. He explained that it is projected that there is an erosion of trust in the local decision process when proposals indicate limiting a portion of the 5% flexibility request to 2.63%. He further explained that the virtual piece of the bill has not been requested by the members of his association. He commented that the virtual piece is not been a request from the high schools through the building principals or superintendents, nor has he heard it through visits with trustees.

He explained that the **Association does support H 303** because they need the ability to access the use it or lose it portion of the bill. He further explained that the Association will continue to seek additional legislation that provides flexibility for local districts.

In response to a question regarding if rural districts are using the Idaho Digital Learning Academy classes, **Dr. Davis** explained that they are using IDLA extensively.

MOTION:

Rep. Nielsen made a **Motion to send H 303 to the Floor with a DO PASS recommendation.** He explained that this is valuable legislation that districts need.

Sherri Wood, president of the Idaho Education Association **spoke in**

opposition to H 303. She explained that IEA has worked for flexibility and loosening up the “use it or lose it” funding could result in fewer teachers and larger class sizes but the IEA supports this. She further explained that **H 303** allows school districts to use up to 5% of funds to defray costs for virtual classes. She reported that there is cost involved for districts to create a virtual component and questioned whether the proposed legislation would allow the school district to contract with other providers.

Karen Echeverria, executive director of the Idaho School Boards Association explained that the Association **supports H 303.**

SUBSTITUTE MOTION:

Rep. Boe made a **Substitute Motion to Send H 303 to General Orders to delete section 2 of the bill regarding virtual education programs.** In speaking to her Substitute Motion, Rep. Boe explained that the virtual school funding outlined in the bill is extremely complicated and questioned whether this would be funding for home schooled students. She recommended that this part of the legislation could be brought back next year with changes. She commented that IDLA already offers virtual classes for students.

Donna Hutchison, executive director of the Idaho Digital Learning Academy commented that IDLA will continue to offer more courses, but cannot be all things to all people.

Committee discussion followed with the following points made; “use it or lose it” funds are critical to this legislation, to expect a child to do course work at home on a computer could be a disadvantage to some students, families of home schooled students pay taxes for schools and get no aid from the state, if the bill is sent to General Orders it could be dead for the session and there is a need to move it forward.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

A roll call vote was requested on the Substitute Motion to send **H 303** to General Orders. **The Substitute Motion failed, 5-11-1. Voting in favor** of the Substitute Motion were Representatives Boe, Pence, Chavez, Durst and Chew. **Voting in opposition** to the Substitute Motion were Representatives Trail, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Gibbs, Hartgen and Thompson. Chairman Nonini was absent.

VOTE ON ORIGINAL MOTION:

On a voice vote, the Original Motion to send **H 303 to the Floor with a DO PASS recommendation carried** with Rep. Chew voting NAY. **Rep. Thayn and Rep. Gibbs will sponsor the bill on the House Floor.**

Rep. Boe thanked Vice Chairman Shirley for chairing the meetings this week and Vice Chairman Shirley thanked the committee for their hard work.

ADJOURN:

There being no further business to be brought before the Committee, Vice Chairman Shirley adjourned the meeting at 9:40 A.M.

Representative Mack Shirley
Vice Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 14, 2009

TIME: 8:30 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Jan Sylvester, ID PTA; Robin Nettinga, IEA; Bert Marley, IEA; Harold Ott, ID Rural Schools Assoc.; Jared Tatro, Office of Performance Evaluations

Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken.

S 1165: **Senator John Goedde** presented this bill to the Committee. He explained that the State Department of Education has found that various organizations as well as the U.S. Department of Education desire a state-approved definition to substantiate the claim that a district is rural. He further explained that the intent of this legislation is to provide for the definition of a "rural school district." Idaho's lack of such a definition hinders the ability of these districts to qualify for certain private grants, as well as federal funds. He explained that this legislation would allow for all but about 10 school districts in the state to fall within definition of a rural school district and currently there is no definition in code for a rural school district.

In response to a question regarding the availability of funds to rural schools that exist within an urban school district **Sen. Goedde** explained that federal funds are available to districts not individual schools. He further explained that the definition of a rural school district came from the Rural School Task Force to satisfy federal government requirements.

Sen. Goedde explained that he did not know the specific amount of federal funding that would be available to rural school districts, but with the definition, rural school districts would be able to apply for REAP (Rural Education Achievement Program) federal funding.

Sen. Goedde clarified that if a school district has less than 20 enrolled students per square mile within the school district boundary, it would be considered a rural school district.

MOTION: Rep. Wills made a **Motion to send S 1165 to the Floor with a DO PASS recommendation**. In speaking to his motion, Rep. Wills explained that this legislation deals only with the definition of a rural school district, not a rural school.

Sen. Goedde explained that federal money is not forced upon school

districts and the Rural Schools Task Force recommended the proposed legislation for rural school districts to be eligible to apply for more federal funding.

Sen. Goedde explained that he has no plans to bring legislation next year regarding transportation based on this definition of a rural school district.

Harold Ott, executive director of the Idaho Rural Schools Association, clarified that most of the federal grant opportunities are for rural school districts, but there are some grants for rural schools.

**VOTE ON
MOTION:**

On a voice vote, the motion carried with Rep. Durst voting NAY. Rep. Wills will sponsor the bill on the House Floor.

MOTION:

Rep. Wills Made a motion to approve the minutes from the April 8th and April 9th, 2009 meetings as submitted. On a voice vote, the motion carried.

ADJOURN:

There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 8:45 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 16, 2009

TIME: 9 A.M.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Representatives Nielsen, Wills, Thompson, Boe, Durst and Chew

GUESTS: Harold Ott, ID Rural Schools Assoc.; Phil Homer, ID Assoc. of School Administrators; Wayne Davis IASA; Bert Marley, IEA; Robin Nettinga, IEA; Jan Sylvester ID PTA

Chairman Nonini called the meeting to order at 9 A.M. and a silent roll was taken.

MOTION: Rep. Block made a motion to approve the minutes of the April 14th, 2009 meeting as submitted. On a voice vote, the motion carried.

Chairman Nonini announced that the Committee would most likely have one more meeting early next week to hear new legislation regarding allowing districts flexibility for their maintenance match monies. He explained that **H 303** was sent to the amending order by the Senate Education Committee yesterday and supporters of the bill in the House are drafting legislation to address the maintenance issue. He further explained that supporters are currently working on language to free up a portion of the \$40 million in maintenance match money for use by the school districts.

ADJOURN: There being no further business to be brought before the Committee, Chairman Nonini adjourned the meeting at 9:05 A.M.

Representative Bob Nonini
Chairman

Claudia Howell
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: April 28, 2009

TIME: 8:00 a.m.

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Sherri Wood, Idaho Education Association; Jan Sylvester, Idaho PTA; Wayne Davis, Idaho Association of School Administrators; Colby Cameron, Sullivan & Reberger; Bert Marley; Jason Hancock, State Department of Education; Mark Browning, State Board of Education

Chairman Nonini called the meeting to order at 8:07 p.m.

MOTION: **Rep. Chavez** moved to approve the minutes of April 16 as written; **motion carried on voice vote.**

H 339 **Chairman Nonini** asked Vice Chairman Shirley to chair the meeting so he could present **H 339**. Rep. Nonini said there are three portions to the bill and said the first portion deals with the repeal of the early retirement incentive program (ERIP). A previous proposal sought to phase out half of the ERIP program in 2010 and the remaining half in 2011. Rep. Nonini said H 339 will immediately repeal the entire program, resulting in a \$4 million savings. He explained that H 262 had been amended by the Senate to re-establish ERIP, and the funding necessary to do this will come out of salaries, textbooks, and classroom supplies.

The second portion of the bill, beginning with Section 4, consists of amendments to Section 33-1004 of Idaho Code and will provide school districts with relief from the "use it or lose it" requirement of state funding for instructional staff positions. Rep. Nonini said this section of the bill contains the language of H 303 as it left the House, prior to being amended by the Senate.

The third portion of the bill, beginning at Section 5, provides school districts with temporary flexibility on the use of certain local school building maintenance funds. Rep. Nonini said this section contains the language in H 328, which was printed by the Ways and Means Committee but will not be heard by the House Education Committee. He pointed out that if a district has any safety issues or other maintenance problems that are found by the Division of Building Safety during its annual inspections, those problems have to be corrected first, before any funds can be allocated for other uses.

Rep. Nonini said the two issues, namely, "use it or lose it" and maintenance funds allocation, have been discussed with school districts all during this

legislative session, and H 339 will allow them mechanisms to deal with times of financial crisis. Rep. Nonini asked Jason Hancock, State Department of Education, to address the committee and provide further explanation of the third portion of the bill, the contents of which is new to the committee.

Jason Hancock, State Department of Education, testified on **H 339**. He distributed a spreadsheet illustrating the process used to calculate how much local maintenance match relief each district will receive. Mr. Hancock noted there are some school districts for which providing relief on the maintenance match will not make a difference. Those districts that are funding their local match with plant facility levies will continue spending those dollars on maintenance, as required.

Mr. Hancock explained that the Legislature is dealing with some provisions of H 743, legislation passed a few years ago in response to a lawsuit brought by school districts over maintenance issues. He said part of the lawsuit was a requirement that at least 2% of a school's replacement value would be allocated for maintenance each year. The 2% figure does not have to be spent each year, but does have to be set aside. This figure is a mix of state and local dollars; on the state's side, those dollars have been shifted to discretionary uses to replace general funds that have been cut by JFAC.

Mr. Hancock said that Section 5 of the bill will allow school districts to temporarily use certain local school building maintenance funds for one-time non-personnel costs. The amount that can be used in this manner is determined by taking the amount a local district is required to match with its own dollars, and subtracting any plant facility levy funds. If funds are left, they must be used to address any safety or code violations found during the school's most recent inspection. Mr. Hancock said this is consistent with the spirit of House Bill 743 and the Legislature's response to the lawsuit, namely, that available dollars need to be dedicated first to safety problems. After any necessary safety or code issues are addressed, half of the leftover dollars can be spent by the school district at its discretion, for one-time purposes.

Mr. Hancock explained that the spreadsheet illustrated the district-by-district impact of the language in Section 5 of H 339, noting that the figures are based on FY 2009 data. Column (K) represents the remainder of dollars outside any plant facility funds that districts come up with on their own. From Column (K), any safety or code violation needs are subtracted. Fifty percent (50%) of these remaining dollars will be available for districts to spend at their discretion. Mr. Hancock said that theoretically, if no Idaho districts had any safety or code violations, the amount that could be diverted would be 50% of the total figure at the bottom of Column (K) on the fourth page of his handout; that is, approximately \$9.9 million.

Responding to committee questions, Mr. Hancock said under state law any plant facility levy funds have to be spent on building maintenance, so they are not part of the relief being provided by H 339. In districts without plant facility levy funds, the necessary dollars are coming from some discretionary source. Since the source of those funds was discretionary, prior to H 743, Mr. Hancock said H 339 seeks to return that discretion back to the districts.

Asked whether the definition of "student-occupied" buildings included gyms and athletic facilities, Mr. Hancock replied that any enclosed space used by students is figured into the "student-occupied" square footage. This would

include gyms and locker rooms, but not bleachers.

Some concern was expressed about whether H 339's provisions would provide a disincentive for districts to have plant facility levies. Mr. Hancock explained that these funds are not discretionary since they are required to be used for maintenance, and therefore no discretion can be returned to the district for using such funds. He said he cannot forecast what kind of effect this legislation might have on plant facility levies. He noted again that any necessary safety issues must be addressed before any discretionary spending can take place, under the provisions of this legislation.

The observation was made by a committee member that this year there are declining general funds available for education, which means that some local districts are struggling to find funds. H 339 is one idea that school superintendents and local districts came up with as a way to get through this short-term problem. Since the legislation will apply for only one year, July 2009 through June 2010, the impact will also be short-term. H 339 is not intended to set a long-term policy.

Asked about the status of the underlying court suit at this time, Mr. Hancock said he would have to consult the Attorney General's office because the status of the suit is somewhat vague. He said the Supreme Court ruled against the state, but then subsequently ruled that the case was closed and stated it was within the Legislature's authority to determine solutions for the problems. H 743 was the Legislature's policy prescription to do so. One component of H 743 was the local maintenance requirement. In addition, the amount of subsidy paid by the state to districts was increased. The state will now subsidize principal as well as interest.

In response to additional questions, Mr. Hancock said this legislation will allow districts to take half of their additional funds, after all safety issues are corrected, and use it for discretionary, one-time needs. Commenting on the potential "savings" of \$9.9 million based on Column (K) totals, Mr. Hancock said this is a theoretical figure only, since it assumes that no districts in Idaho will have safety violations, which will not be the case. He agreed that this will not save any General Fund money, nor is it creating any additional cuts in schools budgets.

Mr. Hancock was asked what the price tag is for classroom supplies and textbooks each year for Idaho schools. He said in the current fiscal year budget, \$9,950,000 in state funds is allocated for textbooks and software. There is a 1-to-3 local match required, which means that about \$3,317,000 in local funds will be required to be spent in that area. In the area of classroom supplies, Mr. Hancock said the current year's number is about \$5.3 million, or approximately \$350 for every teacher in the state. Next year the local match requirement on textbooks is erased and the discretionary funds sent to the districts have been reduced. In total, Mr. Hancock said there is a 53% reduction in funds allocated for textbooks, and classroom supplies have been reduced down to \$300 per teacher. He said additional reductions may surface in future JFAC deliberations.

In response to further questions, Mr. Hancock said that Columns (C) and (G) have been removed for FY 2010 in an effort to keep the amount going to school districts whole, since state discretionary funds have been cut.

Districts that have a plant facility levy greater than their local match requirement are not putting any local discretionary money into their maintenance fund. Commenting on the \$4 million savings listed in the bill's Statement of Purpose, he said that represents an average of how much the state pays out each year for early retirements.

Rep. Durst expressed concern that there are actually three separate bills, namely, H 328, H 303, and H 339, all of which have been combined into one bill. He noted that there appear to be unique propositions that have been put before the committee.

MOTION:

Rep. Durst moved to divide **H 339** into three separate bills, namely, Sections 1, 2 and 3 in one bill; Section 4 in one bill; and Sections 5 and 6 in one bill. The motion to divide was seconded by **Rep. Boe**.

Rep. Nonini argued against the motion to divide the bill, saying the subject matter in **H 339** is public school finances, and the bill can stand together as it is. He noted that the committee needs to wrap up its business and still make sure the Legislature accomplishes what it needs to do.

Rep. Wills argued against the motion to divide the bill, noting that the committee is trying to find reductions in all areas for education funding, and all areas addressed by H 339 are germane to that objective.

Rep. Durst argued in favor of division, saying that each of the three propositions is unique and should be considered separately, which is the purpose of Rule 15. He said the committee can choose to ignore Rule 15, but will do so at its own peril.

Rep. Nonini noted that H 303 is languishing on the bottom of the Senate's Third Reading Calendar and has already been amended, which means it is not the same bill considered and passed by the House. The "use it or lose it" bill, H 328, will not be heard by the committee. Therefore, there is no bill "out there" awaiting consideration. Rep. Nonini said the Senate is not likely to move on H 303, and the public schools budget needs to be settled soon.

Rep. Block noted that it is not unusual to include several provisions in one bill, if they are all related to reductions in spending. She said the Health & Welfare Committee passed H 123, which included reductions to hospitals, transportation, doctors, dentists and other areas.

Rep. Wills pointed out that under Rule 15 any divisions of H 339 would have to be considered as amendments, which will change the face of the bill.

CALL FOR THE QUESTION:

Rep. Gibbs called for the question. Motion carried on voice vote.

VOTE ON THE MOTION FOR DIVISION:

Vice Chairman Shirley called for a vote on the motion for division, which would divide H 339 into three separate bills. **Motion to divide failed on a voice vote.**

Mr. Hancock was asked to respond to further committee questions about some provisions of H 339 dealing with early retirees and their replacement teachers. He said teachers can file for early retirement after March 1 each

year, and those requests must be received by April 1. However, those teachers are allowed until a certain date in June to withdraw that application if they choose to do so. He said in a normal school year the notifications for re-hiring of existing teachers are issued by May 15, but if a financial emergency is declared, those deadlines do not apply. Mr. Hancock was asked what effect the retroactive provisions of H 339 would have on possible hiring of replacement teachers for those who initially filed for early retirement and then may change their minds due to this legislation. He said this bill will not change the situation that already exists, namely, that a teacher can file for early retirement and then can later change his mind. He noted that school districts may wait to make hiring decisions for new teachers until the re-hiring of existing staff is determined. Mr. Hancock said it is difficult to figure out what the fiscal impact would be if all teachers who planned to retire early changed their minds. He said certain assumptions would have to be made that would drive the actual dollar amount of the impact, including where those particular teachers are on the grid and which teachers would have been hired to replace them.

MOTION

Rep. Thayne moved to send **H 339** to the floor with a **DO PASS** recommendation.

Responding to further questions from the committee, **Mr. Hancock** said the funding under H 339 is the same for traditional students and virtual students. He said there may be some potential differences in terms of the average daily attendance calculations, since districts are allowed to count attendance for virtual students based on percentage of course completion. But once the average daily attendance figure is derived, there is no difference in terms of how the state funds a school district.

SUBSTITUTE MOTION:

Rep. Chavez offered a **substitute motion to HOLD 339** until Wednesday, April 29. She noted that the additional time was necessary to better understand the implications of H 339. In addition, she said that one more day may allow for some movement on H 303 by the Senate. Rep. Chavez is troubled over the removal of the early retirement provision for teachers, and said if the pay grid is being frozen, perhaps some “thawing” could take place in other areas.

AMENDED SUBSTITUTE MOTION:

Rep. Pence proposed an amended substitute motion to send **H 339** to **General Orders** for amendment. She distributed copies of proposed amendments to the bill, and said that her amendments would produce a bill that would have a good chance of passage by both chambers, allowing the Legislature to finish its work for the session. Rep. Pence proposed the following amendments: On page 1, delete lines 18 through 37; on page 2, delete lines 1 through 17; renumber the remaining language to reflect proper section numbers; extend the effective period to two years; and correct the title of the bill.

During further committee discussion, **Rep. Nonini** was asked whether virtual education students had to be present in a classroom in order to be counted in the attendance figures. He said the students can be counted in the

attendance figures when they are at home and participating in the virtual education program.

Rep. Nonini argued against both the substitute motion to hold H 339 and the amended substitute motion to send H 339 to General Orders. He said the matters at hand have been the subject of discussion during the entire session, and one additional day will not offer any further insight or solutions. If the bill goes to General Orders with the proposed amendments, Rep. Nonini said that places the situation right back where it was earlier in the session, when the House sent H 262 to the Senate and the Senate amended it. He suggested there will be a floor fight over H 303 if the Senate amends it and the House does not concur.

Rep. Nonini stated this bill could be part of a going-home package of bills to resolve education issues. In order to continue the \$4 million funding of ERIP, deeper cuts will have to be made into classroom and supply costs, which directly affects students. H 339 will spread the pain throughout the system; cutting ERIP will not result in any money being taken from direct classroom costs. He said, in his opinion, those teachers who decide at some point that they do not wish to remain in the teaching profession should either change careers or gracefully retire without expecting a golden parachute in the form of early retirement benefits.

Rep. Durst said he does not consider early retirement to be a “golden parachute” for teachers. He stated he does not believe H 339 will be accepted by the Senate, and if the House does not concur with the Senate amendments, the children of Idaho will be the losers. He expressed concern that the maintenance match and the “use it or lose it” provisions will be lost if the bill is not amended as Rep. Pence is proposing.

CALL FOR THE QUESTION

Rep. Gibbs called for the question. **Motion carried on voice vote.** **Rep. Durst** voted in opposition.

VOTE ON AMENDED SUBSTITUTE MOTION:

Vice Chairman Shirley called for a vote on the amended substitute motion to send **H 339** to **General Orders** with amendments attached. A roll call vote was requested. **Motion failed, 5-13. Voting in favor of the amended substitute motion:** Reps. Boe, Pence, Chavez, Durst and Chew. **Voting in opposition:** Reps. Shirley, Trail, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson and Nonini.

VOTE ON SUBSTITUTE MOTION:

Vice Chairman Shirley called for a vote on the substitute motion to **HOLD H 339** in committee for one day; **motion failed on voice vote.**

VOTE ON ORIGINAL MOTION:

Vice Chairman Shirley called for a vote on the original motion to send **H 339** to the floor with a **DO PASS** recommendation. A roll call vote was requested. **Motion passed, 12-6. Voting in favor of the motion:** Reps. Shirley, Block, Nielsen, Chadderdon, Shepherd, Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson and Nonini. **Voting in opposition:** Reps. Trail, Boe, Pence, Chavez, Durst and Chew. **Rep. Nonini** will sponsor the bill on the floor.

ADJOURN:

Chairman Nonini reassumed the chair and, there being no further business to come before the committee, adjourned the meeting at 9:40 a.m.

Representative Bob Nonini
Chairman

MaryLou Molitor
Secretary

MINUTES

HOUSE EDUCATION COMMITTEE

DATE: May 6, 2009

TIME: During Recess of the House

PLACE: Room 148

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Nielsen, Chadderdon, Shepherd (8), Wills, Marriott, Thayn, Gibbs, Hartgen, Thompson, Boe, Pence, Chavez, Durst, Chew

**ABSENT/
EXCUSED:** Reps. Trail, Shepherd (8), Wills, Boe

GUESTS: Mike Rush, State Board of Education; Dana Kelly, State Board of Education; Sherri Wood, Idaho Education Association

MOTION: **Rep. Chavez** moved to approve the minutes of April 28, 2009 as written; **motion carried on voice vote.**

H 211 **Chairman Nonini** explained that **H 211** was printed earlier in the session but had not yet been considered by the committee. He asked Dr. Mike Rush to discuss the legislation.

Dr. Mike Rush, State Board of Education, assumed the podium to testify **in support of H 211** and to answer questions from the committee. **Chairman Nonini** noted that, as he understood the situation, last year's legislation dealing with residency requirements, H 401, was based on the recommendations of the State Board, the Joint Legislative Oversight Committee (JLOC) and the Office of Performance Evaluations (OPE). Rules to implement the new requirements were approved this year. Chairman Nonini said it now seems as if a problem has surfaced as a result of last year's legislation. **Dr. Rush** responded by saying that the legislation last year accomplished most of what JLOC and OPE requested, but upon its implementation, a further problem became evident.

Dr. Rush explained that the problem arises primarily with students who attend out-of-state schools to attain undergraduate degrees and then return to Idaho to pursue a graduate or professional degree. Examples of such students would be those who want to participate in the WAMI medical school program or those who want to attend law school at the University of Idaho. Although these students are Idaho natives and did not assume residency in the state in which they attended undergraduate programs, they are disadvantaged when they return for graduate studies because they do not qualify for in-state tuition at that point. This problem arose only last fall, following passage of the new residency requirements from last year's legislative session. Dr. Rush said it was an unanticipated problem and it became evident only as students began returning to Idaho and were confronted with the residency problem.

Dana Kelly, State Department of Education, further explained the problem that H 211 seeks to resolve. She said that prior to last year's legislation, if an adult child of an Idaho resident returned to Idaho to attend graduate school, the child was deemed to be an Idaho resident. Under the new guidelines, in order for a child to be considered an Idaho resident, he or she must be receiving at least 50% support from his or her parents. If a financially independent student attends an out-of-state college for an undergraduate degree and subsequently returns to Idaho, the student must re-establish residency in order to qualify for in-state tuition. This is true even if the student did not relinquish his or her Idaho residency status by assuming residency in another state.

Responding to questions from the committee, Ms. Kelly said she does not have an estimate on the number of students who are being impacted by the new regulations; she said that, in her review area, one out of the eight students she reviewed was negatively impacted. She said the medical schools and law schools are undoubtedly seeing larger numbers of affected students. Asked whether there was any possibility of retroactive relief for students who have paid out-of-state tuition for the 2008-2009 school year, Ms. Kelly said this is an ongoing process, since students need to be certified as Idaho residents.

Ms. Kelly was asked to clarify the 30-month provision on page 2 of H 211. She pointed out that time spent away from the state while enrolled in school is not counted in the 30-month limit, and normal breaks from the academic year, including summer breaks, also do not count against a student's 30-month limit.

Dr. Rush confirmed that the underlined language on page 2 of the bill was included specifically so that students who are out of state while enrolled in post-secondary education programs, including summer and semester breaks, will not be deemed ineligible for in-state tuition by virtue of being out of state for undergraduate studies.

Rep. Mack Shirley testified in support of H 211, saying the interpretation offered by Dr. Rush and Ms. Kelly is correct. He said the key to maintaining one's Idaho residency is to not establish residency in another state, for instance, to qualify for that state's in-state tuition rates. Rep. Shirley said this bill will simply correct an oversight in last year's legislation which has caused difficulty for students who wish to return to the state for graduate studies.

Rep. Nonini noted that H 211 will solve a problem for a lot of students who intend to return to Idaho to attend law school at the University of Idaho, as well as graduate students involved in other programs. He said it was never the Legislature's intention to penalize students who choose to complete their undergraduate studies out of state. Marty Peterson agreed, saying the problem that has arisen is really an unintended consequence of H 401 from the 2008 session. He said that by the time H 401 went into effect on July 1, 2008, most students had already registered for their first semester of studies. He noted that H 211 does contain an emergency clause.

MOTION:

Rep. Chavez moved to send H 211 to the floor with a **DO PASS** recommendation.

Rep. Shirley responded to further questions from the committee, saying that students who attend private out-of-state colleges do not enjoy any in-state tuition rates because those private institutions do not offer tuition breaks for in-state residents. He also pointed out that, given the competitiveness of graduate school programs in attracting students, this bill could help Idaho institutions to attract Idaho grad students in greater numbers because they will more easily qualify for in-state tuition. **Rep. Ringo** agreed, saying H 211 will benefit Idaho's institutions of higher education by allowing them to lure good students back to the state for professional school or graduate school.

VOTE ON MOTION:

Chairman Nonini called for a vote on the motion to send **H 211** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Shirley** will sponsor the bill on the floor.

Chairman Nonini expressed his appreciation to committee members for considering this bill on short notice and at the end of the 2009 session. He said he had come to realize that there are broad-based problems with the new residency requirements and those problems needed to be solved as soon as possible for the benefit of Idaho's students.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:40 p.m.

Representative Bob Nonini
Chairman

MaryLou Molitor
Secretary

Due to time constraints, the preceding minutes have been proofread by a majority member and a minority member of the committee and signed by the Chairman, but have not been approved by motion of the full committee.