

Senate Education Committee

Minutes
2010



MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 12, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Fulcher, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: Senators Andreason and Pearce

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:05 p.m.

Chairman Goedde asked the secretary to take a silent roll and welcomed the committee members and the regular attendees to this session. He introduced the new secretary **Dorena Schrader**, noting that they may recognize the name as her daughter, Kaytlin Schrader, was a Page last year. He also introduced Pages **Haley Egan** and **Hannah Schwartz**.

Chairman Goedde asked everyone to please turn off the microphones when not in use because we will be audio streaming through Idaho Public Television. He asked that the attendees in the room to introduce themselves so that Dorena has an idea of who our regular people are. **Phil Homer** - IASA, **Harold Ott** - ARSA, **Mark Browning** -SBOE, **Karen Echeverria** - ISBA, **Colby Cameron** -Sullivan & Roberge, **Kent Kunz** - ISU, **Robin Nettinga** - IEA, **Bert Marley** - IEA introduced themselves.

Chairman Goedde stated that tomorrow at 8:30 a.m. we will have our first Joint Committee Hearing and we will be across the hall in the large conference room. We are going to hear from the State Superintendent, **Tom Luna**, on the grant application for **Race to the Top**. We will find out what kind of Legislative involvement is going to be asked for this session.

Chairman Goedde stated that he would not be here on Thursday. **Vice Chairman Mortimer** will run the meeting and do the Rules Review. We will start that on Thursday and hopefully have them done in three or four

days. He then turned the meeting over to **Vice Chairman Mortimer** to

chair the Rules Assignment.

Vice Chairman Mortimer asked that the Rules Assignment (Attachment 1) be passed out and said that it would only take a minute to explain them. **Vice Chairman Mortimer** stated that he is anticipating that we will be finished with the Rules in approximately four days and he had not made a schedule yet. He explained what the schedule would look like, and stated that he had grouped the rules together for the State Board of Education, the Department of Education and then a little section cleanup. On Thursday, they would discuss 08-0111-0901, 32-0101-0901, 08-0203-1001, 08-0104-0901 and 08-0114-0901. Tomorrow he will get an exact schedule. The 20 Rules were assigned so that there are at least two assignments per Committee Member and some would have three. There are at least two people per Rule. He asked that they review the specific Rules that have been assigned to them and be prepared to start on Thursday.

Senator Schroeder asked if **Vice Chairman Mortimer** was going to send the agency people the agenda so that they would be here to give their explanations?

Vice Chairman Mortimer responded that no, the agencies will be called to make sure that they are here to present and answer questions. All of the Committee Members should have received a CD with the Rules. If you want a hard copy of the Rules let us know and we will get you one. You can also find the Rules online.

Chairman Goedde stated that there is an unusual Rule that they are going to take a look at which is from the Endowment Fund on the use of the State Rating for local school districts. State Affairs is actually going to process that Rule, but **Chairman Goedde** asked Mr. Johnson to come and explain the logic behind the fees that they have proposed. We will not take an action on that one. He asked Vice Chairman Mortimer if the two rules on the second page were Fee Rules, the last page is a Temporary Rule and if the committee will have to take action on those three Rules to get them through this process. Of the Rules on Page 1, if we don't do anything, do they then pass into effect? **Vice Chairman Mortimer** replied yes, that was his limited understanding.

Chairman Goedde stated that the only other thing on the agenda is to acknowledge a member of this Committee that has been away for a couple of years. He welcomed **Senator Malepeai** back and told him that we look forward to his wisdom in this upcoming session.

Chairman Goedde asked if there was any further business and as there was none, he adjourned the meeting at 4:50 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES
JOINT MEETING

**HOUSE EDUCATION COMMITTEE
SENATE EDUCATION COMMITTEE**

DATE: January 13, 2010

TIME: 8:30 P.M.

PLACE: West Wing 02 House/Senate Auditorium

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

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

**ABSENT/
EXCUSED:** Senator Mortimer, Senator Andreason and Senator Fulcher

GUESTS: Erik Makrush, NCA; Colby Cameron, Sullivan & Reberger; Roger Brown, Governor's Office; Jeff Church, Veritas Advisors; Tracie Bent, Office of the State Board of Education (OSBE); Selena Grace, OSBE; Mark Browning, OSBE; Robin Nettinga, ID Education Association (IEA); Phil Homer, ID Assoc. of School Administrators; Harold Ott, ID Rural Schools Assoc.; Sherri Wood, IEA; Bert Marley, IEA; Wayne Davis, ID Assoc. of School Administrators; Karen Echeverria, ID School Boards Assoc.; Jerry Helgeson, Academic Decathlon; Suzanne Budge, SBS Associates; Martin Bilbao, Connolly Smyser

Co-Chairman Nonini called the meeting to order at 8:30 A.M. and a silent roll was taken. He introduced Rep. Neil Anderson who is filling in for Rep. Marriott. He explained to the joint Committee that today's meeting was informational only and no public testimony would be taken. **Co-Chairman Goedde** announced that the joint meeting was being audio streamed on Idaho Public Television. He explained that the "Race to the Top" is a federal grant totaling \$ 4.3 billion dollars.

Tom Luna, Idaho State Superintendent of Schools addressed the joint committee. He explained that the "Race to the Top" (RT3) grant is an opportunity for additional funding for the state. He further explained that the grant is due by next Tuesday, January 19th, to the U.S. Department of Education, so the application has to be wrapped up by this Friday, January 15th. RT3 is part of the federal stimulus package passed by Congress a year ago. \$100 billion was set aside for education and \$4.35 billion dollars will be used for competitive grants to encourage and reward states for achieving significant improvement in student outcomes, closing achievement gaps, improving high school graduation rates, and ensuring that students are prepared for success in college and careers. Mr. Luna explained that the RT3 grant is very competitive and only about 10 to 15 states will receive it.

Mr. Luna outlined the vision of Idaho and RT3. The vision is to establish an

innovative and flexible education system that focuses on results, inspires all students and prepares them to be successful in meeting today's challenges and tomorrow's opportunities. He explained that if Idaho does not receive the grant, the Department will continue their innovative approach but it will take longer to accomplish the desired outcomes.

Mr. Luna explained that he feels that the RT3 grant is the only way the Department will get more money into public education over the next two to four years due to the current economic climate. He further explained that Idaho is nationally recognized for raising school improvement records. Last year 66% of Idaho schools made AYP which is up from 25% two years ago. Idaho has led the nation in the increased percentage of schools making AYP for two years in a row.

Mr. Luna stated that he feels that Idaho has a 50/50 chance to get this grant and it may be difficult to demonstrate a need in Idaho compared to other states with inner city schools.

He also explained that he has been meeting weekly with educational stakeholders since initial guidance for the RT3 grant was issued in August of 2009. Stakeholders include the Idaho Education Association, the Idaho Association of School Administrators, the Idaho School Boards Association, the Office of the State Board of Education and the Office of the Governor. He further explained that the final guidance for the grant was released on November 12th and informational meetings were held throughout the state in December. He explained that they have heard input and have taken suggestions. He stated that school districts have until noon today to choose whether or not to participate in the grant and as of this morning, 63 districts have signed Memorandums of Understanding. He explained that the MOU has to be signed by the Superintendent of the district, the local education association president and the local chairman of the school board.

Mr. Luna explained that the RT3 selection criteria includes state success factors, standards and assessments, data systems to support instruction, great teachers and leaders, turning around lowest achieving schools, general selection criteria and STEM (Science, technology, engineering and mathematics) Idaho's application priorities include improved standards and assessments, more robust data systems at the state, local and classroom levels, focused, in-depth professional development for teachers and principals, incentives for teachers and principals, enhanced school improvement efforts, college and career readiness starting in middle grades and dual credit opportunities. He further explained that the grant is based on what the Department has done and what they want to accomplish.

Mr. Luna also explained that Idaho has joined 47 other states to work on the adoption of internationally benchmarked common core standards in English and mathematics. He further explained that the Department will provide professional development for teachers for these standards through the grant.

Mr. Luna explained that under the data systems to support instruction, the Department proposes to create a "Digital Backpack" to provide critical data to classroom teachers.

He further explained that the most important factor for student achievement is the teacher. The Department wants to expand virtual professional development opportunities for educators, offer advanced training in data-driven decision making for teachers and principals and develop statewide evaluation framework for principals.

He also explained that the Department will have a pilot program for incentive pay for teachers under this grant. He stated that when these funds go away, there is no expectation for the state to make up this funding. He further stated that when the Department is done with this pilot program, they will know if incentive pay works. There are two components of the incentive pay pilot program. These include incentives based on student achievement and student growth blended at the state and local levels and incentives based on teachers taking on hard to fill positions and leadership duties. It is also based on school wide performance on the ISAT. There is also a local component of the incentive pay pilot. An average teacher can earn a \$1,500 bonus. Classified staff would participate at one quarter the rate of certified staff. He explained that it is a blended model and there has to be success on statewide and local criteria.

Mr. Luna explained that districts can designate up to 33% of certified positions as hard to fill. Leadership duties are determined at the district level. Examples of leadership include teacher mentoring, content specialist and curriculum development. In the incentive pay pilot, educators and school boards will jointly develop their local plan.

Turning around lower achieving schools, worth 50 points, is another part of the grant. Schools in greater need will receive a greater level of support. Supports could include school board training, funding for curricular materials and science labs.

Also included in the grant is general selection criteria which includes ensuring successful conditions for high performing charter schools and other innovative schools.

Science, technology, engineering math must be addressed throughout the grant application. Idaho's grant will include engineering camps for girls and minority students, upgraded science and engineering labs for high-need schools and districts and on-site college visits for middle school students with an emphasis on science, technology, engineering and mathematics.

Mr. Luna discussed how school districts can participate in the grant. He explained that MOUs are due today and the Department wants all to participate, but each district must decide if it wants to sign up.

Mr. Luna explained that the issue of sustainability has been discussed with the stakeholders. He further explained that grant monies would be used for one time expenditures. He also explained that the concern has been expressed regarding if the Department would have to lift the current cap on charter schools to apply for this grant. He stated that the state would not

have to lift the cap. He explained that the cap on charter schools in Idaho limits the number per year, but not the number overall.

Mr. Luna explained that the Department has received letters of support from various stakeholders and they have requested a letter of support from the chairs of the House and Senate Education committees. He stated that the Department currently has 65 school districts that have signed on to the grant and currently have letters of support from the Governor, the Idaho School Board Association, the Idaho Education Association and many others.

Co-chairman Goedde commented that at no point in the grant process have legislators been involved, but statutory changes may have to be made. Supt. Luna responded that this grant would not require any action from the Legislature. He explained that the Department would have to get spending authority if they received the grant.

In response to a question regarding districts participating in the grant, Mr. Luna explained that there will be some things at the statewide level, but most will only be for districts who agreed to participate.

Mr. Luna explained that school districts who have signed a MOU will have the opportunity to withdraw after 90 days. He further explained that if Idaho receives the grant, districts have 90 days to put together specific plans how to implement the grant.

Mr. Luna explained that around 40% of the student population would be participating if the state receives the grant. In response to a question regarding why the larger school districts have chosen not to participate, Mr. Luna explained that it is not wise to have a plan to require all school districts to participate. He further explained that the districts that have chosen to support the grant is a diverse group. He stated that he does not believe that there is a flaw with the grant.

Rep. Chavez commended Supt. Luna for his plan for the future of Idaho, but expressed her concern that when grant is gone, so is the funding. She felt that districts would be in desperate straights when funding ends and this would be an unfunded mandate pushed out to the districts. Mr. Luna responded that he understood her concern, but said he has made it clear throughout the grant process, that when the grant goes away, the expectation goes away.

He stated that he felt that the grant is best for the districts in the short and long term and the Department has given districts the choice whether or not to participate.

Rep. Chavez also expressed her concern regarding the incentive pay for teacher performance part of the grant. Mr. Luna responded that the Department will provide professional development with this grant, when the grant is done; the Department can identify things that worked well. Rep. Chavez commented that she cannot support this because it sets up districts, teachers and students up for disappointment. Mr. Luna responded that the

Department has been working on teacher performance the last 18 months and is moving in this direction with or without these dollars. He further stated that with this grant the Department can pilot ideas to see what works and what does not work.

Sen. Schroeder commented that Legislatures are required to pass laws for this funding and he feels that the federal government tells states how to do things. Mr. Luna responded that he understood the role of Legislature and State Board and there has been no attempt to circumvent the Legislature in this process. He further responded that the first thing they did was to look at what would require legislative action. It was felt that Idaho does not have to take action on any of the current laws. He explained that he understands the concern at the national level. He stated that there is nothing in the grant that the Department will not pursue, with or without this extra money. Sen. Schroeder cited the concern outlined in a letter from the Idaho Education Association regarding the early childhood education component. **Mary Beth Flashbart** from the State Department of Education responded that early childhood is included in the grant and districts can revisit their early childhood procedures. She explained that 17 districts currently use Title 1 money for parent outreach, and the Department uses a family approach to early childhood education. Mr. Luna explained that the Department has always supported kindergarten readiness done through the family and this grant could expand these opportunities.

In response to a question from **Sen. Pearce** regarding ACT test scores, Mr. Luna explained that the Department has seen an improvement in ACT scores and has seen an improvement in relation to other states and in the scores of the past. He explained that he would provide specific details for committee members.

Mr. Luna explained that the Department has up to four years to use the grant monies from the RT3 grant. Sen. Pearce questioned the need for more federal involvement in public education. Mr. Luna responded that it is a fair concern and when the Department decided to go forward with this grant, they did not see anything in the grant that the Department is not already pursuing. He explained that the Department goes through audits and there has to be a certain level of accountability. If the federal government is involved, the Department has to be accountable. Mr. Luna further commented that the amount of money in the grant, \$75 to \$100 million dollars, is a small amount compared to the other federal money already received by schools. He also commented that he does not think that the federal government is intrusive in public education.

In response to a question regarding if the Department could apply for part of the of the federal dollars, Mr. Luna explained that it is all or nothing.

Rep. Thayn commented that he appreciates that the Department encouraging early childhood education be done by the family.

Mr. Luna explained that the RT3 grant requires that 50% of the funds be spent at the local level. He further explained that the biggest component of the grant is pay for performance and all of that money would go to the districts.

Rep. Nielsen expressed his concern that when there is no more money from the grant it will be a let down for the schools and asked if the Department was giving up any funds for concurrent enrollment by applying for this grant. Mr. Luna responded that there is money for concurrent enrollment and with this grant the Department will be able to offer to more schools the opportunity for concurrent enrollment sooner. He further explained that the Department is not giving up anything by pursuing these federal dollars.

Mr. Luna stated that he would provide the complete list of school districts who have decided to participate in the grant after today's noon deadline.

In response to a question regarding what concerns were raised at the community meetings, Mr. Luna explained that sustainability was brought up and well as concerns regarding the tight time line and the pay for performance piece. He further explained that there is a blended model for pay for performance and multiple indicators were used and has to be agreed upon at local level.

In response to a question regarding why the largest school districts in the state have chosen not to participate, Mr. Luna explained that districts had to weigh individual concerns. He further explained that the Department is not compelling every district to participate, but would be pleased if everyone did participate.

In response to a question regarding participation by other states, Mr. Luna explained that the highest number of school districts participating in other states he has seen was 40% and it will be impressive that Idaho has 50% of districts participating.

Co-Chairman Goedde explained that the RT3 grant will be considered twice this year and the Department will have opportunity to review and resubmit. He further explained that he understands that states would be marked down if they have caps on charter schools. He commented that in Idaho, there are thousands of students who are on waiting lists for charter schools. Mr. Luna explained that the federal definition regarding charter schools was released on Nov. 12th, and Idaho's charter school definition is different. He further explained that there is no compelling reason to revisit the issue of raising the cap on the number of charter schools and in order to be competitive with this grant, the state will not have to change cap on charter schools.

In response to a question regard the pay for performance component in the grant, Mr. Luna explained that this would not require any state funding. He further explained that the Department has been working on pay for performance for the last 18 months and wanted to ask the state for more funding, but economic times prevented this. He stated that this would be a pilot program.

In response to a question regarding if the Attorney General's office had reviewed the grant application, Mr. Luna explained that it had.

In response to a question regarding if the Department had looked at other models for the pay for performance component, Mr. Luna explained that under this plan it does provide flexibility, but there are sideboards. The pay for performance component looks at the whole school and not individual teachers and classrooms.

Co-Chairman Goedde commented that he felt it was obvious that the U.S. Department of Education does not understand policy of state Legislatures. He further commented that if he and Chairman Nonini decide to sign a letter of support for this grant, it does not represent all of the members of the Legislature.

Co-Chairman Nonini expressed appreciation to both Committees and thanked Supt. Luna and his staff for the informative presentation.

ADJOURN:

As there was no further business to come before the joint committee, **Co-Chairman Nonini** adjourned the meeting at 10:30 A.M.

Representative Bob Nonini
Co-Chairman

Claudia Howell
Secretary

Senator John Goedde
Co-Chairman

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 14, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

CONVENED: **Chairman Goedde** called the meeting to order at 3:00 p.m.

MINUTES: **Chairman Goedde** briefly touched on the presentation from Superintendent Luna on the Race to the Top grant proposal yesterday. He had seen a new draft of the letter that Superintendent Luna would like the Chairman of the House Education Committee and he to sign. He assured that the new draft distinguishes that both Education Chairmen are two members of the Idaho legislature and their signing of the letter would not in any way obligate support of their legislators.

Chairman Goedde passed the gavel to **Vice Chairman Mortimer** to open rules review.

RULE: **Registration of Postsecondary Educational Institutions and 08-0111-0901 Proprietary Schools**

Tracie Bent, Policy, Planning and Human Resources Officer for the Idaho State Board of Education, explained that the rule makes changes to the registration of both secondary educational institutions and proprietary schools. The majority of the changes are due to statutory changes made last year. Definitions were clarified to match those in the legislation and requirements for bonding were changed. Previously, an inadequate tuition recovery account did not serve students that had been involved with a proprietary post-secondary school which went out of business. Now, we require the use of the surety bond and have changed the registration fee. A hearing was held during the rulemaking process. There were a number of individuals from the proprietary school who indicated concerns with the surety bond and registration fees. They felt that it was an added cost and was running up the cost of business. They did not feel that importance of protecting the students and having funds enough to run the program outweighed their concerns. For technical questions, **Ms.**

Bent introduced **Marv Lyter**, Post Secondary Schools Registration Coordinator for the State Board of Education.

Senator Schroeder asked **Ms. Bent** to look at Page 6 of the Pending Rules book, second paragraph from the bottom, where it has been stricken “The Board shall maintain a register of approved post-secondary educational institutions pursuant to Section 33-107(6)(a), Idaho Code.” and asked for the reasoning behind the change and where he can get a list of the registered institutions. **Ms. Bent** answered that same language is in the Code itself so they did not feel that it was necessary to repeat it. Any list, as it indicates in the code, can be obtained. **Senator Schroeder** pointed out that on Page 9, section B, language is stricken and Section 301 of the Rule is referenced. He saw Section 300, then a jump to 301. He asked **Ms. Bent’s** help in finding Section 301. **Ms. Bent** stated that the records to the sub-section was incorrect; it actually is 301. They did not make any changes to 301 and that is why it is not included.

Senator Fulcher said on Page 10 it is sub-section B that is stricken and asked **Ms. Bent** to explain why. **Ms. Bent** said she would have to defer to the **Mr. Lyter**. **Mr. Lyter** said the intent in striking the language was to recognize a currently-existing procedure and to simplify the language. Any change to a degree program must be authorized by their accrediting bond for backup and validation. **Senator Fulcher** asked for clarification as to whether the ability for an institution to offer those changes or add courses is authorized in a location other than in this Rule? **Mr. Lyter** confirmed the statement.

Vice Chairman Mortimer asked if the school is required to file against the bond or does it come through the fiscal department and if the bond can remit to those that are injured or does each student have to file against the bond? **Ms. Bent** answered that this is the first year of the bond. Currently, the bond would come to the Board of Education and from there be distributed to the students; there are no specifications written about the process as whether the students would have to contact the department and request funding from the bond or if the school would provide the department with a list of students to contact. This protocol still needs clarification. **Vice Chairman Mortimer** asked if he was incorrect in assuming that nothing in this rule would address what happens to the bond; that it simply says that we are going to have a bond? **Ms. Bent** noted the exemption to the statement on Page 16, sub-section 8d, which states: “The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools shall provide proof of the required bond and submit said documentation with their registration applications. **Vice Chairman Mortimer** clarified that the Bond amount is set for the first year by the Board, but in subsequent years, it is set by the last year’s tuition? **Ms. Bent** confirmed that is correct. There is language that allows for some negotiation. For instance, if the school in question knew that they were only going to have half the number of courses or courses of study they had the previous year, it would be open to discussion.

Vice Chairman Mortimer stated this is important and asked **Chairman Goedde** if he would respond to the insurance question. **Chairman Goedde** agreed that he would attempt to answer his question. **Vice Chairman Mortimer** asked if the bond can be cancelled for a given period of time and if so, if the bond still continues to be in force for what happened during the period before the bond was cancelled. **Chairman Goedde** believed that is correct. **Vice Chairman Mortimer** asked that in the case of cancellation of that bond after the fact, if there were to be a case where we had a school that did not perform as allotted and we did not test, and the bond lapsed, it would still cover us, or the state, for what occurred during that period that the bond was in force? **Chairman Goedde** agreed but said it would be appropriate to confirm with the Department of Insurance. **Vice Chairman Mortimer** asked **Ms. Bent** if that was hers and the Department's understanding? **Ms. Bent** confirmed the statement and deferred to **Mr. Lyter** because he works directly with the bonding agency and had some initial discussions before the language was drafted. **Mr. Lyter** affirmed that it is the sureties of the insurance companies that negotiated the bonds. Like any insurance policy, it is in effect during the period stated on the bond. If a school closes during that period of time, but you still don't get around to filing a claim with them immediately, for instance in twenty-four hours, you still have the ability to claim against the event that occurred while the bond was active. Protection does exist and we can file the claim with the surety if the school closes while the bond is active. **Vice Chairman Mortimer** asked **Mr. Lyter** if the Statute of Limitations stated the allowable time in which to file? **Mr. Lyter** indicated that he did not know exactly what the Statute of Limitations states, but the sureties agreed to the new bond form that they are using and the statute calls for the bond to be placed for 120 days after the closure of the school for the specific purpose of filing those claims.

Senator Kelly said she would hold her questions if there were any people who are going to testify to this today?

Senator Fulcher asked **Ms. Bent** to refer to Page 12, Section 6, on Registration Fees. The language tying the Registration Fee to \$100.00 is stricken and there is new language requiring the registration to be 1/2 of 1% of the gross Idaho tuition revenue of the school during the previous registration year, but not to exceed \$5,000. How did it change from a set number of \$100 to not exceed \$5,000? **Ms. Bent** said the previous registration fee was set on the number of courses or courses of study at \$100 and depending on the school, institution and course, there could be a wide range of fees or amount collected at that school for that amount. The previous cap had been \$2,000 but the change in the legislation last year made the cap \$5,000. In order to have a more fair registration fee that would accommodate both the smaller schools and the larger schools it was made into a percentage of the tuition rather than a flat fee per course. **Senator Fulcher** confirmed that the \$5,000 cap aligns with the change in code. **Ms. Bent** agreed.

Chairman Goedde referred to the surety bond and stated that it is not realistic to take registration over an entire year for some proprietary

schools in this state that do not operate on a semester basis or hold classes for very abbreviated intervals. For example, if the class lasts a month and you add up all the registrants from a month long class over a year to require a bond in that amount, the school would never be put in a situation that if they close the doors the student would be able to recover that amount. Does the rule language in paragraph A allow the director enough leeway to take into consideration those instances? **Ms. Bent** said the same concern was voiced during the rulemaking process. To alleviate the concern, the language "student's instructional program" was included. For example, if a school's time of instruction was one month, they could take the average enrollment of twelve one-month periods for the entire year. The rule also allows the Executive Director to determine the formula with more details in order to meet any unexpected issues that may arise. The purpose of the rule is to ensure a fair process that covers what the student would be owed if the school or institution went out of business.

Chairman Goedde commented that this is a Fee Rule and it is going to require positive action of this committee.

Senator Kelly asked **Ms. Bent** what the justification was for the increase in fees and if it was costing more to administer this part of the code? **Ms. Bent** said there has been a fee in place. The amount that had previously been collected did not meet the needs to appropriately administer the legislation or support processes by the Rule to protect Idaho citizenry. The change in the fee lowered the fee for some entities while raising it for others. It is a much more equitable fee because if a school has a larger number of programs, courses or students, a more involved administration is required to ensure the requirements of the Rule are being met. **Senator Kelly** asked how many schools are subject to this Rule change and are registered? **Ms. Bent** deferred to **Mr. Lyter**. **Mr. Lyter** said there are 45 schools currently registered. The number fluctuates. Last year when the rules were changed to enhance compliance and better monitoring, only 35 schools were registered.

TESTIMONY

Shane Reeder, Regional Director for Stevens-Henager College, took the podium as a member of the post-secondary educational institution classification under these Rules and shared his support for the rules since being involved with the rulemaking process since 2007.

Luther Maddy, Director of Rocky Mountain Businesses Academy, took the podium. He represents a small proprietary school with 20 employees staffing classrooms in 7 cities in Idaho and serving 175 students. **Mr. Maddy** said that the exemptions on registration fees and surety bonding needs to be clarified for schools that offer non-vocational or vocational classes such as ADD, ESL or 1-2 day computer classes that are not geared toward a specific job and therefore should not be included in the bond requirement. Clarification regarding the surety bonds is also needed. Only 2% of **Mr. Maddy's** students deal with the general public and are paid for via the Department of Labor and the Community Council of Idaho. Of these students, **Mr. Maddy** finances their tuition meaning that if the school were to go out of business, the students would owe **Mr.**

Maddy money. **Mr. Maddy** asked for clarification as to what is required in a surety bond for self-finance schools for tuition and state agencies that sign students up for month-long programs when receiving the funds lags behind the completion of the course. It does not seem fair for **Mr. Maddy** to acquire a bond when he has not received funds yet because if he were to go out of business, the state agencies could keep their money.

Kris Elis on behalf of the Northwest Career Colleges Federation (NCCF) read the Executive Director of NCCF **LouGena Wikstrom's** statement of support for the rule change. Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1). The statement asked the Committee to work with NCCF to craft reasonable consideration for surety coverage and fees for courses offered at a school that are purely avocational in nature and for courses for which state contracts are paid after training is received. The statement also asked the committee that the financial statements required as part of the annual licensing, or approval process, be kept confidential and not accessible as public information.

Senator Schroeder called **Mr. Lyter** up to address the concerns expressed in the testimonies. **Mr. Lyter** stated that he has a working relationship with the concerned schools to make appropriate accommodations. **Senator Schroeder** shared a problem last year with the Soil Conservation Commission where social security numbers and debt-to-asset ratios were posted on the internet. He asked what information is made available to competitors on the internet by this rule? **Mr. Lyter** said that nothing would end up on the internet. **Senator Schroeder** asked if the records could be obtained by **Mr. Lyter** if requested? **Mr. Lyter** said yes, once an audited financial statement is made in the case of a private college, other supporting financial documents in the case of a proprietary school, are turned over to the board office as part of their package as a public record. We will not release those records upon request to anyone, but if someone makes a formal Idaho Public Records Act request, the file would be turned over to the legal department for determination of what would appropriately be released.

Chairman Goedde asked **Mr. Lyter** if in we make a statutory change to protect those records and not allow public records request, will we have a constitutional problem? **Mr. Lyter** deferred the question to the attorneys.

MOTION:

Chairman Goedde moved, seconded by **Senator Andreason**, to approve Rule No. 08-0111-0901. The motion carried by **Voice Vote**.

RULE NO:

Rules Governing Thoroughness

08-0104-0901

Ms. Bent explained that the changes bring the rule into alignment with changes made to Section 33-3171B, Idaho Code, during the 2009 legislative session, and clarifies language allowing students to retain resident status when they leave the state for educational purposes.

Vice Chairman Mortimer asked **Ms. Bent** if the definition "for any public institution of higher education" in the Rule language includes colleges,

professional-technical colleges and universities. **Ms. Bent** said for Idaho, all of the schools are included.

Senator Fulcher asked if the Rule change includes provisions for those who have left the state and returned for the purpose of military service. **Ms. Bent** said those provisions are not included in this change.

MOTION:

Senator Andreason moved, seconded by **Chairman Goedde**, to approve Rule No. 08-0104-0901. The motion carried by **Voice Vote**.

RULE NO:

Idaho Rural Physician Incentive Program (New Chapter)

08-0114-0901

Ms. Bent explained in the rule change that Idaho Code requires the assessment of a fee from support funds provided by the state to students preparing to be physicians in the fields of medicine or osteopathic medicine pursuant to the interstate compact for a professional education program in those fields as defined by the compact to be deposited into the rural physician incentive fund established in Section 33-3724, Idaho Code. This rule outlines the eligibility and criteria for disbursement of incentive payment from the fund toward education debts of rural physicians who practice primary care medicine in medically underserved rural areas of the state. The text of the proposed rule has been amended to clarify eligibility criteria and priority selection criteria.

Chairman Goedde stated that private parties have tried to make contributions to this fund in an effort to attract physicians from out-of-state. He asked **Ms. Bent** if she has been approached to look at that type of application. **Ms. Bent** said that she has not been approached specifically regarding donations to the fund. The oversight committee that is outlined in the statute helps administer this fund and includes diverse representatives. The contribution of funds outside of what is already in statute may require a statutory change or a separate fund that can be used for those purposes. This fund can be used for physicians that come to the state that did not previously contribute to the fund, however, they are the last priority as outlined in the rule.

Vice Chairman Mortimer asked **Ms. Bent** what the 4% assessment would be for today's medical students? **Ms. Bent** did not know, but she offered to get the number to the committee members.

Vice Chairman Mortimer referred to the priority of the selection of recipients and asked **Ms. Bent** if once someone is accepted if they must re-apply every year thereafter for an award? **Ms. Bent** said the award would be based on an annual contract which would be renewed each year to spare students from undergoing the entire formal application process. **Vice Chairman Mortimer** added that the number one priority for recipients of the award may need to be previously-awarded recipients.

Senator Andreason asked if there has been an association with the Washington-Alaska-Montana-Idaho (WAMI) program in the development of the rules? **Ms. Bent** said that one member of the oversight committee is from the WAMI program. **Senator Andreason** asked if all the committee was in agreement. **Ms. Bent** said they are.

Vice Chairman Mortimer asked if we are paying 4% of a WAMI recipient's application fee are we just moving our money around? **Ms. Bent** said the money in this fund is state money and has been collected over the past years. If an applicant is participating in the WAMI program, the 4% application fee is moved to the fund. We are using our own money to recruit medical students to work in our rural areas. **Vice Chairman Mortimer** asked **Ms. Bent** to answer if the first priority in the selection of recipients is previously-awarded recipients? **Ms. Bent** said that an award is given over a particular number of years, during which if the recipient can show documentation that they are meeting the requirements of the reward then they will not be required to re-apply for the award.

Senator Schroeder asked if the application would be accepted past the deadline? **Ms. Bent** said that there are deadlines in the rule and the applicant is responsible to follow the requirement. **Senator Schroeder** asked **Ms. Bent** to clarify the meaning of the language saying that the "failure of the recipient to respond with in the time period specified will result in cancellation of application and forfeiture of award". **Ms. Bent** said that in order to administer the program, time limits need to be in place to receive the proper documentation showing that award recipients are meeting the requirements of the award.

MOTION: **Senator Andreason** moved, seconded by **Chairman Goedde**, to adopt Rule No. 08-0114-0901. The motion carried by **Voice Vote**.

RULE: **Rules Governing Thoroughness**

08-0203-1001

Luci Willits, representing the State Department of Education, explained the rule change's history starting in February 2009. The State Board of Education (SBOE) approved the changes to the Title III/ Limited English Proficiency Accountability Plan. Following the approval, the SBOE submitted the revised Accountability Plan to the US Department of Education (USDOE) for their approval. The USDOE responded in a letter that the amendment requests would not be approved unless Idaho alters the requirements slightly in one of the four components. This rule change brings Idaho into compliance with the USDOE request.

Idaho requested to adopt the "n" size of 34 for Title III purposes, in order to maintain consistency with Title I. This would ensure that districts with less than 34 LEP students would not be held to the same Idaho English Language Assessment (IELA) accountability targets as those districts with more than 34 students. However, the USDOE determined that districts that received Title III funding through a special consortia grant application, even if they had less than 34 students, must not be exempt and still held accountable. These districts include: Hansen, Murtaugh, Kimberly and Filer.

The No Child Left Behind Act of 2001 mandates that all states must set achievement standards/cut scores for their assessments in order to determine the proficiency level and growth for every student each year. Idaho revised the achievement standards/cut scores for the IELA in July 2009.

A panel of 15 Idaho educators came together to determine new achievement standards/ cut scores for the IELA. The panel members determined to minimally revise the standards/ cut scores to be used. The raw cut scores were then translated into scale scores for the purpose of equating the IELA alternate year and grade level forms. The revised scale scores ensure consistent progression across grade spans, enabling educators to make decisions based on the students' IELA proficiency level. The most significant changes are in the Early Fluent and Fluent categories.

The impact of the adoption of the revised scale score tables for the IELA will enable LEP students to be tested and placed more appropriately in one of five proficiency levels: beginning, advanced beginning, intermediate, early fluent and fluent. This will help schools and districts to determine the appropriate services for each student and the information necessary to exit a student out of the LEP program.

The State Department of Education (SDE) conducted the Adequate Yearly Progress (AYP) appeals in summer 2009 due to the transition of the assessment program to SDE. In reviewing the appeals, it was noted that three clarifications needed to be made in order to more clearly guide the appeals process.

1. To clarify which public entity creates and provides AYP calculations to schools and districts.
2. To clarify the effect of full expulsions on continuous enrollment status.
3. To clarify rules governing withdrawn status, specifically with regard to medical reasons, homebound status, and expulsions.

MOTION:

Rules Governing the Credit Enhancement Program for School Districts (New Chapter)

Chairman Goedde explained to the committee that he requested the Education Committee be presented the rule, but that the State Affairs Committee will be voting on the rule. **Dennis Stevenson**, Administrative Rules Coordinator, said he talked to the Legislative Services Offices (LSO) and it appears that the Education Committee of the House will be taking action on this Rule.

Larry Johnson, Manager of Investments for the Endowment Fund Investment Board (EFIB), introduced three of the board members present today: Chairman of the Board, Dean Buffington, Michelle Sugiyana, and Senator Winder. Also, Deputy Attorney Julie Weaver and Chris Hanorson are available for technical questions.

Mr. Johnson referenced graphs in his handout that explain the credit spreads for tax exempt bonds. The EFIB received additional public comment and discussed the pending and temporary rule at public meetings on August 12, 2009 and August 27, 2009. After a thorough discussion, the EFIB determined that its fiduciary responsibilities to the Public School Endowment Fund require the Board provide a range of fees

in rule so that it may rapidly adjust the fees to address investment market conditions and to allow for changes in actual administrative costs. Subsection 020.02 and Section 030 of these rules are thus revised to establish a range of fees and provide that the Board will set the applicable fee within the range in Board policy. Board policy is set at public Board meetings. EFIB staff plans to recommend the Board adopt an initial policy of a one hundred dollar application fee and a two basis point guaranty fee, consistent with the original temporary rule and comments by the Board in the two recent meetings.

In addition to the above, a citation to Idaho Code is being corrected in Paragraph 020.01.a., a new Subsection 020.05 is being added to provide for submission deadlines, and Section 030 is modified to specify that guaranty fees must be deposited in the Public School Endowment Fund. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the EFIB amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 2).

TESTIMONY:

Karen Echeverria, with the Idaho School Board Association (ISBA), stated that the ISBA has been opposed to this rulemaking from the very beginning. The ISBA is not opposed to a reasonable administrative fee, but is opposed to the basis point fee. ISBA testified in opposition at two of the hearings and submitted written comments along with the Treasurer's Office and the State Department of Education. In reviewing the Attorney General's opinion indicating that the EFIB must charge these fees in order to allow the schools to utilize the funds "of guarantee" - the ISBA is in a quandary to protect school districts' ability to access the funds.

During the proposed rule process, a \$100 administrative fee and two basis points were required. All the comments received during the proposed rule process were to not charge any fees at all. When moving on to the Pending Rules, the administrative fee was increased up to \$1,000 and up to 5 basis points. It was not a logical outgrowth of the proposed rule as the variance between pending and proposed rules are stated in statute Section 67-5227, Idaho Code.

The second concern is that there is no specific fee in the rule. **Mr. Johnson** explained that the fee flexibility is on an "as needed" basis depending on the market, but the fee is actually specified in EFIB's policy and the ISBA would support the rule if the specific fee were set at \$100 with a few basis points.

Senator Winder commented that a specific set fee was brought up in the rulemaking process and he and **Representative Black** suggested that it be a range to allow flexibility in response to market changes to prevent the department from spending more money than the fees they are funded

to process the applications.

Senator Kelly asked **Mr. Stevenson** if there are other situations where a fee rule refers to a policy? **Mr. Stevenson** said he is not familiar with any fees that are in policy and not in rules. **Senator Kelly** stated that it sounds like there was nothing in place to hear public comment on the time between when the rule was proposed and pending-particularly on the issue of the change to a higher fee amount. **Senator Kelly** asked **Mr. Stevenson** to comment on whether the process abides with statutory requirements? **Mr. Stevenson** said the change was permissible by law, and the only safety in such changes is the legislative process for lawmakers to judge if the change was logical. **Senator Kelly** deferred further questions to ask when this comes before the State Affairs Committee.

Chairman Goedde asked **Mr. Stevenson** to confirm that if this rule were rejected, then the public schools would not have access to the AAA bond rating. **Mr. Stevenson** said he could not comment, but speculated that if this rule were rejected, the opportunity to do temporary rulemaking is still there. **Mr. Stevenson** added that the initial rule was developed by the EFIB staff and reviewed by the Executive Committee of the Board and placed in effect in a timely manner to allow school districts to qualify to obtain the guarantee to meet financing deadlines. We did not choose to call a full meeting of the Board to have the proposed rules approved. The difference between the pending and proposed rules occurred when we called the Board meeting for other members to give their opinions.

Vice Chairman Mortimer handed the gavel back to **Chairman Goedde**. **Senator Schroeder** asked **Chairman Goedde** to make sure that the promises of the State Board of Education to continue working to come to an agreement with those who testified with concerns for the rule today be recorded in the minutes.

ADJOURNMENT The Committee adjourned at 4:22 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 18, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: Senators Schroeder and Andreason

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:06 p.m.

Chairman Goedde passed the gavel to **Vice Chairman Mortimer** to lead the committee. **Vice Chairman Mortimer** announced the re-assignment of Pending Rule Docket No. 08-0202-0905.

DOCKET NO: **Rules Governing Uniformity - Pending Rule**
08-0202-0901

Luci Willits, Idaho Department of Education Chief of Staff, stated that according to surveys and testimony given to the Idaho Legislature, Idaho has a lack of consistency, reliability and validity in measuring teacher performance. Both the standards and procedures by which teachers are being evaluated have been found to lack consistency from one district to the next and often within a district from one school to another. Many teachers across Idaho have expressed concerns about the quality, fairness, consistency and reliability of teacher evaluation systems currently being used in their school district. Part of the recommendations made by the Teacher Evaluation Task Force included making changes to Idaho Administrative code, IDAPA 08.02.02. - Section 120, Local District Evaluation Policy. The changes establish state wide minimum standards for a fair, thorough, consistent and efficient system for evaluating teacher performance in Idaho based on Dr. Charlotte Danielson's Framework For Teaching. Dr. Danielson is a nationally recognized expert on school improvement. Dr. Danielson developed the Framework for Teaching as a guide to help teachers become more effective and help them focus on areas in which they could improve. The framework groups teachers' responsibilities into four major areas, which are clearly defined, and then further divided into components that highlight the practice of effective teaching. The four areas are: planning and preparation, learning environment, instruction and use of assessment and professional responsibility. There are no changes to the pending rule, therefore, it is

being adopted as proposed. The complete text of the proposed rule was published in the June 3, 2009 Idaho Administrative Bulletin, Vol. 09-6, pages 30 through 33.

The rule was presented across the state for feedback and modified accordingly. The school districts expressed the need for more time. Districts are required to have their initial plan to the State Department of Education by February and to pilot it in the fall of 2010. Districts are granted flexibility in the manner they pilot the evaluation program ranging from a group of teachers to the entire district. The ultimate goal is to fully implement the rule in the school year of 2011. The rule has been funded by Title 2 and professional standards commission dollars.

Chairman Goedde asked **Ms. Willits** for confirmation that the rule will allow school districts to use evaluation models other than the Danielson model. **Ms. Willits** confirmed his statement as long as the models meet the baseline standards set out by the rule.

Chairman Goedde acknowledged Nick Smith's and Christina Lindar's admirable performance on the process. He demonstrated concerns about funding to adequately train evaluators. He also stated the need for an evaluation system for school administrators in the future.

Senator Kelly asked **Ms. Willits** to review the public participation process, specifically to confirm that it was a non-negotiated rule making process? **Luci Willits** stated that there was no formal negotiated rule making. The committee of 23 people met more than 6 times. Once the proposal was established the committee went out to various regions for feedback. The feedback was integrated into the finalized version of the rule which then proceeded with a formal public hearing where written comment was accepted.

Senator Malapeai asked **Ms. Willits** to review how the committee was selected? **Ms. Willits** stated that the committee was formed in 2008 when intent language was inserted in the public school's budget. There was \$50,000 appropriated to form the committee. The committee was outlined in the intent language to be selected by three Superintendent principals or public charter school directors, three members of the school board trustees, and three classroom teachers; two of which must be members of the Teachers Association. The actual Task Force consisted of three teachers, school board members, public charter school member of business, legislators from the House and Senate, and representatives from the Office of the Governor, College of Education and the president of the IEA (Idaho Education Association).

Vice Chairman Mortimer asked **Ms. Willits** to address how the districts

will be equipped both financially and practically to take on the rule. **Ms. Willits** deferred to **Nick Smith**, deputy superintendent of school support services. **Mr. Smith** said a website was established offering approved teacher evaluation samples and generic rubrics and templates. The website also provides sample policy language, sample methods, tools and instruments, all of which can be adjusted to fit the districts' and schools' unique situations. Regarding financial support, the State Department of Education has not distributed funds but has provided professional development training for teachers and administrators by contracting with an online company, Educational Impact. Regional training and workshops are also provided in person.

Senator Kelly asked **Mr. Smith** if the local school districts and charter school would incur extra expenses due to the rule? **Mr. Smith** stated there would be additional costs for some districts even though it is already statutory that every district have an evaluation model. There are a number of non-state funds already in place for districts to access, including federal Title I funds or Title 2A funds specifically allocated for teacher and administrator professional and the America Recovery and Reinvestment funds.

Vice Chair Mortimer recognized **Wayne Davis**, Executive Director of the Idaho Association of School Administrators, who expressed concerns about the limited personnel to implement the new teacher evaluation model put forth by the rule. Survey results revealed that 107 out of 109 school districts in Idaho have had to reduce administrative full time employees to adjust to the economic downturn. **Mr. Davis** supports the rule but requested that the rule implementation deadlines be delayed until a more feasible implementation time.

Senator Kelly asked **Mr. Davis** the consequences if a district was unable to implement the evaluation model by the deadline set forth by the rule? **Mr. Davis** deferred to **Nick Smith**. **Mr. Smith** said there is no consequences. The time line established by the rule has already been delayed by an entire year. A waiver is provided for districts unable to make the deadlines whereas an explanatory letter must be sent to the Department of Education and must outline how the district is working toward the end goal of full implementation in the fall of 2011.

MOTION:

Senator Fulcher moved, seconded by **Senator Goedde** to approve Pending Rule Docket No. 08-0202-0901. The motion carried by **Voice Vote**.

**DOCKET NO:
08-0202-0902**

Rules Governing Uniformity - Pending Rule

Ms. Willits stated that this rule change is in response to the Highly

Qualified Teacher (HQT) mandate. In order to assist teachers in meeting highly qualified teacher status this immediate rule change is necessary. The traditional route to endorsement for in-service professionals seeking other endorsement areas is not sufficiently meeting the demands of school districts, particularly those in rural areas. These changes are in alignment with No Child Left Behind (NCLB) and allow for additional options to attain an endorsement. The four options include traditional coursework through a college or university, National Board certification, content specific graduate degree, and standardized content testing (Praxis II) with a mentoring component and/or pedagogical assessment. These additional routes expedite the attainment of endorsements for teachers who are needed to teach in areas outside of their current endorsement. Under the alternative authorization provisions these additional routes are available to Idaho school districts requesting endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification and is only valid for up to three years and is nonrenewable. All of these additional options for endorsement bring Idaho rule into further alignment with NCLB and the Highly Qualified Teacher mandate.

Option I - Teacher to New Certification was pre-existing under this section before and is now designated option one and titled accordingly. This option is for initial certification and/ or endorsement and is for traditional coursework through a postsecondary institution.

Option II - National Board for adding an endorsement. By earning National Board certification in a content specific area, candidates may add an endorsement in that same content area to a valid certificate.

Option III - Master's degree or higher for adding an endorsement. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate.

Option IV - Testing and/or Pedagogical Assessment is for endorsement only. Two pathways are available to some candidates, depending upon endorsement(s) already held. Pathway I acknowledges content areas that are closely compatible in pedagogy with an endorsement area the candidate already qualifies and is experienced. This route requires no coursework once content competency has been shown as a result of a passing score on the appropriate Praxis II test and completion of a mentoring component. Pathway II addresses less closely aligned areas and therefore additional pedagogy in content area best practices is required in addition to content knowledge. Both Pathway I and II require a minimum of one year of supervision and mentoring. Major additions to the alternate route to endorsement were already

passed by the Legislature in the 2009 session; however, the wording between Pathway I and Pathway II is in need of some minor clarifications. In addition, we are taking this opportunity to delete the “emergency” language. While all requests must still pass through the Professional Standards Commission Authorizations Committee, and districts must still communicate why it is in their best interest to choose this route rather than hire a person who is already appropriately certificated, the district will not need to prove that it is an emergency situation. The only other change is to include the option of awarding a teacher an additional endorsement for attaining a Master’s Degree in a specific content area. Both changes bring the state into greater alignment with Title II-A guidance.

Luci Willits added that these changes were brought before the Professional Standards Committee, amended, discussed and proposed to the Profession Standards Commission for a vote. Two public comments were received on this rule and were not considered by the Commission substantive enough to warrant necessary changes.

Vice Chair Mortimer inquired how many teachers are pursuing the highly qualified status? **Ms. Willits** deferred to **Christina Lindar**, Director of Certification and Professional Standards. **Ms. Lindar** stated that 93% of teachers are highly qualified. This rule was implemented because rural districts were having difficulty finding highly qualified teachers and allows districts to grant highly qualified status to currently certified teachers.

MOTION:

Chairman Goedde moved, seconded by **Senator Fulcher** to approve Pending Rule Docket No. 08-0202-0902. The motion carried by **Voice Vote**.

**DOCKET NO:
08-0202-0903**

Rules Governing Uniformity - Pending Rule

This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status and teacher shortages. In light of increased math and science graduation requirements, it is clear that the state may be facing an even greater shortage in these core content areas. This rule change proposes an avenue to head off a dramatic deficiency. It also allows for more local control and flexibility in meeting certification requirements, especially in consideration of rural districts that have difficulty in hiring and retaining qualified support personnel.

This rule change allows endorsements to be added to Professional Technical certificates. Up to this point, Professional Technical Education (PTE) issued full certificates but only in technical content areas. This will allow our technical education teachers to become highly qualified in core content area endorsements (math, science, language arts, etc.) so they can be highly qualified and take on additional assignments. This will

particularly assist rural districts, provide students more options for meeting graduation requirements, and allow for more flexibility in assigning PTE certified teachers.

In 2005 Idaho redesigned the social studies endorsement to meet the mandate of No Child Left Behind. An interdisciplinary endorsement was no longer sufficient; content expertise was to be proven in all four of the core content areas contained within the endorsement – government, economics, geography, and history. Though the original design intended to satisfy these requirements making social studies endorsed teachers highly qualified in all of these areas, it was found unacceptable to the US Department of Education (USDOE).

Because of the widely rural nature of Idaho, having teachers who can teach in more than one subject area is an absolute necessity. In accordance with direction given from the USDOE, changes have been made to the endorsement to bring the integrated social studies endorsement into compliance with highly qualified status in all four of the core content areas.

This rule change is in response to a need for more uniform language. The term “provisional” is used erroneously to describe what is truly an “interim” certificate. A “provisional authorization” is granted as a one year waiver whereas an “interim certificate” is granted for a period of three years while educational requirements are actively being sought. This endorsement as it applies to the school nurse is an “interim endorsement” and needs to be worded appropriately. There are no changes to the pending rule, therefore, it is being adopted as proposed.

Senator Malepeai wanted to know what privileges the endorsement for a speech language pathologist allows in the field of practice and what level of education the speech language pathologists are required to have? **Ms. Lindar** stated that this allows personnel in the process of getting an SLP endorsement to serve the children in the same way a professional with the SLP endorsement would. Currently, school districts are having to contract with consulting companies providing people with only Bachelors degrees or in the process of getting an SLP. In most cases children need skills that the professionals are learning early. As long as they already have a bachelors degree in speech pathology, it is considered sufficient baseline knowledge.

Senator Malepeai asked if the state organization for speech and language consulted on this particular rule? **Ms. Lindar** stated that Idaho State University’s (ISU) language pathology program is the closest to the state organization that was available in Idaho and was consulted in the

process of going through the Professional Standards Commission of which the Dean of Education of ISU serves on.

Senator Malepeai demonstrated hesitancy to the rule due to lack of necessary clinical skills that deal with technical speech impediments that a professional with only a bachelors level in speech pathology may not have. It was also his understanding that speech pathologists working in the field were required to have a Masters level degree. He expressed fear that allowing non-Masters level speech pathologists to work with children with speech impediments may be dangerous. He requested that the rule be delayed until there is clarification on the educational requirements.

Vice Chairman Mortimer called **Luci Willits** on to address the concerns.

Ms. Willits said this rule is driven by the fact that there is a shortage of professionals working in school districts. The certificate cannot be attained unless the speech pathologist is pursuing their Masters in speech pathology and completes the process within three years.

Senator Malepeai demonstrated concern that this is a way for people avoid hiring Masters level professionals who are fully qualified, consequently putting children at risk and the state at legal liability.

Senator Goedde asked **Ms. Lindar** to explain how school districts are allowed to contract for services with companies that provide Bachelors level professionals for Master level jobs? **Ms. Lindar** stated that school districts are undergoing severe shortages to get any services for the students and resort to contracting with companies. The companies are not sending people in as "registered speech language pathologists" but instead as "personnel to assist the students." **Ms. Lindar** said she would get back to the Senator on who the consulting companies are and how they are marketing their employees.

Senator Fulcher asked for the financial impact the rule will have on rural districts? **Luci Willits** said she would look into the question.

Senator Kelly commented that the finances could improve or worsen depending on the contracting company. She asked why the three year limit was in place? **Christina Lindar** explained that the three year interim was a standard.

Action on Pending Rule Docket No. 08-0202-0903 will be delayed.

**DOCKET NO:
08-0202-0904**

Rules Governing Uniformity - Pending Rule

Luci Willits explained that Idaho will be the first state to adopt an endorsement for online teachers if the rule comes to pass. With the exponential growth of online course offerings throughout the state, a need to create a set of standards for those teaching in an online environment

was identified. These standards will be the framework for creating a new endorsement to be added to teaching certificates. The endorsement will not be mandated immediately by the state in order to teach online, but many of our virtual schools are interested in making it a requirement for all of their teachers. The amended version of these standards is herein incorporated by reference into these rules.

The on line teacher endorsement standards in terms of the requirements are much like content standards. A minimum is set and considered a baseline measure. Proponents of the rule change worked very closely with Idaho Digital Learning Academy to create these standards.

Vice Chairman Mortimer commented that Boise State is a national leader in virtual learning and asked if they were involved in the process? **Ms. Willits** deferred to **Ms. Lindar** who stated that both Dr. Lisa Dolly and Dr. Terry Rice have chaired the committee and drawn together resources from many universities.

Senator Kelly asked to confirm that the virtual teaching endorsement is optional but can be required by online school operator and for confirmation that teachers are still required to get other substantive endorsements to teach? **Ms. Willits** confirmed that teachers are required to be certified in the area they are teaching; the virtual endorsement is optional and will show that they are also certified to teach online.

MOTION:

Senator Fultcher moved, seconded by **Senator Goedde**, to approve Pending Rule Docket No. 08-0202-0904. The motion carried by **Voice Vote**.

**DOCKET NO:
08-0202-0906**

Rules Governing Uniformity - Pending Rule

Ms. Willits informed the committee that a professional development opportunity has been developed in a three credit course called Mathematical Thinking for Instruction (MTI). The foundation for the course is to focus on Teaching for Understanding and building mathematical thinking for students. Instructors emphasize five underlying principles of the course and encourage teachers to carry them out back in their classrooms. They include: taking students ideas seriously, pressing students conceptually, encouraging multiple strategies, addressing misconceptions, and focusing on the structure of the mathematics. Participants in the course increase both their content knowledge and their pedagogical knowledge.

Three MTI classes have been developed that are grade level specific including; K-3, 4-8, 6-12. Through this rule change, teachers and administrators will be required to take one of the three courses developed

that most closely aligns with their current assignment prior to September 1, 2014.

Teachers are expected to carry over what they learned in the MTI class back to their classrooms and implement those practices in their instruction. Support is being provided by regional specialists and online webinars.

The five year time line has been established for over 10,000 educators to get through the Mathematical Thinking Course. The Institute for Developing Mathematical Thinking through Boise State, and Idaho State Department of Education are working with institutions to ensure stability. Only in-service teachers are required to participate in this professional development opportunity. Priority will be given to public school math teachers for the first three years. The State Department of Education will provide stipends for certified instructors, three university credits for participants successfully completing the class and course material. The funding for this is being provided by the Idaho Math Initiative State Funding.

Five comments were received during the public comment period, reviewed and it was determined that no necessary changes were needed. **Senator Kelly** asked what was meant by priority given to public school teachers, particularly if the rule will exclude private school teachers? **Ms. Willits** stated that public math teachers will get priority. All public teachers will have to pay for the course.

Chairman Goedde asked if this rule is only offered to current teachers, how will it be offered to pre-service teachers? **Ms. Willits** stated that the initiative is only for those who are in the system currently teaching.

Ms. Willits deferred to **Ms. Lindar** who shared that she is working with the Deans of Education to see that the relevant coursework be offered prior to 2014.

Chairman Goedde commented that the College of Education needs to get on board so there is no need to remediate. **Vice Chairman Mortimer** asked **Ms. Willits** to address which administrators have access to the course and why? **Ms. Willits** stated that to create deep cultural and systemic change, the principle needs to be on board to understand what is being taught. **Ms. Lindar** added that any administrator, including principals and superintendents, will be asked to take the course.

Vice Chair Mortimer asked if school districts are deficient enough in teaching techniques to make the course mandatory for everyone? **Ms.**

Willits shared anecdotal information on how the course is truly changing practice and raising student achievement math scores.

MOTION: **Senator Fulcher** moved, seconded by **Chairman Goedde**, to approve Pending Rule Docket No. 08-0202-0906. The motion carried by **Voice Vote**.

ADJOURNMENT **Vice Chair Mortimer** returned the gavel to Chairman Goedde. The meeting adjourned at 4:06 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 19, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Pearce, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: Senators Andreason and Fulcher

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m. He clarified that the Superintendent Association's paper entitled "No New State Programs or Initiatives" referred to new rather than existing requirements for supervision and evaluation. **Chairman Goedde** passed the gavel to **Vice Chairman Mortimer**.

RULE NO: **Rules Governing Uniformity (Pending)**
08-0202-0907

Vice Chairman Mortimer called on **Luci Willits**, Idaho Department of Education Chief of Staff. This rule deals with qualifications for instructors of the Idaho Math Teacher Initiative (MTI). The MTI is offering a professional development opportunity for math educators and administrators. Research shows that in order for a professional development opportunity to be successfully implemented, follow up opportunities must be made available. As part of the math initiative, the follow up support includes working closely with regional math specialists and district instructional coaches. To ensure that qualified educators are conducting this additional follow up support, a mathematical consulting teacher endorsement has been developed. In order to be eligible to take one of these courses and to have the teacher endorsement, one must qualify for or hold a standard elementary secondary exceptional child, early childhood or early childhood class special education certificate. Requirements also include the ability to demonstrate competency on four emphasis areas including: big ideas in mathematics, proof of argumentation, mathematic knowledge for teaching, and proof of argumentation. Additionally, teachers must have a minimum of twenty semester credits; teachers are required to have a minimum of three years teaching experience, and have assessment of performance through teachers portfolios including qualitative and quantitative measurements such as classroom videos, lesson plans and student examples. The MTI courses have already been developed and other courses will be

developed in cooperation with all of the participating institutions of higher education and the State Department of Education. One primary goal of the endorsement program is to produce exemplar teachers, who will lead and build the knowledge of their colleagues throughout the state of Idaho.

Three public comments were received to this rule during the public comment period, no changes to the rule were necessary.

MOTION: **Chairman Goedde** moved, seconded by **Senator Winder** to approve Pending Rule Docket No. 08-0202-0907. The motion carried by **Voice Vote**.

RULE NO: **Rules Governing Thoroughness (Pending)**
08-0203-0902

Ms. Willits noted this rule deals with the Idaho Content Standards for Social Studies, Physical Education, Health, Chemistry (as part of the Science standards), and Humanities. It is due for revision as part of the six year curricular materials adoption cycle. **Ms. Willits** distinguished the Idaho Content Standards from Common Core Standards which only deal with Math and Reading/Language Usage. The standards discussed today will not be affected by the "Race to the Top Grant" which is unique to the Common Core Standards.

The process to create the Idaho Content Standards was created by gathering teachers from all over Idaho for four to five day-length times over the year to review the Standards. The committee that reviewed them also included higher education and content experts on certain subjects.

The Social Studies revisions are the first since 2005/2006 and involve clarification and no major comprehension revisions. Chemistry was a way for students to earn a Science credit but Idaho lacked statewide Chemistry standards which were presented to the Education Committee last year and are this year brought forth for full application in this rule. Health standards were made clearer, higher, fewer, and attainable. One comment received on the Health standards was addressed in the process. The standards are indexed by grade spans K-2, 3-5, 6-8, and 9-12. The standards provide a knowledge, a skill and activities that are developmentally appropriate. The rule provides five clearer Physical Education (PE) standards. The American Heart Association and the Community Partner were consulted in the process. Language was added to explain an objective, a measure, an example of what it would look like and an assessment example. These standards also align with national standards. Humanities standards were presented last year and have not undergone any changes nor have they received any objections or additions when re-evaluated during the public process.

MOTION: **Senator Malepeai** moved, seconded by **Senator Pearce**, to approve Pending Rule Docket No. 08-0203-0902. The motion carried by **Voice Vote**.

RULE NO: **Rules Governing Thoroughness (Pending)**
08-0203-0903

Ms. Willits stated that the Middle Level Task Force was created in May

2007 to examine middle school issues as recommended by the High School Redesign efforts. The Task Force comprised of 20 people including Senator Fulcher, Representative Chavez, principals, state board of education, parents, professional/technical representatives, Idaho Education Association (IEA) and trustee coalition. Two goals of the task force were to ensure all students are prepared to be successful in high school and to increase academic engagement and student accountability for middle school students through a relevant and rigorous curriculum. Desired outcomes included ensuring all students are prepared to be successful in high school and beyond and to improve student preparation for high school and post-secondary education. To achieve these goals and work toward the desired outcomes, the Middle Level Task Force determined that students need to be introduced to the language and concept of a credit system before entering high school. Effective in July 1 for the 2010/2011 school year students entering seventh grade will have to meet credit requirements or complete an Alternate Mechanism to proceed to the eighth grade. Students will be required to obtain a minimum of eighty percent of their credits in order to be promoted to the next grade level. Students will not be allowed to lose a full year of credit in one area; students not meeting or in jeopardy of meeting the credit requirements will be given the opportunity to recover credit. Attendance will be a factor in the credit system or Alternate Mechanism, or both.

Four written comments were received during the process. Presentations were given statewide on the rule and a public hearing conducted in October of 2009. Based on feedback, changes were made to the pending rule to provide greater clarity and structure to the rule. This rule change would require each local education agency (LEA) or district to design and implement a credit system starting no later than the seventh grade. Changes being made for the pending rule are to provide greater clarity and structure to the rule. Language has been added to the section on Alternate Mechanisms to require that each district forward their mechanism to the Department. The changes to the Limited English Proficient and Special Education sections emphasize that the respective teams make decisions on alternate requirements or accommodations for those students.

Ms. Willits announced the availability of Deputy Superintendent **Rob Sauer** for questions. **Mr. Sauer** independently instituted the credit system as the principal of Wendell Middle School and has consulted the statewide implementation efforts. **Mr. Sauer** is the only principal in Idaho to receive the national Milken Educator Award.

Senator Schroeder asked **Ms. Willits** if the Idaho Digital Learning Academy (IDLA) is recognized as an Alternative Mechanism to help students? **Ms. Willits** confirmed that the IDLA is certainly a possibility.

Senator Schroeder pointed out a grammatical error on Page 61 between sections 05 and 06 and asked **Ms. Willits** to see it is corrected. **Ms. Willits** agreed to do so.

Senator Kelly noted that school districts have demonstrated concerns

about this rule. When faced with shrinking budgets, it may not be reasonable to impose new requirements. **Senator Kelly** asked **Ms. Willits** what exactly is the mechanism for remediation if middle schools students' cannot meet the requirements we are asking them to adopt? **Ms. Willits** noted that several school districts have independently implemented a credit system in their middle schools without additional funding including: Wendell, Lincoln, Pocatello, Rigby, Vallivue, Homedale and Shelly. They have reallocated existing funding. **Senator Kelly** asked **Ms. Willits** where funding comes from for remediation if a student cannot meet the requirements of this rule? **Ms. Willits** stated that \$5 million is provided to districts to remediate students. These funds can also be used to remediate the requirements put forth by this rule. **Senator Kelly** asked **Ms. Willits** to confirm that the rule would require schools to use existing funding that is needed for student remediation for Idaho Standards Achievement Tests (ISAT) exam scores? **Ms. Willits** confirmed that the five million dollars is also available for ISAT remediation.

Senator Goedde echoed **Senator Kelly's** questions. He explained to the committee, emails he received today from Superintendents pointing out legitimate funding concerns. He commented that the committee has passed everything but item number two, Credit Recovery, which is the only item left for further consideration.

Vice Chairman Mortimer called **Mr. Sauer** to address some comments and concerns expressed on the rule. **Mr. Sauer** noted that many of the concerns were discussed on the Task Force. In discussing how to pay for remediation, **Mr. Sauer** shared his experience at Wendell Middle School. He found that the best opportunity for remediation was during 8 a.m. to 3 p.m. instead of after school or summer school. A credit-recovery class was created and one is also supplied through IDLA. School districts operating on the credit system are doing so with existing funds and have not requested more. Summer school remediation funds are also available specifically for seventh and eighth grades.

Senator Kelly asked **Mr. Sauer** what would be done if existing funds were decreased because of the budget crisis the state is currently faced with? **Senator Kelly** stated that she does not know how to justify imposing more requirements on school districts at a time when they are asked to operate on current standards with less resources, and more students? **Mr. Sauer** replied that when all the current districts that have implemented the credit system are asked, they agree that they would never go back to the old system. **Mr. Sauer** affirmed that he believes the credit system can be done with existing or less funds.

Chairman Goedde asked **Mr. Sauer** if the money that is available for remediation summer classes for seventh and eighth graders is federal or state money? **Mr. Sauer** replied that it is state money.

Vice Chairman Mortimer asked **Mr. Sauer** and **Ms. Willits** to clarify the number two minimum requirement stating that students will not be allowed to lose a full year of credit in one area? **Mr. Sauer** gave the example of a student passing all of their classes but failing an entire year

of mathematics. The student will still be allowed to advance in grade level but intervention will need to happen to give the student support. **Vice Chairman Mortimer** stated that the language does not fit or make sense for the rule to say that a student “will not be allowed” to lose a full year of credit in one area. **Mr. Sauer** stated that the Task Force had difficulty around the language and has created frequently asked questions and talking points to help clarify the intent of the language.

Senator Pearce echoed **Senator Kelly’s** concerns that the rule will up the ante for schools while lowering the money. **Senator Pearce** asked **Ms. Willits** when the rules will be implemented? **Ms. Willits** answered that the rules would be implemented in the fall of the 2010 school year. **Ms. Willits** added she understands the funding concerns but urged the committee to look long term. If students continue to enter high schools unprepared with deficiencies within areas of their education they will not be prepared to meet challenges of this economic climate. **Senator Pearce** replied in agreement to **Ms. Willits** but asked how she suggested the legislators respond to schools suffering financially? **Ms. Willits** suggested that schools can be helped by learning from the model schools that have already implemented the program.

Senator Malepeai spoke on behalf of the committee that they would be in agreement with **Ms. Willits** about the need to train students in the new global and competitive atmosphere we are in now. He commented on the huge disconnect caused by disengagement and isolation of people making implementation decisions when they are unaware of what people have to deal with on the local level. To add on to educator’s load when providing them with less resources may affect their motivation and cause burn out. **Ms. Willits** stated that even if the economic situation was good the rule would not require money and was never intended to.

Senator Schroeder called on **Mr. Sauer** and asked if it is a correct statement that we pass failing junior high kids onto high school? **Mr. Sauer** confirmed that junior high kids with failing scores are sent onto high school. **Senator Schroeder** shared a past bill he had to require all children to be in school until they were 18 years of age or graduated; the motivation was to not allow the school’s failures to just leave and thereby motivate the schools to educate their students. In the junior high setting, are we going to end up with a bunch of 15 year olds in junior high and what would it do to the junior high setting? **Mr. Sauer** said that the Task Force talked about the issue of overaged students held back in the junior high setting. The rule is flexible enough to enable local level decisions to be made on a student-by-student basis. The last thing we are advocating for is retaining a child, rather early intervention. **Senator Schroeder** asked **Mr. Sauer** to confirm that this rule is going to motivate Junior High teachers to more specifically address the needs of students that are currently failing? **Mr. Sauer** said the rule is another tool to help teachers identify students who need help. **Senator Schroeder** asked **Mr. Sauer** why the schools are not doing that now; why do we have students failing in Junior High now and being sent on to High School? **Mr. Sauer** agreed that we need to be intervening to ensure our students are successful.

Senator Winder commented on the impact the shortage of money has had on dominating the discussion about the rule. He finds it disheartening that even though we are in one of the toughest economic times in our nation's history that money becomes more of a determination of how we educate our kids. If action is delayed two or three years, a full compliment of freshmen through senior high school students are lost. Any tools and encouragement we can give is important to let our kids know they are cared for and this rule may be a way to do that. **Senator Winder** asked **Mr. Sauer** what he thinks as a former Junior High Teacher? **Mr. Sauer** agreed and felt that the schools only have one chance with the students and need to make the most of it. Almost every single time the credit system was presented to schools and teachers it was greeted with a round of applause and came as a relief to teachers as a new tool and resource. The Task Force did not just talk about credits; it talked about a number of best practices to support school districts with the implementation of this.

Senator Pearce referred to the letter sent to the Senators from Superintendents Association clearly stating not to impose anything more on the school districts on less funding - which is the very thing the committee is doing. **Senator Pearce** asked **Ms. Willits** what would happen if the committee delays the rule until next year? **Ms. Willits** answered that students will not have to earn credits in middle school, they will not have to attain those to move along, it will be business as usual. **Senator Pearce** asked if this is the difference the rule would justify imposing the burden on schools at this time? **Ms. Willits** admitted that she was unsure she could answer if the rule will cause a great deal of stress to the system and discourage teachers. She echoed **Mr. Sauer** in saying that she thinks teachers appreciate support in providing accountability for their students. Anecdotal information she has received reveals that middle school students have learned that they can get through middle school without doing their best with the current system in place. **Senator Pearce** emphasized that the concept of "giving education to children" is not what happens; they earn education. **Ms. Willits** agreed by saying how the rule will help them earn the education by a credit system. **Senator Pearce** said he was not convinced and stated that when proposals are sent out in difficult times the committee must know if the reaction will be positive or negative. **Ms. Willits** noted that the reaction depends on the individual school system. There will be no change for schools that already have the credit system in place, a welcome change for schools that don't, and for those schools that are anxious and upset about the budget situation they will continue to be so.

Vice Chairman Mortimer asked **Ms. Willits** what percentage of seventh and eighth graders are passing the credit systems in place? **Ms. Willits** deferred to **Mr. Sauer**. **Mr. Sauer** said that the data is not tracked at the state level. **Ms. Willits** said ISAT scores generally show that students do very well in elementary, struggle in middle and slightly increase in high schools. **Vice Chairman Mortimer** asked **Ms. Willits** if eighty percent of our middle school students do well on the ISATS? **Ms. Willits** speculated

no, but she would need to reference exact data for a thorough answer.

Vice Chairman Mortimer asked **Ms. Willits** if what the committee is being asked to approve is a rule or a guideline? **Ms. Willits** said it is a rule in terms of requiring the framework for a middle school credit system but individual school districts can set the percentage of credits students must pass to advance in grade level. **Ms. Willits** framed the rule as a way to not allow students to fall through the cracks and provide them with accountability to themselves in moving through the system. **Vice Chairman Mortimer** asked **Ms. Willits** to confirm that the rule is setting a standard? **Ms. Willits** deferred to **Mr. Sauer** who said yes and that the requirement to pass eighty percent of their courses is not a very high standard seeing as a “D” grade in a course is still considered passing - making accomplishing the credit system very attainable for students. **Vice Chairman Mortimer** paraphrased that the rule will become a standard for school districts and students to achieve but whether they are held back or advance forward is left to the discretion of local administrators? **Mr. Sauer** confirmed the statement and reiterated that the ultimate enforcement and crafting of the policy is determined at the local level. The plan is flexible enough to meet demands of each district. **Vice Chairman Mortimer** asked if there are any ramifications if the school districts elect to pass the students on without achieving the standard? **Ms. Willits** stated that there would be no penalty.

Senator Kelly asked **Ms. Willits** what the credit system requirements standards are for high schools? **Ms. Willits** said 46 credits are required of each student to graduate and there are certain credits that they have to attain. Otherwise they must provide an Alternate Mechanism for the required area they failed to pass. **Senator Kelly** asked if the high school standard was adopted by rule or by statute? **Ms. Willits** answered by rule which provides minimum requirements given to districts enabling districts to raise the standard. **Senator Kelly** asked if there was any statutory or legislative action that directed or indicated legislative support for the middle school system? **Ms. Willits** answered there was no official motion to investigate the prospect of a middle school credit system. **Senator Kelly** referred to the pilot voluntary schools that have the credit system and schools that have demonstrated a desire for it and asked why the rule could not be a suggestion instead of imposing a mandate on school districts that may not have the resources necessary? **Ms. Willits** said because the outcome would be better if it were a statewide effort and impact. **Senator Kelly** commented on the economic crisis making this an unfavorable time to impose more requirements on schools.

Chairman Goedde asked **Ms. Willits** if the argument is sound to say that rule may be revenue-neutral and save schools money in the future due to research that shows that the earlier intervention and remediation the more successful the student? **Ms. Willits** agreed that early intervention always pays off long-term. To raise a middle school student’s ISAT scores and competencies up will cost far less money than to do so in high school. Developmentally, the tasks are more appropriately taught and established earlier on in middle school. **Ms. Willits** deferred to **Tom Luna**, State

Superintendent of Education, to also answer the questions. **Mr. Luna** stated that the rule is not asking schools to do more in these economic times but we are asking them to do things different. **Mr. Luna's** shared that teachers across the state have been saying this is the best idea we have had in ten years.

Senator Pearce asked **Mr. Luna** if the rule underwent a negotiated rulemaking process? **Mr. Luna** replied yes. **Senator Pearce** asked if any negative input was received from people or teachers across the state? **Mr. Luna** deferred to **Ms. Willits** who corrected that the process was a non-formal negotiated rulemaking process. The process can certainly be considered a negotiation among a task force but the process does not meet the criteria set forth by administrative rules for a formalized negotiated rule making. **Senator Pearce** asked if any negative comments were received during the process? **Mr. Luna** said when the plan was presented to the State Board and opened up for comment, no negative feedback was received. **Senator Pearce** demonstrated concern with how the Task Force was formed and conducted as to not solicit formal public participation. He argued that education is about the relationship between the teacher and student that cannot be legislated. **Senator Pearce** demonstrated wariness that the rule will damage that relationship by discouraging teachers. **Mr. Luna** disagreed and added that the rule will empower and encourage teachers and motivate and bring accountability and expectation to students. Students will rise to the level of expectation. The rule identifies what is expected of them and today expectations are unclear. The theme of the process was rigor, relevance and relationship recognizing the importance of the student and teacher contact. **Senator Pearce** said that he hopes that follow up statistics to track dropout rates due to this rule will be taken. **Mr. Luna** agreed with the concerns; similar concerns were expressed before with the ISAT standards and dropout rates have not increased. This rule should help lower dropout rates in high school because students won't be so overwhelmed and unprepared when they enter high school.

Senator Schroeder referred to **Senator Kelly's** question regarding statutory authority and asked if the authority was drawn from 33-1612 found under courses of instruction and gives the general authority to establish a thorough system of public schools? **Mr. Luna** answered yes.

Mr. Luna noted that one of the members of the committee who served and supported the creation of the rule was the President of the Idaho Education Association, Sherry Wood.

TESTIMONY:

Wayne Davis, Association of School Administrators, responded with a concern, not about the concept but about the ability to provide the remedial programs for the kids to make sure they graduate. Remedial dollars that come to districts are currently obligated. **Mr. Davis** also commented that he had hoped the decision to implement a middle school credit system would be locally made by the school boards and districts.

Senator Pearce stated that a failing grade and threat of being held back in school should be motivation enough for students to move forward. **Mr. Davis** commented that policies to motivate students to move forward instead of hold them back is his preference.

Senator Winder asked for clarification on the five million dollars available for remediation and if it is new or just existing money already allocated? **Mr. Davis** understands that the state remediation dollars to districts are obligated to existing staffing and that no additional funds were coming. **Mr. Luna** said the \$5 million is distributed according to the number of students who do not pass the ISAT. In response to **Senator Peace's** comments, **Mr. Luna** commented that students can still pass middle school with an "F" letter grade which he is trying to raise to a "D" standard.

Robin Nettinga, Executive Director of the Idaho Education Association (IEA), came on behalf of **Sherry Wood** who is the IEA's president. As a former middle school teacher, **Ms. Nettinga** dealt with children on a daily basis reluctant to get better grades because they knew it didn't matter. When asked by the state to identify areas about funding we could cut, we were unable to answer, however, we did identify "rules" as a possible area that may not be appropriate to implement at this time simply because of the cost.

Senator Schroeder asked **Ms. Nettinga** if the decline in student academic scores in middle schools was because they didn't have to be successful? **Ms. Nettinga** could not answer the question.

Senator Pearce asked if the rule was really for the students or the teachers? **Senator Pearce's** concern is that the rule may be to inspire teachers at the student's expense. **Ms. Nettinga** said the IEA is not opposed to the rule, just concerned with timing.

Vice Chairman Mortimer stated that **Chairman Goedde** ordered the rule to be delayed and revisited on a later day.

Chairman Goedde announced that he has invited the administrators, education association and trustees to present their thoughts on what to do during this budget year for a future committee meeting.

RULE NO:

08-0203-0905

Rules Governing Thoroughness (Pending)

The State Department of Education continues to field numerous calls regarding the number of instructional hours necessary to grant a high school credit. Currently state law does not define this. This question has become more prevalent as districts look at adopting a variety of different scheduling alternatives to meet the demands of NCLB and the new increased graduation requirements established by the State Board of Education.

To provide districts with the guidance necessary to establish their instructional calendars, as well as for consistency of credit hours for transferability, this rule change will define a credit as a minimum of 60 hours of instruction. The 60 hours is in line with a Carnegie Unit which is the national standard for contact time with an instructor to earn a credit at the secondary level. This change also includes a waiver process for those districts that would like to require less than 60 hours of total instruction but can substantiate a legitimate reason for doing so. Currently all but three school districts in the state of Idaho require 60 hours of instruction or more per credit.

In addition to establishing a number of hours per credit, this rule change will establish a policy for mastery of a subject. Research and national

trends in secondary education are moving many states towards policies that allow for granting credit based on mastery rather than traditional seat time. This change in policy would give districts the flexibility to establish mastery policies that would provide students the opportunity to challenge courses that they are knowledgeable in and focus on courses that they may need more assistance in or on courses where they may want to spend more time exploring.

Currently, IDAPA 08.02.03.0905 allows for students at the middle school to earn high school credit in Math and Science courses as long as that course meets the same standards that are required in high school. This rule change will expand this opportunity to all subject areas.

For students who enter high school at the 9th grade level in the Fall of 2009 or later, the minimum number of credits required for graduation is 46 not 45. This error was inadvertently made in a previous rulemaking promulgated under Docket No. 08-0203-0805 and is being corrected here.

Vice Chairman Mortimer asked **Ms. Willits** what was the public comment when the rule was presented? **Ms. Willits** noted the changes in terms of defining “mastery”. The rule removes a very specific criteria the schools would have to use to determine if students meet the mastery requirement. **Vice Chairman Mortimer** asked if students can test out of “mastery”; or how is “mastery” determined? **Ms. Willits** said that mastery can be defined at the local level according to this rule.

MOTION: **Senator Goedde** moved, **Senator Winder** seconded to approve Pending Docket No. 08-0203-0905. The motion carried by **Voice Vote**.

RULE NO: **Rules Governing Thoroughness (Pending)**

08-0203-0906

The proposed changes to this rule provide greater clarity to these rules and reduce confusion. It also removes references to things that Idaho does not or cannot recognize. It also defines and establishes the Idaho Special Education Manual as the official policies, procedures and criteria for special education in Idaho in accordance with federal law.

In Subsection 109.03, Eligibility for Special Education, references to noncategorical eligibility have been struck; Idaho and IDEA do not have noncategorical eligibility.

This change also removes 109.02.d. which addresses proportionate expenditures for home school students with disabilities. This subsection extends beyond the IDEA regulations which define the requirement for proportionate expenditures based on the number of students with disabilities who are parentally-placed in a private school. Subsection 109.02.d. applies the proportionate expenditure beyond IDEA requirement to include home school students which would be incalculable for the district as well as being in conflict with IDEA and the use of a district's special education funds.

IDEA (20 U.S.C, Section 1412) requires that states and districts establish policies, procedures and criteria – in accordance, Idaho developed the Special Education Manual (the manual was initially developed prior to 2001 and has undergone periodic revisions) to which all Idaho school districts already adhere. Idaho's application for the IDEA grant requires

that the State give assurances related to policies and procedures and this will further strengthen these assurances.

MOTION: **Senator Malepeai** moved, seconded by **Senator Goedde** to approve Pending Docket No. 08-0203-0906. The motion carried by a **Voice Vote**.

RULE NO:
08-0203-0907

In 2005, Idaho submitted assessment materials for review under the standards and assessment requirements of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). External peer reviewers and U.S. Department of Education staff evaluated Idaho's submission and found it was not in compliance with certain regulatory and statutory requirements. During the 2005-2006 school year, Idaho addressed critical elements summarized in the report findings including that the achievement standards should be reviewed and reorganized to solve the problems and inconsistencies that were revealed and that they be renamed the Idaho Content Standards. Since then, the term "state achievement standards" has been updated in IDAPA 08.02.03.004 to read "Idaho Content Standards." However, the term was not changed elsewhere in rule. The rule change will update the term usage, as well as correct an incorrect citation. No public comment was received regarding this rule.

MOTION: **Senator Goedde** moved, seconded by **Senator Winder**, to approve Pending Docket No. 08-0203-0907. The motion carried by Voice Vote.
Vice Chairman Mortimer asked if anyone in the audience represents the libraries.

DOCKET NO:
30-0101-0901

Rules of the Idaho Commission for Libraries Governing the Use of Commission Services.

Dr. Richard Wilson, Idaho Commission for Libraries, stated that the proposed rule is necessary to establish rules regarding the circulation of materials and equipment to eligible blind and physically handicapped persons who are registered with the Idaho Talking Book Service, and to provide for the suspension of services resulting from violations of the rule requirements. The proposed rule provides for patron status, the types of materials and equipment to be loaned, the quantity of materials, the period of time to be loaned, and the procedures for suspending service for repeated violations of the rules.

MOTION: **Senator Winder** moved, seconded by **Senator Goedde** to approve Pending Rule Docket No 30-0101-0901. The motion carried by **Voice Vote**

RULE NO:
30-0101-0902

Rules of the Idaho Commission for Libraries Governing the Use of Commission Services.

Mr. Wilson said the rule deals with circulation of materials for eligible patrons of the Idaho Talking Book Service. In the past, cassette tapes were provided and the Library of Congress National Library Services is moving over to digital format with a very limited number of new machines and new cassettes available for the patrons in Idaho. The concern is that we need to have some mechanism in place to be able to suspend the services that the patron needs in returning the materials. We would need

a rule to enable us to do that.

MOTION: **Senator Winder** moved, seconded **Senator Malepeai**, to approve Pending Rule Docket No. 30-0101-9002. The motion carried by **Voice Vote**.

RULE NO: **Rules of the Idaho Division of Vocation Rehabilitation**
47-0101-0901 **Tracy Bent**, Idaho State Board of Education, testified on behalf of **Dr. Graham** and the Division of Vocation Rehabilitation. Last year the same rule was brought before you and the appeals process was asked to be stricken from the rule because we were incorporating a document by reference that had an updated process in it. The striking of it did not pass the House or Senate Education Committees so it is back this year in order to bring the appeals process into alignment with that is in the document incorporated by reference. This rule updates the appeals process to the federal requirements done in the other document and makes them identical to alleviate confusion.

Senator Schroeder asked **Ms. Bent** if the rule was adopting something by reference? **Ms. Bent** answered that last year we adopted a field service manual by reference which has an appeals process in it. At that time we did not update the appeals process in the rule because we had intended to strike it. The document was incorporated by reference with one appeals process in it and the old appeals process was left in the rule so it created two appeal processes that weren't in sync; this brings them into alignment. **Senator Schroeder** had a situation in his district where faculty of an early retirement program at the University of Idaho had their contracts broken allowable by a faculty manual which was adopted by the legislature by reference. **Sen Schroeder** implored the committee to be vigilant in reviewing materials adopted by reference.

MOTION: **Senator Malepeai** moved, seconded by **Senator Goedde**, to approve Pending Rule Docket No. 47-1010-0901. The motion carried by **Voice Vote**.

Vice Chairman Mortimer returned the gavel to **Chairman Goedde**.

ADJOURNMENT The meeting adjourned at 4:41p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** January 21, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Fulcher, Winder, Malepeai and Kelly
- MEMBERS ABSENT/ EXCUSED:** Senators Andreason and Pearce
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. and requested that the Secretary take a silent roll.
- PRESENTATION:** **Robin Nettinga**, Executive Director, Idaho Education Association (IEA), gave a Power Point Presentation.
- Following the presentation, Chairman Goedde indicated that they have asked the Superintendent to go through rules and indicate the fiscal impact of each, and after they have the information, he stated that they may have to revisit some that have already been approved.
- He asked how many school districts with open contracts have not declared emergencies? **Robin Nettinga** replied that except for Boise that had 2-year contracts, every other one in the state were open and that there were approximately 90-100.
- Chairman Goedde** referred to **H 252** and asked if they were aware of any changes that need to be made based on members that may participate? **Robin Nettinga** stated that there had been emergency requests, but they have received no information that says anything should change. **Chairman Goedde** requested that she ask questions of the participants and then get back with him.
- Senator Pearce** shared that he appreciates much of what she had said about the year-to-year contracts and agreed that there needed to be some consideration where administration and consolidation were concerned. **Robin Nettinga**, speaking from a

personal position, agreed, but expressed that consolidation of administrative services has been around for a long time. However, any recommendations for further efficiencies would be welcomed to the conversation because there are not many available.

Senator Pearce remarked that there are 105 legislators and that they should go find one to carry a piece of legislation to raise taxes for that and that would not make any of them the bad guys. Whereby **Chairman Goedde** reported that Representative Moyle has already offered to do that.

Senator Andreason said that he had been involved with these issues a long time and that many conversations over the years had convinced him that this is not a budgetary issue as much as it is a social one. He said when you go into small communities and tell them they are going to have to consolidate, they become willing to “fight to the death” because the schools are oftentimes the only social outlet in the community. **Chairman Goedde** replied that consolidation might cause many communities to dry up and blow away.

Chairman Goedde talked about allocation of funds regarding books and related that the PBS Idaho Reports television program reported the fact that one of the textbooks by former Representative Snodgrass, a history book, still shows that the president of the United States is Clinton. At what point do we worry about the text books vs. teachers in the classroom? **Robin Nettinga** expressed that this was a difficult question because even with the challenges faced today, in some instances the best book is of little value without a good teacher.

Chairman Goedde asked what about technology. **Robin Nettinga** expressed that she was a dinosaur on technology. **Chairman Goedde** asked if there was training for dinosaurs. **Robin Nettinga** stated that there was probably a lot available for professional training. **Chairman Goedde** asked about local options, and said that they have an obligation to provide equal opportunities. How do they use the local options and not run into trouble? **Ms. Nettinga** had heard of legislation affecting this but was not sure how well understood it was.

Chairman Goedde indicated that if they hold off on additional charters, it could be held against them in the Race to the Top Grant. He asked **Ms. Nettinga** about her position on the moratorium on charters? She responded that she did not believe that a moratorium would jeopardize the charters. The purpose of putting in the recommendation was that each charter created an additional school district and that was their concern.

Senator Schroeder suggested that, as to technology, the kids are already ahead of us. He said we should incorporate them into the teaching portion. He said that he wonders if it would work to relax a lot of things short term and tell the school boards they are to teach the kids and given them the latitude in the other things you and let you do it. He asked Ms. Nettinga to comment on how her organization would respond.

Robin Nettinga thought that would be an interesting conversation to have. In the late 90's the rules were set which provided conversation about what we need to be doing to make things run efficiently. **Senator Schroeder** told her that barring new revenue this process is simple. He said whatever comes out of JFAC is what it is going to be.

Robin Nettinga expressed that she would be happy to have that conversation. The core of the matter is about putting teachers in the classroom? She believes in educating citizens that are going to run the state one day and that cannot be done successfully without putting the teachers in the classroom.

Senator Schroeder referred to bullets 2 and 3 on the last page of the presentation and asked if she would provide information of where she had obtained that information. **Robin Nettinga** indicated that NEA would get that information to him tomorrow.

Senator Malepeai asked that she list the three top things that could be done to save money in schools. **Robin Nettinga** listed (1) putting a moratorium on things that are not in the budget now but would impact budgets (page 2 of letter 1 addresses that); (2) delaying introduction of programs.

Senator Malepeai said that those are things in the future. What things can be done today? He said when he asks others this question they generally suggest cutting administration costs. **Robin Nettinga** expressed that they do not advocate ways to cut public school budgets because they are not convinced that there are things that can be cut. They are already operating under budget now. She apologized and stated that there was nothing she could offer. **Senator Malepeai** made it clear that it is not his objective to attack any organization, but felt that it was a fair question.

Senator Kelly indicated that they had voted on rules earlier this week and had held a rule because of an unquantified amount on it. She asked if there were any suggestions on how to delay at this point. Would it be a bill or a resolution? She asked if Ms. Nettinga had any thought on the matter. **Robin Nettinga** replied that she had not thought about that. The letter was provided in

December before that decision was made but would be happy to investigate. **Chairman Goedde** expressed that if the rule was still in committee they may consider it. **Senator Kelly** felt it was relevant for them to know and that the state was not helpful. She felt that they could find the resources somewhere. It was relevant to discussion that the rules may provide more financial burden when asked to be cut. **Chairman Goedde** indicated that he had asked the department for a review of that. **Senator Winder** requested a copy of that presentation.

PRESENTATION: **Wayne Davis**, Executive Director, Idaho Association of School Administrators, explained that, as administrators, they had taken a different approach for a long time. The survey link is on the website and much of what is used to put a plan together is. In 2009 there had been suggested cuts and a platform had been created by talking to the legislative committee for the current year. They had listened to all and collaboratively put together a plan. Their organization recognizes the needs of all involved in the organizations. Their priority is direct service to the classrooms. Supplemental programs, which have higher priorities, have been tried to understand the roles. The IASA respects the difficult decisions that they will have to make

APPROVAL OF MINUTES: **Senator Malepeai** stated that he had reviewed the minutes of the February 15, 2010 meeting and moved that those minutes be approved. The motion was seconded by **Vice Chairman Mortimer** and passed by voice vote.

Senator Schroeder stated that he had reviewed the minutes of the February 17, 2010 meeting and moved that those minutes be approved. The motion was seconded by **Vice Chairman Mortimer** and adopted by voice vote

ADJOURNMENT: With no further business of the committee, **Chairman Goedde** adjourned the meeting at 5:00 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES

JOINT MEETING

**SENATE EDUCATION COMMITTEE
HOUSE EDUCATION COMMITTEE**

DATE: January 25, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

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

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

CONVENED: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **Professional Technical Education**

Chairman Goedde welcomed **Ron Nilson**, President/CEO of Ground Force Manufacturing, to share with the Education committees a consumer and business perspective on Idaho's educational system. **Mr. Nilson** shared his educational history. North Idaho's Manufacturers Consortium is a group **Mr. Nilson** helped start with the vision to bring business leaders together to operate as one voice to be heard by the government. Today the company is represented by the CEOs of 41 companies, 7,000 employees, \$375 million in pay roll, and \$60 million in taxes. The organization's vision is to bring respect back into trades and craft industry which are typically thought of as dead-end jobs without benefits.

In 2007, 289 good-paying skilled jobs were hard to fill. The CEOs believe that our educational system is failing students when up to 20-30 % of students entering the K-12 system do not graduate. There is a discrepancy of 11% with our dropout statistics because every district tracks them differently. Sixty-five percent of Idaho's students that do graduate from high school are not going on to college. Forty-four percent of students that go onto college, do not graduate. Sixty to eighty percent of our students that go to work, go into a field they were not educated for. The private sector is not solely looking at education degrees when considering the hiring of graduates. Highly sought after qualities in a potential employee include work ethic, work experience, and certification -

all of which can be independent of a four-year degree. The organization would like to see Professional Technical Education starting in Junior high school. Local industries need to be involved. The area's number one export in North Idaho was students because they were unable to get a job with their education and had to leave the area.

In North Idaho Consortium formed an organization called Kootenai Technical Education Campus (KTEC) with the vision to expose local kids to jobs available to them where they can start building professional technical skills as an alternative to pursuing education beyond high school. The organization seeks to attract three groups of employees. The first are those without the credits and have dropped out of high school. KTEC provides them with a tangible and applicable education that so strongly links education with the workforce that they cannot quit one without being fired from the other. The second group of students are those that graduate without the financial support to go to college. The third group of students are those who excel at college, for whom there is no disadvantage to their exposure to trades and industry in high school. Sixty years ago 17% of jobs required a professional degree, today 20% of jobs require a professional degree. The highest local hiring job in the United States is a manufacturing job. For every 100 jobs created by manufacturing, 450 residual jobs are created. Fifty-five percent of **Mr. Nilson's** job is profiting from cheap labor overseas. The average resident pays \$1 in taxes and consumes \$1.17 in services. Commercial and Industry pays \$1 in taxes and consumes \$.27 in services, bringing stability to the local economic market. **Mr. Nilson** recommends it be made a priority to attract businesses to the United States.

Industry and education need to be working together and discussing certification. They have to stop instructing our kids that they will be happier with a four-year degree than a high school diploma. The highest dropout rate in our nation's statistics is over 25% in the 9th grade because students are not held accountable until they get into the 9th grade. Mark Cottner was given troubled students from five school districts and he created a program that has 97% of students graduating with their high school diploma, certification in a job skill, and a job placement. Forty-nine percent of the kids upon high school graduation turned down a job to go on to continuing education because they were inspired by how applicable their education had become.

KTEC was founded by the private sector donating land to the school districts. Nine hundred kids showed up at Kootenai county fair grounds motivated to try machinery and equipment. **Mr. Nilson** implored the committees to work together with the Industry to promote professional technical education.

Chairman Goedde thanked **Mr. Nilson** and shared the story of a young lady who went through dual enrollment to get her CNA degree, graduated from high school, went to community college and worked on her registered nurse degree. Her instructors went to her and encouraged her to go on to medical school to be a doctor. She said no because she wanted to be an engineer and that she was getting her nursing degree to

pay for her engineering degree.

PRESENTATION Professional Technical Education

Chairman Goedde welcomed **Doug Sayer** as the founder of Premier Technology that does engineering and construction management in Southeastern Idaho. Mr. Sayer has served on the Governor's Science and Technology Advisory Council, and spearheaded a creation of rural Idaho outreach partners.

Mr. Sayer took the podium and stated he wanted to discuss with the Education Committees revolutionizing the educational system. The United States is losing its way in becoming consumers rather than producers. Industry and the workforce needs to be integrated into the elementary and middle schools as well as higher education. He read an email from a sophomore in high school who could neither spell nor write, but demonstrated an understanding of heat transfer, insulation loss and the use of each to build a boiler. Our education system is losing these kids. Millions of baby boomers are getting ready to retire, and the retirement rate will accelerate with economic recovery. China and India have designed their education system in a manner that has prepared them to fill the retirees jobs. **Mr. Sayer** shared average ages of the workforces of Micron, Idaho Power, Career Technology, and Nuclear Industry ranging from as low as 38 years and capping as high as 60 years.

Mr. Sayer predicted that with the economic recovery, the death of the baby boomers, and the decline in taxes, that there will not be enough workers to fill the workforce gap. Discussion on employment is irrelevant, the workforce is declining.

Possible solutions to this problem are to integrate industries and a college presence into every level of school, from kindergarten to the graduate level. Currently, industry presence is accomplished through weekly teleconferences with students in Makay where they are presented with a real life business problem to solve. Industry wants to be involved and wants challenging classes to be offered to students. It is all about compressing the schedule of learning such as allowing challenge tests for students as early as in the ninth grade.

We need to have research based universities. **Mr. Sayer** implored Idaho's education institutions to drop boundaries between the institutions of K-12 and university level education because it hurts the students and industry. One of the strongest assets the state has is the Idaho National Laboratory and our Universities ought to contract to run the lab.

The educational system has to produce an acceptable product. Teachers need to be responsible for individual students' performance. In Stevens Point, WI some high school classes had 60 students and were where **Mr. Sayer** learned the most; the class sizes do not need to be reduced. **Mr. Sayer** shared the Connecticut model where the high schools must pay for the college tuition for their graduates who take remedial college courses. In Rhode Island, a high school class built a bio-fuel powered pickup and

drove it across the country. In seventh grade, **Mr. Sayer** started to take drafting classes and by his junior year he was able to decipher the national building code and deliver architectural drawings that included the foundation, electrical semantics, plumbing and roofing.

Bridges to Futures is a program that creates ghost companies and teaches students how to start and manage their own company. Students are asked to search for a local building project and upon constructing it receive a check from the owner that goes to the school making education relevant for the kids. A northeastern university has 50% to 80% of students' time embedded in internships with companies.

All college programs need to integrate business, science and engineering. Employers look for creative and critical thinking problem solving skills that can be learned by giving students real life experiences. The educational curriculum is oftentimes found to be outdated by the time solutions to real-life solutions are needed.

The economic downturn is driving up University's enrollment and Universities are the number one driver of the economy. We need to run the state government like a business in terms of output and input. Baby boomers are the largest generation we have ever retired. Collective cowardliness is preventing changes. Industry wants to get involved; we need to get together to make and act on decisions to make necessary changes.

Representative Block asked **Mr. Sayer** what the first thing would be that he would change? **Mr. Sayer** answered to remove barriers between universities, vocational technical colleges, high schools and middle schools and create a dialogue where they can all agree on a future vision and clarify the steps needed to get there. **Representative Block** asked **Mr. Sayer** to specify what he meant. **Mr. Sayer** said the challenges existing between upper campus and lower campus must go away. Idaho State University's president was right to work hard to integrate the engineering and technology programs. In Idaho, a business ought to be able to go anywhere they can to get support and not be told their needs are someone else's business.

Chairman Goedde said that Idaho's State Board of Education is an asset that oversees all educational aspects except community colleges. **Representative Chavez** asked **Mr. Sayer** and **Mr. Nilson** how they would reconcile the No Child Left Behind requirements with their proposal to hold students hostage and accountable? **Mr. Nilson** spoke for himself and **Mr. Sayer** that neither of them fully understand the No Child Left Behind policy. They are encouraging the education system to be able to exploit and challenge students with talent and encouraging teachers not to teach to the test. **Representative Chavez** stated the need to understand the barriers and lack of flexibility in the curriculum which is strictly dictated to the teachers so they don't put the school districts in jeopardy. **Mr. Nilson** stated that more time needs to be spent collectively discussing and agreeing on the problem before grasping at solutions. If we remind ourselves to think about what is best for our kids we can come

to an agreement. Idaho is one of the most conservative and aggressive states in the union and it is time for us to lead the discussion. **Mr. Sayer** added that these problems are fundamental and there are ways to get around them if we are willing to look.

Representative Pence asked both presenters to confirm that they are proposing a dual system where we incorporate the professional technical in education. Does either presenter have ideas about further integration then what we already have? **Mr. Nilson** gave the example of offering professional technical scholarships given in his local high school. Seven hundred students came together on a Saturday in North Idaho to have the worlds largest robotics competition that was privately funded. It aired in the headlines as “sports for nerds” which was a huge disappointment to parents and students. We can start if we stop saying stupid things about people who do not want to get four-year degrees. **Mr. Sayer** added that the dual system needs to start in middle school. Both **Mr. Nilson** and **Mr. Sayer** made it a point to educate the public on the value of professional technical careers to students and parents at career fairs. Employees with no more than a high school diploma go on to earn six figure salaries.

Representative Shirley asked to what extent teachers are adaptable to accommodate integrating business with the professional technical education in schools and what is the role of the universities to help prepare the teachers? **Mr. Sayer** stated that when education has asked the private sector to get involved, it has primarily been for financial support instead of involvement. **Mr. Sayer** runs into the barriers when he wants to send his engineer professionals into the schools to teach for three weeks to influence students. The schools refuse to allow engineers to come as guest teachers because they are not accredited. Industry participation in the classroom brings relevance to the curriculum and may enhance students’ grades. **Representative Shirley** asked **Mr. Sayer** to comment on the possibility that the Idaho Education Network could be used for one individual to teach multiple high schools? **Mr. Sayer** agreed and shared that the Mackay example where students were given a real life problem to solve which was delivered online. **Mr. Nilson** added that his experience has been that the people who are teaching the college curriculum are anti-business, which is difficult to understand. He asked why there is an adversary relationship between the colleges and businesses?

Chairman Goedde shared that part of the problem is that educators do not have experience in the business workforce and are fearful of what they do not know. Summer internships for educators to learn and run small businesses have been enlightening and constructive.

Representative Hartgen asked for suggestions on how the school systems can be encouraged to develop and be successful in implementing a free standing votech model? **Mr. Nilson** went around the country to look at successful implementations of the model and engaged the business community. **Mr. Sayer** suggested legislation to mandate the implementation and also suggested that a professional technical high school should be within every 60 miles in Idaho so students can have

access no matter where they live.

Chairman Goedde stated that Oklahoma has a professional technical school district system that overrides local school districts and may service 10 or 15 local districts with professional technical education. **Mr. Nilson** stated that the Idaho State Senate and House passed a bill (HB 253), as the first step in creating an opportunity for multiple school districts to come together to do this and said a good start would be to revisit the reasoning and intent behind the legislation.

Senator Schroeder stated that the legislature wants to do something to support professional technical education and wants the industry's involvement and support. He emphasized that the legislature does not need private money, but the expertise to make these changes. **Mr. Sayer** said that the legislature already has the industry's money. Last year the industry spent \$2 billion on mediating high school students. We have energy companies that are placing their new graduate engineers with our firm so they get a real hands-on experience. **Mr. Nilson** stated that the industry wants to participate and give money. Industry's interests stem from their care for the students, the state and the country. We want to participate with time, talent and treasures. **Senator Schroeder** followed up in telling **Mr. Nilson** and **Mr. Sayer** that the audience in front of them is capable in drafting legislation relevant to this discussion.

Representative Thayne paraphrased that the presenters need more resources to be available for professional technical schools to help shift the state to more of a production and not consumption oriented, a compressed and challenging curriculum and a way to teach.

Representative Durst stated that the presenters lacked empirical data that supports the idea that we need to stop promoting post-secondary education. American's value for post-secondary education has made America a desired place for the rest of the world to go for post-secondary education. **Mr. Sayer** said the message was misunderstood and reiterated that universities need to be research-based. **Representative Durst** followed-up by stating he would like to seek a solution that does not undermine what we have now. **Mr. Nilson** answered that the statistics show that we are failing our kids in preparing them for the workforce. Innovation needs to be remembered with education and something needs to be created and built to set us apart. We are advocating that students learn while they earn.

Representative Nielsen agreed with the presenters and added suggested steps to make a major overhaul in our education system including: training our math teachers to teach larger groups like those in college, having mentors from businesses come and talk to students on a weekly basis, and providing practical applications in school to inspire the students. **Representative Nielsen** asked the presenters how their ideas can be incorporated into community colleges to get the workers they need; are they doing work in the community colleges? **Mr. Nilson** emphasized that higher levels of math curriculum are desired.

Senator Kelly noted the fact that the presenters have called the legislators cowards despite the fact that they ran for office, criticized the University Presidents despite the fact that they are working better together now than they have in the past, and criticizing the entire K-12 system for not producing graduates - all of which is easy for them to say when they don't understand the complexities required by the No Child Left Behind Act, nor the crisis of the budget situation. **Senator Kelly** questions the presenter's delivery over their message - which is a good message. She suggested that in this setting more respect is warranted and may carry the message further. **Mr. Nilson** apologized and clarified that the intent of the message was to give the legislators a realistic picture of what the Industry is seeing and they are here to begin a partnership and vision of where we need to go. People outside of the private sector do not handle the presenters' boldness and directness very well but their intent was to make the message straight forward and uncensored. When we say our educational system is failing our kids, we do not mean that people aren't doing the best they can, nor that they created this; we are recognizing the fact that we are not doing what we need to do to prepare our kids. We have said that we don't understand, and ask to be taught to understand but oftentimes find that the truth is we are not wanted by the educators to understand. **Mr. Sayer** also apologized for offending **Senator Kelly** or anyone in the audience and corrected that he did not criticize the University Presidents. If we need criticism for our delivery method or insubordinate method we will change that and wear it like a Scarlet letter, but it does not change the fact that there is something wrong with the system and it needs to be addressed. I employ your constituents and taxpayers and you are not listening.

Chairman Goedde suggested that the committees are listening.

Representative Thompson asked how do we bring the stakeholders together with a collaborative effort to move this forward? **Mr. Nilson** said there are many ideas and today is meant to be as open and transparent of what we see and then collectively come up with ideas. To start, create an opportunity to let the students have more exposure to what happens after education. **Mr. Sayer** said that we tried to call a summit and sent an invitation to all the legislators; nine responded and five showed up. We want a dialogue to determine a mission and follow it. **Representative Thompson** asked if a task force of business leaders and University Presidents can be formed? **Chairman Goedde** suggested that in the audience today there are four University Presidents, representatives from three community colleges, representatives from the State Board of Education, the State Superintendent and two committees. We have the critical mass here to change and we'll see what can be formed.

Representative Block stated that she serves an organization working on two issues: the high school dropout rates and drug and alcohol issues. She thanked the presenters for their input on how the issues might be addressed. She recognized **Mr. Nilson's** program as being successful in rehabilitating those with drug and alcohol addictions and asked if he could share ideas of ways that the legislature may address the issue better in school districts and with young people? **Mr. Nilson** shared that it started

in 2005 when he struggled to find enough workers and found two areas for an employable workforce: the elderly and the disabled. They have also employed students in jail for drug and alcohol problems and educated them and helped them with addiction problems by teaching them self worth. He also utilized a faith-based approach.

Chairman Nonini thanked the presenters for their criticism and asked them about what roles the counselors play in implementing their proposal? **Mr. Nilson** said that the superintendents have been supportive which has carried over to the counselors. The biggest obstacle was obtaining alternative forms of education without interference from teachers and students telling students that industry and manufacturing jobs are dead-end jobs. We have to get the counselors on board to at least see industry jobs as an option for students. **Chairman Nonini** said that we need to get educators to understand that the needed workforce is only 20% four-year degree people, 60 % skilled people and 20% unskilled, and the educational system needs to teach to those statistics.

Mr. Nilson reiterated that action needs to happen now to save the hundreds of kids we lose every year who drop out of high school. **Mr. Sayer** commented on the accountability of counselors so students can know their options. **Mr. Nilson** said that survey delivered by the consortium to their employees found that only 5% had ever had career counseling - only disciplinary counseling.

Senator Winder asked the presenters to comment on a bill the Education Committee is considering to require credit accountability at the junior high level? **Mr. Sayer** said he would like to see credit accountability mandatory so younger grade levels can measure their achievement in science, technology and math. **Senator Winder** asked if the presenters plan to have business associates function as student advisors in each of the districts? **Mr. Sayer** said that they currently participate on many advisory boards and wherever the schools have a need the Industry looks to fill it. **Senator Winder** asked again about the presenters involvement with school districts? **Mr. Nilson** said that KTEC was the door opener to a partnership with the school districts. **Mr. Sayer** said that ISU has reached out and asked the presenters to participate. He said that he would like to have a follow-up meeting with the members in the audience to make a plan.

Chairman Goedde said that he would not characterize the presentation as a complaint but offers a vision from two perspectives on where every one needs to go to further discuss how education is delivered to the people that we need to support us in this state in the next generation. It is really easy to be defensive but **Chairman Goedde** asked everyone to focus on how to approach the problem.

Chairman Nonini thanked the presenters and welcomed them for future presentations and encouraged everyone to keep momentum on the issue.

ADJOURNMENT The meeting adjourned at 5:06 p.m.

Senator John Goedde
Chairman

Representative Bob Nonini
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** January 26, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Senators Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly
- MEMBERS ABSENT/ EXCUSED:** Vice Chairman Mortimer and Senator Schroeder
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 pm. **Chairman Goedde** apologized to the presenters for the size of the Committee; many are in other committees that were taking longer than expected. The reports from the University of Idaho and Lewis-Clark State College will be first. **Chairman Goedde** introduced **President Duane Nellis** of the University Of Idaho. A copy of the presentation was distributed to the Committee.
- Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1).
- President Nellis** thanked the Committee and introduced Provost and Senior Vice President, **Doug Baker; Marty Peterson; Zach Arama**, Student Lobbyist; **Suzanne Allen** and **Patrice Burgess** of the WWAMI Program for first-year students. **President Nellis** gave a short biological sketch. President Nellis' training has been with Land Grant universities and professional experiences have all been with Land Grant universities. The University of Idaho must continue to innovate during these trying times and control its own destiny. The State needs to support the university for a base level, the university wants to be able to leverage those dollars creatively and innovatively.
- The University's focus is on making people successful; the students as they move forward and the faculty as they are able to share and advance the knowledge they've gained. The University wants to participate in joint venture opportunities with businesses and industries. They want to be more business-like and serve the State more aggressively. Mechanical Engineering graduates started a company in Moscow called IVUS and using ultra-capacitor technology created a flashlight that charges in 90

seconds and will work for over 50 hours. The flashlight never needs batteries and is being marketed to police departments throughout the United States. Work is being done on a scooter that charges as it goes downhill. They also have an outstanding partnership with Simplot for the Parma Research Center.

President Nellis said the University partners with Idaho State University, Boise State University and Idaho National Labs. There are a number of partnerships with Lewis-Clark State College. With that partnership, there is a center for advanced energy studies and the State invested \$1.6 million in it. The Governor said he wanted a return of \$5 million on the investment. The partnership actually generated \$13.9 million in return which is new money from outside the State that is being brought to the State. The University needs to create businesses for graduates to have work when they are finished with college. Of the current 12000 students, 2000 are doing service projects in 87 different communities in the State. The economic impact of the University of Idaho on the State is around \$1billion/year. Retention rates are currently 77% but one of the strategic initiatives for the University is to increase that by 6% in the next three years.

In addition to the funding cuts to the University, the Governor has also recommended a \$10 million cut to the Livestock Center which was to be a partnership with the dairy industry. The 35.7% of the Freshman class of 2009 are first-generation college students. There were 21 new National Merit Scholars in Fall 2009 for a total of 66. The University of Idaho is ranked second only to the University of Washington in the Northwest for National Merit Scholars. The percentage of student athletes who graduate is 76%, which is first in the Western Athletic Conference.

Senator Pearce commented on a visit with a new teacher and how education prepared the teacher to teach. Her last class was "laissez-faire", let the students do whatever they want. **Senator Pearce** asked, is tenure a dinosaur of the education system? **President Nellis** stated that he doesn't believe that tenure is an entitlement for a lifetime contract regardless of a person's performance. He terminated some tenured faculty at West Virginia and at Kansas State and the University has performance criteria and if they are not performing, they are put on a performance plan and can be terminated, even if they have tenure. We have to make sure our administrators are holding people accountable. Tenure was created to protect ideologies, not as a protection for poor performance. The faculty needs to be committed to student success.

Chairman Goedde asked about STEM educators and how many are currently in the College of Education and how many will be in the schools in the future? **President Nellis** ceded to Doug Baker, Provost of the University of Idaho. **Mr. Baker** stated that STEM education is one of the areas that the University is expanding. They are working across disciplines such as Engineering, Agriculture, Natural Resources and Sciences and they're partnering with the Idaho National Laboratory to expand those partnerships. **Mr. Baker** doesn't have the exact number of STEM educators, but will get it. **President Nellis** stated that as part of the

consortium, of which Boise State is also a member, we've signed an agreement to double the number of teachers we have going into science and math education.

Senator Malepeai commented that the Committee has recently dealt with rules regarding middle school students attaining credits before they go to the next level to have some motivational factors to keep them on task.

Senator Maelpeai asked **President Nellis** if in the future, he sees requirements to go into the University system, such as Berkeley and some other schools in California have? **President Nellis** responded that student preparation for college is a concern and the university doubled the amount of dual credits that are given to high school students and the key is the ability of those students to be successful when they get to the University. Part of the issue is understanding the quality of the education experience at the high schools and to reach into those schools and create a pipeline of expectations. The University has a small amount of remedial course work offerings. Most of our students tend to be prepared to be successful.

Senator Andreason asked about a meeting with a businessman who believed that high school students could have as many as 30 or 40 credits going into the University, how many is the average? **President Nellis** stated he does not know the exact number, but at Kansas State the average was 21 credits because of community college experience or dual credits. The key is quality and capability of the students in the dual enrollment courses. **Chairman Goedde** then commented that he had read where students who are involved in dual credit are more likely to finish their four-year degree. **President Nellis** stated that is the case. **Chairman Goedde** asked how many students needed remedial courses? **President Nellis** stated there were 70-100 students who needed remedial courses.

Chairman Goedde announced that Lakes Magnet School in his district is listening to the meeting today, then introduced **Dene Thomas**, President, Lewis-Clark State College. **Ms. Thomas** introduced Provost Tony Fernandez; Dean for Community Programs, Kathy Martin; Dean for Academic Programs and Professional/Technical Programs, Rob Lohrmeyer; and Director of Coeur d'Alene Center, Cyndie Hammond. Since Lakes Magnet School was listening, **President Thomas** turned the presentation to Cyndie Hammond to speak about what is going on at Lakes Magnet School right now. **Ms. Hammond** spoke about Idaho Goes; which is based on the concept that students should have access to education, not necessarily to one institution. The Idaho Goes team now represents the University of Idaho, North Idaho College, Lewis-Clark State College, Boise State University and Idaho State University. The team is comprised of recruiters and coordinators for market development. This is an example of efficiency, effectiveness and the use of human resources. That team now represents all of the programs offered in Coeur d'Alene regardless of the institution. One person will present all options regardless of the school.

Members of the Idaho Goes Team were asked to attend a consumer

science class at Canfield Middle School in Coeur d'Alene. The class is required of all eighth graders and in the class the students plan for their college program of study. The team asked the students about potential barriers to secondary education and answered and addressed those concerns and provided the students with options regardless of which secondary institution offered their particular option. Idaho Goes is making every effort to give students the opportunity to stay within the state for their secondary education. **Ms. Hammond** stated that she is very proud of the work being done by her team for all the colleges in Idaho.

President Thomas introduced Dean Rob Lohrmeyer to talk about the connections Lewis-Clark State College has and continues to have with businesses and industry. **Mr. Lohrmeyer** stated he is also Interim Dean of Academic Programs in addition to being Dean of Professional/Technical Programs. This is a good example of how the school is working to be good stewards of the funds they have and has also benefitted the college by having two organizational perspectives flow through one person.

Mr. Lohrmeyer testified that professional/technical education is to prepare the student for the workforce. Each region has different employment needs and each area's needs are investigated to develop employees to meet those needs. There are many college degrees available in technical areas. A lot of time is spent making sure that our educational degrees meet the needs of the employers in our region. We have 23 Professional/Technical programs and each has an advisory board that meets a minimum of three times a year. During the advisory board meetings there is feedback as to how we are meeting the needs of each region. Mechanics who are certified at the master level are sent out to do entry-level work so they can see the issues the businesses are dealing with. Apprenticeships in the state need to be reviewed. Lewis-Clark just received a small grant from the Department of Labor to develop a means for apprenticeship training that will be delivered online.

President Thomas testified that LCSC's three-part mission is: academic programs; professional-technical programs; and community programs. The college works collaboratively with the Nez Perce Tribe and area hospitals. The ten-year accreditation visit was very successful with six commendations and only one recommendation. The commendations were for planning, budgeting, distance learning, leadership, commitment of the faculty to students and student success and the collegiality of faculty and their commitment. The Trustees received a commendation of their knowledge of the school and their support. Another commendation was received for the physical plant, specifically the two new buildings, the activity center and the nursing/health sciences buildings.

President Thomas thanked the Committee for their support for the new buildings; they have made a great deal of difference to the campus.

Senator Pearce commented that in the last downturn, President Thomas was the athletic director. How have the athletic programs done since?

President Thomas said she has no intention to become the AD again, she did it for 4 ½ years and that was 3 ½ years too long. The teams have

improved; the college is nationally ranked in all sports except one and that was Women's Volleyball. Jen Greeny is the new volleyball coach and the college won the Frontier Conference this year and last year.

Chairman Goedde then asked about STEM education and if President Thomas knows the numbers of educators being produced? **President Thomas** said the school has 21 Math education majors; 12 Natural Science majors; 200 Biology majors-a number of whom may become nurses; 50 Computer Science; 25 Pre-Engineering; and straight Math 24.

Senator Winder asked about remediation of students, what is in the community and demographic as far as being actually prepared for college work? **President Thomas** responded that the answer is very different from the University of Idaho since the college has a community college as well. The students have an average high school GPA of 2.8, and much less preparation. There are also many non-traditional students. There are 40% of students that are in remedial courses and the greatest need is math, especially for those who have not been in school for a while. There are two non-credit math courses which are the equivalent of three credits' work before the students take the first credit math course. There is also adult basic education for the community and prisons. We offer basic reading, writing and math skills for prisoners and community members.

Chairman Goedde asked the difference between adult basic education and GED program? **President Thomas** stated that adult basic education is life skills and the GED has more specific requirements to get a high school diploma. Last year, in a class of about 500 graduates for the GED, 199 were prisoners. **Chairman Goedde** said he has attended many of those graduations and it is a very moving experience. **Chairman Goedde** then asked if there were further questions.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 2).

MOTION:

Senator Malepeai made a motion to approve the minutes of January 13, 2010. **Senator Andreason** seconded the motion. The motion carried by **voice vote**.

Chairman Goedde said there will be more education reports as Education week continues and he enjoyed the ones presented today.

ADJOURNMENT

Chairman Goedde adjourned the meeting at 4:13 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Jo Ann Bujarski
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: January 27, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Pearce, Fulcher, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: Senator Andreason

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **North Idaho College**

Precilla Bell, President of the North Idaho College (NIC), introduced the Board of Trustee members present: Christine Wood and Ron Veiselmeyer. NIC serves the five northernmost counties in Idaho, covering an area of 8,000 square miles and serves 210,000 students via centers other than the central campus such as centers in Ponderay, Bonners Ferry, Kellogg, Plummer and Post Falls. Credit enrollment has grown 17% in 2008 and 20% in 2009. Non-credit enrollment students amount to 9,789 in the workforce training center. Additionally, NIC serves 21,000 students in adult basic education, head start, and services for the adult and aging. Enrollment growth is an increasing challenge in this resource-constrained environment.

Ms. Bell said ninety percent of NIC's students come from Idaho and they are expanding their reach through E-Learning on the internet which has grown by 61% since 2005. These programs are technology intensive and expensive. The E-Learning programs are the hallmark to community colleges by providing access to students.

NIC has also expanded the dual-enrollment program. Five of their dual enrollment students graduated with their Associate's degree a week before graduating from high school. NIC has grown the dual enrollment program by 91% since 2005.

NIC's legislative agenda is sensitive to the economic climate this year and does not include the usual list of needs. Budget hold-backs and decreases are severe with increasing enrollment. Unexpected tuition increases have produced unbudgeted revenue which will assist NIC in complying with the

hold-back requirements to send back 6.5% and 1.5% of State funding this year. NIC has eliminated positions, delayed hiring positions, and cut back on essentials.

Challenges NIC is facing include finding faculty. We have hired adjunct, part time and special appointment faculty that are not on the tenured track. Adjunct faculty is hard to find. Full time faculty is easier to find due to national advertising, but they are much more expensive.

They are also concerned with the long term impact on advising offered by full time faculty. As the proportion of decreasing faculty to increasing students grows, they have in the short term adopted an adjunct advising program. They train qualified staff, vice president and president included, to advise students. The problem is that the staff can only take on a limited number and, thus, the services are not always available for the students.

The physical campus is becoming a concern as they defer maintenance, reduce property upkeep and landscaping, and delay projects. It will be more expensive to catch up in the future.

They hope to successfully secure stimulus funds for fiscal year (FY) 2011 as they did last year. NIC decided it was prudent to use the funds for one-time purposes such as a technology upgrades for classes. Their plan for future stimulus funds is to continue progress in technology upgrades, especially for Seider hall which is presently being remodeled and lacks funding for technology.

They have unexpectedly had to accelerate their plan to expand NIC's physical footprint due to climbing enrollment rates. Spatial constraints are a current concern. Parenthetically, they were seeing results from new retention and recruitment strategies before the session. Their enrollment will continue to exceed their spatial constraints independent of the influx of students from the recession.

They are buying land now to meet immediate and future needs. The NIC Foundation purchased the Simpson Mill site adjacent to the Coeur D' Alene campus. Land farther away from the campus was purchased to grow programs in the trades and industry area. The two parcels of land enable NIC to pursue a dual-track approach to college expansion.

Their general studies programs, also known as academic transfer, requires a traditional college campus with a library, labs and resident halls. Students in the trades and industry programs such as auto tech, welding and diesel have their independent resources and are generally isolated from campus. Their approach is to move their trades and industry programs to the prairie.

The Kootenai Technical Educational Campus (KTEC) is located on 100 acres on the prairie and has been created due to a twenty year partnership with NIC and three local school districts. They plan to have a NIC trades and industry facility on 40 acres, a joint high school program dedicated to technical programs on 20 acres, and Lakeland school district will have 40

acres for a new high school. This will be a regional center for professional and technical training for the college and high school levels to respond effectively to their employers needs.

NIC has doubled the size of several of their trades and industry programs, has expanded to offer dual enrollment, and has added eight week certificate programs. They have increased their customized workforce training programs from 850 students in 2007 to almost 1,500 this fall. They have worked with the Coeur D' Alene Tribe to form a six-track associative applied sciences program to be responsive to employers needs for specific skills outcomes. The tracks include health, education, business, and manufacturing.

NIC has also implemented a new professional technical education scholarship program supported by the Idaho Community Foundation, NIC's Foundation and the manufacturers. They have a small business development center that has been recognized as one of ten out of a thousand regional centers for excellence in small business development.

They are working with Lewis and Clark State College (LCSC) and the University of Idaho (U of I) to build educational program opportunities on the Mill site next to their college. They will expand opportunities of the Associate, Bachelor and Graduate levels by working together. They are also going to provide the enhanced and expanded job skills and educational training that they need through the KTEC campus.

Chairman Goedde informed the committee about community college funding which includes funds from Kootenai county property tax, student tuition, and other counties. **Chairman Goedde** asked **Ms. Bell** to explain the funding in more detail. **Ms. Bell** said for NIC's purposes, property taxes only come from Kootenai county although NIC is statutorily charged to serve the additional four counties in northern Idaho. The counties outside of Kootenai pay NIC \$500 per semester per student from their liquor tax in compensation for the lack of property tax money. Students from Washington State pay a higher tuition fee than Idaho residents.

Senator Schroeder asked **Ms. Bell** if NIC has tenure? **Ms. Bell** confirmed that NIC does have tenure. **Senator Schroeder** asked if it was really necessary that presidents have the authority to break contracts with their faculty to run NIC? **Ms. Bell** answered that NIC has different authority than that of other university and college governance. NIC's governance rests with the elected board of trustees.

Vice Chairman Mortimer congratulated **Ms. Bell** and NIC on their expansion of dual enrollment programs and E-learning. **Vice Chairman Mortimer** asked **Ms. Bell** if there are any problems with transferability of NIC credits to Idaho's universities? **Ms. Bell** said that NIC has very effective articulation agreements with partner institutions in Idaho. The majority of NIC's transfer students transfer locally to LCSC and U of I in Coeur D' Alene. Students have not complained about their credit

transferability or articulation agreements. LCSC, U of I and NIC put a lot of time and effort into how their courses articulate and support one another. They also have good articulation with Washington colleges just west of the Idaho border.

Senator Winder asked **Ms. Bell** to further explain her angst as to whether or not NIC will receive stimulus funds? **Ms. Bell** explained that the Department of Financial Management has advised NIC to incorporate into the agency request an additional \$262,000 on top of the Governor's budget recommendation of \$92,000. Ms. Bell's hope in receiving stimulus funding is a matter of appropriation by the State.

PRESENTATION College of Southern Idaho

Chairman Goedde welcomed **Dr. Jerry Beck**, President of the College of Southern Idaho (CSI). Dr. Beck introduced Dr. Kim Campbell, Dean of CSI; Dr. Jeff Fox, Executive Vice President; Edit Szanto, Vice President for Student Services, and Mike Mason, Vice President of Administration.

CSI has been committed to its mission for forty years: serve the people of south central Idaho. CSI is the largest head-count institution in professional technical college education; second largest in work force development. Developmental education include GED, ESL, community and continuing education. CSI has also played a large part in the development of the College of Western Idaho (CWI).

CSI has increased professional technical seats across campus. Despite economic downturn, CSI had successfully enrolled 8,300, and started new programs in environmental technology, wind energy technician, industrial mechanic and will start dental hygiene in the fall of 2010. A culinary arts program has been added to the Blaine County off-campus center and a new baking and pastry emphasis to culinary arts has been added on campus. The new health science human service building has been completed on time and on budget and is operational. CSI will be receiving a \$90,000 check from Idaho Power for energy efficiencies in the building.

CSI serves eight counties across central Idaho by employing three off-campus centers and nineteen telecommunication sites in high schools, jails and hospitals.

The roadway to recovery is to create jobs. Last year was a good year for new companies coming into the area with 41 leads. Their economic development team is working with cities, chambers, and counties to create jobs. Various representatives from the industry have helped; including the legislature. The single thing they have on economic development is no debt. By not raising taxes, business and industries are looking at Idaho.

Chuck Leriman requested three years ago that CSI look into wind energy. By the summer of 2008 they started a new high-cost program by partnering with John Deere, Wind Turbine Tools, Idaho National Energy Lab and Synertec Safety Solutions. This past fall they enrolled 19 students with an additional 16 students in related environmental tech program and 15

students in the prerequisite program. One technician must be provided per eight machines. This program was funded by the Federal Wire grant for over \$1 million. The program has an ongoing cost of about \$250,000 and CSI will do internal shifts for programs that were non-performing to this program. With stimulus funds decreasing they requested from the Economic Development Administration (EDA) a new building to house their auto body program. The \$7 million facility is on the verge of receiving \$4.5 million grant from the EDA and they will use restricted reserve funds for the \$2.5 million match. They are not asking for state dollars for this.

CSI has been very fortunate in receiving grants. Federal funding has supported most of their expansions; grants range in one to five years in length. The CSI Foundation is critical as their enrollment increases. This past year the Foundation funded \$1,186,000 to provide scholarships to students with need. The internal campaign raised more money than ever in history. People were asked to work harder, teach more, take more students, and contribute to the foundation - all without a salary increase. The foundation also raised an additional \$5 million within the community. **Dr. Beck** thanked J.A. Kathryn and Albertson Foundation and Jamie McMillian for donating \$1 million to CSI and \$11 to state institutions.

Legislation was passed in 1997 requiring CSI to provide dual-credit enrollment. In FY 2009 CSI served 1,999 students with over 12,000 credits. Evidence shows that dually-enrolled students are more likely to complete a degree. The Idaho Education Network provides a new way of course delivery that will allow small rural high schools to access dual credit enrollment.

Dr. Beck said last year **Senator Schroeder** asked if it was fair to “balance the budget on the back of faculty.” **Dr. Beck** said it's not fair, but difficult times require difficult solutions. CSI's student to teacher ratio benchmark is 19.5 to 1. CSI will not cap classes.

CSI's enrollment has increased during the recession and aims to retain the enrollment rates. CSI is serving more part-time enrolled students than in 2001. Part-time students need child care, location, low cost and scholarship, which CSI is working to provide.

Dr. Beck shared two serious concerns. One being that CSI stands the chance in 2011 that students will pay more cost of going to college than the State's appropriation. The second concern is that out-of-county fees are no longer paid in Kootenai, Ada, Canyon, Jerome, and Twin Falls - amounting to fifty percent of Idaho's population. CSI's enrollment from Ada county is increasing. The counties that do pay fees have been paying the same rate for forty years.

Chairman Goedde asked **Dr. Beck** if CSI has considered geo-technical classes as southeastern Idaho develops its thermal potential? **Dr. Beck** answered that CSI is a geothermal campus and confirmed that geo-technical topics are integrated into energy management program.

Senator Winder asked **Dr. Beck** to elaborate on why the counties are not paying fees to CSI and if CSI is able to pass the financial burden onto students? **Dr. Beck** said CSI is able to pass the fees on to students technically but chooses not to. The issue is that students should not be penalized to come into unique programs because counties are not contributing. Counties are statutorily bound to contribute for students attending CSI if their county does not contain a community college district; although all the previously mentioned counties do have a community college district.

Chairman Goedde referred to the classes taught over the Idaho Education Network (IEN) and asked **Dr. Beck** how CSI has met the challenges of bell times and calendars? **Dr. Beck** explained it is left to those on the receiving end to keep bell times and calendars.

**STUDENT
LOBBYIST**

University of Idaho

Zach Arama introduced University of Idaho (U of I) student body president **Kelby Wilson**. **Mr. Wilson** emphasized the importance of hearing the student perspective during the difficult legislative session. He noted that if funding is cut any further the U of I will suffer reductions in instructional time and quality of faculty resulting in a decreased capability to attract students to enroll. **Mr. Wilson** shared his background growing up in Cottonwood, Idaho in the Eighth Legislative District and attending the University of Idaho. He plans to go on to the University of Washington for medical education and come back to Cottonwood to practice medicine. **Mr. Wilson** stated that education is the key to economic stability and provides tremendous earning potential for Idaho's young adults. Governor Otter has recommended Higher Education Institutions to ask for a portion of the \$10 million offered in Federal Stimulus Funds and \$1.6 million for the Center for Advanced Energy Studies. **Mr. Wilson** requested that legislators help make that happen. The Center for Advanced Energy Studies has raised \$13.6 million. The U of I is part of a group of three universities and one college that receive one lump sum of the State's appropriation and the State Board allocates that by formula. **Mr. Wilson** asked that the cuts the State makes to K-12 and Higher Education be as minimal as possible and that the distribution of the funds between K-12 and Higher Education remain unchanged.

Vice Chairman Mortimer asked **Mr. Wilson** as a student body officer if he sees places where money can be saved? **Mr. Wilson** answered that 35 programs have been cut and 77 positions have been eliminated. The places where money can be saved would mean reduced offerings for students. The State Board must approve such cuts.

**STUDENT
LOBBYIST**

Boise State University

The President of the student body at Boise State University (BSU), **Trevor Grigg**, took the podium. He stated that 68% of BSU's campus is 25 years or older, making them non-traditional students with jobs and families trying to afford college without any help. **Mr. Grigg** asked legislators to strongly consider the consistent patterns across the years of increasing tuition rates

and decreasing government contributions. His tuition four years ago was \$1,800 and this year it is \$2,500. BSU is looking at a 15% increase this year, amounting to an additional \$700 in one year. **Mr. Grigg** reminded legislators that reducing the cuts in any way possible will help the poorest of the poor Idaho residents who are trying to better themselves.

Vice Chairman Mortimer asked **Mr. Grigg** what changes he has seen as BSU had to make budgetary cuts and how has it affected the students? **Mr. Grigg** stated that the costs for administrative and non-educational activities are areas where BSU can afford more budgetary cuts. The budgets that **Mr. Grigg** is familiar with that cover Student Government, Student Programs, Volunteer Services, and Athletics continue to grow. BSU has spent \$66 million in the previous years on non-education activities, a lot of which is revenue from football and other sports, but \$30 million is appropriated and student-fee money. **Mr. Grigg** demonstrated a need for non-educational budgets to be reduced.

Chairman Goedde asked **Mr. Grigg** about work-study programs? **Mr. Grigg** confirmed that work-study programs are mostly federally funded.

STUDENT LOBBYIST

Lewis-Clark State College

Clay Long, Student Body President of the Lewis-Clark State College (LCSC), took the podium. **Mr. Long** concurred with his colleagues that education is vital to Idaho's economic future. In addition to providing direct revenue, higher education provides indirect revenue by attracting outside businesses that look to Idaho for highly educated and trained students. **Mr. Long** noted accomplishments by LCSC include the new nursing building that enables the college to double their capacity for radiography, radio technology and nursing programs. Techprep is a great opportunity for students to graduate from high school with an Associates degree. LCSC is working on retaining, instead of recruiting, students as a cost efficiency. The J.K. Albertsons Foundation and the Go On Campaign have generously given to LCSC making it an optimal time for students to get higher education in Idaho with an extra \$1 million donated to each of Idaho's public institutions. Through the 1990s the enrollment rate for college universities declined and according to the J.K. Albertsons Foundation Program, Idaho ranks 43rd in the nation for higher education enrollment. LCSC broke their enrollment record this past fall with 4,200 students.

Vice Chairman Mortimer asked **Mr. Long** what changes he has seen at LCSC and how they have affected the students in the few months? **Mr. Long** stated that in anticipation of the budget cuts, LCSC worked ahead of time to reduce budgets and administrative costs. From a student's perspective they have seen enrollment in classes increase and the number of faculty and staff available to students decrease.

STUDENT LOBBYIST

Idaho State University

Ross Knight, Student Body President, Idaho State University (ISU), took the podium and stated that the Idaho Department of Labor reports that the

Idaho unemployment rate has reached a 26 year high of 9%. Unemployment Benefit claims have doubled in 2009, amounting to a payout of \$403 million. Despite the record unemployment, higher education institutions experienced immediate spikes in enrollment. Students are finding overfilled lecture halls and limited offerings for classes making it difficult to graduate on time. According to the US Census of 2000, a graduate with an advanced degree will make \$49,000 more per year than their high school-only counterparts. Higher education offers the economy a high-tech workforce. The Department of Commerce estimates that the high-tech workforce is estimated to make up 30% of the Idaho job market with 56, 017 Idaho residents working in innovative industries earning an average salary of \$66,000 per year, which is more than twice Idaho's average wage. Promoting innovation industries is only accomplished through an educated populace. Global competition makes Idaho's jobs crucially important.

Chairman Goedde asked **Mr. Knight** what percentage of the high-tech workforce require a four-year degree? **Mr. Knight** responded that he did not have the data.

Vice Chairman Mortimer asked **Mr. Knight** in what way ISU's administration has been responsive to students' needs during the budget crisis? **Mr. Knight** answered that the administration has provided students with a large amount of access in the ongoing budget crisis and have done everything possible to minimize the impact to students, although the students will still need to carry the burden of extra costs.

Chairman Goedde thanked all the student body representatives and demonstrated empathy on behalf of the Education Committee. He reminded the audience that the nature of the committee is policy and not budgetary, but nonetheless will try to carry their message forward within constitutional limitations.

Chairman Goedde welcomed a graduate of the Coeur D' Alene Charter Academy. The Academy was in the US News World Report as number 79 out of 20,000 high schools in the country.

ADJOURNMENT The Committee adjourned at 4:22 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** January 28, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3pm. The Committee members received a report from the Idaho Displaced Homemaker Program. If the Committee would like a presentation, a member should let the Chairman know and it will be scheduled. There is also an article from Education Week that talks about the State of the Union address and its implications to education funding.
- Chairman Goedde** introduced Kenja Eichelberger, who is 12. She likes to volunteer at the animal shelter and attends Middleton Middle School where she loves to write. **Kenja** then read her essay in support of keeping Physical Education in the Idaho Schools, which won first place in an IAHPERD essay contest. **Chairman Goedde** asked what gourmet food is to a 12-year old? **Kenja** responded it would be hot dogs, potato chips and McDonald's. **Senator Andreason** asked what is Kenja's favorite subject in school? **Kenja** replied her favorite subjects are writing and PE. **Senator Andreason** then asked if Kenja intends on going to college and if, so, where? **Kenja** stated she intends to go, but not sure where. **Senator Schroeder** stated that there is a fine University in Moscow. **Senator Winder** thanked Kenja for coming to make a presentation and asked her plans for the future? **Kenja** responded she wants to be a geologist or ecologist.
- Chairman Goedde** turned the meeting over to **Vice Chairman Mortimer** to discuss the RSs which are all presented by **Chairman Goedde**.
- RS 19338** **Chairman Goedde** presented RS19338 Relating to Charter Schools. The change is 33-5209, paragraph 2 (f) "made, or caused to be made, any false, fraudulent or forged statement or representation in procuring or attempting to procure a charter." There was one charter that was granted because of a misunderstanding and the charter probably would not have been granted if the charter information had been accurate. There is no

way under current statute for the Charter Commission to revoke a charter without proving criminal intent. This would give the Commission an opportunity to reconsider after permission was granted. **Senator Schroeder** asked if we are allowing people to commit fraud and then just say "I'm sorry"? **Chairman Goedde** responded that if it had been criminal in nature, the Attorney General would be involved, but this was not criminal. **Senator Kelly** asked if there could be some deterrent such as notarization? We can discuss this more when the Bill comes before us for a hearing.

MOTION: **Senator Fulcher** moved, seconded by **Senator Winder**, to print RS 19338. The motion carried by **voice vote**.

RS-19346 Relating to Board of Trustees and Annexation of Territory, Amend Sections 33-308—Requires Petitioners to provide a professionally prepared legal description. **Chairman Goedde** presented the change which came from an incident in North Idaho where there was a request for annexation into a school district, the annexation was approved and a county assessor in an adjoining district discovered an error in the legal description of the annexation. The error required a second annexation vote, at additional expense to the school district. **Senator Schroeder** asked what the cost would be to the petitioners? **Chairman Goedde** responded that it would depend on how complex the area was. If it was a subdivision, getting a legal description would be fairly easy. A more rural area would be more expensive. In the annexation instance stated above, the additional cost to the school for a second election was \$1500.

MOTION: **Senator Malepeai** moved, seconded by **Senator Fulcher** to print RS 19346. The motion carried by **voice vote**.

RS 19388 Relating to Disposition of Real and Personal Property. **Chairman Goedde** testified that the amendments deal with the acquisition and disposal of real and personal property. The first change on page 2 is designed to provide a method of disposing of real property if no one is willing to buy the property at its appraised value. The Board could take the highest bid whether it's above or below the appraised value. The second change is on page 3 is one that is affecting school districts currently in the matter of personal property. If you buy a new computer, you trade in the old one and the statute doesn't allow trade ins. If the personal property is valued at less than \$5,000, there is no appraisal needed. **Senator Fulcher** asked if this was the correct committee since this bill looks more like a tax bill than an education bill. **Chairman Goedde** stated that he has not discussed this with Representative Lake, but it deals with the disposition of school property more than tax.

MOTION: **Senator Fulcher** moved, seconded by **Senator Winder** to print RS 19388.

Senator Schroeder commented that it appears that Title 33 belongs here. **Vice Chairman Mortimer** stated that if precedence is used this will go through the Education Committee. Motion carried by **voice vote**. **Vice Chairman Mortimer** returned the gavel to Chairman Goedde.

Chairman Goedde introduced Senator Bilyeu to present S1260, Relating to Veterans-Resident Student. **Senator Bilyeu** stated she attended the opening of the Veteran's Sanctuary at Idaho State University. It's a place on campus where veterans can go to seek help, whether tutoring, counseling or direction to other services. Senator Mortimer's son Dustin was involved in the development of the sanctuary. Some of the veterans Senator Bilyeu spoke with felt it would be helpful to other veterans if Idaho had a policy to waive the out-of-state tuition. There are currently 500 in-state veterans that are using the GI Bill. **Senator Bilyeu** asked if the Committee should take questions or have people testify first? **Chairman Goedde** said the Committee would take questions first. **Vice Chairman Mortimer** asked how many other states currently have similar legislation on their books? **Senator Bilyeu** responded that Alaska does this currently, but their's includes spouses and children. The students must be domiciled in Alaska during their course of study. Another state that has this program in force is Ohio, after one year of service; the one for Idaho is after two years of honorable service. Illinois is talking about a similar bill currently. **Vice Chairman Mortimer** asked if we know how many veterans it will affect? **Senator Bilyeu** deferred to Mark Browning for the figures that the University of Idaho has. **Mark Browning**, Legislative and Communications Officer for the State Board of Education responded the U of I would be impacted negatively to a tune of \$1.9 million over four years. This would be the difference between in-state and out-of-state tuition. **Vice Chairman Mortimer** asked for clarification that the number is \$1.9 million? **Mr. Browning** stated that was the number for U of I. They do not have a number for Boise State. Idaho State has constituents who support the bill, but it will affect the university negatively financially as well. Lewis-Clark said their number would be about \$100,000 negatively impacted. **Vice Chairman Mortimer** stated that the numbers seem quite high and doesn't current legislation say that if a veteran states Idaho as his intended domicile, the out-of-state tuition will be waived? **Mr. Browning** acknowledged that is correct. **Senator Mortimer** asked for the exact number of people who have had the out-of-state tuition waived? **Mr. Browning** said those numbers are not available.

Mr. Browning then yielded to Dana Kelly. **Dana Kelly**, Student Affairs Program Manager for the Idaho State Board of Education, stated that we've recently had some changes to our residency policy. **Vice Chairman Mortimer** is correct, if, at the time of separation from the service, they state Idaho as their home, they are considered residents. The new change means that people could come and not have to meet both the domicile and residency portion. U of I has 48 students who are considered both out-of-state and veterans. Fourteen of those are benefitting from the programs of the Yellow Ribbon campaign. Boise State has approximately 5% of the students who are veterans.

Senator Schroeder mentioned he was a veteran and went to school under the Vietnam GI Bill, so his heart is in one place and his constituent needs in another. Do our four-year colleges have online degrees? **Ms. Kelly** replied yes. **Senator Schroeder** then asked if the costs to buy these courses are more than they receive in tuition? **Ms. Kelly** replied

yes. **Senator Schroeder** then stated that we have a large number of veterans all over the state and if we get a big rush for online classes, it will cost the state money. With this statute, the money that could go to Idaho residents could be going to provide online degrees for people who live all over the country. **Ms. Kelly** stated that without further adjustment to the language, anyone who has served honorably will benefit regardless of where they live. As far as how many would rush here, we don't know. **Senator Schroeder** said that he is not concerned about those who rush here, but the ones who are taking online classes at a cost to Idaho.

The first person to testify in **support** was David Brasuell, Administrator, Veteran Services. **Mr. Brasuell** testified this would be a good companion to Chapter 30 and the Post 911 GI Bill which took effect this past August. Of particular interest would be including spouses, because that has a large effect on where a veteran decides to live after their military service. This bill would help the state be competitive with other states who have similar benefits such as Wisconsin, California, New Jersey, Ohio and Nevada. The Post 911 GI bill is very generous, it is almost 100% of tuition, books and housing. **Chairman Goedde** asked if Mr. Brasuell would be opposed to language that would limit this benefit to people who are actually taking classes on campus? **Mr. Brasuell** said that would be a good idea.

Chairman Goedde introduced Lynn Roberts, University Business Officer, College of Arts and Sciences, Idaho State University. **Ms. Roberts** testified in **support** and that she came up with the idea of the Campus Sanctuary and it took a year to put together. The thrust of the idea was committing our support to veterans, it wasn't about making money. The intent for the legislation was for the veterans who would live in Idaho and bring their families and add to the Idaho economy. **Chairman Goedde** asked if a student comes to Idaho strictly for college, do they ever become eligible for in-state tuition? **Mr. Browning** said yes, after twelve months. **Ms. Kelly** said the students are presumed to be here for school, but there are ways they can become residents.

Chairman Goedde introduced Representative Elaine Smith. **Representative Smith** testified in **support** of Senate Bill 1260. It would help show the rest of the nation that Idaho is aware of its responsibility towards veterans. Everyone can name someone who is serving or has served in the military and this bill would have an impact on all of them. **Representative Smith** stated she asked the Provost of Idaho State University what his opinion of this bill would be and he said it would help to increase enrollment. The Bannock legislators had a discussion this morning and have also reviewed the bill in the House and the language is better in this bill.

Senator Schroeder stated that Senator Bilyeu's heart is in the right place and he understands the benefits to the state, but we need information from all universities before we make a decision. We can't provide on-line education to everyone in the country who might want to apply. We should hold this bill to rework the language. **Chairman Goedde** asked Senator Bilyeu if she had any final comments? **Vice Chairman Mortimer** asked

that since all a person has to do is indicate Idaho as their domicile, what about the people who don't decide to live here right away? Why doesn't our current policy work and why will this work better?

There was discussion as to whether or not out-of-state tuition is for 12 months or the entire 4 years of an education. **Shane Ostermeier**, Recruiting Services, Idaho State University, stated people are eligible for in state tuition after 12 months, but they have to go through several more steps. **Vice Chairman Mortimer** asked what is the number of veterans who state Idaho as their permanent domicile when they leave the service? Mr. Ostermeier replied that most of the students he has worked with are not choosing Idaho as their permanent residence at this point.

Senator Bilyeu believes there are some questions that need to be answered and doesn't mind taking the time to do that. We also need to take a careful look at the Yellow Ribbon program's impact.

MOTION:

Senator Schroeder moved to hold S 1260 to include the following conditions: the State Board cooperates to provide the information needed and the language of the bill is changed to more precisely state a residence in Idaho. The Chair will decide what date Bill 1260 will be before the Committee. **Senator Fulcher** seconded the motion.

Senator Andreason stated there should be some standardization between universities so they are all the same. **Senator Goedde** stated that if this statute is passed, he is sure the State Board will promulgate rules to make all universities standard.

Motion approved by **voice vote**.

Chairman Goedde adjourned the meeting at 3:51 pm.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Jo Ann Bujarski
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 1, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, and Malepeai

MEMBERS ABSENT/ EXCUSED: Senator Kelly

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **Education Budget Refresher**

Chairman Goedde welcomed **Tim Hill** representing the State Department of Education (SDOE) to present on how the State Education's budget is managed after policy has been set. He illustrated where public school funds come from, how public school funds are distributed, how the Average Daily Attendance (ADA) is calculated, the definition and calculation of a Support Unit, Salary-based Apportionment and Distribution Factor, how much a Support Unit is worth, definition of the Payment Distribution Schedule, how a school district's/charter school's foundation payment is calculated and the three main reasons that revenues per ADA vary.

The ADA is variable depending on the size of the program, educator training and experience, and student time spent in school. The ADA time a student spends in schools is counted by 2.5 hours/day for kindergartners and 4 hours/day for grades 1-12. It is collected three times a year; the first round is most critical as it determines the year's salary and benefit allotment.

In response to questions directed by the committee, **Mr. Hill** said he has not seen any gamemanship in the reporting of attendance days on the part of school districts; the divisors have been established since 1995 and that it is recognized that different parts of the state may be contributing more or less, but the general fund is equalized by more total dollars sent to bigger districts but less per student and less total dollars to smaller districts but more per student; and the 14,005 support units budgeted for last year have only gone over by 15.

Fund balances are collected at the end of the fiscal year and there does

not appear to be any consensus on how small or big they should be. As of June 20th 2008, \$153 million was the collective balance. This constitutes approximately one month's worth of operating expenditures and help keep programs from having to borrow and pay short-term interest on moneys for operating.

The "Other Education" category which constitutes 5.6% of the State's total appropriations funds the following programs: community colleges, Office of the State Board of Education, health education programs, professional-technical, public broadcasting, special program, Vocational rehabilitation, and the Superintendent for Public Instruction.

The National Board Certification earns \$2,000 per year for up to five years for certified teachers. The legislation proposed last year to reduce early retirement funding by 50% did not pass but the appropriation was reduced from \$4 million to \$2 million in anticipation that it would pass.

PRESENTATION Online Learning National and Quality Perspectives

Chairman Goedde welcomed **John Watson**, with the Evergreen Education Group, to the committee. He gave a brief overview of the national landscape of online learning, key terms and issues Idaho is addressing. The Evergreen Education Group works with state education agencies around the country as a non-profit organization to provide analysis and advising on state policies, program evaluations, market research, knowledge dissemination and connecting organizations together.

The definition of online learning is variable depending on many factors such as its reach, type, location, delivery and type of instruction. The top three categories are state virtual schools, full time online charter schools, and single district programs. Idaho is among the top 10 leading states for online schools.

In response to questions by the committee, **Mr. Watson** said the State of Idaho has created an excellent online learning option for students through the Idaho Digital Learning Academy (IDLA) and would recommend to not de-fund or cut back on it; states are mixed between providing educational online courses through public or private entities; research has shown that the role of a certified teacher in virtual environment critically hinges on the level of teacher-to-student interaction, the teacher has a role in communicating very consistently with students, setting expectations, and assigning and grading homework; and states that are successful in increasing student outcomes are focused on creating online options by successfully providing high quality education opportunities and not necessarily the technology backing.

Research has shown that online education is costing no less to fund than traditional education. **Mr. Watson** said that online learning creates a student-centered learning environment and is proving to be more powerful for teachers to assess where each student is in their learning because it requires a level of communication and conversation that is not assumed in

the traditional setting.

ADJOURNMENT **Chairman Goedde** adjourned the committee at 4:52 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

Confirmation Hearing

DATE: February 2, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m. and re-ordered the agenda to accommodate the presenter's scheduling constraints.

PRESENTATION Idaho State Board of Education

Paul Agidius, President of the Idaho State Board of Education (SBOE), introduced members of the SBOE: Executive Director, Dr. Rush; Chief Communications and Legislative Officer, Mark Browning.

Mr. Agidius presented on the SBOE's role in the state starting with its structure. SBOE is constitutionally assigned to "general supervision" of education in Idaho. The scope of SBOE's responsibility covers kindergarten through doctoral programs, oversight for the State Department of Education, the Office of the State Board of Education, Idaho Public Television, the Division of Professional-Technical Education and Vocational Rehabilitation.

SBOE provides substantial financial benefits to the State including saving the state \$2.2 million in consolidation of staff. Education is the fourth largest industry sector in the state, representing nearly 10% of the total employment.

Last year the SBOE underwent transitions on K-12. Programs like the Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) are now under SBOE's responsibility, as well as daily management of the State's assessments including the Idaho Standards Achievement Test (ISAT), Idaho English Language Assessment (IELA) and the National Assessment of Education Progress (NAEP).

One SBOE accomplishment is the registration of proprietary schools. With

direction for the legislature last year, the SBOE is revising the surety bond to fully protect students against tuition loss in the unlikely event of a total school closure.

Revisions to the budget are the biggest challenge faced by the SBOE. Cuts and hold backs are resulting in funding limits unseen since 2000. Although the Education Committee is a policy, and not a funding committee, **Mr. Agidius** ensured that all the agencies, colleges, divisions, boards and universities under SBOE are working as efficiently with the dollars as possible, and each member of the Education Committee will be casting their individual vote on the budget.

Colleges and universities have underwent aggressive revisions of operating budgets, elimination of positions, and strategic use of reserves to reach mandated cuts. The SBOE is currently under the process of allowing the college and university presidents more latitude in implementing further measures such as ordered-mandated furloughs.

Long term challenges caused by these cuts include limited response to increasing enrollments and student demand for programs to prepare them for the tightening job market. Further cuts will cause the elimination of complete degree programs.

Education is the one thing that can literally change a person's life; it is the key to success. Graduates are no longer competing with their local peers but with the entire world in this global market.

Performance goals and measures for the upcoming year include: improving the go-to-post secondary rate, degree completion and keeping access affordable; strengthening SBOE's role in Governor Otter's Project 60; reviewing institutional roles and missions to keep operation efficiencies at a maximum and promote the continued collaboration between universities.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1).

Senator Schroeder asked **Mr. Agidius** if there has been discussion about the state of Idaho getting involved in loaning money to students and getting interest from it? Would this pose a constitutional issue? **Mr. Agidius** said that has not been discussed on the Board, but off the Board there has been discussion about tuition raises where a university would set part of the tuition aside to be used back for scholarships. **Senator Schroeder** said education is teaching people to think for themselves so there needs to be latitude for people to freely explore their ideas. How can people, especially those with unpopular ideas, speak and think freely when the SBOE is considering giving the president of the university the privilege to break contracts? **Mr. Agidius** explained that the potential policy change does not give the presidents of the institutions the ability to attack any individual. The power to do furloughs can only be used on an institutional-wide basis or on a full budgetary-wide basis. **Mr. Agidius**

would be against anything that would limit free speech. It must also be done in daylight-meeting with faculty and staff as a whole to decide and select the furloughs. The presidents using these privileges will be reviewed by the SBOE and will need to answer for their reasoning behind their actions if the privilege is abused.

Chairman Goedde stated that tenure was developed to protect ideas. Is there any requirement that would effect a tenured faculty member's salary if they weren't doing a good job; if tenured, do the faculty deserve a raise every year? **Mr. Agidus** deferred the question to each individual institution. **Senator Goedde** asked because of a proposed Boise State University Faculty Senate response to the policy changes that are mostly salary-directed, which is in misalignment with tenure.

Senator Pearce asked **Mr. Agidus** if he attended the meeting with the professional-technical industry representatives: Ron Nilson and Doug Sayer? **Mr. Agidus** confirmed that he was there. **Senator Pearce** followed up with asking **Mr. Agidus** what direction SBOE is taking from that meeting? **Mr. Agidus** said that only two SBOE members were there. In speaking for himself, **Mr. Agidus** has always felt that the SBOE is backwards in the state of Idaho to have four four-year institutions and only three community colleges. Idaho needs to expand on community colleges and the area of professional-technical education. **Senator Pearce** asked **Mr. Agidus** what more he plans or desires in furthering that direction? **Mr. Agidus** said it is incumbent on the SBOE to have a discussion with the chiefs of the institutions and come up with how to address these ideas.

PRESENTATION Idaho State Board of Education

Chairman Goedde called **Mike Rush**, Executive Director of SBOE, to the podium. **Mr. Rush** started by presenting the Office of the State Board of Education (OSBE) which is the administrative staff that manages the broad scope of the State Board of Education (SBOE). The OSBE keeps the SBOE's focus at the right level and informs decision making. Staff focuses on developing policy oriented agendas, driven by strategic plans and performance data.

This past year, the OSBE has made significant efforts to improve efficiency and enhance effectiveness in their Board meetings by: streamlining agendas to provide more focused and useful information, making agenda items more explicit to reduce the number of people who might think they have to be on-hand to respond to questions, using technology to significantly reduce printing costs, managing agendas to limit time to one-day meetings thereby reducing travel costs and reducing meetings from 16 in 2007 to 10 in 2009 (two of which were via phone). The OSBE has also improved their planning and accountability by having two working meetings for Board members and stakeholders on strategic planning and implementing performance measure presentations on all institutions and agencies every October. In working to equip board members with better information, the OSBE has developed a working relationship with the Association of Governing Boards (AGB) for strategic planning and governance and received accreditation support from the

Northwest Commission for Colleges and Universities.

One of the most significant challenges the OSBE faces is the issue of staffing. In comparing five other states with similar higher education governance responsibilities, those states have approximately twice the staff as Idaho. **Mr. Rush** clarified that he is not asking for more staff this year, but it is important to give credit to the OSBE staff's hard work.

This past year the OSBE has managed some significant administrative reorganization, including developing an entirely new structure for the education of students who are hard of hearing, blind or visually impaired. Other transitions include the State Historical Society and Commission for Libraries became self-reporting agencies and the Skills Training Advantage for Riders (STAR) Program was transferred out to Professional Technical Education. The OSBE has implemented an Oversight Committee to facilitate accountability issues.

Mr. Rush noted that the OSBE has discovered a number of proprietary schools that have failed to register over the past few years and by discovering them and having them pay a nominal fee, the entire newly-created proprietary school oversight position can be funded. The OSBE submits a supplemental request of \$38,600 to increase spending authority in the dedicated fund category in order to move away from all state general funds for the position.

The OSBE managed their first funding holdback by the state last year of \$168,500 by eliminating positions and carefully managing their operating budget.

For the OSBE fiscal year 2011 budget request the OSBE has removed some one-time expenditures reflecting the completion of the two-year college access grant. The only significant change in the budget request is the additional one-time base reduction of \$61,000. OSBE is still working on how to make the additional cut.

The holdbacks for scholarships and grants were managed by offering fewer rewards. The Promise B scholarship holdback was managed by reducing the spring awards. The fall awards were already committed and rescinding those would have been too destructive. The spring 2010 award was reduced \$150.

The OSBE requests \$28,700 in nondiscretionary general funds for FY 2011 for scholarships and grants. Funding the Opportunity Scholarship awards 667 students.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 2).

Senator Schroeder asked **Mr. Rush** if the scheme to undermine tenure came from OSBE? **Dr. Rush** said the idea came from various places. **Mr. Rush** personally believes that this measure is being designed as a faculty protection measure. Without this, the institution would have no choice but to declare financial emergency, which puts everything on the table. This policy allows a very measured furlough policy. The contracts cannot be modified to say that less money will be paid, instead, working days are furloughed thereby maintaining the salary and not reducing the contract. **Senator Schroeder** is worried about attracting top notch researchers to Idaho, bringing money with them, teaching our brightest students and sees this policy as an impediment. **Mr. Rush** sees it as the opposite. The only way to attract researchers is if we provide financially viable institutions.

CONFIRMATION Charter School Commission Nomination

Dr. Nick Hallet, nominated to the Charter School Commission, took the podium. **Mr. Hallet** said he was most recently a Charter School Director and Principal for three years, Superintendent for twenty-six years, Principal for nine years, teacher for five years, adjunct faculty for the University of Idaho for twenty-seven years and a long-time advocate for School of Choice which includes traditional schools, charter schools, home schools and private schools.

Chairman Goedde asked **Mr. Hallet** if he was filling an expired position? **Mr. Hallet** answered yes.

Senator Schroeder asked **Mr. Hallet** if the statement was correct that charter schools have shown excessive administration and non-teaching positions are unneeded and if so, how can the legislature help to eliminate those positions to survive this economic crisis? **Mr. Hallet** said that fewer rules, regulations and paperwork for administrators would allow more efficient operations in both public charter and public schools. **Mr. Hallet** said there is just as much bureaucracy in charter schools as public schools. A solution would be to find a way to hold schools accountable without adding to the paperwork. **Senator Schroeder** said time is limited and something needs to be done this year. He asked **Mr. Hallet** to identify what statutes need eliminated or modified to accomplish that goal. **Mr. Hallet** said it would be disruptive to modify or change all the relevant statutes in one year, but it can be done. As an example, state improvement plans need to be consolidated instead of doing more than one annually and they need to be standardized for all different types of schools. **Senator Schroeder** asked **Mr. Hallet** who “they” are whom administer these plans? **Mr. Hallet** said “they” are all of us.

Senator Pearce requested **Mr. Hallet** to provide the Committee with lists of legislation that can cut down on schools' bureaucracy in the long run. **Mr. Hallet** said he would be delighted.

Senator Andreason asked **Mr. Hallet** what he thought about eliminating the Idaho Digital Learning Academy (IDLA)? **Mr. Hallet** stated his subjectivity to the topic as a former Board Chairman and an original Board member for IDLA making him fully supportive of the IDLA. He is impressed with IDLA's scope and standards which would be a tragedy to downscale at this time. **Senator Andreason** stated that Idaho has a large rural area with small schools, would **Mr. Hallet** say that this is a program that is especially productive for those schools? **Mr. Hallet** agrees that IDLA especially services those areas.

PRESENTATION Idaho State University

Chairman Goedde called **Art Valais**, President of Idaho State University (ISU), to the podium. **Mr. Valais** introduced Deb Hedeem, Dean of Education; Kent Tingey, Vice President for Advancement; and Kent Kunz, Legislative Affairs Advisor.

Mr. Valais explained that higher education is in the knowledge business. It is a lucrative business and keeps our nation competitive. ISU has a talented faculty and staff that deploy knowledge through a delivery system that stems from early college in high school to offer incentives and excite high school students to think about secondary education.

ISU's road map is somewhat unique from other universities in acknowledging the need for a full ladder of education as Doug Sayer and Ron Nilson would agree. ISU's job is to create a highway for students to have access to jobs. The dialogue needs to continue on in the public and private sector as well as in government in determining what the appropriate role of government is in investing at a nominal level, the role of the private sector to help in that investment and the role of the institution to coordinate with both and become as entrepreneurial as possible.

ISU boasts extraordinary enrollment numbers for the fall of 2009 with 15,553 students, a good part of which is due to the Early college program. The Early College Program is an incentive program that is very cost effective and efficient. ISU has the highest enrollment of Early College of 1,211 students who are in high school taking ISU credits taught by faculty who are both ISU faculty and high school faculty. The educators are required to take ISU's workshops and follow accrediting standards. Early College is efficient because it doesn't require a building or additional administration but still articulates students.

ISU strives for efficiency and efficacy. Efficacy deals with the transition of human capital. This year, the first time in Idaho's history, ISU has hosted the largest full time equivalent graduate enrollment.

ISU is known for energy, health care, and environment and has the largest professional-technical education center. ISU is working with industries such as Precision Nano Particles Inc. to provide energy expertise. Idaho is becoming the energy Mecca in alternative energy strategies that will not only bring very positive economic development but will also ensure Idaho is globally competitive.

ISU has been very competitive in its research portfolio. The National Science Foundation metrics indicate ISU is on the right track of promising near-term and long-term economic development through innovation. ISU started the Eastern Alliance of the Eastern Business Coalition of Idaho. Industries of all sizes want to know how they can be more competitive. Industry has gone from funding ISU for a few thousand dollars a few years ago to over \$5 million now.

The risk and challenges ISU faces is losing investment strategies. **Mr. Valais** asks that the debate goes on as to the proper nominal level that state can provide to support ISU and like-institutions. ISU is at about 23% of appropriated funding from the state.

On the part of teachers, ISU is working with elementary, secondary and education programs to look at the impact and efficacy of management. ISU offers internships and programs looking at performance based measures. The Teach Grant is used to encourage teaching candidates. ISU has an accelerated certification program and alternative route certification program to accommodate and recruit educators.

For administrators, ISU is very flexible in offering night and weekend classes and is a pioneer in the tele-teaching realm. ISU has a doctoral program in education leadership for teachers in high school to pursue administrative positions.

The healthcare mission is 34% of ISU's portfolio. These degree programs are very difficult to start and have rigorous rules about the number of students and faculty and the infrastructure. In the Treasure Valley, faculty was transitioned to increase access to health care programs. With the state's support, ISU built a new health sciences facility. In many of the programs in Eastern Idaho, ISU will now have an equal compliment of faculty as those on the campus. The comprehensive health science center is a facility for teaching, researching, obtaining an internship, and treating patients. The cost of the patient is a lot less at the facility than

anywhere else. ISU treats 29,000 patients a year, most of which are uninsured. The organization also attracts additional funding by qualifying for grants to work with hospitals and health clinics.

Chairman Goedde urged **Mr. Valais** to focus ISU's research on the geothermal opportunities the state offers, especially on endowment land.

Senator Andreason asked **Deb Hedeem** how many math and science teachers and nurses are coming out of ISU. **Ms. Hedeem** said both areas of math and science in teacher production are very low because those candidates with a background in those areas are finding better paying professions than teaching. **Ms. Hedeem** deferred the nursing question to **Mr. Valais**. **Vice Chairman Mortimer** asked **Ms. Hedeem** what the Education Department is doing to prepare teachers for virtual learning? **Ms. Hedeem** said that all candidates are required to take a technology course and use online tools for each course. **Ms. Hedeem** also serves on the Professional Standards Commission which is currently reviewing an endorsement for online teaching which is hoped to be added to the elementary and secondary education teaching degrees.

Chairman Goedde asked **Ms. Hedeem** if the online delivery courses use the Idaho Education Network, or the Idaho Regional Optical Network (IRON) for delivering classes on campus. **Ms. Hedeem** said there are two modalities: a straight online moodle and also the televised distance-learning sites. **Chairman Goedde** asked **Ms. Hedeem** if there is a proprietary system to transmit those services? **Ms. Hedeem** answered the system is provided through the University.

Chairman Goedde said that a lot of teachers graduate with a degree and disappear after a few years in the classroom because they have very little classroom experience by the time they graduate. **Chairman Goedde** asked **Ms. Hedeem** when the Department takes education candidates to the classroom for practical experience? **Ms. Hedeem** said from the 200 level courses they are already having field opportunities in schools and a very rigorous pre-internship experience at the 300 level requiring students to spend 150 hours with a cooperating teacher in the school and participate in a teacher work sample that helps them assess learning of children, set up their design for instruction and then evaluate performance. Then students have to complete a semester of internship at the end of their study. ISU is incredibly proud that they are able to show that students are having an impact on student learning.

Chairman Goedde asked **Mr. Valais** the rate of nursing graduates at ISU? **Mr. Valais** said he did not have the actual numbers, but the rate has been increasing. ISU is the largest provider of Masters-level nursing degrees and now offers complete accredited online bachelors and associates level programs. ISU is soon to offer a doctorate in the nursing program. **Mr. Valais** will send the committee specific numbers.

Senator Andreason asked **Mr. Valais** why there is such a small number of students taking Math and Science to teach? **Mr. Valais** echoed what **Ms. Hedeem** said in looking at how teachers are being paid compared to other higher-paying jobs. ISU is trying to offer students who get degrees in math, biology, or physics a fast-track teaching option.

Chairman Goedde asked **Mr. Valais** what his philosophy is on faculty tenure versus faculty salary? **Mr. Valais** said that tenure was created to politically protect faculty from liability from unpopular ideas. The salary issue is independent of tenure and set by performance-based qualifications. Many of ISU's researchers do not have tenure. ISU performs post-tenure reviews in which tenure can be revoked.

Senator Pearce asked **Mr. Valais** if tenure was necessary? **Mr. Valais** said that he passionately supports tenure because it protects political views on scholarship. Tenure is being misused by various venues. Tenure is also an earned right in academia in higher education through peer review, but the candidate must continue to perform because the right can be taken away by peers. It would not be wise to take away a good policy for poor implementation. For colleges and universities that do not embrace the rigors of the performance-based peer review, then tenure turns into an entitlement situation. **Senator Pearce** asked **Mr. Valais** if he is comfortable in administering the total burden of tenure administration? **Mr. Valais** said if the faculty and administration do not think tenure accountability is important, then it can be abusive. **Mr. Pearce** asked **Mr. Valais** to confirm if ISU is healthy and in good shape enough that tenure is not a problem? **Mr. Valais** said there is always room for improvement and ISU is trying to institute metrics and standards that are transparent and used by like-universities across the nation.

Senator Schroeder asked **Mr. Valais** what is ISU's percentage of tenured faculty? **Mr. Valais** does not have the exact percentage but will get the figures to the committee. **Senator Schroeder** followed up with a question about if research faculty have contracts? **Mr. Valais** said yes. **Senator Schroeder** stated that tenure does not mean much if his salary is cut in half. **Mr. Valais** said that the salary and tenure are decoupled entities, but whether tenure or not tenured, the contract must be followed. A furlough is a breach of contract because it requires less money for more work. It is important that everything is possibly done to honor contracts. The question lies with what the University does when faced with financial emergency? **Senator Schroeder** said the Board has proposed a policy where contracts can be entered and broken without financial emergency. Why is the Board proposing a policy change to give the University precedence to break these contracts? **Mr. Valais** said both the Board and the Universities all agree that tenure and the contracts are important.

Senator Winder asked **Mr. Valais** what tools are needed to deal with the financial situation facing higher education? **Mr. Valais** said the Board has put together the tools necessary to work with the financial extremes. There are other things that deal with the cycling of time; for example, if the legislature continues the practice of holdbacks without projecting a commitment of a viable target of funding resulting in the series of

cutbacks really affecting the trust and commitment of employees. Breaking commitments destabilizes an organization.

Senator Kelly confirmed that **Mr. Valais** was suggesting that the legislature go with lower budget projections in order to provide consistency and what would be done if more revenue comes in. **Mr. Valais** said that he would rather deal with budget adjustments that were on an annual basis after the revenue has come in. What needs to be avoided is breaking commitments. The best situation would be for the budget to be completely set on an annual basis and without change.

Senator Malepeai commented that the discussions on higher education's financial situation and the structural changes required to deal with the financial problem is making a lot of people uncomfortable. **Senator Malepeai** reminded the committee not to lose focus on what higher education has done. These institutions are the center focus and driving force of economic recovery throughout the State and are supporting the businesses. Investment in the Universities is critical and our cutbacks can negatively affect the Universities' reputation.

ADJOURNMENT Chairman Goedde adjourned the committee at 4:49 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 3, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Pearce, Fulcher, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: Senator Andreason

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

MINUTES: **Chairman Goedde** called the meeting to order at 3 p.m.

Chairman Goedde introduced **Ann Stephens**, State Administrator, Professional/Technical Education. **Ms. Stephens** introduced **Nancy Walker**; Associate Administrator Professional/Technical Education; **Kirk Dennis**, Chief Fiscal Officer, PTE; **Dick Ledington**, Director of Research; **Kristi Enger**, Career Guidance Coordinator and Displaced Homemaker Coordinator; and **Michael Page**, IT Specialist. **Ms. Stephens** started her presentation by stating that 80% of Idaho's occupations and careers require less than a 4-year baccalaureate degree. PTE programs are integrated into a larger educational structure through comprehensive high schools, professional-technical schools and the technical college system. There were 63% of the high school students who completed PTE and enrolled in college, which is a 3% increase over 2008. There are five budget areas:

- State Leadership and Technical Assistance
- General Programs
- Postsecondary Programs
- Underprepared Adults/Displaced Homemakers
- Related Services

In 2009 there were 804 PTE programs in 110 school districts and 12 professional-technical schools. Twenty-eight PTE high school courses meet academic standards for science credit, economics credit or health credit. Related Services include Adult Basic Education (ABE) GED, state employee training and the state wellness program. The Department of Labor reported that the number of Idahoans without a job in December reached an all-time high of 69,016. Some of these workers will require retraining to get a job. Tuition paid by technical college students is retained by the main institution for maintenance and operations of PTE facilities. They are not included in their budget nor are these used to fund

PTE programs. PTE is taking steps to improve efficiencies such as online delivery of classes to rural school districts. **Chairman Goedde** asked about the additional recision and if the PTE had the \$667,000, would they still be under the minimum level of effort? **Ms. Stephens** said if they were to stay at the same level where they are, they would meet the minimum level of effort. The additional recision would cause PTE to fall below the minimum level. **Chairman Goedde** asked what would happen to the Perkins money then? **Ms. Stephens** replied if PTE fails to meet the minimum of effort, some of the money will have to be paid back by the state for the federal grant. **Chairman Goedde** asked for every dollar of general fund money that goes into this fund, how many dollars of Perkins money do we get? **Ms. Stephens** responded that we get \$7.3 million now. The ratio of state money to the federal grant is ten to one.

Vice Chairman Mortimer asked if 63% complete PTE and go to college, why do only 47% of high school students go to college? **Ms. Stephens** replied if students are kept engaged and interested they will continue on in their education. **Vice Chairman Mortimer** asked if the 28 PTE high school courses which meet academic standards for science and economics meet the high school or college standard? **Ms. Stephens** responded those credits are high school level. There are some where the students get post-secondary credits, but not those 28 courses previously mentioned. **Vice Chairman Mortimer** asked since we have a large amount of students who are moving on to college, are 100% of the general education courses taught at our PTE facilities completely transferrable throughout all of our state institutions? **Ms. Stephens** replied that to her knowledge they are transferrable. **Vice Chairman Mortimer** commented in the past all courses have not been completely transferrable from the technical programs to the universities. We are doing a big disservice to our students if all courses are not transferrable. Some universities say the courses are not rigorous enough for college credit; if they are not we need to make the courses rigorous enough so the credits can be transferred. **Ms. Stephens** agreed. **Vice Chairman Mortimer** asked for a report at a later date that would show the technical courses do transfer.

Chairman Goedde asked what **Ms. Stephens'** impressions were of the presentation by **Dr. Sayer** and **Ron Nilson**? **Ms. Stephens** replied she and **Mr. Nilson** share a passion for PTE. It's important the students have an opportunity to be trained and certified; the goal is life-long learning and making sure the students have an opportunity to gain additional education when they would like to. **Chairman Goedde** asked if 60 credits are needed to get an Associate's Degree, how can a high school student accumulate 60 hours of credit and get their Associate's Degree before high school graduation as President Bell stated when she did her presentation on North Idaho College? **Ms. Stephens** stated she did not hear the presentation, but dual credits would count. In some states, that has occurred. The more we can save students in tuition dollars, the bigger the benefit to the state.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see

Attachment 1)

Chairman Goedde stated he sat in on the House Education Committee in the morning and they passed the bulk of the rules before he left. There are still rules on hold in the Senate Committee; both of those are pending rules and as long as one body passes them, they will move forward. The House Committee held the endowment fund rule and it went to the Senate State Affairs Committee.

H 400

Relating to certain powers and duties of the State Board, amending Section 33-107 of the Idaho Code. The purpose of this legislation is to amend Board powers with respect to delegation of authority, permitting the Board to delegate to its chief executive officers any specific express duties the Board has under the laws of the State, that may be more efficiently carried out by one of its agencies or institutions. **Chairman Goedde** introduced **Mark Browning**, Office of the State Board of Education. **Mr Browning** testified that **H 400** would more clearly delineate the State Board to delegate certain administrative functions that are currently not allowed to be delegated according to Idaho Code. The change would not impact the Board's general responsibility to provide supervision as set forth in Article 9, Section 2 of the Idaho Constitution. This bill allows the Board to spend more time on policy and strategic efforts and less on administrative duties.

Senator Kelly said that reviewing a waiver might not be a good use of the Board's time, but doesn't this bill as written, allow the Board to delegate any of it's powers? **Mr. Browning** stated it does allow the Board to delegate many duties, but the general oversight and accountability issues which must be retained will not be delegated. **Senator Kelly** remarked the statute does not say what powers will be retained. **Mr. Browning** responded the proposed change in the statute is written to give us flexibility to change where they see fit, rather than delineate specifically what responsibilities would be retained and which would be delegated. **Senator Kelly** responded that she can appreciate the Board wants that flexibility, but there is nothing in the document that even requires the Board promulgate a rule as to which powers can be delegated. **Mr. Browning** stated that was correct.

Senator Schroeder asked if the Board intended this bill to give the university presidents power to break contracts as they see fit? **Mr. Browning** replied no. **Senator Schroeder** stated that in the dictionary, power and authority are synonymous and these sweeping changes don't appear necessary. **Mr. Browning** replied that transportation waivers take 2-4 hours of the Board meeting time to approve and they are about \$12,000-\$14,000 in value. Mr. Browning feels the Board's time could be better spent on oversight. **Senator Schroeder** stated there is already authority to delegate to such other administrators as the board appoints,

so he is suspicious as to what is being accomplished with this amendment. **Mr. Browning** replied that the board's intention is to become more efficient. Currently we can assign duties, but the work still has to come before the board for approval. With **H 400**, the work would not have to come before the board at all. **Senator Schroeder** stated this may need to be rewritten more clearly. **Mr. Browning** replied that he would be happy to talk to people who wrote the bill.

Senator Kelly asked why they don't change the waiver statute? **Mr. Browning** replied that faculty to be hired have to come before the Board for approval; which is what the president of the university should be doing. **Chairman Goedde** mentioned that Senator Kelly is looking for additional examples.

Mr. Browning introduced **Dr. Rush**, Executive Director for OSBE. **Dr. Rush** stated he did not have a list of specific examples of administrative duties the Board would like to delegate, but board members ask "why items are on the agenda, the tasks are truly administrative." The Board has a specific monetary level for items they are to review and items such as waivers fall below that level; however, the Idaho Code mentions specific items that are under the Board's review, so these items must be reviewed, not delegated. The language of **H 400** was crafted by the Attorney General's office.

Chairman Goedde asked why specific areas of code are addressed rather than the entire code? **Dr. Rush** responded the sense was the Board should be able to delegate administrative duties. **Senator Kelly** said there have been two examples, are there more? **Dr. Rush** stated that's all he can remember at this time, there may be more. **Senator Winder** asked to be educated about the power and authority of the Board other than what's in code? Are there provisions in the Constitution? Do you intend to apply this fairly expansive definition to go beyond whatever authority be restricted exclusively to the Board? **Dr. Rush** responded that as to the last question, absolutely not. It would not be permissible for the Board to delegate the development of policy. The State Constitution and the Idaho Code parallel one another. **Senator Kelly** asked if **Dr. Rush** is aware the changes are very broadly worded? **Dr. Rush** replied this particular wording was what the Attorney General's office preferred to solve this problem. **Senator Schroeder** mentioned that the Committee makes changes to the Attorney General's recommendations often and how the bill is currently written and the current testimony don't match.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 2.)

MOTION:

Senator Schroeder moved to hold **House Bill 400** in Committee.

Senator Kelly seconded the motion.

Vice Chairman Mortimer felt there are no clear definitions of what may be delegated and there may be other solutions to this problem. Passing authority down is a good thing, but the language in this bill may not even do that. Vice Chairman Mortimer would like legal clarification, or more specific language. The motion carried by **voice vote**. **Chairman Goedde** commented there is no aversion to passing on some of the mundane tasks, but the language needs to be clarified.

MOTION: **Senator Schroeder** moved to send the gubernatorial appointment of **Nick Hallett** to the Idaho Charter School Commission with the recommendation that it be confirmed by the senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator Schroeder** moved to approve the minutes of Tuesday, January 12. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**.

Chairman Goedde adjourned the meeting at 3:50 pm.

Senator John Goedde

Chairman

Dorena Schrader

Committee Secretary

Jo Ann Bujarski

Assistant Committee Secretary

MINUTES

HOUSE EDUCATION COMMITTEE SENATE EDUCATION COMMITTEE

DATE: February 4, 2010

TIME: 3 P.M.

PLACE: Room WW 02 Senate/House Auditorium

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, Pearce, Flucher, Winder, Malepeai, Kelly

**ABSENT/
EXCUSED:** Vice Chairman Shirley, Rep. Wills

GUESTS: Jan Sylvester, ID PTA; Sarah Fuhriman, Roden Law Firm; Mark Browning, State Board, Harold Ott, ID Rural Schools Assoc.; Bert Marley, IEA, Jayson Ronk, ID Assoc. of Commerce & Industry; Emma Roemhildt, ICE-PAC; Phil Homer, ID Assoc. of School Administrators; Wayne Davis, IASA; Martin Bilbao, Connolly Smyser; Roger Brown, Office of the Governor; Drew Thomas, Risch Pisca; Tom Luna, State Dept. of Ed.; Luci Willits, SDE

Co-Chairman Nonini called the meeting to order at 3:10 P.M.

Tom Luna, Superintendent of Public Instruction addressed the joint committee and introduced his wife, Cyndi. He discussed the FY 2011 Public Schools Budget with the joint Committee.

He explained that 10 years ago Idaho started an educational journey, which began to focus on results rather than input. He further explained that educators worked on achievement standards and developed the ISAT assessment. The Department then began to address issues and needs that this assessment addresses. He explained that the reading and math initiatives were started.

Supt. Luna reported that he presented his budget to JFAC last week. He explained that three years ago he requested more state money and promised at that time to report back to the Legislature if more students were getting the help they needed. He reported that the evidence is more than clear and the State's investment is paying off. Since 2007, the number of schools making Average Yearly Progress (AYP) went from 26% to 66%. He reported that for the past two years, Idaho has led the nation in increasing AYP. He explained that in order to meet AYP, the school has to meet 41 achievement indicators. He explained that improvement has not been limited to any one region, it has been statewide. He further explained that programs clearly had an impact on classrooms across the state.

Supt. Luna reported that the Idaho Math Initiative is a statewide effort and

includes teacher training, remediation to students who struggle, opportunities for advancement to students who excel, and improvements to statewide math assessments. He reported that in the first two years, 4,000 teachers have completed the Math for Critical Thinking course and 35,000 students have received assistance through the Apangea math program.

Supt. Luna also reported that the Department's Reading Initiative has been in place since 2000. He explained that Idaho has gained national recognition for school improvement. He further explained that student achievement is higher.

He testified that based on Governor's education budget recommendations, the state is faced with a \$90.4 million dollar shortfall. Supt. Luna explained that the guiding principles in his budget preserve teacher student contact hours and preserves those programs that get into the classroom and have the most immediate positive impact on student achievement.

Supt. Luna testified that in order to address budget issues, the Department is asking for \$52.8 million of the Public Schools Earning Reserve Fund. He explained that this fund was created 10 years ago and prior this money was distributed to schools. He reported that this Reserve Fund has a balance of \$90 million. He further explained that he is asking for a one time draw down of this excess reserve fund and it is consistent of the principles of trust law. He explained that in addition to the endowment source, he is proposing to take \$3.3 million in dedicated funds from Driver's Training fund and \$2.2 from the Safe and Drug-Free Schools fund. This would be a total \$58.3 million in new revenue for the Public Schools budget.

Supt. Luna explained that with the proposed new revenue, the state is still facing a shortfall. He explained that he is proposing to continue to freeze the experience movement on the salary funding grid for a second year for a total savings of \$6.1 million; eliminate the Early Retirement Incentive program for a total savings of \$2 million; eliminate transportation reimbursement for field trips for a savings of \$1.4 million; reduce classroom supplies from \$300 to \$200 per teacher for a savings of \$1.6 million; eliminate the 99% average daily attendance protection, a savings of \$5 million and combine funding for technology and textbooks into one line item, reduce to \$6 million and give districts the flexibility to spend funding on either of these needs as they see fit for a total savings of \$9.1 million. He testified that there would be a total of \$83.5 million with new revenues and the targeted reductions.

He further explained that he is also proposing a 3.74% across the board budget reduction to the following programs; transportation, exceptional contracts/tuition equivalents, programs for expectant or delivered mothers, salaries and state-paid benefits, Idaho Digital Learning Academy, Idaho Reading Initiative, Limited English proficiency, Gifted & Talented, ISAT remediation, Math Initiative and discretionary funds.

In response to a question regarding the target number, Supt. Luna explained that \$135 million is the target number from the Governor, but the numbers

may be lower. He further explained that he is recommending that the line items be cut more than 3.7% to adjust to this. In response to a question regarding how districts are coping with possible mid year hold backs, Supt. Luna explained that some districts have little or no reserve funds. He further explained that some districts said that they want hold backs now, and then deal with less of a cut next year. He stated that a lot of districts are looking at how to get through the next 18 months.

In response to a question regarding carry over money, Supt. Luna explained that some districts do not have any and some have more. **Tim Hill** from the Department of Education reported that they will have the 2009 numbers in a few weeks.

Sen. Andreason voiced his concern over cutting the early reading initiative and the digital learning program by 3.74%. Supt. Luna responded that he is concerned about these programs also.

In response to a question regarding the need for the expectant or delivered mothers program, Supt. Luna explained that he had not studied this program in detail. He further explained that he will look closely to see if there is duplication of effort.

In response to a question regarding the authority to draw funds from the Public Schools Earnings Reserve fund, Supt. Luna explained that the Idaho Constitution gives the Land Board authority over these earnings and it would take a majority vote of the Board.

In response to a question regarding the possibility of increasing the tax commission staff to recover possible extra monies, Supt. Luna explained that he is not familiar with the full proposal, but he does support the idea that the State should look under every rock and shake every tree for additional monies.

In response to a question regarding the savings from eliminating the teacher's early retirement, **Jason Hancock**, from the Department of Education explained that last year there was legislation reducing the teacher's early retirement from \$4 million to \$2 million, but the statutory language did not pass. If the early retirement is eliminated it would be a \$2 million dollar savings to the State.

In response to a question regarding how funds are distributed to schools from the State, Supt. Luna explained that the State has developed a funding formula for the school districts to address inequities in districts. He further explained that the State wants every student, no matter where they live, to have access to a quality education. Supt. Luna explained that he does not want to do away with the reading or math initiative to save the State money. He further explained that these are not the types of programs that can be stopped and resumed at another time. He reported that it is better to reduce all programs an equal percentage.

Supt. Luna explained that the Land Board is scheduled to meet on February 10th to consider this issue.

Supt. Luna then discussed the Idaho Education Network (IEN). He explained that students and teachers from the Weiser and West Side School Districts would be participating in today's meeting via the IEN. (Powerpoint presentation is attached). Supt. Luna explained that high school students no longer view their teacher as their only source of knowledge. He reported that the IEN can impact the community. He explained that implementation is currently in phase one and no state dollars are used for the IEN.

Dave Davies, Principal of Weiser High School addressed the joint Committee via the IEN. He reported that his school has been using the IEN for about three years. He further reported that before students were able to take dual credit courses through the IEN, they were questioning if they could go to college, and now they can take college classes for \$65/credit. He further reported that his students can also take psychology from a teacher in Emmett and prior to IEN they were not offered this class. He explained that Emmett has used the IEN to offer community classes and public service classes also. He reported that the IEN is important to students at Weiser High School and he would like to see it continue and expand.

Melissa Waddoups, Curriculum Director at West Side High School also addressed the joint Committee via the IEN. She explained that dual enrollment is a way of life and an expectation for the students at her high school. She explained that West Side High School has about 45 to 50 students per grade, and over 50% of the students are on free and reduced lunches and come from economically disadvantaged families. She reported that over 95% of students at her school graduated with college credits. The students from her school have earned over 800 credits, averaging about 13 college credits per student. She explained that dual enrollment increases academic rigor and offers flexibility for school districts. Dual enrollment also accommodates the needs of students. She reported that a student can earn a full associate's degree for \$3,000 with dual enrollment and to earn that same degree on a college campus would cost \$13,000.

Bryn Cook, a student who graduated last year from West Side High School and who is now a sophomore at Utah State University addressed the joint Committee via the IEN. She explained that she graduated from high school with 30 college credits and was able to save a major amount of money by earning these credits while still in high school. She further explained that dual enrollment prepared her for the rigor of college classes. She explained that she had an easier transition going into college because of dual enrollment. She knew what to expect in classes and it has given her more of a sense of direction as to what she wants to do with her life.

Ms. Waddoups explained that before they had access to the IEN, they had to cross the border into Utah to get what they needed for their students in dual enrollment. She further explained that she looks forward to working with Idaho universities and the IEN has helped to connect with Idaho universities.

In response to a question as to how students interact with their teachers on the IEN, **Mr. Davies** explained that the students have a split screen, with the teacher and a picture of other classrooms participating in the class. He explained that site facilitators are very important in determining the success of program. He further explained that there is a lot paperwork and communication required. Students know they are responsible for high school

class work as well.

In response to a question regarding what the IEN has provided that was not available before, **Ms. Waddoups** explained that the IEN allows her school to better connect to the state of Idaho. **Mr. Davies** explained that with the IEN there is no limit to the number and types of classes students can take. He explained that the only limitation is that there has to be at least one other student in the class.

Co-Chairman Goedde commented that he would like to have **Supt. Luna** back at a later date to answer additional questions about IEN.

Supt. Melvin Buetler, superintendent of the West Side School District addressed the joint Committee. He explained that his district has been participating in dual enrollment for the past ten years and he testified that is good to see that Idaho has come on board with the IEN to offer this important program. He reported that every one of the state's high schools could be a junior college. He further reported that he previously had a problem with students leaving his school district to get a better curriculum in a larger district and now with the IEN, students are coming to their district for the curriculum. He explained that with the IEN, schools can offer the rigor of college classes while in high school. **Co-Chairman Nonini** commented that there is a need to provide this to all Idaho students.

Supt. Luna thanked the joint Committee for the opportunity to present his budget and the Idaho Education Network. He explained that the IEN is a direct result of the rural high school task force and allows equal education for all Idaho students as long as they are willing to do the work.

ADJOURN: There being no further business to be brought before the joint Committee, **Co-Chairman Nonini** adjourned the meeting at 5:05 P.M.

Representative Bob Nonini
Co-Chairman

Claudia Howell
Secretary

Senator John Goedde
Co-Chairman

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 8, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **National Conference of State Legislatures**

Chairman Goedde introduced **Julie Bell**, Education Program Director, for the National Conference of State Legislatures (NCSL). **Ms. Bell** said she serves in two capacities. **Ms. Bell** oversees NCSL education activity which follows all the issues faced by the state legislatures in the country ranging from early education issues, K-12, funding, charter schools, standards, assessments, post-secondary education, adult education and linking education to workforce development. **Ms. Bell** invited the committee to consider the 14 full-time staff members of NCSL as an extension and resource. **Ms. Bell's** also serves as Idaho's liaison to NCSL. She makes at least one annual visit during session to answer questions for legislators and serves as NCSL's primary contract for ongoing correspondence with Idaho's lawmakers.

NCSL services lawmakers with publications, information and surveys. These resources cover various topics such as a state-by-state analyses on education budgets, analyses to interpret dropout rates, individual state reports on key numbers and outcomes, and quarterly legis-briefs on topics such as high school career and technical education, teacher effectiveness, and supporting undeserved students in post-secondary education.

Ms. Bell gave a national overview of what NCSL hears from the states on education issues. All but two states are struggling with limited budgets. NCSL sees revenues falling lower than expected and projected to be anemic for the next two years. Many states are preparing for budget gaps in Fiscal Year (FY) 2011 and beyond. State lawmakers around the country have closed a commutative budget gap of \$145.9 billion in FY

2010. NCSL estimates that states will face 12-18 months of budget gaps before experiencing a projected national turn around.

NCSL is asked frequently for innovative policy for K-12 or higher education, particularly regarding financial efficiencies. States are trying across the board cuts, lay-offs, furlough days, cutbacks in transportation and special programs, shortening the school year, eliminating after-school programs, salary freezes, and freezing national board certification programs. In higher education, which typically receives the bulk of the budget cut, NCSL reported enrollment caps, increased tuition, and reformation of funding.

There is a national conversation about reformation of funding higher education to fund outcomes instead of inputs, for example, rewarding schools for graduating students on time. This conversation and reforms are expected to reach the K-12 levels as well. This will allow legislatures to gain back accountability for revenue and assert expected outcomes.

Most states talked about all possible revenue sources. NCSL has seen an increase in lottery, gaming, soda and candy taxes, cutting scholarship programs, and eliminating special tax grants.

Budget cuts aside, states are also working on improving teaching and leadership-particularly school principal quality. Research shows that the best indicators of improving student outcomes are high-quality teachers and principals. The Secretary of Education and Race To The Top has encouraged states to look at measuring teacher effectiveness.

Research has shown significant outcomes on strategies to prevent drop out rates involving very multi-faceted and systemic activities. States are also focusing on early learning and school preparedness as a research-proven investment.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1).

Senator Andreason asked **Ms. Bell** for a copy of the chart of what states are doing? **Ms. Bell** agreed. **Chairman Goedde** said he would share with the committee copies of NCSL's publications he has received.

Senator Pearce asked **Ms. Bell** what states are doing to accelerate K-12? **Ms. Bell** said states are focusing on the high school senior year as an opportunity to transition into college by taking higher education credits through Dual Programs or Early High School.

PRESENTATION Idaho Digital Learning Academy (IDLA) - Impact in Idaho Schools

Chairman Goedde called **Donna Hutchison**, CEO to IDLA, to the podium. **Ms. Hutchinson** gave an overview of a notebook handed to the

committee members which included: a list of course offerings through IDLA, flyer on Science, Technology, Engineering and Math (STEM) classes, map of Idaho by district enrollments, cost savings and funding, and state reaction pieces written by education leaders in Idaho.

IDLA started in 2002 by Statute 33 Chapter 55 designed to create choice, accessibility, flexibility, quality and equity in Idaho. IDLA's enrollments are growing with 700 enrollments in 2003 and 14,000 currently. IDLA is running a 48% increase over the previous year. IDLA reported a lower enrollment to the Joint Finance and Appropriations Committee (JFAC) and are now tracking at a higher level than anticipated. IDLA is hearing that public schools are planning to shift to online learning through IDLA to cope with the budget cuts.

Ms. Hutchinson demonstrated on a map that rural areas are showing 50-100% of their enrollment online per capita through IDLA. IDLA protects Idaho from Class Action Law Suits such as one in California in 1999 resulting in the formation of an online learning program. The opportunity IDLA provides is not just beneficial to rural schools.

Chairman Goedde called **Wayne Rush**, Glens Ferry Superintendent, to the podium. **Mr. Rush** stated that Glens Ferry is a small rural district with the fifth highest youth poverty rate in Idaho with more students than the four higher youth poverty schools combined. Glens Ferry has experienced a continual enrollment decline of 30% in the past 10 years and losing 15% enrollment in last year alone. Since 2004, Glens Ferry has reduced 25% of it's teaching staff.

Glens Ferry strives to provide students with the best education possible. All seventh graders take Pre-Algebra and all eighth graders take Algebra I. High school graduation requires 53 credits with a four-year math requirement and three-year science requirement.

IDLA allows Glens Ferry to offer rich and rigorous course offerings with highly qualified teachers and the support to deliver the programs. After eliminating their Spanish Instructor in 2007, 24 students enrolled in Spanish offered through IDLA. In 2008, enrollment in students' choice of four foreign languages offered through IDLA grew to 77 enrollments. An enrollment is equivalent to one credit earning.

Now 154 students have completed 30 separate courses at a 99% completion rate. This is done by scheduling students in a computer lab as well as providing a counselor in the computer lab to ensure success.

Without the IDLA program, students would be unable to take the following

courses: Trigonometry, Calculus, Zoology, Astronomy, Environmental Science, Spanish, Psychology, Sociology, Digital Photography, Graphic Design and Dual Credit Speech.

Chairman Goedde welcomed **Ben Merrill**, Notus Principal, to the podium. **Mr. Merrill** presented Pirate Academy, which is an organization within Notus high school where students take IDLA courses. The Pirate Academy is set up unlike a traditional school and instead as a home. Most students take one-two classes from Pirate Academy a semester. The classes are required to graduate high school and prepare for college. Pirate Academy was created because of the lack of access to highly-qualified teachers and finances.

Without Pirate Academy, students would not be able to take any math course higher than Algebra II, Science course higher than Biology, any foreign language, advanced placement or dual credit course, or courses for credit retrieval. IDLA has made the difference in graduating students who would have otherwise dropped out. IDLA has made Notus Adequate Yearly Progress (AYP) proficient this year. IDLA has prepared students to enter college at equivalent levels of math and science as other students for the first time. IDLA allowed Notus to have a gifted and talented program.

Chairman Goedde acknowledged **Representative Nonini's** presence and welcomed **Mr. Rush** back to the podium.

Mr. Rush raised the question as to whether or not video conferencing works in a small school district and demonstrated that it does because it is asynchronous. IDLA is asynchronous education meaning it is constantly accessible.

To offer 154 credits with 30 different course offerings, **Mr. Rush's** district expends \$50 per credit for tuition, salary and benefits for a full-time lab manager, and equipment and supplies for general lab operations totaling to about \$27,700 a year to service students through IDLA. For equivalent services without IDLA, the cost would be \$154,000 a year.

IDLA works because teachers and principals support it and it is funded as a line-item for the legislature. For IDLA to be operated and supported at the state level, spares schools like Glenns Ferry from paying twice as much for similar services when privately contracting with private companies. Out of the \$5 million for IDLA, Glenns Ferry receives \$10,734, which they would never be able to fund 154 credits without IDLA.

IDLA is a great opportunity for district consolidation. The cost per student goes down dramatically and offers students high-quality education enabling them to be nationally competitive.

Chairman Goedde welcomed **Ms. Hutchinson** to the podium. She explained the IDLA funding comes from Idaho Code 33-1020 which is a formula based on enrollment growth. However, the salary-based apportionment has been lessened despite enrollment growth. The tuition fee was originally \$100. Four years ago the Joint Finance and Appropriations Committee reduced the fee to \$50. IDLA has eliminated the fees for Advanced Placement (AP), Dual Credit, Idaho State Assessment Test (ISAT) preparation classes and offers scholarships to students.

IDLA has undergone many efficiency and cost-savings measures to cope with the economic down turn. District-consolidation is saving the State \$8.9 million. IDLA employs 240 part-time educators throughout the State as well as 27 full-time staff in Boise.

IDLA proposes that the legislature form a committee of legislators and school administrators to discuss IDLA's funding.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 2).

Senator Kelly asked **Ms. Hutchinson** to clarify what has been proposed by Governor Otter. **Chairman Goedde** asked **Wayne Hammond**, Administrator to the Division of Financial Management and Governor's Budget Director, to explain what is proposed in the budget for IDLA. **Mr. Hammond** established that there are no cuts to IDLA's funding in the budget, but the Governor is proposing not to increase any funding for IDLA. There are two problems the Governor wants to address. The first problem being that IDLA is the only part of the public schools' budget that has an automatic budget increase which is unrealistic during lean years such as this. The second problem is double funding. For example, public schools that are only servicing one hour of instruction for high school seniors are funded by the State for a whole day and the State funds the institution that the senior is receiving dual credit from.

Senator Pearce asked **Mr. Hammond** how he proposes to fix the problem? **Mr. Hammond** supported IDLA's proposal to form a committee to address the problems.

Senator Andreason echoed **Senator Pearce's** question and asked for

clarification on the Governor's proposed budget of \$5 million for IDLA. **Mr. Hammond** said that the budget includes the \$5 million, at the same level it was funded in this current year as a capping measure and not a cutting measure.

Senator Andreason asked **Mr. Hammond** how will the budget proposal affect IDLA? **Mr. Rush** said that the graduation rate would decrease and Glens Ferry funding would revert back to providing basic education. **Senator Andreason** commented that what the Governor's office is suggesting won't work.

Chairman Goedde asked **Ms. Hutchinson** to provide her perspective on the "double-dipping" issue. **Ms. Hutchinson** said 81% of IDLA students are taking four or more classes face-to-face at their local school district. Idaho Code requires 240 minutes, or four classes, of instruction to be provided by the school district. IDLA isn't necessarily double-dipping, but is enhancing education for students.

Chairman Goedde asked **Ms. Hutchinson** how IDLA would address the \$5 million cap this year? **Ms. Hutchinson** said that the \$5 million is based on 11,000 enrolled students, but IDLA would strive to serve up to 14,000 students. This would be made possible by cutbacks, classroom caps, and possibly raising fees.

Vice Chairman Mortimer asked what IDLA is doing to provide more education for less? **Ms. Hutchinson** echoed from her presentation that IDLA is not hiring staff, withholding salary increases, and falling behind national competition. **Vice Chairman Mortimer** asked **Ms. Hutchinson** how many students IDLA is projected to serve this upcoming year? **Ms. Hutchinson** said 18,000 if expected growth and demand continues. IDLA is happy to take a share of necessary cuts, but the proportionality is in question when schools need IDLA more than ever before due to the budget cuts to education. **Vice Chairman Mortimer** agrees and recognizes that the less money the State provides for Education the more IDLA's services are needed. He asked **Ms. Hutchinson** if numbers can be put to that comment? **Ms. Hutchinson** said she can put that together and provide percentages of increases in enrollment and cost-per-course in the future.

Senator Pearce commented that this discussion is not only about money but how to best serve our students. He asked **Ms. Hutchinson** if money were not an issue this year, if IDLA would be serving 18,000 students? **Ms. Hutchinson** said yes based on the 30-40% increase rate. **Senator Pearce** asked if raising fees would cause school districts to lower student enrollment? **Ms. Hutchinson** said yes, and the current \$50 fee is a

burden to some students already. **Senator Pearce** asked if the student or school district pays the enrollment fees? **Mr. Hutchinson** said it depends on the school district and when students take their classes. If IDLA enrollment is an overload to their full class period or taken during the summer, then students pay the fee. Some school districts pay the fee if the student successfully completes the class. **Senator Pearce** asked if off-season courses offered in June through August are cheaper to offer? **Ms. Hutchinson** said they are more expensive because IDLA does not have the local school districts' support during the summer. **Mr. Rush** said that Glenns Ferry school district does pay the \$50 fee due to a legal opinion stating that the schools are constitutionally bound to provide courses required for graduation free to the public. **Mr. Rush** added that \$50 does turn into a big deal in a district with a high poverty rate and 85% of students are on the free-to-reduced lunch program. **Senator Pearce** asked Mr. Rush what fee increase would prevent Glenns Ferry to stop providing IDLA services? **Mr. Rush** said any increase would result in a manner of cuts to services.

Senator Schroeder asked **Ms. Hutchinson** if he provided an online charter school, what would it cost to provide the four course statutory minimum of education? **Ms. Hutchinson** said \$200. **Senator Schroeder** asked what can he get from the State for the same situation? **Ms. Hutchinson** said it varies across the State but would be thousands of dollars. **Senator Schroeder** asked **Ms. Hutchinson** to confirm the statement. **Ms. Hutchinson** said that it is true, however, IDLA participation averages 1.5 courses per student making the hypothetical situation **Senator Schroeder** proposed unique to special cases where the student may be medically home bound and then would take four IDLA courses. **Senator Schroeder** asked if it would apply if it were half time? **Ms. Hutchinson** said there is funding for a half time student through the public school system, but it varies. **Senator Schroeder** asked **Ms. Hutchinson** for information on how to figure it out? **Ms. Hutchinson** said that the virtual charter schools participating in IDLA operate by a small school funding formula which varies according to the size of charter. Most of the time, the virtual charter is in the same situation a face-to-face school is, so they may not be able to find a highly-qualified teacher in speech and turned to IDLA. **Chairman Goedde** suggested that **Mr. Hill** could provide data on this situation.

Senator Winder asked **Mr. Hammond** the margin of money withheld from IDLA this year in the Governor's proposed budget? **Mr. Hammond** answered \$1.7 million.

Senator Kelly asked the reasoning behind the initial fee of \$100 for IDLA course enrollment before it was reduced to \$50? **Ms. Hutchinson** said

that IDLA was originally set up with support from a grant fund from the J.A. and Kathryn Albertson Foundation of \$1 million allowing IDLA to operate its first year without any fees. JFAC proposed \$100 fees the following two years in place of the grant. JFAC then gave direction to the IDLA's Board of Directors to reduce or eliminate the fees. IDLA reduced the fee to \$50 as incentive for school administrators to take an online training course. **Senator Kelly** asked if **Ms. Hutchinson** has spoken before JFAC and if they would be comfortable with the Board raising the fee? **Ms. Hutchinson** said that IDLA presented to JFAC last October and had not given any indication about raising fees.

Senator Kelly asked Ms. Hutchinson to discuss how the Idaho Education Network (IEN) and IDLA relate and if private providers can be used as an alternative? **Ms. Hutchinson** said that private providers do exist and it is forecasted that half of all classes will be offered online by 2019. The IEN provides band width and hardware for IDLA.

Senator Winder said that dual credit enrollment in high school may produce a significant net savings and asked if IDLA can correlate that. **Ms. Hutchinson** said 265 students are taking IDLA to graduate early and IDLA calculated that about \$12 million would be saved if all 265 students did graduate early. There are also cost savings with helping students graduate who would otherwise drop out. IDLA offers 75 dual-credit courses. **Senator Winder** asked **Ms. Hutchinson** to talk with **Mr. Hammond** to come to some agreement on how to achieve the best cost-savings for the state. **Ms. Hutchinson** welcomed the suggestion.

SB 1306

Two changes to statute dealing with school District Personal Property Disposition

Chairman Goedde passed the gavel to Vice Chairman Mortimer.

Chairman Goedde testified that currently School Boards have to get an appraisal and then have the opportunity through public auction to dispose of real property. However, the property may not be disposed of at its appraised value and has become a concern. This legislation would offer a third opportunity following either the public auction or the bid process whereby the district can dispose of real property at the price the market will bear.

The second piece of this legislation allows school districts to use personal property as trade-ins for purchase of new personal property. Additionally, the second change would allow trustees to trade in personal property under \$5,000 without an appraisal.

Senator Schroeder asked **Chairman Goedde** how the legislation would

guarantee that property won't be traded at lower than its appraised value? **Chairman Goedde** said there is a provision that the Board can reject the proposal if it is not high enough.

TESTIMONY: **Mark Cottner**, Executive Director of the Canyon-Owyhee School Service Agency (COSSA), took the podium in support of the bill. COSSA services five school districts which are constructing a \$5 million facility that is partly funded by the sale of properties. This rule change would entrust the sale of property to the Board's discretion to accept or reject bids.

Senator Schroeder clarified that the Board will always be able to refuse to sell to bids that are too low. **Chairman Goedde** confirmed that statement.

Senator Winder commented that the legislation is a solution in response to the growing disconnect between property appraisal and what the property will sell for. **Senator Winder** will be supporting the motion.

MOTION: **Senator Fulcher** moved, seconded by **Senator Winder**, to send SB 1306 to the floor with a do pass recommendation. The motion carried by **voice vote**.

RS 19493 **IDEA Funding**

Chairman Goedde explained that this memorial calls on Congress to fully fund IDEA at the 40% rate that was promised since 1975 when enacted. IDEA has since never been funded at even half that rate, the burden of which falls on school districts.

MOTION: **Senator Schroeder** moved, seconded by **Senator Winder**, that RS 19493 be sent to print. The motion carried by **voice vote**.

ADJOURNMENT **Vice Chairman Mortimer** turned the gavel back to **Chairman Goedde** who adjourned the meeting at 4:55.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 9, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai and Kelly

**MEMBERS ABSENT/
EXCUSED:**

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 PM and asked the secretary to take a silent roll. **Chairman Goedde** commented upon a document received called "Rebuilding America's Workforce - National Fund for Workforce Solutions" and offered the document to the members of committee referring to a prior presentation by **Mr. Sayer** and **Mr. Nilson**.

Chairman Goedde introduced **Dr. Bert Glandon, President** of the College of Western Idaho to present information concerning Idaho's newest community college.

President Glandon proceeded with his presentation concerning the growth of the school, students served, the mission of the school and CWI's progress in meeting the needs of the community. Tuition at CWI is affordable at \$119 per credit, with a web-based online registration and serves outreach areas with several campus locations focusing on different specialties. Accreditation guidelines are met with instructors. Over a dozen degrees are being offered as well as professional/technical programs. All twelve programs remaining at BSU will be moved by 2012, which will be a challenge due to the requirements of those particular programs. Workforce development has a full range of programs, with eight programs currently serving 20,000 students enrolled. Basic education skills, GED and ESL programs are offered with over 4,200 students in these categories. Community Education - Lifelong Learning courses are offered which are self-supporting. Virtual classes are also offered. Faculty has increased over the year since formation to 106 full time faculty and over 130 part-time faculty. Student tuition and fees are running at 45% of the current budget. Challenges are with local property tax and state appropriations. The goal is to be accountable to the budget as well as to the quality of program for the students.

Chairman Goedde then asked if the committee had any questions.

Senator Pearce asked **President Glandon** if he considered the remarks made to the committee by **Mr. Nilson** and **Mr. Sayer** were clear in the accusations and needs expressed? **President Glandon** expressed that their perceptions were real and passionate but their approach was different. He acknowledged the frustrations expressed in the presentation and cited models in other states concerning producing skilled versus non-skilled. The passion of economic conditions force an urgency but they needed a greater understanding of both sides to help solve the problem. CWI has a huge role in meeting the needs of industries in the community.

Senator Pearce asked how broad a range of dual enrollment could be implemented and accommodated by CWI and the costs involved.

President Glandon commented on a program called Running Start implemented in Washington that quadrupled in just a few years. At Treasure Valley Community College in Oregon the dual enrollment opportunities at the local high schools doubled yearly. Public education needs to embrace the dual enrollment program for high school juniors and seniors that are qualified allowing local community colleges to move many students through a program as long as excellence and quality are maintained. Contact has been made with Meridian, Boise and Nampa school districts. When CWI started last fall, local high schools offered their classrooms and facilities after school. The community has rallied and now it is up to CWI to make it work. Programs in Washington and Oregon have allowed high school seniors to graduate in a technical program qualified to enter the workforce.

Senator Pearce questioned about the cost for dual enrollment being \$119 per credit. **President Glandon** answered that in Idaho it is \$65 per credit.

Chairman Goedde asked if the workforce development program was self-sustaining. **President Glandon** answered that it will be and qualified his answer by saying that in the transfer from BSU there was a problem with a few deficits, but adjustments have been made that will take care of the deficit in the next year. Workforce development will be a money generator for the college in the future.

Chairman Goedde compared the tax base of \$13 per \$100,000 with other colleges in the \$70 range. CWI has a huge tax base that helps with the rate. What kind of assurance was given the voters when CWI was founded as to the property tax rate? **President Glandon** answered he was not in the position as President at that time. The board has discussed the tax rate and concluded that in order to get the measure through they decided on a \$13.11 per \$100,000 which is well below CSI at \$82 and College of Northern Idaho is at \$82-83 per \$100,000. Tuition is within the control of CWI while property tax is managed by the board of trustees. No public meetings have been called but conversations have been held about that particular funding issue. handled.

Senator Andreason asked what was the reason for not moving all of the programs from Boise State. **President Glandon** answered there was no place to house those particular programs. The building CWI had access to was retrofitted to handle the some of the technical programs but the heavy automotive programs were more difficult to find a location to move them. With the help of business and industry CWI is looking for locations. There are plenty of empty sites during this economic downturn that are available for negotiation, but there will be costs involved to move the programs.

Senator Malepeai questioned possible challenges in meeting the needs of the workforce training programs. **President Glandon** replied that there has not yet been a request that the need was not met.

Senator Andreason complimented **President Glandon** on the extremely comprehensive, impressive report given on the progress of CWI.

RS19523

Chairman Goedde welcomed **Senator Corder** to the committee.

Senator Corder introduced RS19523 explained problems in states with military installations with dependents of military personnel who have attended multiple schools result in shortcomings to the graduation requirements. A compact was created between states, through CSG and other groups to mediate the problem, however Idaho was not able to agree with all the terms of the compact. **Senator Corder** was asked to consider proposing legislation to promote agreement with the compact, specifically concerning school superintendent's final approval of credits and the funding mechanism. The military was contacted to be a possible funding source and agreement was obtained. Other issues, however, could not be resolved which resulted in RS19523, allowing the State Board of Education to adopt the intent of the specific sections 2-7, identifying standards and criteria for graduation, with a final determination to be made by the State Board.

Senator Kelly wondered if the Board was going to have to do rule making? **Senator Corder** answered that was correct which was a demand that the State Board required. Senator Kelly commented that rule making can be quite costly.

Vice Chairman Mortimer asked about item number two that indicates the State Board shall promulgate rules. Questioned if the legislation is stating we "shall" basically adopt the interstate compact instead of "may"? **Senator Corder** replied that this allows the Board to adopt the rules that satisfy the intent of the compact.

Vice Chairman Mortimer expressed concern that the sections allowing rules have a very good definition of the articles relative to "may" or "shall". **Senator Corder** he would provide that information to **Vice Chairman Mortimer**

Chairman Goedde then placed RS19523 before the committee. **Senator Winder** moved to print RS19523 with a second by **Vice Chairman Mortimer**. The motion passed with no opposition.

Chairman Goedde passed the gavel to **Vice Chairman Mortimer**.

Vice Chairman Mortimer asked **Chairman Goedde** to introduce the legislation. **Senator Goedde** explained that incorporated into existing code is a requirement of any entity that wants to be excised or annexed to any local school district to provide a legal description, prepared by someone with licensing, of the property involved in the excision or annexation. This is a result of an incident where a second election must be held in a school district because of an improperly prepared legal description. The cost of a legal description will vary with the property involved which expense will be borne by the parties requesting the excision or annexation.

Senator Schroeder moved that S1305 be transmitted to the floor with a do pass recommendation, with a second by **Senator Pearce**.

Senator Andreason, who represents the two largest school districts in the state, indicated this happens quite often and wondered if this would be a costly measure for surveys. **Senator Goedde** explained that this would not be a cost for the district but that the people in the area of annexation would be responsible for the cost.

Vice Chairman Mortimer questioned the language indicating who could prepare the legal description and wondered if it could be a title company. **Senator Goedde** replied that it could. **Vice Chairman Mortimer** commented that licensed surveyors fees could be expensive and wondered if the legal description had to be certified with an engineer's stamp? **Senator Goedde** replied it didn't call for that level, but for a document from someone licensed or professionally trained. **Vice Chairman Mortimer** asked if there was anything in the current document that prohibited the preparation of a legal description. **Senator Goedde** answered he understood that when a request comes from a group of people in an area wishing to be annexed or excised a description is provided that may or may not be accurate. It is the intent of this legislation to provide an accurate description that meets a legal standard.

Vice Chairman Mortimer called for a motion and **Senator Schroeder** made the motion to send S1305 with a do pass recommendation which was seconded by **Senator Pearce**. The motion passed. He then turned the gavel back to **Chairman Goedde**.

Chairman Goedde indicated discussion would now continue concerning the Idaho Education Network. He introduced and welcomed **Superintendent Luna** as the chairman of the Idaho

Education Network Committee.

Superintendent Luna summarized the previous committee hearing concerning IEN and commented how beneficial to high school juniors and seniors may graduate with college credits. With IEN the opportunity to acquire college credits in high school is open to all students regardless of geography or distance.

Chairman Goedde questioned concerning the issue of bell times and calendars and solving the problem of students from being consistently late for a class because of the IEN class schedule. **Superintendent Luna** indicated the challenge of scheduling has been cited by the Utah organization as their biggest problem. If districts wish to take advantage of the IEN they will be forced to adjust their schedules to conform to other districts and schools, allowing the IEN courses to be accessible. **Chairman Goedde** asked if this would take additional legislation and **Superintendent Luna** answered uncertainly, but indicated he would investigate what other states had done.

Senator Andreason inquired whether the scheduling issue could be resolved. **Superintendent Luna** indicated a desire to solve the problem, but hesitated to overstate the ability to do so.

Senator Schroeder recounted how a local internet company had provided service to the schools in his district and wondered if IEN would benefit from money privately incurred for this service. **Superintendent Luna** expressed the intent is to work with local providers if there is existing service and providing every school with the broadband connectivity.

S1305

Senator Schroeder explained the service he was referring to was a lower cost than what the state had intended to use. **Superintendent Luna** replied that the service was bid out at the state level and the state went with the most competitive bid. **Teresa Luna**, Department of Administration, explained that what local internet companies are providing is internet service, but what the state is purchasing is high-speed bandwidth for a private network, including access to internet, project management, 24/7 service, a network operations center and guaranteed quality service, not guaranteed by local ISPs.

Senator Schroeder expressed concern that he would have to tell the local provider they would be out of business because the state has chosen someone else. **Teresa Luna** explained that for **Senator Schroeder's** district the local provider would still be used for supplemental service for the district. **Senator Schroeder** inquired further about displacement of local providers while **Teresa Luna** responded that some local providers will not be able to provide the service that IEN requires. Statutorily, a high speed network using fiber or a comparable media which the local companies do not usually have the bandwidth or capability to provide a private, managed, secure and quality guaranteed network that IEN is able to provide. **Senator Schroeder** requested technical data proving that the local providers did

not have the required capabilities. **Teresa Luna** offered to provide to **Senator Schroeder** analysis for every current and future school IEN intends to go into. **Chairman Goedde** requested the information for the entire committee.

Chairman Goedde explained the difference between internet and intranet and differences in cabling for each adding that local providers would be able to market the difference IEN brought in for the schools verses what was used by the schools. **Teresa Luna** agreed with the Chairman's explanation.

Senator Pearce desired to know how IEN and IDLA will work together. **Teresa Luna** explained IEN and IDLA are two very separate things. IEN is the infrastructure, the highway leading out to the schools, while IDLA is a commodity traveling on the infrastructure.

Senator Pearce asked for further explanation as to scheduling and costs involved between for putting their programs over IEN. **Teresa Luna** clarified that no one will be charged for information over IEN. **Senator Pearce** then asked about scheduling priorities and ease of use for the schools. **Teresa Luna** explained the users of the program must find the classes that accommodate students and will be the focus of the advisory board will work on with individual schools educating them as to the management of the IEN programing. IEN is not involved in scheduling districts with classes. A web-based class search engine is currently being developed.

Chairman Goedde asked why IDLA is outside the "dedicated" section of the fiber. **Teresa Luna** indicated the hookup with IDLA on the IEN network is step one.

Vice Chairman Mortimer asked how IEN prioritizes what schools will be added and what will be provided. **Teresa Luna** described the phase one roll out list which consists of 5-6 sub-phases, which were written and approved by the IEPRAC, Idaho Education Program and Resource Advisory Council. Original focus was on rural districts.

Vice Chairman Mortimer questioned whether the standard for IEN set by IEPRAC is in writing for future reference? **Teresa Luna** agreed that was correct. **Vice Chairman Mortimer** asked for a copy of that standard.

Vice Chairman Mortimer questioned the typical duration for a contract entered into by IEN. **Teresa Luna** answered that it was a five year contract.

Vice Chairman Mortimer further questioned concerning funding, already provided for the next three years, and sustain-ability of funding and asked for explanation, with a long term perspective, about funding. **Teresa Luna** answered IEN received in 2010 approximately \$3 million in addition to grants of \$2.5 million. The return in e-rate funds is expected to be \$1 million, based on band width and connection. The

JA & Kathryn Albertson foundation has offered \$3 million for 2011 as well as \$3 million in 2012. At the end of 2012 phase one will be complete, which is the build out to every high school within the state. Expectations are that \$3 million a year will be needed to fund IEN to every high school in the state, supplemented by \$7 million in e-rate funds each year. After 2012 either IEN or the State will be responsible.

Vice Chairman Mortimer clarified that the annual cost in the future is \$3 Million per year. **Teresa Luna** explained the cost is \$3 million to the state with a value of \$10 million because of the \$7 million in e-rate funds IEN will be receiving. **Vice Chairman Mortimer** further clarified that the total yearly cost to the state is \$10 million and **Teresa Luna** confirmed that amount.

Senator Winder asked whether agreements ITD made for broadband several years ago were of any use or value to IEN and **Teresa Luna** answered no.

Senator Andreason clarified his understanding that IEN understands the concerns of the committee and that those concerns will be addressed in the future. **Teresa Luna** indicated the answer is yes and that IEN is in its seventh month and understands questions and concerns have arisen, which are being addressed as quickly as possible. IEN has currently expanded the bandwidth to 18,000 students that did not previously have access.

Senator Kelly noted the overwhelming presence of lobbyists interested and desired further explanation about private contractors and public dollars. **Teresa Luna** explained contracts held currently with IEN are Education Networks of America and Qwest. **Senator Kelly** asked what for an explanation of e-rate. **Teresa Luna** explained that e-rate is an excise tax on telecommunications that is specifically for education broadband. **Chairman Goedde** further explained that local school districts also apply for and receive e-rate monies besides those that will be used by IEN.

Chairman Goedde clarified that ENA will not help local school districts but will help the IEN and asked for confirmation. **Teresa Luna** said it was her understanding the ENA has offered their services to the local school district as well.

Senator Kelly asked for clarification of the roles of ENA and Qwest. **Teresa Luna** explained ENA was providing customer service pieces and Qwest was providing the infrastructure. Other vendors such as Verizon, Frontier, etc. to provide this service into the local communities. We are using local tel-codes to provide service into the local high schools.

Senator Kelly asked if local services meant the equipment that meets the statutory requirements. **Teresa Luna** answered yes, the Independent Local Exchange Carriers (ILECs). **Chairman Goedde**

further clarified public moneys into intranet, is that correct? **Teresa Luna** explained that is correct, private meaning IEN traffic only. It is a virtual private network not associated with any public internet service. Our fiber is only owned or leased by the state for this purpose and no other traffic it for public use.

Senator Kelly asked about the five year contract. **Teresa Luna** indicated that it was not just for the infrastructure but for the services for the schools, the bandwidth, e-rate operation, the 24/7 service - the project management and network operation center.

Chairman Goedde asked how does a new company bid against the existing company at the end of the contract? **Teresa Luna** yielded to **Greg Z** who stated renewal would only occur if there was some reason to advance the technology, but not necessarily mandatory.

Senator Kelly expressed concern about litigation costs and **Greg Zollman** explained he preferred not to comment on the ongoing legal action.

Senator Pearce asked how money will be spent and wondered if future requests for monies will be for a larger sum. **Teresa Luna** stated the budget is for the next 8 years with \$3 Million portion for the state for each year. They currently have 2 full time employees and have asked for 2 more to help manage the communication as schools are added to the program. Utah employs around 200 people and operate in-house, but IEN has contracted for the majority of the services. Increase in staff or the additional monies from the state is not in the projected budget. If the reach of IEN is broadened then the funds would need to be increased.

Senator Pearce wondered about the cost of the contracts for the outside people to come in and help the schools. **Teresa Luna** indicated those contracts are already in place. **Senator Pearce** asked what portion of the budget was for those services. **Teresa Luna** answered ENA, our customer services arm, is budgeted for \$1,047 per district per month.

Chairman Goedde questioned how IDLA fits into the IEN. IDLA is statutorily the state's virtual school yet it is being treated as a content provider. Why is IDLA outside the network and not treated as a school? **Teresa Luna** answered that intentions are to bring IDLA into the network per Phase 1. IEN is not providing bandwidth to any providers, like CSI or Utah State. **Chairman Goedde** asked how a class at CWI offered at EIN if you are not offering bandwidth. **Teresa Luna** answered that IEN is not paying for the bandwidth, but that the provider is paying.

Vice Chairman Mortimer wondered how the secure bandwidth could be opened up to private providers of education, asking how schools hooks onto other educational opportunities without coming through our bandwidth. **Teresa Luna** explained IEN will allow access to our private, secure network but only for the purposes of delivery classes to Idaho students. **Superintendent Luna** explained that the quality of the

content is reviewed and meets our standards before it can be offered for credit into the high school, similar to purchase of private providers of curriculum to students.

Vice Chairman Mortimer further clarified we want intranet connectivity for all of our school and by monitoring must take place to assure quality programming and further commented that it would be a formidable task. **Superintendent Luna** agreed and expressed that is the responsibility of IEN.

Chairman Goedde reviewed the list of classes provided by the board and questioned if he contacted the provider could a dollar amount for cost of bandwidth be obtained. **Superintendent Luna** explained the provider pays for the bandwidth to deliver and IEN pays for the schools to receive classes being offered by the University. **Chairman Goedde** clarified the class providers are paying for the entire cost of the bandwidth, is that correct? **Superintendent Luna** clarified the provider pays for their own connectivity and they are responsible to pay the expenses and provide the hardware necessary to access the IEN. Then IEN takes over and delivers the class to the school.

Vice Chairman Mortimer asked for what the cost would be for Uofl, ISU, etc to get onto the IEN - similar to what the school on the end pays? **Superintendent Luna** explained further that the providers, such as CSI or Uofl already have the bandwidth available to them and would not have to pay any additional money unless the bandwidth needed to be expanded. The State of Idaho will not subsidize providers to put their courses on IEN. **Vice Chairman Mortimer** said he was hoping to save money with these systems for the local schools and wondered if the same savings could be realized at universities. **Superintendent Luna** explained no duplication was taking place as far as equipment and ability to access the intranet. The question will be posed to the universities if any additional or duplicate expenses will be incurred to deliver classes via IEN.

Senator Kelly posed a question about IEPRAC's board of directors, wondering why she could not find that online. **Superintendent Luna** explained IEPRAC was formed under legislation passed last year and references to it can be found on the IEN website.

Chairman Goedde thanked all who participated in the discussion. The committee adjourned at 5:01 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 10, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai and Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m.
- PRESENTATION:** **Chairman Goedde** welcomed **Glen Zollman**, Idaho Director for **Apangea Learning, Inc.** to present on their online math tutoring program the Idaho Math Initiative, along with **Cindy Johnstone**, Idaho State Department of Education's Mathematics Coordinator.
- Mr. Zollman**, described that **Apangea Learning, Inc.** is an "online" Math Tutoring program focusing on "problem solving" which includes the usage of Learning Coaches, Interactive White Boards and a 24/7 live support system. **Mr. Zollman** shared a letter from **Mr. Piconi** which stated one of the major goals of establishing the Apangea program is "to engage families in the education process so that the students are more prepared to learn when they enter every classroom, when they find that "spark" for learning, and when they become the next generation to support our nation."
- Mr. Zollman** gave examples from his twelve years of teaching at Borah High School, and Washington State. He taught mathematics primarily to struggling students after three to four times of failing classes. Through his experience he learned that it is usually not "what" but "how" to help the students learn.
- Mr. Zollman** provided involvement statistics from FY 08-09 showing that the program is successfully increasing. Many more students are coming onboard with the program and they have logged over 28,000 hours of after school hours. **Mr. Zollman** showed the committee examples of motivators used such as competitions (i.e. Idaho Mach Cup which started this week) with the opportunity to include family members and the ability to earn prizes such as a Nintendo Wii and other family packages.

Senator Kelly inquired about where the funding for the program came from. She asked if Apangea Learning, Inc. was under contract with the State of Idaho or had private funding, and was there possible involvement with the Idaho Education Network (IEN). **Mr. Zollman** replied that they have a contract with the State of Idaho through the Idaho Math Initiative program and they have an annual, renewable, contract. **Ms. Johnstone** explained that no money came from IEN.

Senator Kelly asked how the **Apangea Learning, Inc.** had obtained their contract with the State of Idaho. **Ms. Johnstone** answered that the State had put out RFP's online and on paper. She stated that there had been eight companies that submitted proposals and a committee reviewed the presentations, and Apangea had been rated on a scale and chosen by a plethora of Idaho Educators. There were standards used that were in alignment with Idaho's middle school and high school requirements. The annually renewable contract is renewed based on performance, including seat time.

Senator Kelly again inquired about the source of funding whether it was from the state's general fund or individual districts? **Ms. Johnstone** answered that the money is not given to the districts, but dispersed directly from the state. The program is free to all K-12 public school students with some individual case by case additions from home schooled students.

Chairman Goedde asked if a student is accessing Apangea from home are they on the regular internet or on an intranet? **Ms. Johnstone** replied that at home would be internet and at school would be intranet, which depending on where it is, may include usage of the IEN network.

Senator Pearce inquired about the \$1.3 million price for the program and was interested in where the rest of the \$3 million Math Initiative funds were distributed. **Ms. Johnstone** replied that they were distributed into three areas including teacher training, Apangea program, public information and other programs.

Senator Malepeai inquired as to how many other states are using this program and when Apangea was established. **Mr. Zollman** stated that this is the seventh year for Apangea. Thirty-five other states are using an Apangea program in smaller areas and Idaho is the only one utilizing statewide. Alaska, Hawaii and Vermont are looking at how Idaho is doing and considering the same implementation.

Senator Malepeai asked how this program differs from others that have come and gone and what happens when this one is gone? It seems that the ones that benefit the most are the programs that are getting paid the money and not the students or the state. Is online training the future for Idaho? Do we have any short and long term strategies? **Ms. Johnstone** replied that this is the reason that the Idaho Math Initiative was undertaken. They were learning that graduating Seniors were unprepared and that the teachers in the classrooms is the largest reason for the students to have success so they understand that the teachers need to be onboard; which is why teacher training is a major focus. With Apangea the students have access 24/7 to a trained tutor.

Superintendent Luna will give us direction in this matter.

Chairman Goedde thanked **Mr. Zollman** and **Ms. Johnstone** for their presentation.

Chairman Goedde asked **Senator Winder** for an update on the Land Board hearing that was in process. **Senator Winder** stated that there had been a one time distribution of \$53.M. There was a lot of discussion of some type of compromise amount going forward but no formal motions had been made. It appeared that there was a good spirit of cooperation in the room.

PRESENTATION Update on Center for Advanced Energy Studies (CAES)

Chairman Goedde introduced and welcomed the next presenter **Dr. Harold Blackman**, Director for CAES.

Dr. Harold Blackman explained the CAES programs cooperate with three State Universities and the Idaho National Laboratory (INL). He stated that CAES's focus is to build collaborations with industry, focus on energy programs and creating a productive workforce for the future. Sixty to seventy of their grad students still participate on campus which creates an energized environment. Their financials include having earned \$15 million in grants this year, \$1.6 million in State funding and have grown their nuclear graduate students to over 250. An example of Industry collaboration provided was a contract with Shell Oil for \$1 million for looking at Basalt in Idaho. A focus on energy is being directed towards extending the life of nuclear plants versus building new ones. Every year they can continue to operate is more money in the state's economy. Industrial partnerships include Premier, who donated a Glove Box, Black Hawk and AREVA which will eventually turn into work for the state.

Dr. Blackman also reviewed with the committee how CAES stimulates economic development through research and education, promotes energy-focused research, invests in faculty, staff, students and equipment, and is increasing the economic and educational benefit to the State of Idaho. CAES has already created 316 jobs in Idaho and attracted \$22.4 million in sales.

In response to questions by **Chairman Goedde**, **Dr. Blackman** said the \$15 million that came in with CAES was primarily provided by the Department of Energy and the rest is from private entities.

**RULE NO.
08-0202-0903**

Rules Governing Uniformity (Pending)

Chairman Goedde announced that both the rules have been announced on the House side and presented the committee with the options to either adopt them or to hold them until another time when the presenter would be available.

Senator Malepeai said that his initial concerns about the rule when the committee initially reviewed it had been addressed and that he was no longer in opposition to the rule.

MOTION

Senator Schroeder moved, seconded by **Vice Chairman Mortimer**, to approve **Rule Number 08-0202-0903**. The motion carried by **voice vote**.

**RULE NO.
08-0203-0903**

Rule Governing Thoroughness (Pending)

Senator Kelly demonstrated concerns about the fiscal impact of the rule. **Rob Sower**, Deputy Superintendent for the State Department of Education, took the podium. In response to questions directed by **Senator Kelly**, **Mr. Sower** said there are a number of districts implementing what this rule requires without any additional money. **Senator Kelly** asked what the consequences are for school districts that do not meet the credit system requirements put forth by the rule. **Mr. Sower** said the plan is flexible enough that local districts can look at each student individually and make the determination for the best situation for the child. The district ultimately decides what happens when students do not pass the credits.

Senator Schroeder moved, seconded by **Senator Andreason**, to approve **Rule Number 08-0203-0903**. The motion carried by **voice vote**.

ADJOURN

Chairman Goedde adjourned the committee at 4:22 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 11, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, and Winder
- MEMBERS ABSENT/ EXCUSED:** Senators Malepeai and Kelly
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m.
- PRESENTATION Parent Teacher Association (PTA)**
- Susan Bench**, President of the Idaho PTA, took the podium and explained that the PTA represents approximately 8,000 members in Idaho and has been advocating since 1905 on behalf of children and youth before governmental bodies. **Ms. Bench** deferred to **Laurie Boeckle**, Vice President of the PTA, who gave a presentation on the PTA's purpose, history, benefits, programs, grass roots, and outcomes. The PTA has contributed to child labor laws, public health, hot lunch programs and mandatory immunizations.
- In response to questions from the Committee, **Ms. Bench** and **Ms. Boeckle** explained that the Idaho PTA does not have the resources to provide state-run programs but involves students in nationwide PTA programs. The PTA's position on endowment lands is that they should not be used for a rainy day fund and should instead be used only for the undivided purpose of maximizing revenue for current students and future generations. The PTA supports additional revenue sources for funding public education such as impact fees related to real estate, the Idaho lottery, and sales tax.
- Senator Schroeder** asked if the PTA would support a constitutional change so Idaho can receive more money on cottage leases and develop commercial property? **Ms. Boeckle** did not think a constitutional change is needed and instead encouraged more accountability for the Land Board members.
- PRESENTATION Math Initiative**

Cindy Johnstone, Math Coordinator for the State Department of Education (SDOE), shared her personal story as an educator for twenty years to illustrate the importance and effectiveness of the Math Initiative. The Math Initiative focuses on three areas: student achievement, teacher instruction and public awareness. The SDOE is responsible to seek out best practices and provide support and technical assistance to local districts. The Math Initiative has funded 92 family math nights to districts in Idaho to help parents understand how they can support their children's mathematics every day and in their own lives.

Ms. Johnstone introduced **Dr. Jonathan Brendefur** from Boise State University who works with Mathematical Thinking Instruction (MTI) program which 11,000 K-12 teachers will be taking over a five year span. The MTI course is a three credit course for teachers, engaging them in forty-five hours of professional development.

Dr. Brendefur shared Statewide results showing that the Math Initiative is successful. Compared to a control group, 20% more of the students who underwent classes taught by the Math Initiative were in the proficient and advance categories.

In response to questions from the committee **Ms. Johnstone** said that if 10% of the Math Initiative's funding were cut she would need to identify and preserve programs with the biggest impact on student achievement and potentially discontinue funding for new programs that have been in operation for a year. The MTI course is currently offered for in-service teachers and there has been two meetings with all of Idaho's colleges to explore ways to integrate it into college curriculum for teachers. The Math Initiative is currently problem-solving ways to increase teacher enrollments in Eastern Idaho and is working with the Idaho Digital Learning Academy (IDLA) to strike a balanced approach between online and in-person teaching of the MTI course.

PRESENTATION Statewide System of Support, State Department of Education

Chairman Goedde welcomed **Marybeth Flachbart**, Deputy Superintendent of Student Achievement and School Improvement. The statewide system of support has been in place since 2001 and is increasingly effective as it has taken on a transformative philosophy to maximize resources and support change in schools. **Ms. Flachbart** reviewed with the Committee the Instructional Core, Range of Services, Ways to Increase School Effectiveness, (WISE) tool, Idaho Building Capacity, Focus Visits, Superintendents Network, Response to Intervention School Board Members - Lighthouse Project, Instructional Leadership Training and Virtual Professional Development.

Chairman Goedde asked what happens to the statewide system of support if the Race to the Top Grant does not come through? **Ms. Flachbart** said with the plan in place she and her staff are exploring funding it through other various federal grants.

CONFIRMATION Charter School Commission - Nick Hallet

Chairman Goedde received unanimous consent that the minutes and motion from February 2nd and February 3rd for the Confirmation of Nick Hallet to the Charter School Commission be accepted. The Chairman announced that **Senator Schroeder** will carry the confirmation on the floor.

ADJOURN: The Committee adjourned at 4:22 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 15, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly
- MEMBERS ABSENT/ EXCUSED:** None.
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. He reordered the agenda according to time constraints and announced the committee's deadline to print bills is today.
- MOTION:** **Senator Schroeder** moved, seconded by **Senator Winder** to print **RS 19579, RS 19488, RS 19663, RS 19651 and RS 19373.**
- Senator Kelly** objected to combining the RSs for consideration and stated her understanding for the time constraints but does not find it reason enough to skip hearing from the sponsors. She added that if the bills are not individually considered, they may as well be buckslipped which is not in any way what she is advocating.
- Senator Schroeder** welcomed **Senator Kelly's** questions.
- Senator Pearce** commented that it is courtesy at least to print an RS.
- Senator Kelly** said she would like to consider the RSs one at a time and stated that she is distressed by this course of action.
- RS 19663** **Charter School Cap**
- Senator Kelly** suggested to start with **RS 19663** and asked **Chairman Goedde** to orient the Committee on the bill. **Chairman Goedde** referenced earlier discussion in the Committee about the Charter School Cap and its potential to interfere with the Race to the Top grant. There is a difference in opinion on how that is going to interact with the grant application. Superintendent Luna was asked to get a letter from the US Department of Education specific to the current cap in Idaho to confirm that it would not interfere with the application. The letter has not arrived

and **Chairman Goedde's** concern is that the legislature will adjourn sine die before the Race to the Top grants are awarded making the current charter cap subject to loss of points when the grants are critiqued. If that happens, Idaho will be out of two rounds of grants by the time the next round comes in June. If this is printed, **Chairman Goedde** suggested to hold it in committee towards the end of session and only run it if nothing definitive is determined in time.

Senator Kelly asked **Chairman Goedde** why the Committee could not simply print a bill when needed and take it to a privileged committee. **Chairman Goedde** said that is an option, but traditionally a privileged committee will not print it unless there is unanimous consent of the germane committee. **Chairman Goedde** added that he could certainly take it to the House and is confident the House Education Committee would print it for him, but he prefers to start his own legislation on the Senate side.

Senator Kelly stated that the bill refers to the "underserved student population" as defined in the bill. The Race to the Top grant was only signed onto by approximately 50% of the districts in the State by their numbers and not their population. The proposal is to lift the charter school cap all over the State, yet the Race to the Top money would primarily be directed to those districts that signed on. **Chairman Goedde** suggested that 80 districts signed onto the Race to the Top grant and asked Superintendent Luna to confirm the statement. **Tom Luna**, Superintendent of Public Instruction, answered that there were 59 districts and 21 charter schools for a total of 80. **Chairman Goedde** said there is potential for all the districts that signed on to gain from this. **Senator Kelly** reiterated that her point was that the districts that did not sign on, which would be about half of the public school districts, that they would be subject to the lifting of the charter cap and not benefitting from the grant. **Chairman Goedde** confirmed that statement. If this bill passed, a charter school could be formed serving underserved populations in a district that did not sign on for the Race to the Top grant.

Senator Schroeder commented that just weeks ago any of these bills could have been brought to the desk and it would be common courtesy to the members who sponsor the RSs, whom **Senator Schroeder** listed, to have them printed so they and the public can continue the process.

Senator Winder asked **Chairman Goedde** to confirm that he will hold RS 19663 at his desk. **Chairman Goedde** said he would like to until there is determination from the US Department of Education or until the session nears an end without any word from the Department.

VOTE:

With no further discussion, **Chairman Goedde** called for a vote on the motion to print **RS 19579, RS 19488, RS 19663, RS 19651** and **RS 19373**. The motion carried by **voice vote** with **Senators Malepeai** and **Kelly** voting "Nay."

Chairman Goedde turned the gavel over to **Vice Chairman Mortimer**. The memorial would ask Congress to fund IDEA at the 40% rate it was promised when initially passed. The current administration's budget proposal would fund IDEA at 17%. IDEA is the funding source for our children with disabilities and is an important source to school districts. One of these young people may cost the school district \$100,000 per year which tends to be a huge financial drain on local school districts.

MOTION:

Senator Schroeder moved, seconded by **Senator Andreason**, that **SJM 103** move to the floor with a do pass recommendation. The motion carried by **voice vote**.

Vice Chairman Mortimer turned the gavel back to **Chairman Goedde**.

S 1338

Military Children Education Compact

Senator Corder handed out documents to the committee members explaining the bill language and definitions. The Compact is aimed to address the situations in the country where children from military families are moved from school to school. It is fairly common for military students to attend three different high schools. This causes issues for the students and the school districts. The compact has worked on a process to resolve these various complications nationwide and now have 27 states as members of the compact.

The problem with the compact for Idaho was the cost associated with the compact and requirements that Idaho would have to follow. The cost per student would be approximately \$3,000 in addition to costs associated with participating on the council. Idaho and Idaho educators would have to comply with the council.

Representative Boe and Senator Davis are also working on this issue. The new approach to this issue is to honor the intent and goal of the compact which is to ensure that military youth are not disadvantaged by their parents moving. The legislation's Articles 2-7 are the heart and soul of the compact.

Vice Chairman Mortimer asked **Senator Corder** if articles 2, 3, 4, 5, 6, and 7 have been reviewed by the Department of Education and have they complied with aligning to the articles? **Senator Corder** said that the Department of Education had reviewed each article and staff from the State Board of Education provided the fiscal impact.

TESTIMONY:

Chairman Goedde invited **Mark Browning**, Communications and Legislative Officer for the State Board of Education, to the podium. **Mr. Browning** said that the Board's Executive Committee has reviewed the interstate compact and is in support of the legislation.

Senator Schroeder requested **Mr. Browning** to confirm that the Deputy Attorney General has reviewed this legislation? **Mr. Browning** said that he has not reviewed the legislation, but is expected to after he returns from furloughed days tomorrow.

Senator Kelly asked **Mr. Browning** if it would be his expectation that the Board would adopt rules that incorporate the compact language by reference? **Mr. Browning** said that is likely to be the procedure unless objections are made.

Senator Schroeder asked **Chairman Goedde** if the State Department of Education has reviewed this? **Chairman Goedde** answered that they did not.

Chairman Goedde thanked **Senator Corder** for taking this approach. It gives the State self-determination in dealing with a national issue. **Chairman Goedde** expressed that it looks as though all of his concerns expressed the year before had been addressed in the legislation before the committee.

Senator Kelly asked **Senator Corder** why he chose the Board over the Department of Education to give this authority to? **Senator Corder** chose it because that is where other states started. He deferred to **Mr. Browning** who said that the Board holds rulemaking authority for the Department.

Senator Kelly asked the Department whether or not they had any concerns? **Chairman Goedde** invited **Luci Willits**, with the State Department of Education to the podium. **Ms. Willits** said the Department does not have any objections to this legislation.

Senator Corder clarified that he did take the legislation to the Board and the Department of Education on the same day.

Senator Schroeder asked **Senator Corder** to assure him that there is nothing in the language that binds the State of Idaho in any way nor does he intend it to. **Senator Corder** said he does not intend to and that is exactly why he has taken this approach. **Senator Schroeder** said he is not a big fan of doing away with state's rights through the compact procedure.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1).

MOTION:

Vice Chairman Mortimer moved, seconded by **Senator Kelly** to move **S 1338** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Corder** will sponsor this bill on the floor.

**MINUTES
APPROVAL:**

Senator Schroeder moved, seconded by **Vice Chairman Mortimer**, to approve the minutes from January 19, 2010. The motion passed by **voice vote**.

Chairman Goedde acknowledged the presence of Nancy Larson who is from the Charter Academy in school district 271 and an Idaho Teacher of

the Year.

ADJOURNMENT The meeting adjourned at 3:31 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 16, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: Senator Pearce

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m. and passed the gavel to **Vice Chairman Mortimer**.

PRESENTATION **Boise State University (BSU) Virtual Education**

Vice Chairman Mortimer welcomed to the podium **Dr. Lisa Dawley**, Professor and Department Chair of the BSU Department of Education Technology. The EdTech virtual program is BSU's largest graduate program, operates fully online and is self-supported. **Dr. Dawley** illustrated the program's innovative vision, degrees and certificates, faculty, geographics of students, courses, participatory networks, graduate student association, teacher podcast, blogs, moodle, challenges, research, teacher experience, unique needs as K-12 online teachers, K-12 online teaching endorsement, National Education Technology Standards (NETS) for teachers, and partnerships.

Dr. Dawley shared with the committee the results of a U.S. Department of Education report showing that students performed better in online learning conditions than those receiving face-to-face classes. The Virtual Education program has generated 1,248 enrollments last year which is a 23% increase than the year before, and \$1.3 million to operate, over \$900,000 of which was incorporated into Idaho.

In response to questions by the Committee members, **Dr. Dawley** explained that half of EdTech's graduate students are teachers currently working in the classroom interested in becoming more effective, integrating technology, or moving to online teaching. The program is drawing an increasing amount of out-of-state tuition by its unique course offerings and K-12 online teaching certificate in K-12. EdTech is uniquely capable of developing innovative courses quickly by the flexibility granted by being self-supported. The most demanded program is the Masters in

Education Technology which is a practitioner based program.

Senator Kelly asked **Dr. Dawley** to share her thoughts about the Idaho Education Network? **Dr. Dawley** said she is familiar with the infrastructure more than its services and it would be wise to take advantage of.

PRESENTATION Budget Discussion, State Department of Education (SDOE)

Vice Chairman Mortimer turned the gavel back to **Chairman Goedde**. **Chairman Goedde** welcomed **Tom Luna**, Superintendent of Public Instruction, to answer questions by the Education Committee regarding the budget. **Chairman Goedde** explained the discussion is to help the Education Committee formulate their recommended priorities for any statutory changes and intent language when reporting to the Joint Finance and Appropriations Committee (JFAC).

Mr. Luna responded to questions asked by the committee by saying he is convinced that HB 252, legislation enacted last year, is adequate in providing school districts with the needed flexibility to help in coping with the budget situation. He is confident that the \$22 million expected to come from the land board to fund public education will be directed to protect specific areas with direct impacts on student achievement in K-12. Districts have demonstrated a preference for no hold backs at this time while also understanding it would mean deeper cuts for the following budget year. **Chairman Goedde** added that the Idaho Education Association (IEA), the Trustees, and Administrators are also in support of deferring hold backs.

In revisiting the equalization formula, by **Chairman Goedde's** request, **Mr. Luna** said that student-teacher contact hours need protected as well as programs that have an immediate and positive effect on student achievement. The rural education task force has recommended making student remediation opportunities a priority. **Mr. Luna** commented that the Governor's budget recommended that the Idaho Digital Learning Academy (IDLA) funding remain flat for this year and eventually be phased out of State funding from the General Fund.

Senator Kelly asked **Mr. Luna** to help determine the "tipping point" at which Idaho will be at risk for litigation for underfunding schools? **Mr. Luna** deferred to a lawyer's opinion but emphasized that the risk for litigation will be minimal as long as equitable access to the same education across Idaho is prioritized. He added that the risk for litigation also depends on if supplemental levies become the only means for schools to reach a minimal education and if there is variation in the amounts of support received across communities which would then form an inequitable distribution of education. **Senator Kelly** observed that over 50% of traditional districts are using supplemental levies and they will become much more difficult to pass. Regardless of equalization, the constitution does require a thorough education and Idaho is nearing a point of liability for underfunding public schools.

In response to questions directed by **Senator Winder**, **Mr. Luna** said that

the transportation funding for virtual schools go towards “busing the school to the student” by funding hardware, software and connectivity feed. There are efforts to reduce the math and reading initiatives, which are statewide programs that are not funded or operated in a manner where the funding could be distributed to school districts to administer.

Senator Kelly asked **Mr. Luna** Idaho’s growth status and the geographic distribution of the growth? **Mr. Luna** said historically, the Treasure Valley and Idaho Falls areas have been growing with the Boise district getting smaller. Growth is based on how many children were born five years ago. To fund the estimated 3,500 more students this year ranges \$15-\$20 million.

Senator Kelly asked **Mr. Luna’s** position on the charter school moratorium given the expense that comes with new schools? **Mr. Luna** said he does not agree that charter schools cost the State nor the tax payers more money. **Senator Kelly** emphasized that Charter Schools do compete for General Fund money against traditional schools.

In response to questions directed by **Chairman Goedde**, **Mr. Luna** said Charter Schools do not have the ability to get override levies nor maintenance facility levies nor the ability to go to the local tax payers to get money available to traditional schools. He does not believe the current Charter School cap would have an adverse effect on Idaho’s eligibility for the Race to the Top Grant as a moratorium would. Idaho has requested \$120 million for the Race to the Top grant and the Charter Schools represent approximately 10% of the total eligibility points.

Vice Chairman Mortimer said an excess of \$50 million a year is spent on alternative schools and if it would be possible to combine alternative schools back into public or technical schools? **Mr. Luna** indicated that \$50 million spent on alternative schools is not necessarily more than what would be spent on educating the students elsewhere. He suspected there is a way it can be done as long as it is weighed against student achievement.

Mr. Luna explained to a committee, when asked to identify what programs and line items would diminish if the budget were offered in a lump sum, that there is \$150-160 million in projected funding shortages. He has recommended \$27.5 million one-time funds from the land fund, driver education surplus fund and drug free school surplus fund. **Mr. Luna** identified six specific areas where money could be saved: freezing the experience movement on the salary grid (\$6.1 million); eliminate the current funding for the early retirement program for teachers (\$2 million); eliminate the transportation reimbursements for field trips (\$1.4 million); reduce the classroom supply and materials from \$300 to \$200 per teacher (\$1.5 million); eliminate the 99% Average Daily Attendance (ADA) protection savings (\$5 million); and finally combine technology and textbooks (\$9 million) totaling to \$25.2 million in cuts. With the cuts and one-time funding combined, \$110 million shortage still remains.

Senator Malepeai asked if **Mr. Luna** foresees that the districts may have

to lay off some personnel? **Mr. Luna** said when it comes to staffing of school districts, administrators and both certified (teachers) and classified (paraprofessionals), the formula that funds these areas determines if lay offs are used to compensate for receiving less funds or furloughs. Districts are not forced to spend their appropriation for administration and left over money can be saved and flexibly spent. Funding for teachers is withheld if the numbers of teachers decreases from the year before. The schools have to hire the number of teaches they are funded for, even if it means lessening their salaries.

Senator Winder asked what guidelines are given on how the supplies money is spent? **Mr. Luna** said there are very specific guidelines as to how the money is distributed and spent. Teachers are telling him they are willing to forgo all of the supply money if it meant there would be more money for salaries or avoidance of lay offs.

Senator Kelly noted discrepancies in **Mr. Luna's** recommended across-the-board cuts. **Mr. Luna** passed out a hand out to the committee and explained that the differences in his recommendations account for the growing budgetary gap and whether or not money can be acquired from the land board. **Senator Kelly** clarified that the current expectation is to hire the same amount of teachers as the year before on 8.5% less money? He confirmed her statement.

Chairman Goedde thanked **Mr. Luna** and welcomed trustees and teachers to testify.

Karen Echeverria, Executive Director of the Idaho School Trustees from the Idaho School Board Association (ISBA), recommended more support for local flexibility to deal with the technology, textbooks and class room supplies.

Robin Nettinga, Executive Director of the Idaho Education Association (IEA), and Sherri Wood, President of the IEA, joined Dr. Wayne Davis, Executive Director of the Idaho School Association of School Administrators (ISAS), at the podium to oppose cuts to public education and implore the committee to recommend enhancing new revenue streams.

In response to a question posed by **Senator Fulcher** as to whether they would prefer the passage of the budget number to districts or submit legislative ranking on how the budget should be administered, **Dr. Davis** encouraged local support. **Ms. Echeverria** recommended setting the budget early and **Ms. Wood** illustrated to the Committee the severity of the budget cuts and advised that it is time to discuss hard topics such as teacher lay offs and how to bring revenue to support public schools.

Chairman Goedde said he would do his best to put something together to convey to JFAC the results of this discussion.

MOTION

Vice Chairman Mortimer moved, seconded by **Senator Fulcher**, to approve the minutes of January 25th, 2010. The motion carried by **voice**

vote.

ADJOURN

With there being no further business **Chairman Goedde** adjourned the committee at 4:57.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 17, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **Idaho STARS**

Melissa Bandy, Co-Executive Director of Idaho Association for the Education of Young Children (AEYC), explained that the AEYC is a non-profit organization for quality child care and education. Since 1999, AEYC has administered over 4,000 scholarships to child care providers and educators to increase their professional development.

AEYC is the initiator of an innovative and nationally recognized project, IdahoSTARS, which is professional development system that uses the Childcare Quality Rating and Improvement System (QRIS) in partnership with the Idaho Strengthening Families Initiative.

AEYC does not receive State support, nor tax dollars. Over 71,000 of Idaho's children are under the age 6 and attend day care-31% of which are in a care setting where licensing is not required. **Ms. Brandy** deferred to **Jane Zink**, QRIS Coordinator.

Ms. Zink explained the QRIS is a five-star rating system to inform parents of the quality of child care provided in a facility. Idaho is one of twenty states with a state-wide QRIS. Research indicates that quality child care leads to fewer behavioral problems, higher graduation rates, better jobs, stronger families, and more community-minded qualities.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1).

Chairman Goedde asked if this program was part of a health-district program? **Ms. Zink** said yes, they had presented in the Panhandle Health District. Since it's launch in January, 50 facilities have joined the QRIS with 20 more expected to join in the next couple of weeks.

Chairman Goedde confirmed that the program is federally funded? **Ms. Zink** said yes, through the Child Care Block Grant through the Department of Health and Welfare.

Senator Fulcher asked Ms. Zink to elaborate on the funding for the program? **Ms. Zink** said \$11 million came to the State the year before. It was divided between the Idaho Child Care Program which consists of the Child Care Subsidy and other operations. AEYC's portion is 8% which goes to the University of Idaho Center of Disabilities and then comes to QRIS from the IdahoSTARS program. AEYC has also received donations from the Idaho Children's Trust Fund and private donations. **Senator Fulcher** asked **Ms. Zink** to explain why the funding runs through the University of Idaho? **Ms. Bandy** speculated because it is a research and training facility.

PRESENTATION Eastern Idaho Technical College (EITC)

Burton Wait, President of EITC, thanked the Committee for their support for higher education. **Mr. Wait** reviewed EITC's legislative creation, mission, governance, certification programs, partnerships, and cooperative high school programs.

EITC is newly partnered with the University of Idaho (U of I), Idaho State University (ISU) and Brigham Young University Idaho (BYUI). These partnerships provide EITC with grant money and open up opportunities for Safety Technology Certificate Graduates from EITC to pursue an Industrial Technology degree from the U of I.

EITC services A.A.S. degrees and certificates, workforce training and adult basic education to remote areas in Idaho such as Salmon, Driggs, Teton and Rexburg.

Mr. Wait reviewed a wide range of student services EITC offers, 2009 enrollment, total credit enrollment, workforce training rates, and graduate placement rates. EITC has maintained at least a 90% placement rate for their graduates.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 2).

Chairman Goedde asked **Mr. Wait** if EITC is funding the professional-technical high school on EITC's campus? **Mr. Wait** said EITC does not

fund the high school but provides the space for the high school.

Chairman Goedde asked if EITC's broad area of service conforms to a community college district? **Mr. Wait** answered that a community college district based upon counties voluntary taxation. EITC's service area includes several counties that would need to collaborate to fund EITC.

Chairman Goedde said there are six community college districts geographically and statutorily established. **Mr. Wait** said if that were the case then the service area would align with the district.

PRESENTATION Feasibility of School District Consolidation

Chairman Goedde welcomed **Rakesh Mohan**, from the Office of Performance Evaluation (OPE), to the podium. Rakesh deferred to Jared Tatro, with OPE, to present a report on school district consolidation.

Last year the OPE released a report on the feasibility on consolidation of school district services. Idaho has 115 school districts, 42% of Idaho school districts have 499 students or less - not including charter schools.

OPE measured the amount of consolidation efforts across the areas of health insurance, professional development, purchasing of supplies and pupil transportation. Findings indicate that 98% of the school districts are involved in a cooperative manner. Although some districts may receive significant savings, the total money saved in statewide consolidation in these areas only amounts approximately 10% of all expenditures.

OPE narrowed their research results to an approach to identify which services could be further consolidated. Pupil transportation shows the greatest potential for savings, but prior Transportation Reimbursement Act resulted in an approximate 80% savings to the State which diminished incentive for districts to consolidate.

OPE recommended additional studies on major district expenditures which would require capturing detailed information to analyze areas such as health insurance, special education support services and maintenance and custodial services. Because the study scope was limited to services and not personnel, OPE did not evaluate salaries and benefits which total to approximately 84% of all school's expenditures.

A brief look at the salaries for districts, schools, and business administration could lead to a discussion of future consolidation. When looking at the salaries the very small districts spend twice as much than the large districts for district, school and business administration.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 3).

Chairman Goedde asked **Mr. Tatro** how many districts are 499 enrollments or less? **Mr. Tatro** answered 42% or 49 school districts. **Chairman Goedde** asked if the OPE has looked at the geographic location of those districts and considered the geographic possibility of centrally placing administrators to work for multiple schools remotely as a consolidation effort. **Mr. Tatro** said no, but the OPE found that many administrators in rural districts were taking on additional roles and a more thorough study would be able to identify if certain administrative services could be consolidated.

Chairman Goedde commented to **Mr. Mohan** that one of the focuses of this presentation would be to measure the willingness of this committee to put forth a proposal that the OPE do a more in depth study. **Mr. Mohan** said that is correct.

DISCUSSION

Education Funding (Continued)

Chairman Goedde presented the Committee with a document as a basis for discussion for the presentation from the Senate Education Committee to the Joint Finance and Appropriations Committee (JFAC) for the next morning.

Vice Chairman Mortimer noted the difficulty of this task without specific data on what is available for Education and recognized that the budget numbers are depending on various factors. He noted that JFAC has expressed the desire to set the budget for Education as early as possible for school districts' benefit. He feels it is important for the Education Committee to give JFAC specific direction in regards to what programs need maintained on a statewide basis versus giving direction to the school districts.

Chairman Goedde said the current document is completely absent from recommendations about specific programs other than a few references. He has visited with Chairman Nonini from the House and his Committee has made some specific recommendations. **Chairman Goedde** demonstrated he is open to include specific suggestions agreed upon by the Committee.

To start, **Chairman Goedde** asked the Committee members if they have any objections to his drafted document. **Senator Kelly** suggested that the language be changed to state that the responsibility of action lies "first" rather than "solely" with JFAC. **Chairman Goedde** agreed.

Senator Kelly noted that **Vice Chairman Mortimer** has valuable persuasiveness and input as a member of JFAC regarding this document. She indicated that the general nature of the language strikes a good balance in preventing a debate.

Senator Fulcher commented that he has some anxiety about a carte blanche sweeping of the discretionary funds. It was his personal preference that the Committee have recommendation as to how much reserve dollars are made discretionary or not. **Chairman Goedde** suggested that he could craft language that would include the Committee's concern about carte blanche movement of funds into discretionary avenues.

Senator Winder suggested inserting language after "the Education Committee is committed to budget reductions" in the third paragraph, to add "that have the least impact on student achievement and comply with our constitutional requirement ."

Senator Andreason commented, referring to the third paragraph of the document, that the one thing to be concerned about is the statement that reductions would at least impact the student achievement and constitutional requirements to provide uniform and thorough education. In reducing this budget the Committee needs to be aware of and guard against problems it can create if the process did not provide a uniform and thorough education. **Chairman Goedde** suggested that when he submit the writing that he will bold and capitalize that sentence to show emphasis.

Senator Winder suggested inserting language that the Committee supports JFAC's previous work to hold Education as harmless as possible as they have in the past. **Chairman Goedde** agreed.

Vice Chairman Mortimer suggested language that would encourage continued involvement on the Committee's behalf, the Chairman, or other interested parties once JFAC has determined the budget number. Vice Chairman Mortimer suggested statement as a Committee, for example, offer input on maintaining certain line items. **Chairman Goedde** does not want to suggest that the Committee infringe the authority of the JFAC to set budgets. Certainly the committee can author our involvement and commit to that.

Senator Pearce suggested to add that the Committee would like to see the line items funded at the level they are seeing as not all JFAC members are experts on Education. **Chairman Goedde** asked the Committee if they have problems with additional emphasis placed on: ISAT remediation, Math Initiative and Reading Initiative. He said he will try to strengthen the language there.

Senator Schroeder commented that the Committee has received sobering information from Idaho's congressional members about the depression the country is facing. He stated that one of the ways out of it is to always have an educated workforce. He does not want to convey the

idea that he favors cutting viable educational opportunities from K-12 and higher education. Having said that he is co-sponsoring a bill over in the House that provides an expanse of sales tax of services and other currently exempt things to raise revenues to fund educational opportunities in college and universities that the country vitally needs to work out of the depression. While he recognizes the task **Chairman Goedde** is assigned, **Senator Schroeder** asked not to be included in any group that willingly cuts education budgets to the point where vital opportunities are eliminated. **Chairman Goedde** suggested that he could remind JFAC where the potential revenue enhancements need to start. **Senator Schroeder** said he thinks that would be a very noble gesture. **Chairman Goedde** asked if anyone has concerns with including that? **Senator Fulcher** said he does not have concerns but that it would be erroneous at this point to assume or include or imply that the Education Committee is suggesting tax increases. **Chairman Goedde** said that he will most certainly phrase it such that he will outline the avenue but not suggest that it be taken.

ADJOURNMENT The meeting adjourned at 4:18 p.m.

Senator John Goedde

Chairman

Dorena Schrader

Secretary

Alicia Keefe

Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: February 18, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION Idaho School Boards Association (ISBA)

Karen Echeverria, Executive Director of ISBA, introduced **Wayne Freedman**, President of ISBA, who shared a brief history of Education over the centuries. He said that schools are lagging behind the modern electronic age. Idaho's Digital Learning Academy (IDLA) is taking the lead in virtual learning. **Mr. Freedman** commended the IDLA and Committee because Idaho was among the states that were doing the best at managing resources without devastating cuts.

ISBA is developing strategies that will help school board members become more effective leaders. ISBA is encouraging the consolidation of services between districts, particularly the concept of rural areas sharing resource personnel and neighboring districts sharing a shop teacher.

Mr. Freedman shared that ISBA recently initiated a meeting and encouraged the leadership from the Idaho Alternative Assessment (IAA) & Idaho Association of School Administrators (ISSA) to join together in dialoguing a joint perspective on what education means in Idaho. In the future, these groups will identify all the stakeholders in Idaho and list their needs, develop resolutions and proposals and present them to the Legislature's Leadership before session to discuss the direction needed to address the needs. ISBA asked that the cuts to education have as little impact on the student and classroom as possible.

Senator Schroeder asked what is the average length of service for a school board member now? **Ms. Echeverria** said about eight years.

Senator Winder asked the ISBA's position on holdbacks versus reductions in the Education Budget? **Mr. Freedman** answered that because of contractual obligations that were set at the beginning of the year, any holdbacks are going to adversely affect the school districts more this year than budget reductions next year. **Senator Winder** followed up saying that last year the legislature did not get a budget number out for a number of reasons, what impact does that have on the ISBA; what date do they want that number? **Mr. Freedman** said last year's late passage enabled ISBA to negotiate contracts but it put time constraints on ISBA. March 1st would be ideal. **Senator Winder** asked of the board members how many are using one year and how many are using two year contracts? **Chairman Goedde** had those trustees in districts who were using multiple year contracts stand.

Vice Chairman Mortimer said that he was surprised that Idaho reported 38.6% of administrators and 43.4% of teachers with salary increases last year. He asked **Mr. Freedman** ISBA's stance and direction regarding the data? **Mr. Freedman** said hiring freezes were passed last year, but raises were given for additional training, to honor existing contracts and for employees who had been overlooked for an extended amount of time. Some who were contracted to receive a pay raise opted out.

Mr. Freedman said that cuts are not the same for every district. There are over seventy districts this year that will be able to pass supplemental levies and which is over half of the districts in Idaho. For one district that cannot pass a \$144,000 levy, McCall is able to pass a \$5.4 million levy. The ISBA requests that the Education Committee give ISBA as much flexibility as possible to deal with the cutbacks in a way that will not devastate the students in each individual district. **Vice Chairman Mortimer** followed up by illustrating the difficulty of funding Education from the State down. **Mr. Freedman** believes that a discussion on individual district needs will lead to an effective evaluation and avenues to address what the current distribution system is missing.

PRESENTATION Boise State University (BSU)

Chairman Goedde welcomed **Dr. Bob Kustra**, President of Boise State University (BSU). **Dr. Kustra** illustrated self-sustaining operations BSU has implemented. BSU recently finished their first intersession where courses were offered over the Christmas break to utilize building facilities. This system was solely supported on student fees and without State support, much like summer session. Very few of BSU's new buildings were State supported; the Doctorate program in Computer and Electrical Engineering is solely funded by Micron Technology and a new dorm building on campus is privately funded and operated.

President Kustra pointed out the irony in how these projects are not typical of a public University. In fiscal years 2009 and 2010, BSU has had to return \$19.5 million of its appropriated money from the State and seek outside resources. Higher education is facing a public de-funding trend as well as restructuring. **Dr. Kustra** predicted that due to the recession, American public higher education will no longer be publically funded as it

was in the past. **Dr. Kustra** suggested that the decline in state support is occurring simultaneously as the United States of America is losing rank in the world.

Chairman Goedde asked **Dr. Kustra** if restructuring the public higher education system take a statutory change or a constitutional change? **Dr. Kustra** said it certainly doesn't take a constitutional change and questioned the need for a statutory change. **Dr. Kustra** said when it comes to BSU's ability to purchase materials and insure personnel, BSU has a fairly significant body of legal opinions saying that with a stroke of a pen from the State Board to the appropriate agencies that are attempting to oversee BSU, that BSU is free and clear. The Idaho Constitution, Supreme Court Decisions and the statutes of the state of Idaho make it very clear that BSU may be able to embark in this direction.

Senator Andreason asked **Dr. Kustra** if the new approach would include higher education universities procuring their own medical insurance? **Dr. Kustra** said "yes" it would. A group of the Chief Financial Officers at Idaho's universities have begun meeting about three or four months ago to explore how to create a higher education insurance pool.

Senator Malepeai asked **Dr. Kustra** if part of the flexibility he was referring to may include restructuring of the State Board of Education's Higher Education Mission? **Dr. Kustra** said it does not need to.

Senator Pearce stated that the State requires all college students to carry health insurance as a requirement to enroll. He is concerned about raising tuition or fees and asked **Dr. Kustra** if this is an issue that needs addressed immediately? **Dr. Kustra** said that was a policy that was enacted by the State Board a few years ago. **Dr. Kustra** speculated the extent to which the State Board still considers that to be the same priority it was in 2004. BSU waives health insurance for students who are still carried under their parent's policies. He recommended the Universities as a system look at this and try to come up with one approach. **Senator Pearce** asked **Dr. Kustra** to follow up with the Committee on his findings. **Dr. Kustra** gladly agreed.

Senator Winder asked **Dr. Kustra** how well prepared are BSU's first year students? **Dr. Kustra** said that BSU has to be ready to handle students who are taking their first college Math course. BSU had a significant problem a few years ago of an unbelievable dropout rate in the Math program. Instead of blaming external factors, BSU went into the Math department to align teaching with the student's learning needs which resulted in a 50% increase in student achievement and completion of the Math courses.

Senator Fulcher asked **Dr. Kustra** to talk to the Committee about his opinion of operating the Universities on a Chancellor system? **Dr. Kustra** said much can be learned by looking around sister states across the West. Currently, **Dr. Kustra** reports to a State Board and there is an Executive Director of the State Board who is not empowered to act as a

Chancellor. In Utah, the Chancellor can announce any day that the Universities as a whole will start cracking down on super seniors and the universities would have to find a way to do it. The Chancellor system offers an opportunity to enhance coordination by engaging the Presidents, Chancellor and the State Board.

Senator Schroeder said that since he began in 1993 the legislature has tried to get the Presidents to cooperate with one another. He introduced a RS ten years ago to introduce a Chancellor system. He respectfully suggested that **Dr. Kustra** work to address the tenure issue.

PRESENTATION Advancement Via Individual Determination (AVID)

Chairman Goedde welcomed **Superintendent Stan Olson** who informed the Committee of changes experienced by the Boise school district. Fifteen years ago there were approximately 40 students who were non-English speaking versus the 2,300 now who are speaking over 102 languages. Title I schools within the district have grown from one to sixteen and the low-income population has grown from 18% to 44% in the past fifteen years. The AVID program was introduced and implemented as part of a strategic plan to address these changes.

Superintendent Olson deferred to **Ms. Kohlemeier**, Principal of Fairmont Junior High School. **Ms. Kohlemeier** explained the AVID mission which is to provide opportunities for students to accomplish their dreams by providing access to quality education. AVID identifies students who have academic potential, who are not currently attending or slated to attend accelerated classes, and enrolls them in the most rigorous coursework possible by providing the support needed to succeed.

AVID is now running in its fourth year at Fairmont Jr. High School. Since its start at Fairmont, AVID has doubled the number of students who are in accelerated Math, English, Reading and US History. Fairmont Junior high School is required by AVID to submit extensive data to track each AVID student; 92% of whom plan to enroll in a college or University and are accepted at a high level.

AVID's instructional foundation is based in Writing Inquiry Collaboration and Reading (WICAR). **Mr. Lauderback** explained that WICAR guides teachers to provide a skills-building process that engages students in their learning and participation in the classroom. **Mr. Paul Althopper** is an elective teacher and has been with AVID since the inception. **Mr. Althopper** stood in support of the AVID program and introduced three AVID students that shared with the Committee how the program has benefitted them personally.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment 1).

S 1367

Veterans Residency

Senator Bilyeu noted on page two of the modified bill that it allows veterans to establish domicile residency and enables them to become students and residents without waiting a year. The new draft should address **Senator Schroeder's** concern about out-of-state students taking advantage of classes online and never be domiciled in the state of Idaho. This legislation allows veterans immunity from the twelve month requirement before they can establish residency and enroll in higher education as an Idaho resident.

Vice Chairman Mortimer asked for clarification. **Senator Bilyeu** said that the person must actively establish domicile in Idaho within one year of matriculation in a public institution of higher education. They must provide a form upon registration, determined by the State Board of Education, to prove that they are domicile within the State.

MOTION:

Senator Schroeder moved, seconded by **Vice Chairman Mortimer** that S 1367 be sent to the Senate floor with a do pass recommendation. The motion passed by **voice vote**. **Senator Bilyeu** will carry the bill on the floor.

Chairman Goedde welcomed the Pages to come forth to the podium and reflect on their experience as they graduate. **Haley Egan** and **Hannah Schwarz** were both recognized for their work and service for the Committee.

ADJOURN:

The Committee adjourned at 5:06 p.m.

Senator John Goedde

Chairman

Dorena Schrader

Secretary

Allicia Keefe

Assistant Secretary

JOINT MINUTES

SENATE EDUCATION COMMITTEE
HOUSE EDUCATION COMMITTEE

- DATE:** February 22, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room West Wing 02 House/Senate Auditorium
- MEMBERS PRESENT:** Co-Chairman Goedde and Senator Schroeder
- Co-Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Block, Wills, Sims (for Chadderdon), Shepherd (8), Marriott, Thayn, Gibbs, Thompson, Boe, Pence, Chavez, Durst and Chew.
- MEMBERS ABSENT/ EXCUSED:** Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, Kelly, Representatives Nielsen and Hartgen
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Co-Chairman Goedde** requested that **Co-Chairman Nonini** Chair the meeting and he accepted.
- Co-Chairman Nonini** called the meeting to order at 9:05 a.m. and a silent roll call was taken. He announced that **Representative Kathy Sims** had been sworn in and would be substituting for **Representative Chadderdon** today and then introduced the presenter; **Matt Barkley**, President-Elect of the Idaho Music Educators Association.
- Matt Barkley** introduced **Peggy Wenner , Ph.D.**, Idaho State Department of Education Arts and Humanities Coordinator, to share her portion of the presentation.
- PRESENTATION:** **Peggy Wenner** explained a "Learning Pyramid" process that is used as a learning tool. Teachers are asked to fill out a blank pyramid with what their best practices are then they review and compare their results to the filled in pyramid. They are quite often surprised to find that there is a 98% effectiveness in the creativity area . She expressed the opinion that in this 21st century that all students need to acquire critical thinking skills in the Humanities Standards and that only 63% of schools completing this exercise claim to be familiar with the Standards.
- She continued her presentation with information on Arts Powered Schools Summer Institute, Attorney General's Music Project, Arts Powered Learning, presented a Survey of Arts in Idaho Statistics and Significance of Creativity in learning. (Power Point presentation on file)

Ms. Wenner concluded with an example of what they were able to accomplish with a small amount of funding by reading a letter from an at-risk student that had attended one of their programs. It stated that "if they had not had this experience, we would not know what we could do."

PRESENTATION: **Matt Barkley** then shared his Power Point Presentation (copy on file). He started with the statement, "...that as cuts continue, know and understand that most students only have the opportunity to receive music education once every six weeks and in relationship to this statement, take into consideration how successful would most readers be if they only received reading instruction once every six weeks...". He further stated that the arts have become elitist. It is proven that students are more successful in all aspects of their education when music is included. The funding should be increasing rather than decreasing once again. In his presentation he included the Importance of Performing and Fine Arts Education in Idaho, showing with research which reveals a strong correlation between quality Music Education and higher scores on SAT's. He stated that this could make a difference of whether a student is accepted to their choice of college or not. He further stated that not only are their SAT's higher but they are higher college achievers and shared the fact that 66% of Medical School admittees are Music Majors.

Matt Barkley shared a slide of what the Association supports. They maintain that Music should be a CORE subject, that it should be taught to all students and it should be taught in all grades and it should be taught by Highly Qualified Educators. He showed a graph that indicates that there has been a steady increase in enrollment for grades 9-12 in Idaho since 2002-03 however we have seen numbers decrease in the performing arts. He then asked, "What do we do now?". The Associations suggestions were listed as 1, Change Idaho Code to reflect the arts as a CORE subject as directed under ESEA, 2, Have time requirements for elementary music, 3, Add performing/fine arts credit requirements in middle school and 4, Add performing/fine arts credit requirements in high school, to begin with to match neighboring states requirements.

Matt Barkley included the questions of "How do we generate revenue to prevent cuts to education?" He suggested as in many other avenues of education in this economic environment, by allowing "creativity and flexibility" to our Districts in regards to the use of their funding from the state. He suggested several ideas including adding a \$.01 state sales tax dedicated to funding education. He then asked that if you do cut then please, draft legislation to prevent the possible reductions from eliminating programs that have state standards, give districts more local control with state funds, eliminate or suspend the Direct Writing Assessment (DWA), Direct Math Assessment (DMA), and Idaho Reading Initiative (IRI), and suspend implementation of High School and Middle School Reform.

He implored that committee to "Give Our Children the Advantages of Music." He ended by sharing a letter from a student that stated how a music teacher, Mrs. Bell, had touched her life. He also invited the committee to attend the IMEA All-State 2010 Choir-Band-Orchestra

concert Saturday, March 20th at Northwest Nazarene University and apologized for being emotional during the presentation.

Co-Chairman Nonini told **Mr. Barkley** that he never need apologize for his passion. He shared the facts that we understand how he feels about the subject and that his wife shares the same passion to the extent her first degree was in music. **Co-Chairman Nonini** asked if there were any questions from the committee.

Representative Trail asked **Matt Barkley** to clarify the SAT slide scores. He asked how he defined “music student”. Does the definition include all 3 or 4 years of high school?

Matt Barkley stated that the SAT’s test includes is a survey which asks students about their experiences so the information is based on what the students include/exclude on that survey.

Representative Chavez agreed with the chair, that he did not have to apologize for a passion. She shared a story about an at-risk student she had taught in middle school. She found that when she played music while teaching math that the students would sit and listen. Thereafter, she played music every day and they were more calm and seemed to learn more. With this in mind, she asked if there was any research that shoed this type of impact on at risk students or students that come from bad home situations and how can we translate that back into the math and science areas?

Matt Barkley shared that there was a study from University of California, Los Angeles, of all groups, that showed no matter what the case or what the backgrounds were, most students improved when music was used in a learning situation more than those who did not have the music participation. He added that he has students that have been on parol and only attended class because of the music involvement.

Representative Durst shared that his wife recently attended a IAS campus and she has shared positive information with him about this program. She is not in the arts, she teaches science and Spanish, however she feels that it can add to those at risk students.

Representative Trail stated that the movie “Mr. Hollands Opus” illustrates the information highlighted today how the music positively impacts students as well as the families.

Co-Chairman Goedde said that some local districts supplement many programs and asked if he was aware of any districts that are targeting the music programs?

Matt Barkley stated that he is new to his position so is not aware of any. However, he read a letter from a Genesee teacher that included a statement about possible cutbacks due to a lack of tax support from the community. Post Falls is adding a levy next year to build an auditorium at his school.

Co-Chairman Nonini inquired about band trips this year.

Matt Barkley had spoken to a Twin Falls choir director who is having to direct both the middle school and high schools choirs. They had no field trips planned. Also, in Genesee a former student that is now a teacher is at risk of losing her music job since this is her first year so she is low on the totem pole.

Representative Marriott added reinforcement comment that a Snake River teacher found added success with always having background music playing with the requirement that there were now words.

Co-Chairman Nonini asked Mr. Barkley that short of code changes regarding arts and school how do they help with the flexibility in funding usage? Is it up to teachers to support keeping the programs?

Matt Barkley answered that the trustees do need the flexibility to be successful. He had spoken to Superintendent Keane is a big supporter of arts in Post Falls.

Representative Block commented that it would be a wonderful situation if we could find a way to teach students to read music the same time they are learning to read whether they pursue it as a career or not. If they could be exposed to it then whether they are listening, participating in church or community chorus or even orchestra, without the ability to be familiar with music, it is easy for that person to back away from participation.

Matt Barkley agreed and added that Math is required but music and the arts are not. Music teachers, especially on the secondary level have to recruit students. With so many other required subjects that they are forced into they are only allowed one elective for the most part. Some students are actually taking online courses so they can be involved in music at school

Co-Chairman Nonini shared a bumper sticker he had seen that says, "If you can read this thank a music teacher."

Co-Chairman Nonini expressed appreciation to both Committees and thanked Matt Barkley for the informative presentation. He announced that House Education Committee would next meet tomorrow, February 23rd at 9:50 a.m.

ADJOURNMENT: As there was no further business to come before the joint committee, **Co-**

Chairman Nonini adjourned the meeting at 9:50 a.m.

Senator John Goedde
Co-Chairman

Dorena Schrader
Secretary

Representative Bob Nonini
Co-Chairman

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 22, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, and Kelly
- MEMBERS ABSENT/ EXCUSED:** Senator Malepeai
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. He announced that the sponsor of **S 1368** requested the bill be heard in Committee on Thursday. He turned the gavel over to **Vice Chairman Mortimer**.
- S 1366** **Records Exempt from Disclosure**
- The State Board of Education requires the financial statements of private postsecondary and proprietary schools to be submitted for registration purposes. This legislation will exempt from public record these financial statements.
- Chairman Goedde** explained that an improved draft of the bill language is ready and he will sponsor it on the amending order on the senate floor.
- MOTION** **Senator Winder** moved, seconded by **Senator Fulcher**, to send **S 1366** to the amending order on the Senate floor. The motion passed by **voice vote**. **Chairman Goedde** will carry **S 1366** on the floor.
- S 1365** **Rural Physician Incentive Fund**
- The Board of Education manages a rural physician incentive fund which is used to reimburse a portion of medical education expenses for doctors who choose to practice medicine in rural locations with physician shortages. Under current law the fund consists of payments made by medical students who receive state support for medical education expenses. This legislation would allow the fund to accept voluntary contributions, grants and appropriations to increase the utility of the fund for recruiting physicians to work in under served rural areas.

TESTIMONY

Chairman Goedde deferred to **Ken McClure**, with the Idaho Medical Association who testified in support of **S 1365**. **Senator Kelly** presented some concerns regarding vague language in the legislation and asked about other avenues that could be taken to address the problem other than change the code. She also requested that the State Board of Education speak to their role in the legislation.

Senator Pearce asked for the reasons it is hard to retain physicians in rural areas. **Mr. McClure** explained the lifestyle and financial demands in rural areas make it less appealing than urban areas to practice.

Senator Fulcher asked why a code change is required? **Mr. McClure** said there is all amount of money in the fund because students only have access to what they have put into it.

Julie Taylor, Director of Governmental Affairs for the Blue Cross, spoke in support of **S 1365**.

Tracie Bent, with the State Board of Education (SBOE), addressed some of **Senator Kelly's** concerns regarding the "preference" language in the bill. She asked **Ms. Bent** if she sees any issues with using that language and if it is consistent with other existing rules the SBOE has adopted. **Ms. Bent** said it is consistent.

MOTION

Senator Fulcher moved, seconded by **Senator Andreason**, to send **S 1365** to the senate floor with a do pass recommendation. The motion carried by **voice vote**. **Chairman Goedde** will carry **S 1365** on the floor.

Vice Chairman Mortimer turned the gavel back to **Chairman Goedde**.

Chairman Goedde introduced the Education Committee Pages, **Emily Jacks** and **Corin Ravsten**, who shared a little bit about themselves, why they decided to be Pages and what their plans are after the session. The committee gladly welcomed them and thanked them for their services.

ADJOURN

Chairman Goedde adjourned the committee at 3:30 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 24, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, and Kelly
- MEMBERS ABSENT/ EXCUSED:** Senator Malepeai (Excused)
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Goedde** called the meeting to order at 3:00 p.m. and requested the secretary take a silent roll. He asked that all Committee members review the tenure contracts from President Kustra in their packets.
- PRESENTATION:** **Brent Reinke**, Idaho Department of Corrections, introduced **Shane Evans**, Deputy Chief of Education Treatment, to present an overview of what is happening with the Department using a Power Point presentation (copy on file) concerning treatment in the prison population which has effected a significant shift in the last 5 years. The focus of the presentation dealt with Offender Change and results from a timely intervention with offenders of education.
- He shared that both the Black Hat Mission of protecting through Accountability, Safety, Partnership and Opportunity for Offender Change as well as the IDOC Offender Population are increasing in numbers but moving forward while dealing with budget challenges.
- He stated changes in the system through a program known as the Violation Matrix, which kept 305 inmates from going back to prison simply by making sure all community resources are utilized to help probationers. He called on **Mr. Evans** to speak concerning Education and Treatment referencing a document in the packets
- Mr. Evans** reviewed highlights from the prior year as outlined on the document (copy on file). **Mr. Evans** stated resource development is a key issue being implemented by balancing the needs of the offender population with the limited resources augmented by grants, partnering with sister agencies, private agencies and universities across the state. Success has been achieved in vocational training, GED degrees, serving over 2,712 offenders in the program last year in preparation for

introduction back into the communities. Through this training inmates will transition seamlessly into the community affording them the opportunity for careers which will enhance their success in the communities. In order to reach the budget numbers, there are 60 open positions that are not being filled. **Senator Winder** asked for an explanation concerning crime rates going down but the trend for this program has numbers increasing and why that would be. **Mr. Evans** replied that the waiting list started to grow as their funding level dropped off on substance abuse. Local community based services are also depleting. The working relationship between ODP and coordinated effort with the parole commission is strained. **Senator Winder** followed with questioning concerning the early release program and whether the Education and Treatment program was at the maximum. **Mr. Evans** replied that the furlough and taxing of staff is the problem in an effort to balance the budget.

Senator Pearce indicated that 92% are completing before their eligibility date and wondered why the 8% are not completing and further questioned if there were bottlenecks. **Mr. Evans** responded that those are the more difficult disciplinary cases, who refuse the program and therefore are required to stay in prison and that bottlenecks aren't able to be solved while sixty open positions are not being filled. They will do the best they can with the resources that they have. Funds to open the new CAPP facility are not available. He asked if this legislation would allow the average commitment of 2.7 years to be reduced to 360 days and referred to the documents in the packet for further information about options to the courts. **Brent Reinke**, said yes but the type of prisoners are changing.

Senator Andreason spoke of the drug and alcohol program and wondered if the program could be self funding by inmates enrolled and asked if the offenders could not be incarcerated, but required to attend a class funded by offenders. **Director Reinke**, replied at the direction of the courts the funding is required by the offenders. Many of the families are already on the indigent roles, and could not pay for the program, clarifying that when resources are available, they are accessed. **Senator Andreason** further questioned about those offenders ready to be paroled, but not finished with the program. **Mr. Evans** summarized several reasons why the parole date might not coincide with the program completion.

Senator Schroeder posed questions concerning the costs involved with the program compared to the costs involved in keeping inmates longer. **Director Reinke** answered the inmates are fully aware of expectations for parole. Tools are available to make the programs work but the funding is not there. He then introduced the CAPP facility which is not funded to move forward and indicated his commitment to the program cutting budgets across the board.

Senator Kelly questioned how budget cuts affect private contracts with **Director Reinke** indicating private contracts are not affected at all. The budget cuts are absorbed by the Idaho Department of Corrections.

Vice Chairman Mortimer asked whether the fee increase in judiciary would affect this program. **Director Reinke** answered the judiciary fee would only help in the problem solving courts and will be monitored through our probation officers through the courts.

Senator Andreason requested clarification on the monthly costs of the prisoners on death row. **Director Reinke** replied \$57.44/ day is the average daily cost for an inmate in the State of Idaho, and that currently there are 16 inmates on death row. The private companies are so large across the country that they can provide the same services for \$40.00/day.

Chairman Goedde thanked **Director Reinke** and excused **Senator Malepeai** who was absent due to his attendance in the JLOC meetings.

PRESENTATION: **Sharon Harrigfeld**, Idaho Department of Juvenile Corrections Director, introduced her presentation (copy on file) that would focus on defining the critical role community partners play with the justice system. Her presentation included a review of the department's creation, with the legislative intent being a balanced approach model to protect the community, hold offenders accountable and improve the offender's ability to become happy and productive individuals. Partnership for the communities allows people to work together to solve issues. 72% of juveniles will not commit another criminal act. Ten years ago the department began regionalizing facilities and that the majority of juvenile offenders are serving in the community on probation. She presented facts on funding, grants, budgets and collaboration with the Department of Health and Welfare. She discussed rules for judges to remand a juvenile to the program. The case management process was outlined.

Dr. Glenda Rohrback then spoke to the committee (presentation on file) concerning teachers in the program and their involvement with the students to provide education and to ensure safety in the classroom. The range of students was discussed indicating that teachers must be flexible to provide services to meet the student's needs. Testing was reviewed for Reading and Math included in ISAT test scores. GED diplomas were tracked. Teacher re-training has occurred in Math to switch to the RTI model focusing on the individual. The Math Initiative program is now being required for the teachers. Score tracking improvements are being sought. Teacher pay/sick leave were discussed along with a number of administrators

Chairman Goedde asked if the committee had any questions.

Senator Fulcher questioned **Director Harrigfeld** about the budget structure and asked for an explanation of the funding sources. **Director Harrigfeld** indicated some funding comes from the Department of Education but the majority is from federal funding. The bulk of the money is received from the general fund

MOTION: Senator Pearce moved that the minutes of January 18, 2010 be approved. The motion was seconded by **Vice Chairman Mortimer**. The

motion passed by voice vote.

ADJOURNMENT: With there being no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:04 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** February 25, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Senators Schroeder, Andreason, Fulcher, Pearce, Malepeai and Kelly
- MEMBERS ABSENT/ EXCUSED:** Vice Chairman Mortimer, Senator Winder
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. and requested the secretary take a silent roll. Chairman Goedde then introduced **Nick Smith**, Deputy Superintendent, State Department of Education.
- Nick Smith**, Deputy Superintendent, Division of School Support Services of the Idaho State Department of Education, introduced the Teacher Performance Evaluation Program with the new State requirements. **Mr. Smith** highlighted the formation of the task force in 2008 which met seven times between May 2008 and January 2009 to form standards, examine current law, and make comparisons to national trends. Task force members were a well rounded group that adopted as a minimum statewide standard the Charlotte Danielson Framework for Teaching Domains and Components of Instruction. **Nick Smith** then outlined and explained the framework which consists of four domain areas: Planning and Preparation; Learning Environment; Instruction and Use Assessment; and Professional Responsibilities. Statute and rule changes were outlined. The Technical website was introduced, which contains evaluation samples to be used by Districts to develop their own evaluations models to be submitted by February 26, 2010, with allowance for a time extension. Currently half of the Districts have submitted evaluation plans. District time lines were then presented piloting the plans by Fall 2010 with full implementation of the Teacher Evaluation model targeted for Fall 2011.
- Chairman Goedde** commented that this was big undertaking and puts educators on a more level playing field, whether in a large district or a more rural area. It can be a valuable tool in planning professional development as well as finding strengths as well as weaknesses.

Senator Andreason questioned how different students, unique classrooms and demographics factor into teacher evaluation. **Nick Smith** answered that the standards identify quality education further explaining that the standards developed by each district will be tailored to and give flexibility for the circumstances and demographics of each classroom. **Senator Andreason** commented that this is far different from the “No Child Left Behind” program. **Nick Smith** answered yes.

Chairman Goedde questioned whether on-line training was through IEN or over the internet. **Nick Smith** answered the training is currently internet based but with IEN the training will reach rural communities. Bandwidth requirements were considered when choosing the on-line program.

Senator Malepeai questioned what criteria would be used to approve the Districts Evaluation Model that was submitted. **Nick Smith** answered citing his development of a rubric to evaluate their plans in comparison to the state standards and rules, as well as reviewing policy statements adopted by the school boards. **Senator Malepeai** commented that the evaluation seems consistent independent of location. **Nick Smith** commented that was correct.

Chairman Goedde noted the need for yearly training for administrators involved in the evaluation process to keep evaluation skills current and that funds would be needed for that training. **Nick Smith** commented funds are available from the federal government and that the department is committed to this training.

Senator Malepeai commented that this takes away any prejudice of an administrator toward a teacher. **Nick Smith** replied this was the intent of the evaluations.

Chairman Goedde thanked **Mr. Smith** for his presentation and then referred to a letter from Idaho State University answering questions by specific committee members. **Chairman Goedde** announced the Finance committee’s intent to vote Monday on the Education Committee Budget and that **Senator Cameron’s** presentation to this committee would occur the following Wednesday concerning statute changes for public comment.

Senator Kelly asked for clarification of **Chairman Goedde’s** remarks about the agreement for the intent language in the budget. **Chairman Goedde** explained that currently there was consensus with the leadership but that consensus might change and declined to make premature comments until after JFAC passed the budget. **Senator Kelly** wondered if the Idaho Statesman’s article was factual and expressed concern that all comments would be premature until passed by both house and senate. **Chairman Goedde** said this committee may have problems with the intent language, but is not in the position to express approval or disapproval, only to voice opinions individually on the Senate floor. **Senator Fulcher** related his view of the tremendous effort by all

involved in setting education budget and further expressed that nothing had been hidden from public view. **Senator Andreason** noted that the majority number for JFAC is eleven and **Senator Goedde** agreed..

Chairman Goedde asked for further discussion, hearing none expressed his thanks to the committee and adjourned the meeting.

ADJOURNMENT: Wither there being no further business **Chairman Goedde** adjourned the meeting at 4:57 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 1, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED:

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m. He requested the secretary to take a silent roll.

Chairman Goedde called attention to a disk in the committee member's folders containing reports from the Math Initiative, Middle School Initiative, Safe Drug Free Schools, Teacher Evaluation, Pupil Transportation, Statewide Longitude and Data System and Limited English Proficiency that will constitute the statutory report requirement for the various agencies.

HB 493: **Chairman Goedde** introduced **Representative Thayn** and **Representative Durst** to introduce HB 493.

Representative Durst explained the Mastery Advancement Pilot program as an incentive to students in the upper third of classes to graduate early thus being eligible for scholarship funds from the state. By providing incentives, parents are more actively involved. **Representative Durst** indicated there was enough data collected to go ahead with a pilot program to see if the Mastery Advancement program would work, providing an innovation to the current requirements.

Representative Thayn summarized each section of the legislation, which identified the intent of early graduation, naming the pilot project, determining what school districts will be involved in the pilot program, ability of schools to modify the basis and End of Course Assessments.

Chairman Goedde voiced his concern over EOC assessments. **Representative Thayn** referred the committee to the rules at the end of

the legislation which included a requirement for students to complete standardized testing that was already in place. He mentioned the scholarship possibility and referred to the student's passing of an ACT or similar test to exhibit proficient knowledge of a subject.

Chairman Goedde clarified that a student could pass an EOC for every subject, but if the student failed the normal test, such as the ISAT, the student would not be eligible for a scholarship. **Representative Thayn** replied that was correct.

Vice Chairman Mortimer asked how many EOC assessments were currently available? **Representative Thayn** indicated a widespread availability of tests. **Vice Chairman Mortimer** asked specifically how many were available and the costs of EOC assessments. **Representative Thayn** yielded to **Superintendent Luna**, who indicated there is no defined list of EOC assessments available. The State would only have the ability to identify, not develop, EOC assessments, some of which are already being used by Districts, to form an EOC library for use by all districts.

Vice Chairman Mortimer asked for clarification on whether participants in the program would need assessment yearly and what costs would be involved. **Superintendent Luna** explained the yearly evaluation was merely to gather data to assess benefits, some of which is already collected.

Senator Pearce commented about Race for the Top monies being for assessments. **Superintendent Luna** agreed that was correct and if the Race for the Top application is approved there is a considerable amount of money available for end of course assessments. **Senator Pearce** asked what the cost of EOC courses are and of possibly purchasing the assessments used by Boise School District. **Superintendent Luna** offered that he thought they might be made available from the Boise School District further stating that this legislation is a way to provide incentives toward ideas the Board has been trying to implement for several years.

Chairman Goedde wondered how valid a test from Boise School District would be for students in Sandpoint or Lewiston. **Superintendent Luna** explained that the Board's review of possible EOC assessments would validate their use in any school district.

Representative Thayn continued to explain the legislation highlighting the desire not to make early graduation easy, but making early graduation possible and offer a mastery scholarship for those eligible recipients who meet requirements set by the district and this legislation.

Chairman Goedde questioned if students who remain in high school taking concurrent enrollment courses, having met the graduation requirements, would be eligible for all three years of scholarship. **Representative Thayn** replied no and cited three scholarship options

further described by a document distributed to each senator. **Senator Pearce** inquired as to whether any school districts were planning on implementing the pilot program. **Representative Thayne** replied that several school districts and individuals have expressed an interest. He deferred to **Representative Durst**, who expressed the possibility of interest at rural school districts where college attendance rates are not as high and that the scholarship opportunity would be an enticement. **Representative Thayne** further explained that the reason for a pilot program is to explore and fine-tune unknowns allowing room for modifications.

Vice Chairman Mortimer further inquired as to details of graduation early, i.e diploma, waiving time of attendance required. **Representative Thayne** explained some districts currently allow early graduation, and this legislation would not change current credit requirements, only add a possible incentive. **Representative Durst** commented that students should not be required to sit in seats a certain amount of time, but that they should be required to learn.

Vice Chairman Mortimer asked a question concerning the scholarship requirement to attend Idaho Schools for 4 years, wondering if that was consecutive. **Representative Durst** clarified that the intent was for the last four, but that would be up to the State Department of Education to further identify.

Senator Winder questioned the “opt-out” process for the school districts. **Representative Durst** replied that districts will be encouraged to participate in the program for the entire 6 years to allow for more data, but if the pilot program was not effective, the districts would be able to discontinue. **Senator Winder** further questioned about the end of course assessments, scholarship awards and maturity of graduates. **Representative Durst** answered the test will be developed by the State Board of Education and will demonstrate the student’s depth of competency, but that early graduation is optional. **Representative Thayne** also responded citing existing benchmarks for grades 7 through 12. The funding program is currently focused on attendance, not learning, and this legislation will address those issues. The rule making provision will allow scholarships to be awarded based on the number of years the student graduates early. **Chairman Goedde** expressed worry about allowing too much flexibility when awarding scholarships due to possible lawsuits.

Senator Schroeder inquired if a student could graduate early and choose not to attend higher education, and also asked why students wouldn’t prefer to stay in school and take AP courses. **Representative Durst** replied yes some early graduates do not attend college and prefer to pursue technical courses instead of college. **Representative Thayne** reiterated that the intent of the legislation is not to get kids out of school but to open opportunities to them.

Chairman Goedde questioned when EOC testing and benchmarks would be adopted. **Superintendent Luna** indicated that discussions have not

been held concerning that timeline. **Lucy Willits** clarified the question and answered that adoption of EOC would be dependent upon the course, and that the EOC may already be available, with minor reviews by the board.

Vice Chairman Mortimer recounted an email from one of his constituents expressing that the obligation of the state is for an education and anything beyond that obligation is charity and not a position of the State. **Representative Thayn** responded the State can save money with early graduation, increase students' desire to learn, increase parents' desire to help, and provide alternative, innovative time management for the students. **Representative Durst** expressed his opinion that scholarships from the state are prudent and an investment in the future.

Chairman Goedde introduced **Larry Peg**, Canyon County, who voiced his opinion in favor of trying the pilot program and then introduced **Emma Roemhildt**, a college freshman, formerly from Alaska, who spoke of a need for challenge in high school curriculums and in favor of this legislation.

Senator Pearce questioned whether students graduating early will make good use of their time. **Emma Roemhildt**, replied yes and gave examples of students in her high school class.

Sherri Wood spoke in opposition to the legislation, questioning benchmarks and EOC assessments and funding, citing her experience as an elementary teacher for 28 years.

Rod Beck of Boise, Idaho spoke of the experiences of his son concerning early graduation expressing support for the legislation.

Lori Shewmaker spoke in favor, discussing how the legislation would give parents additional input in the child's education, and asking what would be the impact of not allowing students to accelerate.

Sandy Powell, from Emmett, Idaho, identified herself as a mother of seven children and a high school chemistry/physics/engineering teacher, as an online instructor for the IDLA, and on the BSU committee developing dual credit option for high school chemistry and physics. She spoke in favor of this legislation. **Senator Kelly** asked if **Sandy Powell** had EOCs in Emmett. **Ms. Powell** indicated that to her knowledge there were no requirements in her school district.

Chairman Goedde asked **Representatives Thayn & Durst** to summarize the legislation. **Representative Durst** responded to questions posed by **Ms. Wood** about benchmarks, student maturity, and time lines, and encouraged the committee to vote in the affirmative.

Senator Fulcher expressed support citing innovative opportunities for students that save money for the state. He moved that HB 493 be sent to the floor with a do pass recommendation. The motion was seconded by

Senator Pearce. Senator Winder posed a procedural question concerning rules and wondered if time would be allowed to address concerns before the program was implemented. **Chairman Goedde** indicated this would be the case.

Senator Kelly expressed concern that the timeline in the legislation was December 2010 which wouldn't allow time for rules to be implemented. **Chairman Goedde** clarified, stating that only the application from schools that desire to participate must be in place by December but that no scholarships would be available until rules were in place.

Senator Schroeder expressed support, citing students who waste time in the last few years of high school but had concerns about the legislation not being succinct and expressing a desire to have the legislation modified to remove any question as to rules.

Chairman Goedde asked for a vote and a roll call vote was requested. **Senator Kelly - Aye, Senator Malepeai - Aye, Senator Winder - Aye, Senator Pearce - Aye, Senator Fulcher - Aye, Senator Schroeder - Aye, Vice Chairman Mortimer - Aye, Chairman Goedde - Aye.** The motion passed.

HB 544:

Chairman Goedde introduced **Jason Kriezenback**, from the Governor's office, and **Senator Joe Stegner** to introduce HB 544.

Senator Stegner spoke of HB 544, about the Higher Education Stabilization Fund, as an idea similar to the Public Education Stabilization Act. Three funds were discussed to allow higher education in Idaho to have access to monies from the Strategic Interest Fund to be placed in a savings account for future needs. **Senator Schroeder** called for a motion to send HB 544 to the floor with a do pass recommendation which was seconded by **Vice Chairman Mortimer**. **Senator Kelly** asked about the Strategic Interest Funds and its purpose. **Senator Stegner** commented that progress has been made to institute laws so the interest earned on excess fees at institutions of higher education could be retained by the institution. Currently state-created institutions must put collected fees and tuition into a state account and do not have access to interest generated by those monies. This legislation would allow funds to be created to return interest earned to the state-created institutions.

Jason Kriezenback testified that **Governor Otter** is pleased to co-sponsor this measure and his intent is to direct funds to higher education as the economy rebounds.

Chairman Goedde called for a vote and the motion passed with a voice vote.

Approval:

Senator Kelly moved that the minutes for January 14, 2010 be approved with a second by **Vice Chairman Mortimer**. The motion was approved.

Adjournment: There being no other business before the committee, the meeting was adjourned at 4:20 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 2, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m. and turned the gavel over to **Vice Chairman Mortimer**.

SB 1364 **Charter School Cap**

Chairman Goedde presented SB 1364 which would allow for additional charter petitions beyond the current cap of six, to be accepted if they serve undeserved populations as described in the bill. The bill also gives authority to the Charter Commission to determine if the qualifications have been met. The provision that only one charter can be granted in the boundaries of a school district in any one school year remains intact.

Chairman Goedde explained that the language proposed is intended to help Idaho meet the criteria for the \$100 million Race to the Top Grant.

In response to questions taken by the Committee members, **Chairman Goedde** stated that the intent language would be reflected in the journal; the Race to the Top administration refused to clarify the grant qualification by his request; the time constraints on the bill were crucial as this bill could allow the needed flexibility of qualifying for the grant; the Charter Cap could account for approximately 8% of the grant application's qualification; and bill language needs modified to replace "fiscal year" with "school year" year.

Senator Schroeder asked if the bill would still have merit if federal funds weren't at stake? **Chairman Goedde** said he does not see the current Charter Cap as an impediment to the State's operations.

TESTIMONY

Tamara Baysinger, staff to the Public Charter School Commission, did not take a position on the bill. In response to questions, she said the total charter schools in Idaho are 41, 5 of which serve underserved populations targeting special needs and at-risk students or function as college preparatory schools. The language defining “underserved population” is the same used by the State Department of Education.

Briana LeClair, Volunteer President of the Idaho Coalition of Charter School Families; **Jani Knox**, Founder for The Village Charter; **Tom Luna**, Superintendent of Public Instruction; **Polly Jensen**, Founder for Compass Charter school; and **Diane Demarest**, Executive Director of the Idaho Charter School Network, stood in support of SB 1364 to affirm parents’ choices and options for education and serve the 8,800 students on waiting lists for Charter Schools.

Robin Nettinga, with the Idaho Education Association; **Wayne Davis** with the Idaho School Board Association and Idaho Association of School Administrators; **Sam Byrd**, Director of the Center for Community Justice; and **Laurie Boeckel**, Legislative Vice President of Idaho Parent Teacher Association, rose in opposition to SB 1364 for reasons of not believing the current Charter School Cap limits the growth of Charter Schools in Idaho nor inhibits Idaho’s Race to the Top eligibility.

Senator Kelly asked **Superintendent Luna** if it was made clear in the grant application that Idaho does not have a Charter School Cap but instead methodically admits six petitions a year? **Superintendent Luna** said yes, but in meetings with the United States Department of Education, he received conflicting answers to the questions of whether the Charter School Cap law would penalize Idaho for grant points.

Senator Schroeder asked **Superintendent Luna** how many school districts will be involved with receiving Race to the Top Grant if the grant is awarded? **Superintendent Luna** answered 59 districts and 21 charter schools. **Senator Schroeder** asked if the federal money is sent to the Superintendent’s Office or does the legislature appropriate it?

Superintendent Luna said the money comes through the State Department of Education and to the districts. The legislature would have to grant the spending authority.

MOTION: **Senator Schroeder** moved, seconded by **Senator Kelly** to delay the vote on SB 1364 until the following Monday. The motion failed by **voice vote**.

MOTION: **Senator Schroeder** moved, seconded by **Senator Malepeai**, to hold SB 1364 in Committee. The motion failed with a roll call vote with **Senators Schroeder, Andreason, Malepeai and Kelly** voting **yes**; **Chairman Goedde, Vice Chairman Mortimer, Senators Fulcher, Pearce,** and **Winder** voting **no**.

MOTION: **Senator Fulcher** moved, seconded by **Vice Chairman Mortimer**, to send SB 1364 to the 14th order for amendment. The motion passed with a roll call vote with **Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Pearce** and **Winder** voting **yes**. **Senators Schroeder, Malepeai** and **Kelly** voted **no**.

MOTION: **Vice Chairman Mortimer** moved, seconded by **Senator Fulcher**, to approve the minutes, of January 27, 2010. The motion carried by **voice vote**.

Senator Fulcher moved, seconded by **Senator Pearce**, to approve the minutes of February 2, 2010. The motion carried by **voice vote**.

Senator Pearce moved, seconded by **Senator Fulcher**, to approve the minutes of February 3, 2010. The motion carried by **voice vote**.

Senator Winder moved to approve the minutes of February 8, 2010, seconded by **Senator Fulcher**. The motion carried by **voice vote**.

ADJOURN **Chairman Goedde** adjourned the meeting at 5:06 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 3, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Pearce, Fulcher, Winder, Malepeai, and Kelly
- MEMBERS ABSENT/ EXCUSED:** Senator Andreason
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. He announced that the education budget was passed earlier that day and welcomed Senator Cameron, Chairman of the Joint Finance and Appropriations Committee (JFAC), to walk the committee through the budget and the intent language. Public testimony would also be welcomed on the budget, provided there is no discussion on revenue enhancements as that is not germane of the Education Committee. No vote will be taken today.
- PRESENTATION: Education Budget**
- Senator Cameron** started with the handout entitled "Building the FY 2011 Public School Budget, Five Steps". He walked the committee through the process that JFAC took to determine the budget involving the following five steps: Determine the FY 2011 base; add program maintenance cost; made adjust to reach general fund target of \$1,214,280,400; move \$62,983,500 into discretionary funds; and include key intent language.
- The steps involve a base salary decreases of 4% for teachers and classified staff and 6.5% for administrators. The adjustments made to reach the General Fund target involved a 32% decrease in discretionary funds and the moving of discretionary funds resulted in an overall decrease of 14.4%. The intent language included the following three points of freezing salary grid for experience and education, making field-trips non-reimbursable, and placing sideboards on discretionary funds.
- Stakeholders were involved in the process including Superintendent Luna, the Idaho Education Association (IEA), the Idaho School Boards Association (ISBA), and the Idaho Superintendents Association (ISA).

Senator Cameron referred to the second handout which is a spreadsheet that can be used to track the money within each of the programs.

In response to questions by **Chairman Goedde**, **Senator Kelly** and **Senator Pearce**; **Senator Cameron** explained the transportation reimbursement in the budget and JFAC's decisions regarding the early retirement program. If the number of teachers exceeds the \$1 million appropriation for the early retirement program, the Public Education Stabilization Fund (PESF) is expected to pick up the difference.

Senator Cameron explained the intent language in the bill by referring to a third handout of the motions that were generated for each of the five divisions.

To answer **Senator Winder's** question as to whether the \$14 million from the General Fund to the Bond Levy Equalization Fund is an absolutely essential item, **Senator Cameron** said it was an item recognized for its importance by the stakeholders involved and helps low property evaluation get bonds passed at the local level.

Senator Cameron explained that the Fiscal Year 2010 budget was reopened giving school districts discretion to use unspent money as discretionary funds for FY 2011 in the areas of Gifted and Talented, School Supplies, Technology, Textbook and Safe and Drug Free Schools Programs.

JFAC passed all the provisions. **Senator Cameron** explained that an additional piece of the intent language was added on by the majority members of the committee that he did not vote for because it was not supported by stakeholders. The additional language effectively means that Idaho school districts have declared a financial emergency. This allows school districts to re-open teacher contracts for re-negotiation.

To answer **Chairman Goedde's** and **Senator Malepeai's** questions, **Senator Cameron** said the rationale behind the added language was to accommodate districts that could not meet the statutory requirements to declare financial emergency. The declaration is a part of the appropriation bill, it will have a one year time limitation and he agreed it should have gone through the Education committee.

Senator Andreason asked **Senator Cameron's** feelings about involving stakeholders in the process and where Idaho is at in meeting constitutional requirements with the budget bill? **Senator Cameron** spoke very highly and favorably of involving stakeholders in the process. **Senator Cameron** said that his trust lies in the teachers and the administrators now that JFAC has done its best to uphold both constitutional requirements to balance the budget and provide a thorough education.

In response to a letter **Senator Pearce** had received from a local school board member, **Senator Cameron** said language that was passed does

not address the situation of determining if an additional hold back is necessary which is an issue for the germane committee.

Senator Cameron replied to questions by **Senator Kelly** by explaining that everything he has presented on will move forward in the form of one bill that he expects to see on the Senate floor in no less than a week. He decided to move it forward as one bill because of the interconnectedness of each part. He would rather see the bill rejected and sent back to JFAC to start over rather than be sent to the amending order. He would try his best to support any action from the germane committee that contradicts the bill.

Senator Schroeder said with respect to salary, benefits, and length of contract, the language seems to make at-will employees subject to lowering salaries. **Senator Cameron** pointed out that the contracts cannot be reopened unless a mutual agreement is met.

TESTIMONY

Karen Echeverria, Executive Director of ISBA, testified in support of the budget bill, but in opposition to the Evergreen Cause. She added that although the budget bill froze the experience and education salary grid, there were no provisions that release the schools from being required to pay it to teachers. **Chairman Goedde** asked **Ms. Echeverria** if the language in the budget bill that permits a statewide financial emergency can be interpreted to allow local districts to unilaterally declare to open contracts for teachers' salary and benefits without agreement from the local education association? **Ms. Echeverria** said yes.

Sherri Wood, President of the Idaho Education Association (IEA) explained that the IEA was supportive of the intent language presented by **Senator Cameron**, but the JFAC agreement to allow the State to declare a financial emergency changed IEA to take an oppositional stance. **Ms. Wood** also expressed disappointment that no new revenue streams were discussed nor were stakeholders brought into the process to inform the General Fund Appropriation. **Chairman Goedde** asked **Ms. Wood** to investigate if the bill language can be altered by moving the "mutually agree" language earlier in the text to accommodate the three districts of concern without effecting school districts on a statewide level.

Dr. Wayne Davis, Executive Director of the Idaho Association of School Administrators, testified in support of the entire bill as the best approach, given the circumstances. **Chairman Goedde** requested that **Dr. Davis** work with the Idaho Digital Learning Academy during the interim to see if there is any duplication in the funding formula. **Chairman Goedde** will ask the committee to agree to a letter asking the Pro Tem to set up a task force for the same reason.

ADJOURN:

Chairman Goedde adjourned the committee at 4:44 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 4, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED:

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 PM and asked the secretary to take a silent roll.

He indicated that there was a handout in the folders regarding a task force that IDLA is forming which would not be a legislative committee responsibility.

PRESENTATION: **Aylee Schaefer**, Interim Administrator for the Idaho Educational Services for the Deaf and the Blind, began the presentation with a brief explanation of IESDB, founded July 1, 2009 and described it as a governmental agency that is a hybrid of a school district and state agency allowing the board to operate both at a statewide and school district level. The eight member, governor appointed, highly specialized board is chaired by the Superintendent of Public Instruction with roles defined in statutes providing a structure of skill and balance. Each board member wears multiple hats and brings a wealth of experience to the blind, visually impaired and hard of hearing.

IESDB is a governmental entity with a board that functions like a school board with access to some state agency services. IESDB only reports to their board of directors and are not a part of any government agency. It is a multi-faceted statewide organization providing supplemental services to school districts, state agencies, children who are deaf, blind or visually impaired and to the families of those children through campus and outreach programs. The new governmental entity status offers an opportunity for strategic planning to define standards within five domain areas of how to provide services to students which are: Information Referral, Assessments, Programs, Curriculum, and Parent-Family-Community Involvement

Campus enrollment continues to increase. Enrollment in Outreach programs has increased by 177 students in the last 2 ½ years. The transition to a governmental entity has been beneficial and seamless. Legislation has been introduced to address issues such as accrual of sick leave for employees, clarification of funding from the State Department of Education, access to permanent building funds, clarification on the role of the State Board of Education relating to Idaho Code Section 33-1303, and participation in the State of Idaho Risk Management program.

Senator Fulcher asked about whether the enrollment numbers on campus were residents or not.

Aylee Schaefer answered that of the 88 students, 22 students have enrolled in the last 2 ½ years, both day and resident students. She did not have an exact number but knew that of the 22 students, there were both day and resident. She clarified that the campus program in Gooding provides services to students both at a residential and day campus level, so students who live within a driving distance may attend for the day. These students attend because they feel the benefits at the school outweigh the good at their home schools. The numbers of students would be provided at a later date.

Chairman Goedde then thanked Ms. Schaefer for her presentation

H400:

Chairman Goedde introduced **Dr. Mike Rush** and commented on holding H400 in committee to allow the state board to work on an amendment.

Dr. Rush thanked the committee for the opportunity to clarify that the State Board of Education has the ability to assign administrative tasks. It was never intended that a volunteer board make the daily decisions associated with a majority of the state's budget and this committee has made it clear in the past that the agency ought to focus on policies and allow its institutions and agencies to administer those policies.

Since 2008 the board has been on a quest to properly focus on solving fundamental issues that are facing our public education, colleges and universities. Concern was raised that the board doesn't have the ability to delegate that work and the conclusion was that the board, consisting of a part time group of volunteers, could not give due diligence to that level of administrative detail. Mechanisms need to be in place so that the people the board hire to do its work are adhering to its policies, procedures and guidelines. This legislation defines specifically to whom the board will delegate responsibilities and processes that would be used to make that delegation.

Chairman Goedde thanked Senators Mortimer and Kelly in finding sideboards that would be acceptable and then asked if there were any questions from committee members.

Senator Kelly pointed out that the language added on the last paragraph of the newly insert language, refers to the delegations needing to be adopted as statements of the agency and clarified that these statements are a pseudo rule making procedure that the board has, not rule making as perceived by the legislature. She further clarified that the statements are posted on line as part of a written codification that would be available to be viewed by the public. **Senator Kelly** then stated that these rules do not come to the legislature for review and asked if that was correct. **Dr. Rush** replied that was correct.

Senator Kelly commented that the original house bill did not require that but the amended language does require that. That does not give the legislature the comfort level that we need, but adds formality to the proceedings.

Senator Schroeder commented that currently if salaries are cut, especially among tenured professors, a fiscal exigency must be declared and asked if the board delegated salary negotiations to the presidents of the universities and colleges would that would give the presidents authority to enter into contracts and change them or declare a fiscal exigency. **Dr. Rush** answered that the board already passed that policy at their February Board meeting, adding a paragraph that gives them the ability to implement a furlough if there is a financial emergency that they have to deal with, further adding, that the two paragraphs added reference a longer, existing policy that detail under what circumstances allow this authority.

Senator Schroeder expressed his concern not about furloughs but allowing universities to decrease salaries for very smart college professors that are worried about their futures, citing the ISU case. **Dr. Rush** expressed his desire to be careful to separate the quality of decision making with the specific decisions the Board made in reference to the ISU case. He further explained that the board can't function unless it can delegate responsibility to those it hires. His opinion of that specific case was that the Board did its due diligence, in an open public meeting. Adjustments will have to be made because when a budget is cut by 20% that is 90% salary there will be salary cuts.

Senator Schroeder clarified that when the Board delegates authority to adjust tenured faculty's members contracts and cut their salary they mean if it is necessary, is that right? **Dr. Rush** replied not without reducing the workload via implementing a furlough.

Senator Schroeder explained that a previous meeting he was in attendance at discussed that even though the salaries are going to be reduced, the faculty will still have to do the work. **Dr. Rush** commented that he would expect some people on furlough will produce same amount of work as those not on furlough.

Senator Schroeder expressed that the crux of this is not the furlough. The faculty believe that the Board has given the presidents the ability to cut their salary, for example a 50k salary will be cut to 30k. Is this the

authority in this if they chose? **Dr. Rush** answered that yes the presidents could modify the contracts and cut the salary only if they furlough as well as if negotiating a new contract they can also cut the salary.

Senator Schroeder stated that he had seen language in the public school budget allowing school boards to lower teachers salaries and now they are seeing the same thing on a university level. He expressed concern that the faculty organizations have relayed information that with this authority the universities may be censored, meaning that the attractiveness of the campus is lessened to prospective employees, lessening the amount of research money that is funneled to the state each year. If assurance can't be given to these faculty members that their contracts will not be re-negotiated, prospective research-attracting professors will choose not to come to Idaho. He further stated that the fiscal situation that Idaho is in now is not severe enough to jeopardize the long-term economic liability of this state.

Chairman Goedde Committee we have H400 before us.

Vice Chairman Mortimer asked for a point of clarification as to the progress of this bill to know what motion to make.

Chairman Goedde clarified that the if the committee is considering the amendment the bill should be sent to the 14th order. After which **Vice Chairman Mortimer** made the motion to send H400 to the 14th order of business with a second from **Senator Andreason**.

Chairman Goedde called for a vote. **Senator Schroeder** and **Senator Malepeai** wished their votes to be recorded as no. Motion passed.

Dr. Rush further expressed that the Board's concern is similar to that of **Senator Schroeder's** about salaries and preserving money in higher education.

H 545

Chairman Goedde then introduced the next order of business as H545 and acknowledged **Representative Rich Jarvis**.

Representative Rich Jarvis recounted his attendance at a truancy summit which included judges, school officials and other representatives resulting in H545 changing language addressing the issue of individual schools' ability to deal with habitual truancy rather than referring these cases back to the board of trustees. The proposed language changes a designated person within the individual school to make a determination of habitual truancy consistent with the regulations established by the board. The purpose for the change from "is" to "was" on line 14 is to allow the juvenile correction agency to have purview over the individual truant to continue their work so that when they turn 16 they don't automatically drop out of the system. The juvenile justice advisory teams reviewed this legislation and have shown support.

Representative Jarvis then deferred to **Judge Jack Varin** for a few comments.

Chairman Goedde clarified that questions would be asked after and then welcomed **Judge Jack Varin** to the committee.

Judge Jack Varin identified himself as a retired senior judge and chair of the juvenile justice advisory team and offered only information since the court is not to be a part of policy making. The juvenile justice advisory team is composed of judges who do juvenile work in each of the districts and review legislation. Truancy is a significant issue in the juvenile justice system because on both the national level as well as on the local level the experience of individual young people that don't attend school often end up in courtrooms. There have been a number of judges working with the school districts to create truancy courts and develop processes that everyone can understand. The language in this bill basically gives someone else within the school the opportunity to make the report to the court.

Chairman Goedde then asked if there were questions and observed that Mr. Exline signed up for testimony, but deferred his testimony.

Vice Chairman Mortimer asked to have clarification on the ramifications of keeping this person under juvenile corrections, asking specifically if at the age of sixteen they have the option of dropping out.

Representative Jarvis explained that if the student becomes a habitual truant, the earlier the court intervention, the better the outcome even in primary grades. Currently the law states if a student is getting into trouble or having trouble at home and he becomes a habitual truant he gets help from the courts, but he is under the purview of the juvenile correction people until he turns sixteen after which he can leave.

Vice Chairman Mortimer confirmed that with the new legislation a juvenile under the correction system would remain in that system until he turned 18 if the problem persisted. **Representative Jarvis** answered that hopefully with the purview of the court the juvenile would have help to return to school.

Vice Chairman Mortimer expressed the concern that the Statement of Purpose said there would be no fiscal impact, but that the system would have an additional two years of working with the juveniles.

Representative Jarvis replied that the House committee had asked the same question and **Judge Varin** answered that he perceived that there would be a fiscal impact on the courts. **Representative Jarvis** stated he thought there would be a positive fiscal impact because earlier intervention would prevent the problem from being worse. **Vice Chairman Mortimer** stated that from a corrections standpoint the people in juvenile corrections would continue to work with these people, is that correct? **Representative Jarvis** deferred to the judge for further clarification. **Judge Varin** indicated that if a child has violated the regulations of the school district the court has purview and the process

engaged varies from local communities and counties. The court also has the opportunity make adjustments to the program which is most often used in these cases. The goal is not just to have a child sitting in school but to address the behavior issues as well.

Senator Pearce observed that this looks like a bigger policy change for the state of Idaho because we are saying that kids can no longer drop out of high school at 16 but they must stay until they are 18 or go in the purview of the court.

Judge Varin expressed that his only concern was that this was a policy issue and that they be brought before some authority. **Representative Jarvis** clarified that this legislation does not do that. A drop out at age 16 is a drop out, but if before the age of 16 they are a habitual truant and go before the court they could stay within the purview of the court until they are released.

Senator Pearce thought it sounded like a double standard in that if a juvenile notifies the school of his intent to drop out it is okay, but if the juvenile doesn't they will be chased until they are 18. **Representative Jarvis** stated that the law states that compulsory attendance is only for ages 6 through 16, so if a student drops out after the age of sixteen, they will not become a habitual truant as there is no notification required after the age of sixteen. **Senator Kelly** asked if the child has to be under 16 to be a habitual truant or can a juvenile be 17?

Representative Jarvis answered no. According to the definition a 17 year old can not be a habitual truant because they are no longer under the compulsory attendance law. **Senator Kelly** asked if a juvenile was classified as a habitual truant at the age of 15 and then later as they approach the age of 17 would sub section 2 place them under purview? **Representative Jarvis** replied they would be if they were still under the purview of the court. The age of 16 would no longer be the "We're out of here" date.

Senator Schroeder asked for clarification if a person 15 gets into the system and doesn't follow the directions, can they still be under jurisdiction after 18? **Representative Jarvis** replied he was unsure and would have to defer to the judge. **Judge Varin** replied that the court has jurisdiction until age 21 and that the court has restrictions about how long probation can last, which is a maximum of three years if that is what the court chose to do.

Vice Chairman Mortimer posed an additional question hypothetically about a student under 16 and under the jurisdiction of the court whereupon reaching the age of 16, gives notice in writing that he is no longer going to school, would he be covered under this legislation?

Judge Varin replied that the only thing this legislation is changing is who can refer the student to the court.

Vice Chairman Mortimer posed the same question to **Representative Jarvis** who replied that if he is still under purview of the court because

he was a habitual truant prior to the age of 16, if the court would maintain the purview irregardless of being in school or not.

Senator Kelly then asked **Representative Jarvis** the purpose for changing “is” to “was” and asked that he give an example of circumstances under which that change would make a difference. **Representative Jarvis** explained an example of a 15 year old that becomes a habitual truant, is referred to the court and the court has taken purview over that student, then the student turns 16. The testimony heard today indicates that if the word “is” wasn’t changed to “was” the court could still have purview over that student.

Chairman Goedde then presented H545 for motions upon which **Senator Schroeder** motioned a due pass with a second from **Senator Fulcher** followed by an invitation for discussion.

Senator Pearce offered a substitute motion to move H545 to the 14th order with a 2nd from **Vice Chairman Mortimer**.

Senator Pearce indicated he would prefer to go back to the word “is” because it is a double standard not a policy discussion and wants to see all treated the same. He asked that the legislation be amended back to use the word “is”.

Chairman Goedde ask for discussion upon which **Senator Schroeder** questioned **Representative Jarvis** as to what the effect of the change would be. **Representative Jarvis** pointed out the author of the legislation, **Berry Black**, an assistant prosecuting attorney at Kootenai County, desired the change due to his issue of losing ability to work with the young person when they were making progress due to the age change.

Chairman Goedde called for discussion and hearing none placed the substitute motion to send the billing to the 14th order for possible amendment to the committee. **Senator Schroeder** then asked for a roll call vote. **Senator Mortimer** - Aye, **Senator Schroeder** - No, **Senator Andreason** - No, **Senator Fulcher** - Aye, **Senator Pearce** - Aye, **Senator Winder** - Aye, **Senator Malepeai** - Aye, **Senator Kelly** - Aye, **Senator Goedde** - Aye, which resulted in a do pass.

Chairman Goedde asked for any motions whereupon **Senator Fulcher** stated his review of the minutes from January 28, 2010 and made a motion to approve that was seconded by **Senator Mortimer**. The motion passed. **Senator Andreason** moved to approve the minutes of January 26, 2010 that was seconded by **Senator Mortimer**. The committee adjourned.

ADJOURNMENT

With there being no further business **Chairman Goedde** adjourned the meeting at 5:00 PM.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 8, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Fulcher, Pearce, Winder, Malepeai, Kelly
- MEMBERS ABSENT/ EXCUSED:** Senator Andreason
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 PM and asked the secretary to take a silent roll.
- Chairman Goedde** called the committee's attention to items in their packet including a handout on music education and a spreadsheet from DFM. He then introduced **Janet Gallimore**, Executive Director of the Idaho Historical Society.
- PRESENTATION:** **Janet Gallimore**, Executive Director of the Idaho Historical Society, gave an agency update concerning accomplishments made during the year in the areas of fund development, customer service and marketing. The non general fund support increased from 31% to 48% in the last three years. Membership increased 25% as well as new grant programs created. ISHS is providing access to historical documents and high quality customer service to over 100,000 Idahoans annually. ISHS is optimizing public awareness and participation in agency services through enhanced brand identity, outreach, and marketing as can be seen in the most recent Capitol Restoration. The mission of ISHS is to preserve and promote Idaho's cultural heritage. The vision of ISHS is to inspire, enrich and engage all Idahoans by leading the state in preserving and sharing our dynamic cultural heritage.
- Chairman Goedde** asked if the committee had any questions for **Ms. Gallimore**. Questions were posed by **Chairman Goedde** and **Vice Chairman Mortimer** concerning records kept by ISHS including the format, area used to store the records and length of time records are stored. **Ms. Gallimore** answered that some records are digitized and that 40% of the records stored are city/county records and records are on a retention schedule.

H 579: **H 579** was presented to the committee by **Representative Trail**, who explained that the legislation relates to education, amending Idaho Code, by the addition of a new section, to provide for transferring of certain grades to a student's high school transcript and accepted by any high school in Idaho. **Representative Trail** yielded to **Nick Smith** who further explained issues on accreditation, citing codes and rules for graduation requirements.

Chairman Goedde then asked if there were any questions for **Mr. Smith**. Discussion ensued with questions from **Senator Pearce, Senator Winder and Chairman Goedde** concerning credits earned in middle school that might facilitate early graduation from high school and certification of instructors to facilitate proper accreditation. **Mr. Smith** answered comparing teachers with a 6-12 certification which includes "specific content area" endorsement to those with a K-8 certification. **Chairman Goedde** noted that currently students get credit for the course if they take it in middle school, but they don't get credit for the grade and that this legislation would correct that, allowing the grade to be transferred to their high school transcript.

MOTION: **Vice Chairman Mortimer** made a motion to move H579 to the floor with a do pass recommendation which was seconded by **Senator Schroeder**. The motion passed.

DISCUSSION: **Chairman Goedde** introduced the topic for discussion of the feasibility of school district services consolidation and introduced **Mr. Rakesh Mohan** of the Office of Performance Evaluation. **Chairman Goedde** brought to the attention a spreadsheet from **Ms. Archibald** from DFM containing information concerning districts of equal sizes. **Mr. Mohan** summarized challenges in doing this study indicating difficulty in quantifying, analyzing and discussing intangible items that aren't represented by merely a dollar amount or in the Department of Education data base.

Discussion ensued generated by a question from **Chairman Goedde** concerning analysis requested by JLOC and discussions in the House Education Committee. **Mr. Mohan** requested the committee either go through JLOC or be specific to narrow the scope of the analysis and indicated he had no involvement in the House Education committee analysis this year. **Chairman Goedde** commended **Ms. Archibald** for her work producing the spreadsheet asking for a motion to have a recommendation for another more specific study. Questions by **Senator Kelly** were to clarify the need for another study. **Vice Chairman Mortimer Senator Winder, Senator Schroeder and Senator Fulcher** made comments over concerns about "too much" administration, NCLB, teacher evaluation, questioning if school administration is over-taxed, cost of charter schools vs. traditional, the economic cycle, consolidating services and if there can be savings in administration costs. **Chairman Goedde** referred to and agreed to provide copies of the spreadsheet from DFM to all committee members and to consider the recommendation for further studies. Discussion continued concerning

information needed for a future report on administration costs, including magnet schools, charter schools, school board interface with the public in other states and recommendations for JLOC.

Chairman Goedde indicated further discussion would occur at a later meeting.

ADJOURNMENT: The meeting adjourned at 3:55 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 9 , 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **Idaho Commission for Libraries**

Ann Joslin, Idaho librarian, took the podium to report on the ICFL's 2009 Overview, 2010 Initiatives, 2009 Read to me Evaluation, Adult Early Literacy Behavior Changes and Follow-Up Telephone Survey. **Ms. Joslin** submitted documents supporting each of these areas to the committee members.

Results from a commissioned study show that students are more likely to succeed when school librarians play an active and collaborative role with other teachers and administrators. **Ms. Joslin** briefed the committee on a proposal to partner with the Bill and Melinda Gates foundation to provide the least connected public libraries with the bandwidth and computers to offer lifelong educational opportunities to citizens.

Ms. Joslin introduced **Dr. Roger Stuart**, Professor of Literacy and Education at Boise State University (BSU) to talk about his evaluation of the Read to Me program. Read to Me is an early literacy program designed to help public libraries and their community partners assist in nurturing their children's early reading skills. The ICFL has focused on six early literacy **skills**. **Dr. Stuart** illustrated research outcomes of Read to Me program from an initial survey and six-nine month follow up survey showing promising and lasting results of increased parents' time spent with their children doing early literacy activities.

Senator Winder asked what the modern trends were in traditional libraries and reading now that everything is found on the internet. **Dr. Stuart** said there is a growth in media use but book reading and library participation is not down. He deferred to **Ms. Joslin** who added library

usage across the country is up dramatically. In Idaho, there was a 38% increase over the previous year for summer reading attendance for kids.

Chairman Goedde asked if the Bill and Melinda Gates Foundation is helping fund the grant application for the Broadband Technology Opportunity Program (BTOP), how it is in coordination with the Idaho Education Network (IEN), and how big are the grant application dollars? Respectively **Ms. Joslin** answered yes, the IEN will lay down the fiber and the BTOP will light it, and just under \$3 million.

Chairman Goedde passed the gavel to **Vice Chairman Mortimer**.

S 1304

Charter Notice of Defect

Charter schools are granted by local school boards or by the State Charter School Commission based on their petitions. Nothing currently in statute allows for charters granted based on false or inaccurate information to have their charters revoked. This bill would provide the chartering authority such power. Further, it would extend that power to existing charters where required reports are misrepresented.

Chairman Goedde said this bill is before the committee again due to some concerns dealing with the word “fraudulent” and “forged”. Now there is an amendment to the original bill that makes those two issues clearer and separates the criminal penalty from looking at grounds for revocation of a charter.

TESTIMONY

Tamara Baysinger, staff to the Charter School Commission, spoke in support of the bill as a common-sense measure.

Senator Schroeder and **Senator Kelly** stated concerns with how the bill could be interpreted to absolve criminal activity. It was decided that the bill would be held in the committee to address the concerns.

ADJOURN

Chairman Goedde adjourned the committee at 3:50 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Alicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 10, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Fulcher, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: Senators Andreason and Pearce

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m. and requested the Secretary to take a silent roll. **Chairman Goedde** brought to the committee's attention an article from the New York Times, included in their packet featuring standards in education.

GUBERNATORIAL APPOINTMENT HEARING: **Chairman Goedde** welcomed **Emma Atchley** to the committee for a Gubernatorial Appointment Hearing for appointment to the State Board of Education. **Emma Atchley** reviewed her qualifications and resume' for the committee which was included in their packet and attached with the minutes including that she was a native Idahoan, had graduated from University of Idaho and lived for the last 40 years in Ashton, Idaho where she has been involved in several farming entities. **Ms. Atchley** spoke about her beliefs concerning education, specifically as a conduit to pass on history and values and recounted her service on school boards.

Chairman Goedde clarified Ms. Atchley's nomination for 2 terms and asked for questions from the committee.

Questions were asked by **Senator Malepeai**, **Senator Schroeder**, **Senator Winder** and **Senator Kelly** about higher education missions and whether she agreed with universities reaching to other universities who don't have the expertise as well as the economic impact of universities to their communities, the need to address non-traditional students and the state's involvement in public higher education vs. private universities. **Ms. Atchley** responded that the procedure of reaching to other universities was standard and one with which she agreed. She also indicated interest in opening a law school in Boise, but hoped the law school at Moscow would continue to expand. She

stated the increase in establishing higher educational centers of learning throughout the state, the better for all Idahoans, indicating that it takes years to build higher education programs but not long to destroy them expressing worry about higher education funding.

Vice Chairman Mortimer and **Senator Fulcher** inquired as to people she admired and what surprised her the most after her service on the Board leading to what she would like to change. **Emma Atchley** expressed admiration for Milton Friedman and Senator Larry Craig for the work done by both for education. She was surprised a little but more gratified by the level of enthusiasm and dedication by people with whom she encounters in her role. The lack of informal discussions on issues is something she would like to change.

Senator Kelly asked about charter schools in K-12 and the role of the State Board in relation to those schools. **Emma Atchley** stated her lack of first hand experience with charter schools. She expressed room for charter schools, but stated concern that charter schools funding reduces effectiveness of public schools. The role of the Board has been reduced somewhat by the commission that forms charter schools, but the Board ultimately has responsibility.

Chairman Goedde thanked **Ms. Atchley** for her attendance and dedication and indicated that the vote would occur the following week.

Chairman Goedde passed the gavel to **Vice Chairman Mortimer** for presentation of **RS19786**.

RS 19786

Senator Goedde introduced **RS 19786** to the committee stating that the legislation will allow additional flexibility to school districts to use funds from four fund areas; Plant Facilities, Plant Facilities Reserve Funds, Local Maintenance Match Dollars and "Use it or Lose it Match Dollars" to provide additional flexibility to schools as they deem most efficient.

Vice Chairman Mortimer asked for a unanimous consent motion that RS19786 be sent to a privileged committee and asked for questions the committee may have.

Questions were asked by **Senator Schroeder** and **Senator Kelly** about allowing districts to declare a financial emergency and to use money designated for staff for other purposes, recounting a lawsuit in past years and expressed worry that the legislation could possibly set the grounds for a non-uniform public education system across the state with rural districts not being able to hire more experienced teachers. **Senator Goedde** answered by indicating that by already allowing supplemental and override levies a non-uniform system is already a possibility. The language in this legislation allows the districts to use the 5% as they see fit and that financial emergencies have been declared in the past. **Karen Echeverria** concurred that once notice was met, a financial emergency could be declared and further clarified

that the JFAC legislation did not cover funds in this specific legislation. **Chairman Goedde** returned to his seat as Chairman and mentioned the discussion of the method for sending the legislation to a privileged committee, asking for a unanimous consent that RS19786 be sent to a privileged committee to be printed. **Senator Schroeder** objected to a unanimous consent and asked for a roll call vote. **Senator Malepeai** asked for clarification as to the customary or traditional procedures.

MOTION:

Vice Chairman Mortimer moved that RS19786 be sent to a privileged committee for printing with a second by **Senator Fulcher**. After discussion concerning the objection to a unanimous consent request. **Senator Schroeder** expressed reasons for voting against the motion. **Vice Chairman Mortimer** and **Senator Kelly** continued the discussion about the purpose of the legislation and the emergency clause. **Senator Schroeder** and **Vice Chairman Mortimer** agreed that parts of the bill did have merits. **Senator Winder** offered that the bill would give flexibility that deserved a hearing. Vice Chairman Mortimer interjected that the chairman reconsider a unanimous consent for this legislation. **Chairman Goedde** then asked **Robin Nettinga** to speak concerning the legislation.

Robin Nettinga expressed her opinion that the legislation be revised for separation of the different funds to be accessed by the school boards for flexibility.

SUBSTITUTE MOTION:

Senator Schroeder moved for a substitute motion for the chairman to have the RS rewritten leaving only those sections that have been found to have a favorable standing with the committee. The motion was seconded by **Senator Malepeai**.

Chairman Goedde indicated that the substitute motion would be to hold the bill in committee and that the chairman couldn't be directed but would consider the revision and called for a vote on the substitute motion to hold the bill in committee and not to print. A roll call vote was held and recorded as follows: **Vice Chairman Mortimer** - No, **Senator Schroeder** - Aye, **Senator Fulcher** - No, **Senator Winder** - No, **Senator Malepeai** - Aye, **Senator Kelly** - Aye and **Chairman Goedde** - No,

MOTION:

Chairman Goedde then called for a roll call vote on the original motion to send RS19786 to a privileged committee to be printed. The vote was recorded as follows: **Vice Chairman Mortimer** - Aye, **Senator Schroeder** - No, **Senator Fulcher** - Aye, **Senator Winder** - Aye, **Senator Malepeai** - No, **Senator Kelly** - No and **Chairman Goedde** - Aye.

Chairman Goedde indicated that the motion was not unanimously supported and RS19786 would not be sent to the privileged committee.

APPROVAL OF MINUTES:

Senator Malepeai stated that he had reviewed the minutes of the February 15, 2010 meeting and moved that those minutes be

approved. The motion was seconded by **Vice Chairman Mortimer** and passed by voice vote.

Senator Schroeder stated that he had reviewed the minutes of the February 17, 2010 meeting and moved that those minutes be approved. The motion was seconded by **Vice Chairman Mortimer** and passed by voice vote.

ADJOURNMENT: With there being no further business of the Committee, **Chairman Goedde** adjourned the meeting at 4:00 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 11, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, and Malepeai

MEMBERS ABSENT/ EXCUSED: Chairman Goedde and Senator Kelly

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

CONVENE: **Vice Chairman Mortimer** called the meeting to order at 3:05 p.m.

PRESENTATION **Idaho Science and Aerospace Scholars (ISAS)**

Vice Chairman Mortimer introduced **Dave Marquart**, Project Director of ISAS and **Scott Smith**, State Department of Education Science Coordinator. **Mr. Smith** and **Mr. Marquart** presented on ISAS's purpose, partners, time line, membership, student distribution, components, online course delivery, webinars, careers, Capstone events, Summer Academy, experience, and future plans.

ISAS is a statewide competitive program that allows high school juniors to take an interactive, online course highlighting science and aerospace exploration along with technology, engineering and math culminating in a summer residential academy at Boise State University and NASA Ames Research Center in California. ISAS is composed of 71 students; approximately 40 of which go to NASA as part of the ISAS program. In response to the committee's questions, **Mr. Smith** and **Mr. Marquart** said all students who applied for the course were accepted and the selection of students who go to NASA is determined on the criteria of their collaboration and test scores.

The committee recognized the presence of **Barbara Morgan**, former NASA astronaut and Idaho native, and welcomed her input on the ISAS program. **Ms. Morgan** said ISAS is an invaluable experience for students to be immersed and excited in Science, Technology, Engineering and Math. Idaho presents ample opportunities in the fields of aeronautics and the high technology corridor. It connects students to national research and provides them the opportunity to work in a lab and meet scientist and engineers from their future universities and employers in the business and industry realms.

PRESENTATION Idaho Science Technology Engineering Mathematics (I-STEM)

Melinda Hamilton, with the Idaho National Laboratory Education Program, presented to the committee the I-STEM program which uses science, technology, engineering and math across disciplines to solve problems, create, innovate and lead. **Ms. Hamilton** presented on the need for I-STEM, 21st century learning skills, challenges and techniques in meeting rural communities, partnerships, vision, research centers, strategies, web resources, and teacher academies.

In response to questions posed by the committee, **Ms. Hamilton** said the 200-300 teachers who participate in continuing education through I-STEM do so through a university and receive continuing education credit for it. The building of new partnerships has been I-STEM's most notable success in the past year. The successful partnerships can be partly attributed to a new marketing committee created for I-STEM that develops materials to get the word out and the potential partners have been incredibly willing to contribute to I-STEM's mission.

CONFIRMATION Emma Atchley to the State Board of Education

Senator Andreason moved to send the gubernatorial appointment of Emma Atchley to the State Board of Education to the floor with the recommendation that it be confirmed by the Senate. **Senator Malepeai** seconded the motion. The motion passed by **voice vote**.

MOTION: **Senator Pearce** moved, seconded by **Senator Anderson**, to approve the minutes of March 2, 2010. The motion carried by **voice vote**.

TESTIMONY: **Vice Chairman Mortimer** and the committee welcomed comments by **Ross Knight**, student body President for Idaho State University (ISU), **Tom Briggs** and **Matthew Bloxham**, ISU Senators. They spoke to affirm the importance of higher education, request that the cuts to higher education be as minimal as possible and that the committee make a commitment to uphold higher education when the recession ends.

ADJOURN: **Vice Chairman Mortimer** adjourned the committee at 4:04 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 15, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: None

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 p.m.

PRESENTATION **J.A. & Kathryn Albertson Foundation (JKAF)**

Jamie MacMillan, Executive Director of the JKAF, presented on improving education outcomes and efficiency in Idaho. **Ms. MacMillan** illustrated JKAF's goals of educational and post-secondary success, models, process, initiatives, and policy opportunities.

In response to questions by the committee, **Ms. MacMillan** said that Idaho parents save an average of \$1.5 million with the dual enrollment program. JKAF has not done the cost difference between charter and traditional schools, but research has shown that school choice is a valuable service to provide citizens. **Ms. MacMillan** thanked the committee for compliments but candidly shared the frustration that JKAF has not seen the desired results or outcomes after investing \$300 million in Idaho and hopes to see an accountability strategy put in place.

Senator Kelly asked how much money JKAF has committed to Idaho's Idaho Education Network (IEN) and what processes JKAF undergoes to decide on what to fund. **Ms. MacMillan** said that appropriated money is voted on by the JKAF's Board. JKAF's support of the IEN depends on the partnership with the State. Last year, \$3 million from the State was appropriated and JKAF matched it by \$6 million. IEN must accomplish phases of criteria required by JKAF to receive funding.

When asked by **Vice Chairman Mortimer**, **Ms. MacMillan** explained that JKAF was able to fund a statewide scholarship program called "Go-on scholarships" given to 11 statewide institutions. They were unique in that each school was given \$1 million that had to be committed to students as scholarship money within a one year time frame.

PRESENTATION North Idaho Discovery Association (NIDA)

Chairman Goedde explained that **Lorna Finman**, President and Founder of the NIDA, has been historically helpful in providing the youth of Idaho technical opportunities and exposure to engineering and science skills.

Ms. Finman shared NIDA's mission to foster learning and innovation in science and technology through hands-on experience and mentor based programs. NIDA is funded privately as a partnership between industry and education.

Ms. Finman deferred to **Ed Katz**, FIRST robotics Coach, **Karlicia Berry**, Director of Educational Programing of NIDA, and **Brian Induni**, Marketing Consultant for NIDA. **Mr. Katz** shared how he worked with a team of students to create code which pioneered a pilot test program with satellites that exist on the international space station and upload it to NASA astronauts. **Ms. Berry** shared with the committee the significance of the FIRST robotics tournament hosted in Idaho which was the largest in the world and demonstrated and introduced to the committee "Leanardo", the robot. **Mr. Induni** presented the plans for NIDA's Rathdrum Creek Technology Corridor, one third of which will be interactive exhibits and the rest will be laboratories and classrooms offered for all schools at no cost. The Corridor will serve post high school higher education for up to 300 students and will also fund and seed student's technology ideas. Teachers and students also shared their experiences in support of the NIDA program. **Ms. Finman** wrapped up and encouraged the committee to attend and support NIDA's events.

In response to a question directed by **Senator Malepeai** as to whether NIDA tracks their students' educational and career outcomes, **Ms. Finman** said a new staff member has been welcomed to the NIDA team as a track person to start keeping such a database.

S1304 Charter Notice of Defect

Chairman Goedde passed the gavel to **Vice Chairman Mortimer**. **Chairman Goedde** proposed an amendment to **S 1304** which amends existing law relating to public charter schools to provide that if the authorized chartering entity has reason to believe that a public charter school has made or caused to be made, any false, fraudulent or forged statement or representation in procuring or attempting to procure a charter, the authorized chartering entity shall provide such public charter school written notice of such defect and provide a reasonable opportunity to cure such defect.

After questions put forth by **Vice Chairman Mortimer** and **Senator Winder** regarding the need for more clarity and information about the appeals process, criminal code, and time frames involved, it was decided that the bill be held in the committee until more information is obtained.

RS19687C1 Charter School Assistance

This legislation amends code regarding the process of petitioning to establish a new public charter school by providing for a legal sufficiency review by the State Department of Education (SDOE). In addition the

legislation directs the SDOE to make training available to the school district in which the proposed charter is located. The training will focus on the authorizing process and responsibilities of an authorized chartering entity.

In response to questions asked by **Senator Kelly** regarding the intent of the legislation, who is behind it, and if it will mandate training without funding, **Chairman Goedde** explained the practice is not in Idaho Code, the Charter School Commission and Representative Jaquet have requested the legislation, and that it won't cost anything additional to formalize the process.

Chairman Goedde deferred to **Tamara Baysinger**, staff to the Public Charter School Commission, to address clarifying questions posed by **Senator Kelly** and **Senator Pearce** regarding the legal sufficient review. **Ms. Baysinger** explained that the legal sufficiency review is completed by the State Department of Education (SDOE) before it is sent to an authorizer, usually the local school district. Upon completing the review, the SDOE completes a ten page document matrix looking at each element required of a charter petition and tells the petitioners whether it meets the standard, partially meets the standard, or does not meet the standard. The petitioner can then correct the petition and submit it to the authorizer.

- MOTION** **Senator Winder** requested, and **Vice Chairman Mortimer** received unanimous consent, that **RS 19687C1** be sent to a privileged committee with a request for print.
- RS 19826** **School Plant Facilities Reserve Fund Levy**
This RS improves districts' ability to manage with less money. The legislation provides school districts with additional flexibility on the use of certain funds in four different areas including : Plant Facilities Levy, Plant Facilities Reserve Fund, Local Maintenance Match Dollars, and Use it or Lose It.
- MOTION** **Senator Andreason** requested, and **Vice Chairman Mortimer** received unanimous consent, that **RS 19826** be sent to a privileged committee with a request for print.
Vice Chairman Mortimer turned the gavel back to **Chairman Goedde**.
- MOTION** **Senator Fulcher** moved, seconded by **Vice Chairman Mortimer**, to approve the minutes of February 18th, 2010. The motion carried by **voice vote**.
- MOTION** **Vice Chairman Mortimer** moved, seconded by **Senator Kelly** to approve the minutes of February 11, 2010. The motion carried by **voice vote**.

ADJOURN

Chairman Goedde adjourned the committee at 4:40 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

- DATE:** March 16, 2010
- TIME:** 3:00 p.m.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly
- MEMBERS ABSENT/ EXCUSED:**
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 P.M. and asked the secretary to take a silent roll.
- PRESENTATION:** **Chairman Goedde** introduced **Donna Hutchinson**, CEO of Idaho Digital Learning Academy. **Ms. Hutchinson** introduced **Chris Rapp**, Director of Curriculum Instruction. **Mr. Rapp** outlined that IDLA has online courses, highly qualified teachers and real-time lessons. They also have professional development for teachers, training at the local level and provide materials statewide such as ISAT materials. Most of the courses are asynchronous, not in real time, but there are some synchronous components. The courses consist of eight academic units, a final exam and are completed in different sessions sizes, sixteen weeks, nine weeks and twelve weeks. There are over 165 courses offered through IDLA. A lot of courses are Idaho specific such as ISAT courses, writers' courses focusing on Idaho writers and there are Idaho guest speakers. The courses are developed and revised based on feedback from instructors, students and school administrators. The IDLA partners with Idaho institutions such as Idaho Rural Partnership and Idaho National Laboratory. There are dual credit partnerships with Idaho institutions as well. Classes are developed with Idaho and National standards. There are part-time instructors and part-time principals that insure there is quality and interaction for all the courses. The courses meet the needs of the digital generation and there is active participation as it is required that students must participate. There have been 1.3 million hours of instruction for this year through IDLA including evening, weekend and summer hours. (See attachment 1).
- Mr. Rapp** presented examples of lessons from some of the courses. He showed some of the sample lessons available for the Committee members to test. One example showed the interactivity in the course. The courses crossed all four different disciplines. One example allowed

the student to have the perspective of a Representative from a particular state to the Constitutional Convention which included an electronic textbook written in traditional form for use as a reference, a discussion board that can be used for student-student or student-instructor communication and video examples.

The students have to create a Wiki, which is a repository of information authored and edited by all students. All of the courses are delivered through Blackboard, which is used by most Universities and Colleges in Idaho.

All of the classes are created to have student interaction with the content, with instructors and with other students. Everything is designed to pull the student into an interactive environment. For math classes, there is interaction in all of the ways students learn such as listening and reading. The students can check their work at any time during the mathematical process, even before the equation is complete. They can take a self-assessment quiz. When a student gets stuck, there is a live tutoring session available Thursday-Sunday evenings. Students have to create their own math puzzles and have other students solve them.

Languages are difficult to teach in any environment, these classes are designed to include listening, speaking, reading and writing the language. The languages are designed with a lot of multimedia content and a lot of repetition. All of the language courses have pod-casts that can be use for practice anywhere. Final exams are worth 20% and all are proctored in a school environment. The final has an audio assessment, writing assignment, short answer and essay assignments that must be written in the language being tested.

Vice Chairman Mortimer asked if the final exams are proctored online or in person? **Mr. Rapp** replied they are both. The student will take the final online or in person with adult supervision. **Vice Chairman Mortimer** asked who was developing the courses? **Mr. Rapp** responded that there is a staff of content specialists who works with the master teachers to develop courses. **Vice Chairman Mortimer** asked if there were two staff, if the rest were subcontractors? **Mr. Rapp** answered yes.

Senator Pearce asked for more information on the grade school courses? **Mr. Rapp** said there is currently a pilot for 5th grade math. It is a blended pilot where the instruction is supplemented with online work. **Senator Pearce** asked if that was the main focus of the grade schools or if there were other subjects being developed? **Mr. Rapp** stated that this was the single pilot for grade school; but there are multiple courses for middle schools.

Chairman Goedde asked what assurances there are that the dual credit classes meet the same standards as if they were taken in college? **Mr. Rapp** replied that IDLA has gone to the State institutions to discuss dual credit. The courses that best serve the students are determined and the IDLA syllabus and access to the course are sent to the Department Chair. The Chair reviews the courses and choose the textbooks. Then

the teacher is submitted for approval to the secondary school.

Mr. Rapp introduced **Kristin Oostra**, a teacher at IDLA. **Ms. Oostra** said she had taught English at IDLA for three years. She indicated that one important way to teach distance students was to set up the course properly. Similar to a brick and mortar school, online you could create an avatar, which would be the teacher, use clip art instead of posters and create a personality or an environment. Classes start on Friday night and the students receive a welcome email which gives information about the teacher, both personally and professionally. Within 48 hours, there is a welcome call to the student. There is email communication with the students throughout the class. The communication can be for assignment questions, readings, extra help and/or strategies to assist the student. When MLA is taught, Word is used to mark up their assignment with a red pen. The instructors also text and use instant messaging to communicate with students. This allows instructors and other students to communicate with students throughout the world. Instant feedback is very important to the digital generation.

Teachers are assessed using a rubric which contains a checklist. The teachers are rated every two weeks and the student success rates are tracked by class against the success rate of IDLA as a whole.

Senator Kelly said this format required a lot of self-discipline on the part of the students. Have all students been successful with online learning? **Ms. Oostra** said online learning has been very successful for many students and that yes, the students must be motivated to do their work. The instructors check in with students and it is a safe environment for some students to develop self-discipline.

Chairman Goedde introduced **Carley Campbell**, a Senior at Rocky Mountain High. **Ms. Campbell** stated that she was President of the National Honor Society and a member of the Business Professionals of America. She indicated that there was not enough time for her to take all the classes needed to graduate and IDLA had the class that was needed, available and affordable. The Economics course was just as challenging as the classes at Rocky Mountain. The instructor had given her individual attention and communicated often even more so than in any of the traditional classes she had been enrolled in. Because of IDLA, **Ms. Campbell** will graduate this year.

Chairman Goedde introduced Mark Cottner. **Mr. Cottner** said Centerpoint School was very small and there were approximately 100 students in grades 7-12. There were six instructors last year and this year the school had math taught exclusively through IDLA. The success had been better than an actual teacher in the classroom and these were at-risk students. The success rate for students in IDLA was 90%. **Senator Andreason** asked why the other 10% had not been successful? **Mr. Cottner** replied that there was an element of self-motivation necessary and that some of the students were placed there by the judicial system and had no desire to be in school to begin with. They were just waiting until they were old enough to drop out.

Mr. Cottner introduced **Jose Villareal Jr.** **Mr. Villareal** said he had taken four IDLA classes since November. The classes were not too hard or too easy and could be done at home or at school. The teachers were available for questions. He appreciated the classes. **Vice Chairman Mortimer** asked if **Mr. Villareal** had used the tutoring program? **Mr. Villareal** replied that he had not needed it. He learned the course work in the regular sessions.

Ms. Hutchison said online learning allowed students to learn in their own way. Different students need different ways of approaching information and that this was the opportunity with online education.

Chairman Goedde asked how much of the budget was used for course development? **Ms. Hutchison** stated that the majority of the budget was for instructional purposes; course development was a small part.

Senator Schroeder commented there was a sheet that had been received by the Committee members of the top 15 most expensive charter schools, but there was no indication of where it had come from. **Chairman Goedde** said he thought it was from the Department of Financial Management. **Mr. Browning** indicated that he did not recognize it, but would track down the source. **Senator Schroeder** said the sheet gave the total cost of ADA, but no indication of where the funding came from. **Chairman Goedde** said **Mr. Browning** could investigate that as well.

ADJOURN:

Seeing as there was no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:00 P.M.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 17, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Pearce, Fulcher, Winder, Malepeai and Kelly

MEMBERS ABSENT/ EXCUSED: Senator Andreason

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:05 p.m.

H601 Public Schools/ Plan Review

Representative Richard D. Jarvis explained that the purpose of the legislation is to define who is eligible to do a public school plan review and that the plan review should include building structural and nonstructural, mechanical, fuel gas, plumbing, electrical, accessibility, elevators, boilers, and energy conservation.

Chairman Goedde pointed out to the committee a letter from the Association of Cities (AIC) in support of the legislation.

In response to **Senator Kelly's** questions, **Representative Jarvis** said the review is currently being administered by a public safety employee or an employee of the city. The bill allows the county to do reviews for the cities.

TESTIMONY **Eric MacRush**, Idaho Association of Building Officials, testified in support of **H601**.

MOTION **Senator Kelly** moved, seconded by **Senator Winder** to send **HB 601** to the senate floor with a do pass recommendation. The motion passed by **voice vote**. **Senator Kelly** will carry **HB 601** on the floor.

PRESENTATION **Chairman Goedde** welcomed **Desiree Laughlin**, Superintendent of the Idaho Digital Virtual Academy (IDVA), to present information concerning distance learning with online courses.

IDVA is a full K-12 public charter school accredited by the Northwest Association of Accredited Schools serving 2,817 students. Thirty-two high school students are in advance placement classes gaining

concurrent credit The demographics of the IDVA school is much like an average school with 300 students in special education, 280 students in K-8 gifted and talented program, 56 percent receiving free and reduced lunch and 37 students meeting the federal definition of homeless.

Ms. Laughlin deferred to **Shawn Doris**, high school US Government, Economics and AP US History teacher. **Mr. Doris** gave the Committee a quick sample of the type of lessons that he provides for the students by using the four elements of learning: explanation, demonstration, imitation and repetition and demonstrated to teach how a bill becomes a law. In response to **Chairman Goedde's** question, **Mr. Doris** said he took an online course himself on how to teach online and he is working via online classes towards his Masters degree with the University of Idaho.

Ms. Laughlin introduced **David Malness**, IDVA Board Chairman and parent of four IDVA students. **Mr. Malness** has been Chairman for two years. He spoke in favor of how IDVA created advantages for his kids.

Ms. Laughlin answered questions by **Chairman Goedde** and **Senator Kelly** by explaining that IDVA provides a laptop and wireless card to homeless students and verifies they are a permanent resident of Idaho through the enrollment process. IDVA partners with 22 states to provide a seamless transfer for students who move from state to state or families who travel. **Ms. Laughlin** has not had laptops disappear by students who are homeless.

In response to **Senator Malepea** and **Senator Kelly**, **Ms. Laughlin** said all but one of the teachers are full time instructors with the IDVA. Before IDVA, students mostly went to traditional schools and about 30% were home schooled.

PRESENTATION: General Manager of Idaho Public Television (IPTV)

Chairman Goedde introduced **Peter W. Morrill**, General Manager of (IPTV). IPTV is the locally owned and operated network television station in Idaho. Mr. Morrill stated that IPTV serves all of Idaho and portions of six surrounding states and takes its mission seriously as there is no statewide newspaper, radio or commercial TV. IPTV is licensed to the State Board of Education (SBOE). Each year, IPTV broadcasts 13,148 hours of children's programming, 10,475 hours of programming for learners and there were 2,543,027 visits to idahoptv.org.

Mr. Morrill showed the IPTV statewide delivery partners according to their station. There are four channels offered, all free of charge. **Mr. Morrill** illustrated the funding of IPTV Operation Budget through private donations and the General Fund History which has historically decreased. **Peter W. Morrill** quizzed the committee and then shared interesting programming to follow in 2010.

To respond to **Senator Winder's** question, **Mr. Morrill** explained that \$2 million of the State appropriated \$3.5 million was a one-time funding to convert to digital television. Due to the proposed reduction in the state

budget for IPTV, **Mr. Morill** assured that rural areas will not lose service and the entire statewide system should be maintained. Major foundations and corporations have indicated decreased giving but **Mr. Morrill** does not suspect extra unmanageable costs to operating until 2011 for equipment replacements.

PRESENTATION: Science Math Teacher Imperative (SMTI)

Chairman Goedde introduced **Barbara Morgan**, Distinguished Educator in Residence, Boise State University (BSU), and **Dr. Louis Nadelson**, Assistant Professor, BSU. **Barbara Morgan** proceeded with her presentation concerning SMTI, an Association of Public and Land-grant Universities (APLU) Initiative. SMTI is a long-term effort to address the shortage of well-qualified secondary science and mathematics teachers and is funded by Carnegie Corporation of New York and The National Science Foundation.

Mr. Nadelson presented on the universities committed to SMTI's mission, the leadership collaborative, BSU's team and priorities, and the need for secondary science and math teachers.

In response to questions directed by **Senator Kelly**, **Ms. Morgan** said some teachers do teach in both areas of Math and Science. They can be accredited in one area and endorsed in the other.

In response to questions by **Senator Fulcher** and comments by **Senator Malepeai**, the presenters and committee members discussed the dilemma of the increasing number of foreign born students receiving their degrees in the United States and returning home. Topics also discussed were the variation in international presence across University doctoral programs, how the STEM program addresses the lack of locally born students in the areas of Math and Science, and what aspects can be learned from other cultures to address this. It was suggested to start as early as possible in recruiting students and training them to teach.

In response to a question by **Chairman Goedde**, the presenters explained that balancing the goal of increasing the sheer number of teachers with ensuring quality teachers can be done by using research-based training, a variety of approaches and by changing the definition of teaching as a more valuable and respectable profession.

ADJOURN

Chairman Goedde adjourned the meeting at 5:05 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 18, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED:

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

MINUTES: **Chairman Goedde** called the meeting to order at 3:00 PM and asked the secretary to take a silent roll. He indicated there was an article from Education Week, titled "Teachers' Unions Slam Obama K-12 Budget Proposal's for their review.

Chairman Goedde introduced **Jason Hancock**, Deputy Chief of Staff, State Department of Education and welcomed him to the committee.

H624 **Jason Hancock**, introduced **H624** regarding School Release indicating that there was only a one word change being requested from "and" to "or" in reference to religious instruction. This change would enable the students to have the 5 days a week of release time without exceeding the 165 hours current guideline.

Chairman Goedde asked if there were any questions from the committee and there were none. He then placed **H624** before the committee.

MOTION: **Vice Chairman Mortimer** made a motion to move **H624** to the floor with a **do pass** recommendation with **Senator Andreason** seconding the motion.

Vice Chairman Mortimer then asked for an amended motion to send **H624** to the Senate Consent Calendar with **do pass** recommendation and it was seconded by **Senator Andreason**. **Chairman Goedde** asked for any further discussion from the committee and there was none. **Chairman Goedde** requested a voice vote and the amended motion passed with no opposition. **Vice Chairman Mortimer** agreed to carry **H624** on the floor.

Discussion:

Chairman Goedde indicated that **Rakesh Mohan** would not be in attendance and then opened the floor for input regarding an OPE Study Discussion. He referenced an email of 3-17-2010 that indicated the deadline to submit requests for studies by the Office of Performance Evaluation is Friday, March 19, 2010. He stated that they could choose to direct OPE toward one or two of these topics or they could choose not to give them direction at all. He did not intend to limit discussion to the topics listed but suggested that they needed to narrow the discussion to one or two if they planned on a recommendation.

Recommended submissions were listed as: Administrative Cost Study (suggested by OPE for study), Charter Schools vs. Traditional Public schools, Streamlining paperwork to make administrative time better spent on education itself (Dr. Hallett), Delivery Cost, Magnet vs. Charter schools, Local school board governance (options such as countywide boards), and Year Round Charter school model.

Chairman Goedde shared a spread sheet from DFM that showed the number of administrators and, increases of 08-09 fiscal year salaries. The report showed a \$17M bottom line, but felt that it still needed some explanations for districts, i.e. Boise in a multi-year contract for example.

Senator Schroeder expressed concern with an ongoing challenge of a Charter School in Nampa where 300+ kids that have been allowed to start school and now have been put in a situation of possibly not having a school to attend. He asked how they could change the laws to give someone the ability to prevent these things from happening? **Chairman Goedde** expressed that he did not know how they could be proactive in situations like this, the process now was that when the Charter Commission finds a defect, they advise the Charter with a Notice of Defect and there is a formal process that they go through. They are provided the opportunity for corrective action and then a Notice of Revocation, a Public Hearing, actually an Appeal Process to the State Board of Education before there is ever a Revocation. Whether that process is adequate or not, he was not going to speculate. The concern was that the Charter being granted based on a petition that is either not followed or is not addressed and he did not know how they would legislate around that. **Senator Schroeder** replied that, that is why they have the Office of Performance Evaluations, is to come up with some recommendations.

Questions were then posed by **Chairman Goedde** and **Senators Schroeder, Pearce,** and **Andreason,** as to the list and where the information had come from in the report whereby **Mark Browning** stated that the information had come in a report from **Carmen Archibald** for the FY's 06/07 and 08/09. The committee members then indicated their preferences as to a submission to the OPE and they settled on two items.

Vice Chairman Mortimer moved for unanimous consent to send two recommendations to OPE for consideration: 1. Streamline Paperwork and 2. Charter vs. Traditional Public from cost standpoint, Mag vs. Charter and Year Round mode which takes into consideration some of the aspects of what BYU had done. **Chairman Goedde** then asked the committee for unanimous consent to send a request to OPE for a study on those two topics. With there being no objections, indicated it would be done and that they would include a letter from Nick Hallett on streamlining paperwork.

MOTION: **Senator Malepeai** moved to approve the Committee minutes of February 1, 2010, the motion was seconded by **Vice Chairman Mortimer** and it was carried by voice vote to approve the minutes with no opposition.

ADJOURNMENT: Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:26 P.M.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 22, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED:

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

MINUTES: **Chairman Goedde** called the meeting to order at 3 P.M. and asked the Secretary to take a silent roll.

GUBERNATORIAL APPOINTMENT HEARING: **Rod Lewis**, being nominated for re-appointment to the State Board of Education, shared a little personal history including: he grew up in Eastern Oregon with an educator who impressed upon him the importance of education early on; he has served as general council for Micron since 1991; and has been a Board Member for two terms.

As a Board Member there have been significant successes with the Standards and Assessments efforts, LEP programs and the institution of Charters schools in Idaho K-12. On the University side they have improved the processes and systems, established policies so that there are no overlapping missions or costs. During his time of service the Board had accomplished creation of new Medical buildings and a Community College. He strongly believes in what he is doing now and that they should advocate for the K-12 and higher education and would do everything to empower progress with an emphasis on graduation rates should he be re-elected to the Board.

Chairman Goedde indicated to the committee that since this may be the last committee meeting that they would also vote on Mr. Lewis' confirmation today and asked if there were any questions. **Senator Schroeder** asked if when **President Kustra**, BSU, spoke to the committee, he indicated that the

Universities were on their way to becoming self funded, was he speaking for himself or the Board?

Mr. Lewis responded that this topic was of great concern to all of them and that the Universities have a responsibility to look at any and all ways of reducing costs. **Senator Schroeder** said that he was being very careful today, thank you. **Senator Malepeai** asked if this was a re-appointment, was it his second or third term and how long is the term? **Mr. Lewis** replied it would be his third term and they are five years.

Chairman Goedde asked **Mr. Lewis** to please step out of the room while they continued with process.

**CONFIRMATION
VOTE:**

Senator Winder moved that they recommend the re-appointment of **Mr. Rod Lewis** to the State Board of Education. **Vice Chairman Mortimer** seconded the motion. **Senator Malepeai** indicated that he would be uncomfortable with the re-appointment because of the length of time **Mr. Lewis** had already served and thought that the idea was to encourage new ideas and personalities on the Boards especially in higher education. **Chairman Goedde** asked **Mr. Browning** if anyone had ever served more than 2 terms on the Board and he and **Tracie Bent** indicated that there had been 4-5 other previous members that had served more than two terms.

Chairman Goedde asked if there was any further discussion. **Senator Winder** shared that he has served on appointed boards for eleven years with original members still being present and that he appreciated having the Institutional Memory, experience and education level of involvement of those members. **Senator Schroeder** indicated that he liked **Senator Winder's** wisdom.

Chairman Goedde restated that there was a motion on the table and called for a voice vote. **Senator Malepeai** and **Senator Kelly** indicated the desire to be on record as having voted in opposition of the appointment.

MOTION:

Senator Winder moved to send the gubernatorial appointment of **Rod Lewis** to the Idaho State Board of Education with a recommendation that it be confirmed by the Senate. **Vice Chairman Mortimer** seconded the motion. The motion was carried by a **voice vote** with a do pass recommendation. **Senator Winder** will carry the appointment on the Floor.

Chairman Goedde turned the gavel to **Vice Chairman Mortimer** to present.

S1422:

As it relates to Education Amends existing law relating to education to provide that in certain fiscal years the board of trustees of any school district with a previously approved plant

facilities levy may submit to the qualified electors of the school district the question of converting a previously approved plant facilities levy to a supplemental levy, subject to certain conditions and requirements, and to provide for a question to be submitted.

Chairman Goedde stated that the committee had already reviewed this bill in several different forms and indicated where the changes would take place in the 1st, 2nd, 3rd and 4th sections as indicated. **Vice Chairman Mortimer** asked if the duration of the changes were for one year whereby **Chairman Goedde** responded yes. **Senator Kelly** asked if the percentage changes to section 3 were inserted last year. **Chairman Goedde** responded that there was more money available last year which was why it had been increased to 5%. **Senator Fulcher** asked if there was anyone signed up to testify in opposition and there was none.

MOTION:

Senator Fulcher moved to send **S1422** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded and the motion carried by unanimous **voice vote**.

Vice Chairman Mortimer returned the gavel to **Chairman Goedde** to finish the meeting.

HCR048 Referral:

Chairman Goedde said **HCR048** is a resolution relating to Private Driver's Training Rules that came from House State Affairs rejecting a rule that happened to be a rule that the Senate Education Committee had referred to Senate State Affairs who also rejected it. However, the resolution got sent to this committee. He asked unanimous consent that this be returned to the Secretary of the Senate for re-assignment to the proper committee which would be the Senate State Affairs. Hearing no objection, it was **So Ordered**.

H636:

As it relates to EDUCATION - INTERNET USE POLICY - Adds to existing law relating to education to provide that each local school district shall file an Internet use policy and to provide provisions of such policy, was introduced by **Representative Mack Shirley**. He indicated that in Idaho most computers are filtered, but only half of the districts have policies. This bill would codify policies in statute, and Idaho would look better nationally on the NCSL surveys.

Chairman Goedde asked if there were any questions. **Senator Kelly** asked why there was no reference to any other dangerous content other than 'obscene' material, i.e. drugs, weapons, etc. and if the districts do not comply within the five year window if they would lose general funding. **Representative Shirley**

responded that they were only wanting to comply with what was already in code and that the districts have access to sample policies through ISA. Any punishment would be at the discretion of the district.

MOTION:

Vice Chairman Mortimer moved to send **H636** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded and the motion carried by unanimous **voice vote**. **Vice Chairman Mortimer** will carry **H636** on the Senate Floor.

H662:

Aylee Schaeffer, State Board of Education, introduced **H662** as it refers to education - It amends existing law relating to education and the Idaho Bureau of Educational Services for the Deaf and the Blind to provide that the Bureau of Educational Services for the Deaf and the Blind shall be a governmental entity; to provide that the bureau, its employees and its board of directors are subject to certain provisions; to provide that the bureau shall be considered a state department for certain purposes; and to provide that the State Board of Education may request moneys from the Permanent Building Fund for the construction and maintenance of buildings on certain land used by the Idaho Bureau of Educational Services for the Deaf and the Blind. She indicated that this would clarify responsibilities of the Board Members and dedicate services that are addressed in a different manner at present, i.e., accrual of sick leave, group insurance plans for employees as well as the ability to participate in the permanent building fund. She ended by stating that they had sought stakeholder and employee input and have received positive support.

Senator Kelly requested clarification on several points and asked if they had been advised by the Deputy Attorney General as to the liability of the phrasing of "either/or" and flexibility. **Ms. Schaeffer** replied that they did not have access to the services of the Attorney General, that the bill would allow for a slower, smoother transition, and it had been reviewed and approved by the Boards' attorney. **Senator Schroeder** asked what would be the role of the State Board of Education with respect to the services to the Idaho deaf and blind and why is this legislation necessary? **Ms. Schaeffer** indicated that they would set policy related to education as they would for any school district. The legislation clarifies a few specific pieces of their operations. **Senator Schroeder** inquired what was being created with the legislative intent language on page 4? **Ms. Schaeffer** indicated that the language on top of page 4, lines 8-15 changes the intent from a reference to this language to a direct inclusion of this language. **Chairman Goedde** asked if there were any further questions from the committee and hearing none, he placed

H662 before the committee for a motion.

- MOTION:** **Vice Chairman Mortimer** moved that **H662** go to the floor with a **do pass** recommendation. **Senator Winder** seconded, and the motion carried by **voice vote**. **Chairman Goedde** indicated that he would carry **H662** on the floor.
- RECOGNITION:** **Chairman Goedde** shared that it may be the Pages last day so he thanked them for their service and efforts and recognized them by presenting them with a watch and letters of recommendation.
- APPROVAL OF MINUTES:** **Senator Winder** moved to approve the Committee minutes of March 1, 2010, the motion was seconded by **Vice Chairman Mortimer** and it was carried by voice vote to approve the minutes with no opposition.
- Senator Andreason** moved to approve the Committee minutes of March 11, 2010. The motion was seconded by **Senator Fulcher** and it was carried by voice vote to approve the minutes with no opposition.
- Vice Chairman Mortimer** moved to approve the Committee minutes of March 4, 2010. The motion was seconded by **Senator Winder** and it was carried by voice vote to approve the minutes with no opposition.
- ADJOURNMENT:** With no further business before the committee, **Chairman Goedde** adjourned the committee at 3:46 P.M.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 24, 2010

TIME: 2:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

MINUTES: **Chairman Goedde** called the meeting to order at 2:00 p.m.

H 640a Relating to Tribal Schools and Tribal Education Authorities. **Chairman Goedde** introduced **Mary Jane Oatman-Wak Wak**, of the State Department of Education. **Ms. Oatman-Wak Wak** said there is a new section to create statutory language regarding tribally-operated schools in the state of Idaho as well as tribal education. There are two tribally-operated schools in the State that are grant-funded from the Bureau of Indian Education. These changes will clarify the role of the tribes and their educational authority. **Chairman Goedde** asked if the tribal educational authority is an elected body like a school board.? **Ms. Oatman-Wak Wak** replied that different tribes have different manners of election. There are appointed members in some tribes.

Vice Chairman Mortimer asked if there is funding provided by the Federal Government for these tribal schools or does the funding come from the State? **Ms. Oatman-Wak Wak** replied there is no language in the bill that ties the funding of the schools to the State. They are grant-funded through the Bureau of Indian Education. The tribe receives a per person expenditure from the Federal Government for an education of Indian students in those schools. **Vice Chairman Mortimer** asked if the legislation allows the schools to have both full-time and part-time students? **Ms. Oatman-Wak Wak** replied this bill does not address enrollment status of the students. That will have to be explored with the Idaho Education Network.

Senator Schroeder asked where the tribal schools are located? **Ms. Oatman-Wak Wak** said there are two tribal schools, the Coeur d'Alene tribe operates a K-8 school on the reservation. Shoshone Junior High is 7th-8th grade students. **Senator Malepeai** asked if all the money that goes to the schools is through Bureau of Indian Education? **Ms. Oatman-**

Wak Wak responded the schools are funded through the Bureau of Indian Education, but they are also funded through the tribes. The Bureau of Indian Education funding covers about 62% of the administration funding. **Senator Malepeai** asked what is the relationship between the State Department of Education and these two tribal schools? There is an assumption they take the same standardized tests that the rest of Idaho students need to take. **Ms. Oatman-Wak Wak** replied the nature of Indian Education is very complex. The role at the State Department of Education is to open lines of communication with the creation of an independent coordinator. The State Board of Education entered into a Memorandum of Understanding (MOU) with the Bureau of Indian Education and their assessment division. The tribally-operated schools had several choices. The students at the tribal schools in Idaho take the ISAT. As for accountability, that is the responsibility of the Bureau; the MOU just clarifies they take the same ISAT at the same time and same grade levels. **Senator Malepeai** asked if the students from the tribal students are included in the overall statistical results? **Ms. Oatman-Wak Wak** responded they are not included for the overall State report card.

Senator Pearce asked what this bill will change for the schools? **Ms. Oatman-Wak Wak** responded this will not change her role at all; this position allows an open line of communication between the Bureau of Indian Education and the State Department of Education as well as local schools. **Chairman Goedde** asked if what we are doing is formalizing what is already being done informally? **Ms. Oatman-Wak Wak** replied yes, not only on the local level, but on the national level as well. Secretary Duncan has done an excellent job of involving everyone necessary. There will be a greater emphasis and role of tribal education authorities in the Indian education.

Vice Chairman Mortimer said the tribal schools have been in existence a long time. There is federal funding for the tribal schools, but the State has a constitutional obligation to provide funding for all residents of the state of Idaho. How is this conflict resolved? **Ms. Oatman-Wak Wak** said that is also one of the choices that the tribes have and many of the tribes choose to send their children to local public schools. **Mr. Hancock** added that children who are tribal members certainly still have the option of going to the regular public school. **Vice Chairman Mortimer** asked if this is the only place that we are talking about tribal schools in Idaho? **Jason Hancock**, Deputy Chief of Staff to the State Department of Education, said yes, this is the only place this definition could be found. **Vice Chairman Mortimer** stated that not in writing, but in intent, this legislation is creating a school that is entitled to public funding. **Mr. Hancock** said that is not how he reads it and is certainly not the intent.

In response to a question by **Senator Schroeder**, **Ms. Oatman-Wak Wak** stated that currently there are a few students who are non-tribal members are attending a tribal school.

MOTION

Senator Schroeder moved, seconded by **Vice Chairman Mortimer**, to send **HB 640a** to the senate floor with a do pass recommendation. The motion passed by **voice vote**. **Senator Schroeder** will carry **HB640a** on

the floor.

HB 637

Idaho Comprehensive Literacy Assessment

The Idaho Comprehensive Literacy Assessment has been given to each Idaho prospective kindergarten through grade eight teacher since 2002 and places responsibility for the development of the assessment with the State Board of Education. This legislation will redirect the responsibility of the assessment to the individual institutions and will provide for the requirement of accountability from those institutions. Additionally the assessment will be required for teacher preparation programs for kindergarten through grade twelve.

Mark Browning, with the Office of the State Board of Education (OSBE) explained to the committee that this is currently in practice. In response to questions directed by **Chairman Goedde**, **Senator Schroeder**, and **Vice Chairman Mortimer**, **Mr. Browning** said no assessment would be lost in moving this from where we are to higher education institutions. Much of the development of this legislation was done through the Standards Commission which is represented by the teachers. **Vice Chairman Mortimer** asked specifically if the tests will be standardized so each teacher will be measured and assessed equally, even though the tests will be offered by different universities? **Mr. Browning** said yes and it is the intent that a committee be formed of the Deans of the Colleges of Education to review the assessment each year so that it is standardized and meets the OSBE's criteria.

Senator Pearce asked why is this coming so late and how do we get the college Deans to work for nothing? **Mr. Browning** said the money is in the institution's budgets so the Deans are being paid to do this. This legislation's priority was ranked lower than other objectives for this session.

MOTION

Senator Pearce moved, seconded by **Senator Malepeai**, to send **HB 637** to the senate floor with a do pass recommendation. The motion passed by **voice vote**.

MOTION

Senator Pearce moved, seconded by **Senator Fulcher**, to send **HB 637** to the consent calendar. The motion passed by **voice vote**.

PRESENTATION

Possible Consolidation of Districts Services

Chairman Goedde welcomed **Tom Luna**, Superintendent of Public Instruction. **Mr. Luna** shared with the committee the Feasibility of School District Consolidation, the Discussion around consolidation across the state, his position on the issue, the history of Idaho's school districts, an overview of school districts today, incentives the legislature has put in place and their outcomes, the number of school districts in other states, the student to administrative staff ration in surrounding states, and administrative spending per pupil in surrounding states.

The idea of consolidation comes up frequently in **Mr. Luna's** travels to schools across the State. **Mr. Luna** made his stance in opposition to

forced consolidation clear. In 2009, the Office of Performance Evaluation (OPE) made the following recommendations: States and districts could benefit in consolidation in purchasing of supplies and materials, professional development, and people transportation. They could also look at the fact that the State provides more incentives for consolidating districts than for consolidating services. The legislature should consider a review of administrative salaries which may lead to a discussion of the feasibility of consolidating district administrations. Idaho has as many school districts as Nevada, Utah, and Wyoming combined. For every administrator, Idaho has 248 students which is more than other surrounding states such as Wyoming. Idaho's spending per pupil is on average.

Mr. Luna deferred to **Mr. Hancock**, who shared with the committee consolidation scenarios if school districts were consolidated by county. In going through the savings, if all public school districts except two charter school districts were consolidated at the county level, the state would save 169 funding support units which is a little over \$15 million in the current year. Mr. Hancock deciphered the nuances between several districts making them either ideal for consolidation or not.

In response to questions by **Senator Schroeder**, **Mr. Hancock** said the approach in putting the report together was to use the existing school district boundaries and then to reflect consolidation of school districts that were based in a particular county, even the joint-school districts that are a part of two different counties.

ADJOURN

The committee welcomed it's two Pages, **Corin Ravsten** and **Emily Jacks** up to the podium to congratulate and thank them for their services. The Pages shared how the experience was rewarding and educational for them.

Chairman Goedde adjourned the committee at 2:50 p.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 25, 2010

TIME: 9:30 a.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Pearce, Fulcher, Winder, Malepeai, and Kelly

MEMBERS ABSENT/ EXCUSED: None.

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

MINUTES: **Chairman Goedde** called the meeting to order at 9:30 a.m.

H688: **Definition of Agency to Include Universities and Colleges**

Mark Browning, Chief Communications & Legislative Affairs Officer to the Idaho State Board of Education (SBOE), presented the bill. Times of budget shortfalls necessitate the implementation of flexibility to ensure efficient and effective provisions of services. Currently, there is a duplicity of effort between the Division of Purchasing and university purchasing departments. The proposed legislation expands the definition of agency to include universities and colleges. Furthermore, the concept of open contract is defined and referenced in a proposed addition to Title 67 Chapter 57.

This new section directs universities and colleges to have sole discretion relating to purchasing, under the direction of the State Board of Education, on all items not relating to statewide contracts. In the event that the state enters into open contracts, all universities and colleges will defer to the Division of Purchasing, unless exemption is granted.

This proposed legislation promotes the proper role of government by delegating purchasing duties based on the standards proposed in this bill.

To ensure this proposed change is successful, a sunset clause has been included to provide the opportunity for review of the process after three years.

The University of Idaho is not included in this legislation because they already take part in this procedure.

In response to questions asked by **Senator Malelpei** and **Senator Pearce, Mr. Browning** did not have a dollar amount on the cost savings this legislation would incur but he agrees that it will make universities and colleges more efficient and all the universities are on board with the legislation.

Chairman Goedde indicated that the SBOE already has policies and procedures for purchases and this legislation gives institutions of higher education some leeway in establishing their own policies and procedures subject to the SBOE's oversight. **Mr. Browning** said that is correct.

Senator Kelly asked if those are not duties that the Board intends to delegate out? **Mr. Browning** said no, those duties will directly be carried out by the SBOE.

MOTION: **Senator Pearce** moved, seconded by **Senator Fulcher**, to send **HB 688** to the senate floor with a do pass recommendation. The motion carried by voice vote. **Senator Winder** will carry **HB 688** on the floor.

MOTION: **Senator Kelly** moved, seconded by **Senator Mortimer**, to approve the minutes of February 16th, 2010. The motion carried by **voice vote**.

ADJOURN: **Chairman Goedde** adjourned the committee at 9:38 a.m.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Allicia Keefe
Assistant Secretary

MINUTES

SENATE EDUCATION COMMITTEE

DATE: March 26, 2010

TIME: 3:00 p.m.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Schroeder, Andreason, Fulcher, Pearce, Winder, and Kelly

MEMBERS ABSENT/ EXCUSED: Senator Malepeai

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

MINUTES: **Chairman Goedde** called the meeting to order at 1:00 PM and asked the secretary to take a silent roll.

H 727 **Vice Chairman Mortimer** presented **H 727** describing it as a companion bill to the Appropriation Bill done for the Department of Administration which included a line item for the Idaho Education Network. This legislation changes how members of the Idaho Education Network Program and Resource Advisory Council (IPRAC) are chosen and also limits the membership to thirteen. The Superintendent of Public Education will serve as chairman and the Director of the Department of Administration will serve as vice chairman. Other members include the CEO of the Idaho Digital Learning Academy, four appointees from the Superintendent of Public Education, the Chairmen of the Senate and House Education Committees, and four members of JFAC. In addition, the IPRAC will now provide the direct administrative oversight for the Idaho Education Network.

Chairman Goedde asked if there were questions from the committee.

Senator Schroeder reviewed the criticism of how IEN is presently being administered and wondered if that criticism would be taken care of with this legislation. **Vice Chairman Mortimer** answered yes.

Senator Kelly and **Senator Winder** commented and questioned about IPRAC's organization situated within the Department of Administration, the appointees selection as well as the duties of the appointees. **Vice Chairman Mortimer** explained it will remain in the Department of Administration because of budgetary, purchasing and contract administration with appointees primarily at large, or from the private sector, hopefully without any financial interest. He clarified that the intent of the legislation is for administrative oversight, not just an advisory

council to be provided by IPRAC.

MOTION:

Senator Winder moved to send H 727 to the floor with a do pass recommendation. The motion was seconded by **Senator Pearce**. Discussion ensued with **Senator Kelly** making observation that the line between the executive branch and the legislative branch being blurred, suggesting that oversight responsibilities and administration be clearly defined and **Senator Pearce** questioning whether the diversity of the council will be to its strength or weakness. **Vice Chairman Mortimer** acknowledged and concurred with the legislative branch concern but that the board has only 6 of 13 being legislators, so does not have control of the council. He added the diversity of the council will make it stronger with all having a common interest in making sure IEN and the education process is successful.

Senator Kelly inquired further as to the fund created and who would be spending the appropriation and wondered about the legal standing of IEN. **Vice Chairman Mortimer** indicated the fund is a line item under the Department of Administration budget with a specific appropriation. **Chairman Goedde** stated he could not answer if IEN is a legal entity, but is in code as the IEN.

Chairman Goedde introduced **Mr. Hancock** and asked if he knew the legal standing of IEN. **Mr. Hancock** answered that state law creates the Idaho Education Network in the statute under IPRAC with IPRAC being under the Department of Administration.

Senator Kelly stated IEN is not a government agency that can just spend money clarifying her concern with this advisory council made up of public and private sector members assigned with very specific responsibilities to spend money expressing that this may be unprecedented and possibly unconstitutional to have a committee making those kind of decisions, stating this might be a question for the Attorney General's office. **Mr. Hancock** concurred with Senator Kelly's concern but clarified that this is not unprecedented to have legislators on a board that makes decisions. He then enumerated several examples of legislators on councils and commissions with administrative authority.

Senator Schroeder asked about the status of the litigation with **Vice Chairman Mortimer** explaining he did not have the exact status. **Jason Kreizenback** indicated no knowledge of the outcome of a prior meeting held specifically related to the litigation.

Chairman Goedde called for a roll call vote. **Senator Schroeder** - Aye, **Vice Chairman Mortimer** - Aye, **Senator Andreason** - Aye, **Senator Pearce** - Aye, **Senator Winder** - Aye, **Senator Kelly** - Nay, and **Chairman Goedde** - Aye. The motion passed.

H 682

Chairman Goedde introduced the State Treasurer, Ron Crane, to explain H 682 dealing with School Bond Guaranty Act and welcomed him to the committee.

Treasurer Crane explained that this legislation clarifies how the State Treasurer would obtain funds from the School Bond Guaranty Act to prevent the default of a guaranteed school bond and how any payments made by the Treasurer would be repaid to the state by the school district. It also provides several options to the Treasurer for making a scheduled bond debt service payment should a district default. The legislation removes the requirement that sales tax monies be placed in a school bond guarantee fund and allows the Treasurer to request a transfer of sales tax monies for only the debt service payment or to repay money borrowed from another source. It allows the Treasurer to establish notification procedures in the unlikely event of a funding deficiency.

Chairman Goedde asked if there were any questions from the committee.

Senator Schroeder questioned if there were any districts in danger of default. **Treasurer Crane** indicated currently there were none, however, this legislation requires the treasurer to report to the governor and legislature those districts that will use the fund and for the district to immediately notify the parties involved.

Mr. Larry Johnson, manager of the Endowment Fund Investments Board, spoke in support of the legislation.

MOTION:

Senator Winder moved to send **H 682** to the floor with a do pass recommendation. The motion was seconded by **Vice Chairman Mortimer**. The motion passed.

H 699

Chairman Goedde welcomed **Representative Phil Hart** to present **H 699** concerning an Internet Based Website with expenditures and revenue providing transparency to the public for school districts.

Representative Phil Hart explained the purpose of this legislation is to provide public transparency for the spending of Idaho's public school districts and other education providers. By the end of 2010, the legislation requires that each school district with over 300 students to post on the internet all of their expenditures in either a non-searchable PDF format, a searchable PDF format, a spreadsheet or in a database format. The internet based website will contain only information that is a public record. It will not include information that is confidential or otherwise exempt from public disclosure pursuant to state or federal law. Currently across the country there are at least 500 school districts nationwide who have already posted their checkbooks online in a PDF format. He stated 85 school districts currently have websites and some have already created pages similar to what the legislation would require, with only taking ½ hour to 1 hour to maintain. Boise School District has seen cost savings because reports are posted on line verses hand delivering packets.

Chairman Goedde asked for questions from the committee.

Questions were posed by **Senator Schroeder** concerning the timing of

the introduction of the bill as well as whether the State Department of Education posts this type of information on its website and further questioned the exemption of school districts with less than 300 students. **Representative Hart and Mr. Hancock** explained that another piece of similar legislation was previously introduced earlier that included unfavorable restrictions and further clarified that the State Board posts financial information in summary form on its website. The exemptions for smaller school districts was because smaller districts generally do not have websites, although 85 of the 115 school districts already have websites.

Chairman Goedde posed questions concerning unique identifiers mentioned in the legislation. Those questions being answered by **Representative Hart**.

Vice Chairman Mortimer questioned whether the intent of the legislation was to list line items, such as check amounts and descriptions for every check as well as the method needed to post those reports to the website. **Representative Hart** indicated the intent was to list line items indicating some of the checks would be self explanatory further answering that the form is usually electronic, but if not check registers could be scanned and inserted.

Mr. Wayne Hoffman, executive director of the Idaho Freedom Foundation, then addressed the committee stating the purpose of the committee is to provide information to help committees make decisions with a focus on government transparency. He summarized the number of states with similar legislation. The foundation answers questions from voters prior to school bond elections about expenditures incurred by the districts and that the work involved to export the data is minimal.

Further discussion ensued concerning technology available for and the ease of creating PDF documents to be posted to a website. Discussion also included questions from **Senator Schroeder** concerning the size of district to be exempt which resulted in **Mr. Hoffman** stating an ideal goal of having all districts required to comply with this type of reporting, but at the current time they decided to focus on those larger districts currently operating websites. **Mr. Hoffman** reiterated the importance of transparency.

Chairman Goedde and Senator Pearce questioned **Karen Echeverria** about how many districts currently digitize financial information, then transmitting to board members electronically and how this might be incorporated, anticipating complaints. **Ms. Echeverria** indicated some school districts already have this information ready to post to the websites, while others may encounter more difficulties outlining different reports that may have to be generated to create the reports required. **Ms. Echeverria** further stated school districts are not opposed to transparency.

Mr. Wayne Davis, of IASA, indicated many of the rural districts do not

have the flexibility to do this.

Representative Hart clarified the difference between this legislation and the first piece of legislation is that search ability is an option when creating a PDF document. Even a hand written document can be scanned in. The purpose of this legislation is to make already public information more accessible to the public.

MOTION:

Chairman Goedde presented H 699 to the committee. **Senator Pearce** moved to send **H 699** to the floor with a do pass recommendation. The motion was seconded by **Senator Andreason**. Discussion was called for with a substitute motion called for by **Senator Schroeder** to send H 699 to the 14th order for amending with a second by **Vice Chairman Mortimer**. Senator Schroeder questioned how transparency is good for some of the school districts, those over 300 in population and not good for those under that number. **Vice Chairman Mortimer** believes there is a cost aspect associated. He believes in transparency, but does not believe that this is the year that this should be done, and when the legislation goes forward it should be for all districts.

Chairman Goedde asked for further discussion and when none was presented, asked for a vote on the substitute motion to send H699 to the floor in the amending order. The substitute motion carried.

ADJOURN:

With there being no further business of the committee, **Chairman Goedde** adjourned.

Senator John Goedde
Chairman

Dorena Schrader
Secretary

Marian Smith
Secretary