

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW39
Tuesday, January 11, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Rules Review:	
08.0111.1001	Registration of Post-secondary Educational Institutions and Proprietary Schools	Traci Bent
08.0202.1002	Rules Governing Uniformity	Traci Bent
08.0202.1003	Rules Governing Uniformity	Luci Willits

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman John Goedde
Vice Chair Dean Mortimer
Sen John Andreason
Sen Monty Pearce
Sen Russell Fulcher
Sen Chuck Winder
Sen Mitch Toryanski
Sen Edgar Malepeai
Sen Nicole LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, January 11, 2011
TIME: 3:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Winder, Toryanski, Malepeai, and LeFavour
ABSENT/ EXCUSED: Senator Pearce
GUESTS: *See attached.*
MINUTES: **Chairman Goedde** called the meeting to order at 3:05 PM. He welcomed the committee, introduced new members, and asked the secretary to take a silent roll. **Chairman Goedde** passed the gavel to **Vice Chairman Mortimer**, who proceeded with rules review.

DOCKET 08-0111-1001 **DOCKET 08-0111-1001** Relating to the registration of proprietary and post-secondary schools. **Vice Chairman Mortimer** called **Traci Bent** with the State Board of Education to present the rule for review. **Ms. Bent** explained that 08-0111-1001.100, which pertains to the recognition of accreditation organizations, would be changed so that the State would recognize organizations in good standing with the United State Department of Education rather than listing organizations individually. Subsection 200 contains changes to accreditation report requirements. The State Board of Education will now recognize accreditation letters showing the period of approval rather than the report, in an effort to reduce paperwork. This section also removes strategic plan requirements. Subsection 300 will require schools to accurately represent their purpose, courses and other relevant information on pamphlets and advertisements in an effort to assist students in making informed decisions. The final changes to **Docket 08-0111-1001** are to subsection 302.04.a and 302.04.b; in both cases “Division of Professional Technical Education” has been replaced with “State Board of Education” in the interest of continuity.

Responding to questioning by **Vice Chairman Mortimer**, **Ms. Bent** clarified that board offices need to be notified if institutions wish to offer more courses than what they are approved for, and the courses have to be accredited to be accepted.

Chairman Goedde expressed concern that institutions can still advertise accreditation from an unrecognized body, and inquired if the State Board of Education had taken this into consideration when promulgating the rules. **Ms. Bent** informed the committee that the State Board of Education recognizes it cannot be everywhere at all times, but it feels if it can provide information on its website as to which bodies are recognized, they are doing their due-diligence. She also noted that the State Board of Education can only prosecute institutions when it is found out that they are not meeting the accreditation standards.

Senator LeFavour inquired what other resources are being used to get a sense of purpose of the institution since the strategic plan is no longer being required. **Ms. Bent** explained that because strategic plans can be subjective, institutions can plan to do things they don't follow up on. In the place of strategic plans, the State Board of Education is requiring a list of officers and people running the company, enrollment data, and annual audit data—essentially, any information that registration

coordinators can better use to determine the purpose of the institution.

Senator Fulcher moved to approve **Docket 08-0111-1001**. The motion was seconded by **Senator Malepeai**; the motion passed with unanimous consent.

**DOCKET
08-0202-1002**

Ms. Bent presented **Docket 08-0202-1002**, pertaining to the Idaho Comprehensive Literary Course. Legislation regarding this course passed in 2010, and the changes brought before the committee are to bring the rule into compliance with code. For the sake of continuity, technology standards were stricken on page 19, and moved to page 20, subsection 017. Additional stand-alone courses will also be offered for teachers coming from out-of-state to allow them to meet this requirement (exact language has been moved from subsection 008 to 015.b). At the questioning of **Senator Andreason**, **Ms. Bent** clarified that there is no change to the language, but that it has just been moved so all the necessary information is in one spot.

Vice Chairman Mortimer inquired if Idaho is requiring more than other states in terms of our teachers educated in-state versus those moving from out-of-state. **Ms. Bent** deferred to **Allison McClintock**, who stated Idaho's requirements are fairly similar to those of other states. The assessments are to ensure teachers moving to Idaho are fairly assessed and fully qualified. Responding to more questioning by **Vice Chairman Mortimer**, **Ms. McClintock** stated the State feels universities are doing a very adequate job of teaching literacy competency, but that this is a follow-up as far as how well these competencies have been covered by the universities. This requirement is not unfairly burdening in-state teachers with extra course work or costs associated with meeting literacy requirements as these are already built into the education programs. Rather, it is ensuring teachers from out-of-state adequately meet the standards set by the State. There is also a specific time period in which teachers from out-of-state have to meet the requirements.

Senator Malepeai asked about the initial reason for the assessment of technology skills in teachers in Idaho. **Ms. McClintock** indicated it was to ensure older teachers had the appropriate training.

Responding to questioning by **Senator Fulcher**, **Ms. McClintock** indicated these assessments are not adding anything new to what teachers in Idaho do already, but it is worth considering how many more hurdles are being put out in the form of endorsements.

Senator Malepeai moved to approve **Docket 08-0202-1002**. The motion was seconded by **Senator Andreason**; the motion passed with unanimous consent.

**DOCKET
08-0202-1003**

Luci Willits presented **Docket 08-0202-1003** on behalf of the State Department of Education. She reminded the committee that the authority to promulgate rules lies with the State Board of Education, so there is a second layer of vetting that lies with the presentation of rules on behalf of the State Department of Education.

Changes in **Docket 08-0202-1003** pertain to standards for teachers. Subsection 004.01 relates to standards for math, science, social studies, school social work, and arts—all of which are incorporated by reference. Subsection 004.03 relates to proposed operating procedures for the Idaho Public Driver Education Programs manual, clarifying procedures and identifying the responsibilities of school districts that contract with private companies.

Changes in subsection 018.04 will ensure teachers entering the workforce will have a content-area attached to their certification, making them more marketable.

Subsection 002.03 contains an endorsements review by the Professional Standard's Commission, specifically direct at art and drama endorsements. K-12 endorsements were added to subsection 023.10, which will allow more teachers the ability to teach throughout the system.

Subsections 024.04 and 024.05 clarify what is required of music and natural science teachers; tweaks to subsection 027.02 further clarifies that internships are required as part of the school psychologist endorsement. **Vice Chairman Mortimer** asked if this was an actual change to the requirement, and how the State's requirements match up to those in other states and the Bureau of Occupational Licensing. **Nick Smith** with the State Department of Education informed the committee that the internship requirement has always been there; these changes were just to clarify it. Additionally, although the State requires 1200 hours of course work, most individuals have much more than this upon graduation.

The State currently requires students to have certificates to help teachers prepare for early childhood/childhood education; however because this is a difficult certificate to obtain the State is offering an endorsement through changes to subsection 028.023.

Subsection 033 sees standards brought forth last year for online teachers; changes here will offer optional endorsements for online teachers. At questioning from **Chairman Goedde, Mr. Smith** indicated the Idaho Digital Learning Academy (IDLA) was heavily involved with the original standards, and most would most likely be requiring this endorsement from this point forward. **Mr. Smith** also informed the committee that although the endorsements do not assist on the pay scale, they do improve marketability for teachers. **Senator LeFavour** asked how subjective standards would be assessed. **Mr. Smith** replied that the State Department of Education would be looking at syllabi, courses studied, and similar markers to see that institutions are meeting the requirements set forth.

Ms. Willits informed the committee that subsection 022.20 was changed to incorporate by reference the new manual regarding public versus private driver's education standards. There are three ways driver's education can be taught in the State of Idaho: privately, in public schools, and in public schools contracted to private companies. These changes will ensure that public schools who contract to private companies are receiving driver's education at the same standards as a traditional publically-taught class. At the questioning of **Chairman Goedde, Ms. Willits** indicated there was the opportunity for public comment on this change, and all parties seem amicable and understanding of the change.

Many committee members expressed concern over incorporation by reference of the new driver's education manual. **Dennis Stevenson**, Administrative Rules Coordinator, indicated the committee does have the right to review the manual and reject incorporation by reference of certain parts if it feels necessary. With this explanation, **Vice Chairman Mortimer** suggested the committee hold the rule until its meeting on January 13, 2011 which would allow committee members the opportunity to review the manual in full.

ADJOURN

Vice Chairman Mortimer returned the chair to **Chairman Goedde**, who adjourned the meeting at 4:10 PM

Senator Goedde
Chair

Sara Pealy
Secretary

JOINT
SENATE EDUCATION COMMITTEE
AND
HOUSE EDUCATION COMMITTEE
8:30 A.M.
Wednesday, January 12, 2011

Senate Auditorium

SUBJECT	DESCRIPTION	PRESENTER
	Presentation by State Superintendent of Education Tom Luna: The Pillars of Student-Centered Education	State Superintendent Tom Luna

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce

COMMITTEE SECRETARY

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Sen Fulcher
Sen Winder
Sen Toryanski
Sen McWilliam(Malepeai)
Sen LeFavour

MINUTES
JOINT MEETING
SENATE EDUCATION COMMITTEE
HOUSE EDUCATION COMMITTEE

DATE: Wednesday, January 12, 2011

TIME: 8:30 A.M.

PLACE: WW02

SENATE MEMBERS: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour

HOUSE MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block, Nielsen, Chadderdon(Chadderdon), Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, and Cronin

**ABSENT/
EXCUSED:**

GUESTS: 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 8:30 AM and requested the secretary take a silent roll.

Chairman Goedde introduced **State Superintendent Tom Luna** for a presentation to the joint committees entitled "The Three Pillars of Customer-Driven Education." **Superintendent Luna** reiterated Governor Otter's remarks from the State-of-the-State address that now is the time to make comprehensive changes to the education system. In his presentation, he noted that student achievement in Idaho is on the rise; in 2007, 26% of Idaho schools made AYP (Adequate Yearly Progress) whereas in 2010, 62% of Idaho schools made AYP. The State was even highlighted in case study by the National Center on Innovation & Improvement, entitled *Transforming a Statewide System of Support: the Idaho Story*.

Superintendent Luna indicated such success is due to talented teachers, dedicated parents and hard-working students, as well as strategic investments in classrooms. There has been a \$40 million investment into the Idaho Reading Initiative over the last 10 years, which has resulted in 77% of 3rd graders being able to read at grade level in 2010. Three years ago, only 66% of 3rd graders were reading at grade level. The Idaho Math Initiative has seen similar results, and currently only 8 states in the U.S. are outperforming Idaho students in math. The State also invested \$20 million over the past four years on ISAT remediation, resulting in more students than ever reaching grade level or above on the state-wide assessment.

Superintendent Luna also broke down the financial responsibilities for the committee over the last two years, and informed the legislators that the State has cut or shifted \$200 million from the K-12 public schools budget over the past two years because of budget restraints. The result has been an increased demand on the school system, and it will take 10 years to get back to funding levels of FY2009 for K-12 education, essentially leaving the State with three options in regards to education: 1) Continue to cut funding in the current system; 2) Raise taxes on Idahoans to fund the current system; or 3) Change the system to educate more students at a higher level with limited resources. The third option is the recommendation of Governor Otter and Superintendent Luna, and can be broken into three pillars.

The first pillar is to provide a 21st Century Classroom for students; specifically, advances in technology that will allow students from rural parts of the State to take classes which may not otherwise be offered in their district through online learning. These online classes will ensure all students have access to highly effective teachers, necessary technology to assist their learning, and high academic standards, comparable with that in other parts of the world. College- and Career-Ready Standards for math, science and English will be implemented for students at all levels; advances in classroom technology, and expanded virtual learning will also be required of schools. Starting in the fall of 2012, all 9th graders will be required to take two online courses per year; by 2016, all high school students will take two online courses per year. Additionally, all 9th graders will receive a laptop—hardcover textbooks are becoming a thing of the past, and the laptops will allow students to utilize eBooks.

The second pillar is to ensure students have highly effective teachers and administrators in the physical building every year they are in school. Studies have shown that students with an average principal and average teacher who enter at the 50th percentile in their grade tend to leave at the 50th percentile. Students with ineffective teachers and principals who enter at the 50th percentile leave at the 3rd percentile, and students with highly effective teachers and principals who enter at the 50th percentile leave at the 96th percentile. To ensure that students have highly effective teachers and administrators the State Department of Education proposes restoring the Instructional Salary Grid to full funding, which would raise the annual minimum teacher salary to \$30,000, and implementing pay-for-performance plans for teachers and administrators.

The State will highlight focused and meaningful professional development and continuing education, give building principals the authority to select staff at the school level, allow local school boards additional flexibility in hiring district superintendents, and provide liability insurance options to teachers. New teachers will no longer be provided with tenure, as studies indicate this does not have a noticeable effect on the quality of teaching; rather, incoming teachers will be placed on a rolling contract after a probationary period. Seniority as a criteria for Reduction in Force (RIF) will be eliminated, and teacher and administrator performance evaluations will be tied, in part, to student growth.

The third pillar is transparent accountability, providing monitoring capabilities for parents, taxpayers, and policy makers. Parent input must now be considered in all teacher evaluations; school districts must post a Fiscal Report Card for every district, and district salary negotiations must be held in open public meetings. Masters agreements will also be made available for review online, and students will be allowed to take online courses with or without the permission of the school or district. Collective bargaining will not extend beyond the end of the State Fiscal Year, and it will be limited to salaries and benefits.

The State will also work with districts to ensure they are taking advantage of the Statewide Purchasing Contracts when available, and funding will now be required to follow students. The latter means that rather than two separate schools receiving funding for a student, fractional Average Daily Attendance (ADA) will be applied. Additionally, schools will no longer receive 99% protection. The State will also examine school district consolidation concerns—**Superintendent Luna** indicated the State can save as much as \$15 million statewide if county-wide district consolidation is adopted.

Superintendent Luna acknowledged that while there are tough decisions to be had

in this proposal, they can be made now for the betterment of students statewide. Included in these decisions is increasing the student-teacher ratio in grades 4-12 from approximately 18:1 to 19.5:1 over 5 years, from which the State will recognize a saving of \$62.8 million. These savings will allow for laptops and technological support for students, an increase in teacher training, and provide necessary funds for school maintenance and pay-for-performance measures. **Superintendent Luna** stated that while this may be difficult in the short-term, in the long term this is the only comprehensive plan that preserves—even increases—the quality of student education while maintaining a strict budget. He indicated that the State Department of Education would have bills in front of JFAC on the 18th, and the germane committees could expect to see them the first of next week, if not by the end of this week.

Senator Fulcher applauded the paradigm shift that is being proposed by the State Department of Education, then inquired if the Longitudinal Data System (LDS) is something that the State of Idaho is capable of doing. **Superintendent Luna** stated that Idaho is the last state in the nation to implement the LDS. Prior to accepting federal money, Governor Otter required that all districts were willing and able to comply with federal provisions. Districts are, and most have begun uploading data with no errors; all have uploaded with fewer than 10 errors. The Superintendent indicated that the LDS, which provides information to hold everyone accountable, is working, and working well.

Responding to questioning by **Senator Pearce**, **Superintendent Luna** informed the committee that professional development will be monitored to ensure that it is relevant and rigorous to current needs of teachers and classrooms. The LDS will provide more information to indicate what and where those needs are, which in turn will provide for a more focused distribution of money. Additionally, there is no real correlation between student/teacher ratios nation-wide; some schools have a higher student/teacher ratio and perform well, some have a low student/teacher ratio and perform well. Also, nothing which is being pursued is in violation of federal regulations; in many ways it is even within the vision of the current administration.

Representative Thayne inquired about measures of academic growth. **Superintendent Luna** stated that there are a number of measures at both the State and local levels, and, through the LDS, the State now has the ability to track student growth from year to year. He noted that Idaho is a lead state in developing next-generation assessments, from end of course assessments to formative assessments.

Representative Nielsen pointed out that the proposed plan of action by the State Department of Education appears to be enabling a lower level of government, and inquired if this was intentional. The Superintendent stated that both he and Governor Otter were very pointed in their development of this plan in response to voters.

Senator LeFavour asked for clarification on the student/teacher ratio, and how many teachers would be eliminated through the requirement of online classes for students. **Superintendent Luna** stated the student/teacher ratio would be increased from 18.2:1 to 19.5:1, and that there will be very few teachers eliminated through the requirement of online classes for students. Currently Idaho loses most of its teachers through attrition, and the reduction in force will be absorbed through that attrition—new teachers will not be hired to fill the positions of outgoing teachers. **Senator LeFavour** followed by asking what would protect teachers in small communities from negative backlash, to which **Superintendent Luna** replied teachers would retain all protection already afforded them. The difference is that the SDE is working to restore authority already granted by the State, but which has been

chipped away.

Representative Shirley asked the Superintendent how much the success or failure of the proposal depended on the involvement of the state-wide purchasing contract. **Superintendent Luna** informed Representative Shirley that there is no money saved at the state level if districts use the state-wide purchasing contract versus local vendors. However, the state-wide purchasing contract can be used as a negotiation tool with local vendors, so from that standpoint it is helpful. In response to questioning by **Representative Block**, **Superintendent Luna** noted that parental involvement is critical to the success of the program, and that choice in education engages parents further in their child's education.

Representative Cronin inquired about the involvement of higher-education teaching institutions within the State, and what kind of involvement they have had in the development of this program. He also expressed concern over the view that technology will get children to the necessary place professionally-speaking. **Superintendent Luna** stated that higher education institutions understand the value of technology in the classroom as many of these institutions offer online courses, and are excited that high school students are entering their institutions prepared to take these courses. As to Representative Cronin's concern, **Superintendent Luna** noted that the SDE is not coming close to meeting the demands of educators in terms of technology, so while there is emphasis on technology, there will be no replacing hands-on teaching.

Responding to questioning by **Representative Bateman**, **Superintendent Luna** noted that the state anticipates no problems recruiting quality teachers if these standards are implemented.

Representative Trail inquired about the input of private-sector stakeholders, and what kind of input there has been from teacher's organizations. **Superintendent Luna** stated there has been a very formal process for receiving input by the private sector, the general consensus by involved parties—including teachers organizations—is that there needs to be more done with education, not just more money applied towards programs.

Responding to questioning by **Senator Malepeai**, **Superintendent Luna** informed the committee there has been a position for "Parental Coordinator" created within the SDE to ensure that parents looking for access to information can find it; however, there is not a great explanation as to why so few parents are involved in the education of their children.

Representative DeMordaunt asked about the student/teacher ratio for online classrooms, and what portion of pay-for-performance is linked to student achievement? He also asked what cost-savings are envisioned through eBooks versus standard textbooks. **Superintendent Luna** stated that the student/teacher ratio for online classes is approximately 75:1; the student achievement ratio within pay-for-performance is tied approximately 75% to growth; and the State has not yet computed the amount of money saved when laptops are purchased versus standard textbooks—most of those savings will be recognized at the local level.

Senator Winder inquired how the state can have a two-year rolling contract, annually negotiated with fall adjustments for teachers, to which **Superintendent Luna** replied that it will be similar to what is worked with currently. Contracts signed by teachers are not part of master agreement; if districts have to make changes in the fall, there will be some severance money provided by the state for the teachers who are cut. Currently districts are funded even if students do not attend classes

there—under the new program this allows flexibility for districts to meet the needs of students (a savings of approximately \$6 million will be recognized, which will be used to purchase technology).

Representative Hartgen inquired if changing the “99%” rule would have a negative effect on small districts. **Superintendent Luna** noted that this is not limited to just small districts, and provided charter schools as an example. They do not have 99% protection, so the State can learn from charter schools regarding how they manage the change in funding. He acknowledged that cutting the funding is disruptive, but reiterated that the \$6 million saved can go a long way to assisting in technology purchases.

Responding to questioning from **Representative Pence** about the flexibility of funding when schools gain students, **Superintendent Luna** noted that under the current system schools get ADA for additional students. However, with the LDS, districts will be able to more accurately track student attendance in fractional components (daily, weekly, monthly, semesters), and adjust accordingly.

Representative Chew asked for clarification as to how teachers will be able to control what they make. **Superintendent Luna** stated that every year the state loses good teacher because of a lack of funding. Pay-for-performance particularly would afford teachers who excel in specific areas or teach in hard to fill areas the incentive to stay in their positions. He also noted that there is no shortage of teachers applying for positions in Idaho.

Senator Andreason commented that there are two different kinds of districts in the State. Students in rural districts see very little change in the makeup of their classrooms from Kindergarten through 12th grade whereas students in more urban environments may have many languages spoken in their classroom. He inquired how the State proposes to ensure the plan will work in the two different classroom situations. **Superintendent Luna** noted that every school has unique circumstances, and the State wants to ensure all students have the same high-quality education. He also pointed out that the most important factor in a student’s academic success is the teacher’s ability and success in the classroom. To help students who need it the most, the State needs to provide exceptional teachers and administrators.

Chairman Goedde noted that this is one of the most comprehensive educational reform plans he has seen across the nation, and it is critical the House and Senate get started reviewing Legislation. **Chairman Nonini** also indicated he wished for the Superintendent to make himself available for questions. The Superintendent agreed.

Chairman Goedde adjourned the meeting at 10:45 AM

Senator Goedde
Co-Chair

Sara Pealy
Secretary

Representative Bob Nonini
Co-Chair

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, January 13, 2011**

Rules Review Continued

SUBJECT	DESCRIPTION	PRESENTER
08.0202.1003	Rules Governing Uniformity — Drivers Education	Luci Willits
08.0202.1004	Rules Governing Uniformity	Luci Willits
08.0203.1001	Rules Governing Thoroughness	Luci Willits
08.0203.1002	Rules Governing Thoroughness	Traci Bent
08.0203.1003	Rules Governing Thoroughness	Luci Willits
08.0203.1004	Rules Governing Thoroughness	Luci Willits
30.0101.1101	Rules of the Idaho Commission for Libraries Governing the Use of Commission Services	Luci Willits

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher
Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, January 13, 2011

TIME: 3:00 P.M.

PLACE: WW55

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

**ABSENT/
EXCUSED:**

GUESTS: 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: **Vice Chairman Mortimer** called the meeting to order at 3:05; he announced the agenda would be re-ordered from the chair. **Ann Joslin**, State Librarian, would be presenting first. Docket 08-0202-1003, which was deferred on January 11, 2011, would be heard second; the rest would follow.

DOCKET 30-0101-1101 **Ann Joslin**, State Librarian, stood before the committee to present **Docket 30-0101-1101**. She asked the committee to extend the temporary rule for the provision of the Talking Book Service. The Talking Book Service advisory committee recommends loosening guidelines for loaning of electronic books as more have become available. The Office of the Attorney General recommended removing any numerical parameters limiting the loaning of such materials.

Senator Winder moved to approve **Docket 30-0101-1101**. The motion was seconded by **Senator Andreason**; the motion passed with unanimous consent.

DOCKET 08-0202-1003 **Luci Willits** returned to the committee to present **Docket 08-0202-1003**. **Vice Chairman Mortimer** reminded the committee that this rule was held to allow committee members to review the driver's education manual.

Senator Winder noted that within the rule itself a specific publication date of the manual should be indicated. **Ms. Willits** stated that this could be done online, but that there is an incorporation date next to the original rule.

Dennis Stevenson told the committee that Subsection 004.03, "Operating Procedures for Idaho Public Driver Education Programs as approved on November 17, 2010," is indicative of the incorporation date. **Vice Chairman Mortimer** inquired if the manual could be changed without bringing the rule back to the committee; **Mr. Stevenson** said it could not be.

Vice Chairman Mortimer asked **Ms. Willits** to address the issue of home-schooled students in the program, and discuss this in terms of exclusions of such students. Home-schooled students are eligible for any public-school program, and **Nick Smith** indicated that the State Department of Education has modified the form. It has taken out the piece requiring home-schooled students to check the box indicating they are home-schooled.

Vice Chairman Mortimer asked if the State would require double-licensing in the event that a person wanted to do both public and private teaching. **Ms. Willits** informed the committee that there are two separate sets of requirements for public versus private instructors, as long as private contractors are licensed through the Bureau of Occupational Licensing.

Ms. Willits stated that public driver's education teachers are required to have teaching credentials; however, private instructors are not required to have such credentials. **Mr. Smith** informed the committee that the credential is essentially a teaching certificate, and that anyone who would like to teach driver's education within the public system is required to be a teacher or former teacher. However, if a school contracts with a private contractor the instructor is not required to have such a certificate. **Senator Malepeai** inquired if the State Department of Education anticipated a spillover in other areas—someone being contracted into a math teaching position, for example. **Ms. Willits** told the committee that when this bill came up two years ago, the Superintendent did not feel it was necessary to have two separate standards. She indicated that there was not a belief this would be an issue because certifications are required to teach courses such as math in the State, both by the State and by the Federal government.

Senator Winder expressed his appreciation to the department for their response and help with understanding of the rule. He moved to approve **Docket 08-0202-1003**. The motion was seconded by **Senator Toryanski**; the motion passed with unanimous consent.

**DOCKET
08-0202-1004**

Ms. Willits returned to present **Docket 08-0202-1004**. She indicated this rule was intended to deal with a 20% cut in funding of the Math Initiative. The changes in **Docket 08-0202-1004** are an effort to spend money more efficiently—if the Mathematical Thinking for Instructors course is taken, credit will be given. The State Department of Education wants to make sure the maximum amount of teachers take the course every year, and the proposal will allow the state to save approximately \$700,000 annually while still affording teachers the opportunity to take these courses.

Senator Toryanski inquired if there are any accredited institutions that will offer credits for this course; and would a teacher receive credit if they choose to pay for it themselves. **Ms. Willits** indicated that there are such institutions, and they would receive credit.

Senator Toryanski moved to approve **Docket 08-0202-1004**. **Senator Andreason** seconded the motion; the motion passed with unanimous consent.

**DOCKET
08-0203-1001**

Ms. Willits reminded the committee that the SDE does not have rule-making authority, and because of this, temporary rules seen last session are being reviewed again. She informed the committee that there are Annual Measurable Achievement Objectives (AMAO's), and the committee approved these standards as temporary rules last year.

Ms. Willits explained that Idaho is adopting the "34" group number for LEP students. Also, if districts take federal funding as a consortium, each district is not required to use "34" in their AYP. Concerning graduation rate, schools are required to have 90% of their students graduate to meet AYP. What the federal government determined, and the state agreed, is that the schools must increase their graduation rate by 2% each year if they don't meet the 90% AYP.

All testing programs have been shifted to the State Department of Education, which is proceeding with language cleanup within the rule changes. The rule also defines what a "new" school is for the purpose of AYP, as some schools that have seen significant student population increases are now considered new schools.

Senator Andreason moved to approve **Docket 08-0203-1001**. The motion was

seconded by **Senator Malepaei**; the motion passed with unanimous consent.

**DOCKET
08-0203-1002**

Traci Bent with the State Board of Education approached the committee to explain **Docket 08-0203-1002**. She informed the committee that schools with students who do not pass the Idaho Standards Achievement Test are required to have alternate graduation plans. The change in the rule will require districts to inform students sooner that there is an alternate graduation plan, rather than waiting for an extended period of time.

Vice Chairman Mortimer asked for an example. **Ms. Bent** stated that students would be provided the opportunity to retake the test until they graduate. If they still don't pass the test, the districts have alternate plans for students who do know the standards but have a difficult time testing. She provided the Plato Learning system as an example of the alternative plan.

Senator Malepaei inquired if the alternative route would have to be approved by the board. **Ms. Bent** indicated it does not have to be approved by the State Board of Education; however it is required to be submitted, and the State Board of Education will express concerns if it has them.

Senator Pearce moved to approve **Docket 08-0203-1002**. The motion was seconded by **Senator Winder**; the motion passed with unanimous consent.

**DOCKET
08-0203-1003**

Vice Chairman Mortimer again reordered the agenda; he informed the committee that it would hold **Docket 08-0203-1003**.

**DOCKET
08-0203-1004**

Ms. Willits informed the committee that this section of rule deals with the science portion of the Idaho Standards Achievement Test as a graduation requirement. The science portion of the Idaho Standards Achievement Test is only given three times—the 5th grade, the 7th grade, and the 10th grade—as opposed to the other portions of the Idaho Standards Achievement Test. Reading, math and language usage will still be required for graduation; science will still be required to be taken, but not passed to graduate. Instead the State will offer end-of-course assessment to better measure science achievement.

The State will now require that no more than 60 days pass between the time of parental request to initial assessment for students potentially eligible for Special Education Programs. Relating to assessment results sent to parents, the State Department of Education will require results be sent to parents within three weeks of the test being administered.

Last year the Legislature approved the Mastery Advancement Pilot Program (MAPP). The purpose of the legislation was to offer students the ability to move through the education system more quickly and efficiently. It is a six-year pilot program, which has been strictly defined by code. Within the rule is a very specific implementation process. LEA participation is also addressed. The pilot was strictly defined by code.

Section 117.03 addresses the secondary pilot. The State Department of Education addresses how assessments of students moving through the program must be governed.

If students get through the system faster, both students and districts are eligible for money; for students this comes in the form of scholarships. There are no outstanding issues on this section of the rule at this time.

Chairman Goedde informed **Ms. Willits** that it has been his desire for charter schools to be chartered by the district it is within. In the case of the Coeur d'Alene Charter Academy, who applied for the Mastery Advancement Pilot Program (MAPP), the Academy had to get a letter from the home district—in the instance of this school, the charter and home district are competing for students. **Chairman Goedde** inquired if it could be tweaked into rule that charter schools do not have to get an accountability letter, but can apply to be a part of MAPP their own. **Ms. Willits** affirmed the SDE could accomplish this.

Chairman Goedde asked if students would be required to pass an end-of-course science assessment to graduate. **Ms. Willits** stated the Superintendent may be amendable to this, but could not guarantee it. There will have to be a pilot assessment developed to proceed.

Senator LeFavour expressed she would be more comfortable if there was something in place before removing the Idaho Standards Achievement Test science graduation requirement. **Ms. Willits** stated that this is a rule which probably should not have been passed to begin with, but if the State can alter the requirement, the money used to enforce it can be better put to use with end-of-course assessments.

Chairman Goedde asked if the SMARTER Balanced Assessment Consortium will be used to create assessments. **Dr. Carissa Miller** with the State Department of Education stated the Consortium is dealing with the three specific assessment tests. End-of-course assessments from other states will not be precluded, as using these is something that can be faster than developing its own.

Vice Chairman Mortimer asked if this was changing the science requirements to graduate. **Ms. Willits** indicated this is not changing the requirements, but graduation will not be contingent upon passing the science portion of the Idaho Standards Achievement Test.

Senator Fulcher moved approval of **Docket 08-0203-1004**. The motion was seconded by **Senator Winder**. The motion passed with unanimous consent except for **Chairman Goedde**, who voted against approval as a matter of principle.

ADJOURN:

Vice Chairman Mortimer passed the gavel to **Chairman Goedde**.
Chairman Goedde adjourned the meeting at 4:15.

Senator Goedde
Chair

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW02 (Auditorium)
Monday, January 17, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Presentation by Julie Bell, NCSL	Julie Bell
	Follow-up by Selena Grace, Research Analyst, OSBE	Selena Grace

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher
Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, January 17, 2011

TIME: 3:00 P.M.

PLACE: Room WW02 (Auditorium)

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

**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. He asked the secretary to take a silent roll, and took a moment to acknowledge Steve Casey from North Idaho College as well as Reagan and Luke Sommers, who are constituents from his district.

PRESENTATION: **Chairman Goedde** welcomed **Julie Bell**, the Idaho State liaison for the National Conference of State Legislators, to speak to the committee about the NCSL's state policy guide, "The College Completion Agenda." **Ms. Bell** informed the committee that she would be joined by **Terry Whitney** from the College Board. As the name implies, this publication is focused on college completion, and it is the hope of both the NCSL and the College Board that states will find this useful and helpful.

Under the tutelage of William Kirwan, chancellor of the University System of Maryland, the College Board organized the Commission on Access, Admissions and Success in Higher Education. The commission established 10 recommendations for states to increase college completion numbers. Specifically, it was found that if these are approved and implemented early in education, the likelihood is greater that students will complete college than if they are implemented later. From these 10 recommendations NCSL and the College Board developed the nine chapters in the College Completion Handbook. **Ms. Bell** acknowledged that these are hardly the final word, but the NCSL hopes they will be useful for legislators nation-wide when developing education policy.

States are realizing they need to change the way Higher Education does business—one of the questions looked at, for example, was how students can be better prepared for college. The NCSL and College Board determined that linking K-12 and Higher Education standards will reduce the number of students who have to take remedial classes upon entering college. Also, offering alternative college and career options for high school students, as well as providing incentives for students who finish on-time or even early shows promise. The states need to be persistent in preventing students from dropping out, and with articulation and transfers so students don't lose credits. There needs to be an increase in institutional productivity, such as eliminating duplicate, high-cost programs, and performance/outcome-based funding should be experimented with.

Senator Andreason asked about the make-up of the College Board, what their responsibilities are, and what they do. **Terry Whitney** approached the committee and stated the College Board is based in New York City. It is best known for the SAT and administering Advanced Placement tests. It is an organization of

approximately 5,700 institutions, and they work in policy areas including Financial Aid, K-12 Education, and Higher Education.

Senator Winder asked **Ms. Bell** to expand on incentives as ways to improve the system. **Ms. Bell** stated there are two levels: incentives for institutions to move students along quicker, and incentives to reward traditionally underserved students. There are also incentives for students to move through quicker; linking financial aid, for example, or limiting credits so there isn't a need to extend stay.

Chairman Goedde inquired about the possibility of pre-screening of students entering colleges of education so there are better students graduating. **Ms. Bell** indicated she didn't have a specific answer.

Chairman Goedde asked about the ability of students to challenge undergraduate- or graduate-level courses. **Ms. Bell** stated she hears that discussion more around adult education, but that she is unsure about exams that would be administered at that level for those students.

Vice Chairman Mortimer asked about the transfer of credits to streamline state-to-state transfers. **Ms. Bell** indicated it has been a difficult mission, as it requires institutions of differing academic focus to sit down and agree to something. She indicated she feels that legislative impact and leadership can be of a huge help, but overall there are some innovative things happening. **Vice Chairman Mortimer** inquired how we are doing nationally in cutting down the credit number for 4-year graduation. **Ms. Bell** stated this is also a tough conversation to have, and that most legislatures are leaving this to the institution. Some majors are more amenable to changing credit requirements, but it is still difficult. **Senator Mortimer** followed by stating he feels if it requires more work, they should be working on a higher degree; **Ms. Bell** stated she sees institutions realize this is something that needs to be addressed.

Chairman Goedde stated he has seen discussion that institutions should be paid on graduation, not enrollment. **Ms. Bell** told the committee that institutions are following the dollar, and right now the dollar is with enrollment.

Chairman Goedde asked if there are any states pursuing this. **Ms. Bell** stated Indiana is in the early stages; it is unsure how this will work out. Ohio and Texas both have performance-based incentives and funding, and we are likely to see this as a hot-button issue in coming years. He asked if there are any states looking at charge backs for remedial classes because of lack of education. **Ms. Bell** stated there is lots of frustration; something like Common Core ideally has the potential to be effective against the remedial issue. Institutions are also discovering what is effective in terms of remediation teaching.

PRESENTATION: Selena Grace, Interim Chief Academic Officer with the Office of the State Board of Education, stood before the committee to present Idaho's participation in the Complete College America Alliance. The State, one of 21 states nationwide participating in this program, which is committed to increasing the number of students successfully achieving degrees and/or credentials; the participants in the program also strive to eliminate attainment gaps for those who come from traditionally underrepresented backgrounds. To manage and monitor progress, common metrics such as publicly reported one-year benchmark data, annual progress on college completion, transfers, job placements, and the like, will be used for measuring and reporting progress. The State Board of Education is also applying for the College Access Challenge Grant, which is an opportunity to bring in \$1.5 million per year for five years to focus on the issue of college access for

traditionally underrepresented and underserved students.

Ms. Grace gave an overview of the current distribution of undergraduate degrees awarded for the 2007-2008 school year. Of these, 11.2% were Certificates, 24% were Associate's Degrees, and 64.8% were Bachelor's Degrees. These degrees do not account for any graduate-level degrees or certificates.

There are 10 policy areas that have been recommended by the College Board and NCSL for states to focus on, and **Ms. Grace** outlined them for the committee. The first area focuses on early education—childcare, preschool, family supports (economic and parenting support), child health services, and early identification and intervention for infants and toddlers with disabilities, are all areas where energy could be focused to improve college graduation rates. During the Kempthorne administration the State had the Parent's As Teachers program; however, this is no longer state-wide.

The second recommendation is to improve middle- and high-school college counseling programs; specifically focusing on college entrance and aspirations should be high on the priority list for school counselors. Guiding students through the financial aid process and helping build the necessary social skills to succeed also fall under the jurisdiction of counselors, but the ability to meet this is often hindered by the student-to-counselor ratio (443:1 for the State of Idaho, 467:1 nationwide).

Area three is dropout prevention: every year 1.3 million students leave school without graduating, and the problem is especially acute for minority students. The unemployment rate for those without a high school diploma is more than 3.25 times higher than the rate for those with a college degree. Identifying at-risk students, developing individual plans for their education, and implementing dropout recovery programs have all proven to be successful for those who are at-risk or have dropped out.

The State Board of Education has approved the new rule for the alternative graduation pathway, and the State Department of Education has created an internal task force to analyze and organize all of their drop-out prevention and recovery efforts around a framework.

Area four is alignment of the K-12 education system with international standards and college admission expectations so that all students are prepared for future opportunities in education, work and life. Content standards outline the knowledge and skills students should attain at each level of their education across different subjects, and these standards will serve as the foundations of every other component of raising student achievement.

The State Board of Education approved the Common Core State Standards and Idaho's participation in the Common Assessment Consortium. Each of Idaho's universities and colleges signed the MOU agreeing to be a part of setting the standards on new tests to ensure college readiness. The standards are evidence based; clear, understandable and consistent; include rigorous content; build on strength and lessons of current standards; and are informed by other top performing countries.

Area five involves improving teacher quality and focus on recruitment and retention. An estimated 30% of teachers leave the profession within their first three years of teaching; within five years as many as half leave. Additionally, research shows that there are almost no low-performing schools that have been documented to have

turned around without a highly skilled principal. It is clear that effective policies are needed to retain talented educators, particularly in the highest-need areas.

The Board also offers a Teacher Loan Forgiveness program where loans are forgiven if the recipients teach in Idaho for two years after graduation. Professional development programs are also offered for teachers—the Mathematical Thinking for Instruction (“Math Initiative”), for example. Also Idaho’s College’s of Education are adjusting their programs, and the Deans of Education are working to address tracking and data collection of graduates, performance-based assessment for teacher licensure, and new core teaching standards.

The sixth area will work to clarify and simplify the admission’s process—a transparent and less complex system will encourage more first-generation and historically underrepresented students to apply. Idaho’s public institutions currently have a common application for admissions, and the J.A. and Kathryn Albertson Foundation is working with institutions to create an “application’s week” for students. The State is also sponsoring FAFSA events to assist students in completing the Free Application for Financial Aid.

Recommendation seven is to provide more need-based grant aid while simplifying and making financial aid processes more transparent; to minimize student debt and keep pace with inflation; to make financial aid processes more transparent and predictable; and to provide institutions with incentives to enroll and graduate more low-income and first-generation students.

Area eight involves making college affordable by controlling costs and using aid and resources wisely. The board is scrutinizing the college and universities’ annual tuition and fee requests, and is very cognizant of the impact of tuition and fee increases on students. In an effort to balance quality and access to programs, the Board is exploring the possibility of outcome-based funding formulas.

Two need-based opportunities offered in Idaho are Leveraging Educational Assistance Program (LEAP/SLEAP), which offers state-matched Federal dollars for students demonstrating financial need. The other is the Opportunity Scholarship, which requires students to have applied for federal aid and have a self or family-contribution element before the State will match.

Area nine focuses on increasing college completion rates by reducing the number of dropouts, easing transfer processes, and using data-based approaches to improve completion rates at both two- and four-year institutions.

Idaho does an adequate job retaining part-time and full-time students in the transition from first-year to second-year, although it could do much better in its ability to graduate students on-time. However, the data as to whether the institutions are more or less successful with part-time, returning or transfer students is not available.

The Board is looking at various College Completion strategies; it will also be looking at its policies and the ways institutions deliver remediation, the number of credits required to earn a degree, the articulation and transferability of credits, and deliver of programs and services.

The last area focuses on providing postsecondary opportunities for adults. There is a need to focus more attention and resources on adult learners—it is estimated that by 2025 the United States will fall an expected one million short of the college graduates needed in the workforce.

Senator Toryanski asked about the term of “Social Preparedness,” and if this is a barrier to completing college. **Ms. Grace** indicated it does affect retention and completion—it is about separation from community, family, etc. and it may affect a student’s ability to be retained and completed.

Chairman Goedde asked about the counselor ratio, whether it was middle and high-school ratio and how it compares. **Ms. Grace** indicated Idaho is slightly better than nationally at 443:1.

Chairman Goedde remarked that in math, Idaho’s standards versus what will be adopted under common core standards will require professional development, and where the funding will come from. **Ms. Grace** indicated it is outside her line of expertise. Responding to further questioning by **Chairman Goedde**, she stated centralized locations with access to computers are used for FAFSA completion.

Chairman Goedde asked about 4-year institution outcome based funding. **Matt Freeman** indicated this was at the post-secondary level, and that this is an area of higher-education reform that needs to be examined. **Chairman Goedde** requested that chairman of State Board of Education cover this.

Vice Chairman Mortimer asked if the OSBE has provided any guidelines for limiting the number of required credits. **Ms. Grace** stated the board approved a reduction in the minimum requirements for graduation.

Chairman Goedde requested **Steve Casey** with North Idaho College give a brief overview of the WINGS program at NIC. There are over 700 students enrolled; they have grown from one high-school to 10 high-schools with adjunct professors teaching on campus. Of the students who have graduated from high school in region one, 72% have gone to NIC. One of the hopes at NIC is that as these courses are continued to be offered, they will see more and more students coming to Idaho colleges. The fear of inability, or ability, of students to do these courses has been alleviated—the spring class GPA in 2010 was 3.2.

Mr. Casey stated that in Northern Idaho they have produced Idaho GOES, wherein Mr. Casey presents to 8th graders—he provides the information about financial assistance, scholarships, dual-credit programs, AP, IB, Tech credit programs, etc. They can essentially begin their 4 year plan in the 8th grade. Many students are hands-on learners, and this shows them that with some training, there are very good jobs available with simply a certificate, an Associate’s degree or a one-year internship.

ADJOURN: Having no further business, the committee adjourned at 4:10 PM.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
8:00 A.M.
Room WW02 (Senate Auditorium)
Tuesday, January 18, 2011**

**JOINT SENATE EDUCATION COMMITTEE, HOUSE EDUCATION COMMITTEE AND JOINT
FINANCE-APPROPRIATIONS COMMITTEE MEETING**

SUBJECT	DESCRIPTION	PRESENTER
8:00 a.m. to 8:30 a.m.	Public Schools Budget Documents	<i>Paul Headlee, Principal Budget & Policy Analyst</i>
8:30 a.m. to 9:00 a.m.	State Department of Education; LBB1-85 (Including Statewide Longitudinal Data System)	<i>Tom Luna, Superintendent of Public Instruction</i>
9:00 a.m. to 9:50 a.m.	Public Schools FY 2012 Budget Request/Governor's Recommendation; LBB1-3	<i>Tom Luna, Superintendent of Public Instruction</i>
9:50 a.m. to 10:00 a.m.	<i>BREAK</i>	
10:00 a.m. to 11:00 a.m.	Questions from Committee Members on Public Schools FY 2012 Budget Request	<i>Tom Luna, Superintendent of Public Instruction</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason

Sen Winder
Sen Toryanski
Sen Malepeai

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321

Sen Pearce
Sen Fulcher

Sen LeFavour

email: spealy@senate.idaho.gov

MINUTES
JOINT MEETING
**SENATE EDUCATION COMMITTEE
HOUSE EDUCATION COMMITTEE
JOINT FINANCE AND APPROPRIATIONS COMMITTEE**

DATE: Tuesday, January 18, 2011

TIME: 8:00 A.M.

PLACE: WW02 (Senate Auditorium)

MEMBERS: Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block, Nielsen, Chadderdon (Chadderdon), Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, and Cronin

Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour

**ABSENT/
EXCUSED:** Representative(s) Chadderdon (Chadderdon), and Shepherd

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.

Meeting was called to order by **Chairman Cameron** at 8:02 am.

Paul Headlee, Principal Budget & Policy Analyst for the Legislative Services Office explained the proposed overall state education budget and discussed the legislative actions taken by JFAC. He explained that these actions have been taken due to the current economic situation and gave examples of what would happen if these actions were not taken. **Sen. Keough** asked if this budget proposal was submitted in the fall or has been updated to include the recent proposed education reforms.

Mr. Headlee replied that this was from the fall.

Chairman Cameron introduced **Tom Luna**, Idaho Superintendent of Public Instruction. Supt. Luna began by informing the Committees of various programs that have been implemented to save money and cut the budget. He mentioned federal grant programs, such as NASA and Charter School grants, that have been used to alleviate costs from the state budget.

Supt. Luna is requesting a 2% reduction to his department. He is seeking \$250,000 in dedicated funds for end-of-course assessments for students and \$15,000 in operating expenditures transferring from the State Board of Education (SBE) to the State Department of Education for the GIANT program. \$650,000 will be moved from federal funds for operating personnel, \$60,000 will be moved to operating funds from the Millennium Fund for survey regarding drug/alcohol use among high school students. Supt. Luna is also requesting \$969,000 for FY2012 for an ongoing longitudinal data system known as the Idaho System for Educational Excellence (ISEE). The ISEE will allow educators and policy makers to make accurate and informed decisions by giving instant access to student records for teachers, professionals, and parents.

Rep. Jaquet indicated she has a few districts using MilePost, and inquired if this integrates with ISEE. **Supt. Luna** indicated that if they are SIF compliant they will be able to integrate. **Rep. Jaquet** wanted to know if this system could be expanded to follow graduation rates, college completion, and post-secondary information. **Supt. Luna** replied that it would. **Rep. Bell** asked if the budget for all ISEE personnel have been transferred from public schools to the Department of Education. **Supt. Luna** replied that they had. **Sen. Goedde** asked if SchoolNet was part of the ISEE. **Supt. Luna** replied that it was in the budget and his presentation will include funds to improve the SchoolNet side, which tracks student achievement and data each year and allows teachers to create individual learning plans accordingly.

Rep. Nonini asked if the \$969,000 for the ISEE would be on-going funding. **Supt. Luna** stated yes, and that it would grow to \$1.8 million as outlined in 2009. He informed the committees that the state came in on-time and under-budget for the launch of the program. **Rep. Nonini** asked if there would need to be a contract with a vendor for this system. **Supt. Luna** stated that there would be contracting done, but the state would have the latitude to decide if it is in the best interest of the state to sign multi-year contracts or single-year contracts.

Rep. Ringo asked if the end-of-course assessments will replace the ISATs and where the \$250,000 to fund them comes from: **Supt. Luna** replied that it is the State Board of Education's goal to replace the science ISAT, because an end-of-course assessment will better measure student knowledge versus a broad exam that covers many areas. The \$250,000 was found while making cuts within the Department of Education, and in federal funds. **Supt. Luna** is asking the committee to spend these funds for end-of-course assessments, not requesting an additional \$250,000. **Sen. Pearce** indicated his concern if whether all this funding is necessary to develop the assessments. **Supt. Luna** stated this money will be used to develop the initial six end-of-course assessments and that Idaho is fortunate enough to be part of a group of states that will be developing the additional assessments. **Sen. Pearce** asked for a timeline regarding the assessments. **Supt. Luna** stated the six original assessments will be available Fall 2012 and the new generation of assessments will be available in three years.

Sen. Mortimer asked if the ISEE was created in state. **Supt. Luna** responded that the Idaho Department of Education did write a part of the program but will need to look at a private vendor when we add other programs to the ISEE. **Sen. Bilyeu** asked **Supt. Luna** to elaborate on the next generation of assessments and give the number of states that are involved. **Supt. Luna** stated he will send a list of all the states working on this. **Supt. Luna** stated that we currently have assessments of learning at the end of year but the goal was to have less intrusive assessments during the school year so teachers can make adjustments midyear, instead of at the end of year. **Sen. Bilyeu** asked if this would lead to an increase in the number of tests students are given each year. **Supt. Luna** replied that the assessments will not be the traditional ones we are used to, such as quizzes and exams, but will be less intrusive, such as using clickers to monitor class progress during a lesson.

Supt. Luna introduced **Brian Darcy**, Administrator of the Idaho Educational Services for the Deaf (IESDB) and the Blind. Mr. Darcy then gave an overview of the unique services of IESDB. These services included statewide outreach, that provides home based services to Idahoans under the age of three, free evaluations and help for its clients in transitioning from school to work. These services have seen an increase of 20% students in 4 years. Mr. Darcy also discussed the IESDB's Media Library Services, which enlarges print and translates literature into Braille for students all over state, free of charge to school districts, students and families. The final component discussed was the IESDB Campus, a residential and day school in Magic Valley, serving preschool-high school students. The school teaches needed skills, gives its students the opportunity to participate in scholastic and athletic programs, while following school standards set by the state. Mr. Darcy continued by informing the Committees that the IESDB has striven for efficiency during these difficult times and has implemented a four day school week, lower cost energy practices and has consolidated some of its regions. Mr. Darcy is requesting \$7,740,000 for its normal costs, plus vehicle replacement costs and a new interpreter.

Chairman Cameron asked **Supt. Luna** to begin his presentation due to time constraints.

Supt. Luna acknowledged the great work **Mr. Darcy** does for some of Idaho's most needy students. He then stated that lack of funding has led the education system in Idaho to a crossroads where the only choices are to raise taxes to support a broken system, or change the system itself. He described the Three Pillars of his reform: a 21st Century Classroom, Great Teachers and Leaders, and Transparent Accountability, and described his requests for funding, gave specifics of what funding would be used for, and outlined fiscal year budgets until FY 2017. (complete testimony attached)

Supt. Luna then addressed class size, as it is a hot topic that leads some to feel that increased size will decrease student achievement. He continued that Idaho has a mobility rate of 30% and that great teachers know how to handle one or two more students. Research shows that great teachers, no matter the class size, are the greatest factor in student's academic success. He stated that this reform will reduce secondary staffing by 770 positions over two years but most will be covered through attrition and beginning in FY2014, the lost positions will begin to be refilled because of growth in student enrollment. The net loss of positions is estimated at 320 in total. Supt. Luna stated that Idaho could save another \$11 million by consolidating districts in the seven counties with the most districts. Supt. Luna then passed out a proposed budget chart and explained how the chart shows information in numeric terms through FY 2017. He explained that the chart shows that we can educate more students with limited resources and without increasing taxes.

Chairman Cameron asked **Supt. Luna** to submit a revised budget with new reforms in lieu of the proposed budget from the fall. Supt. Luna agreed to do so. Chairman Cameron requested that Supt. Luna keep budgetary bills in JFAC and policy bills in the Joint Education Committees and asked the Committee to focus questions on topics relating to budget, not policy.

Sen. Goedde asked if **Supt. Luna** knew of the physical capacity to increase class size and recommend he consult with the Fire Marshall in order to confirm the ratio increase was plausible. **Rep. Nonini** asked Supt. Luna to give the worst case scenario that could occur in increasing student ratio. Supt. Luna stated that those decisions are made on a local level, based on how many teachers they hire and what classes they want them to teach. **Rep. Nonini** asked for clarification of what teachers do if they are relieved of teaching duties but still work for the school district. Supt. Luna explained that they may become subject specialists and train other teachers.

Sen. Keough asked how the state will balance expenditures of dual credit and college entrance exams when roughly 70% of college aged students do not attend college. **Supt. Luna** stated that funding for dual credit is based on the estimation that 2% of students that will have completed all their required credits by their junior year and that hopefully this plan will help students to realize their capabilities and that they are college material, as well as give a baseline for how schools are preparing students for college. **Sen. LeFavour** asked if schools will still use support staff after losing 770 positions and increasing ratios. Supt. Luna stated that there would not be any changes made to support staff. **Sen. LeFavour** asked if the number of teachers will increase with population growth. Supt. Luna replied that after two years, the number of teachers will increase and after two years, the student ratio will remain the same.

Rep. Ringo asked if **Supt. Luna** had taken into account that there would be no change in faculty in rural areas where the class size stays the same. Supt. Luna replied that it was factored in. **Rep. Ringo** inquired if recognizing National Board Certification was part of the Pay for Performance plan. Supt. Luna agreed that National Board certified teachers should be rewarded accordingly. **Rep. Hagedorn** inquired if **Supt. Luna** would be able to make adjustments and prioritize parts of this plan, if only 95% of the budget was approved, and if a Students' First Program would be possible. **Rep. Hagedorn** reiterated that 95% was a hypothetical number. Supt. Luna stated that his presentation today was simply to show the Committee a different way to spend the money we currently have, and that he firmly believes what is necessary under the current financial situation. He doesn't feel there is one thing in this plan that is unnecessary, and this is a way to fund it all without raising taxes.

Rep. Trail asked if there were any potential cost-savings with year-round schools and noted the lack of addressing the high payoff of preschool education. **Supt. Luna** told the Committee year-round schooling is allowed at the district level and it is seen at the elementary level in some districts. Supt. Luna indicated that with new technology, students would have the ability to take courses year round. Supt. Luna also mentioned that districts have discretionary federal funding they can spend on preschool education if they like, but many districts are spending it elsewhere. **Rep. Cronin** asked if \$800,000 was sufficient for teacher training. Supt. Luna replied that 20% of the \$53 million will go toward professional development, which is the average percentage spent on teacher training across the country.

Rep. Jaquet voiced concern over removing the 99% protection rule, and how the figure of \$6 million was reached. **Supt. Luna** replied that in the past, \$6 million might not have made much difference, but in tough economic times and when talking about putting students first, it is a lot of money. Supt. Luna commented that charter schools have never had the benefit of the 99% protection rule, so we know it can be done. **Sen. Goedde** asked how Idaho Digital Learning Academy (IDLA) efficiencies pertain to school districts that are double dipping. Supt. Luna stated that with ADA the money follows the student, and gave the example that if a student were taking five traditional classes and one online class (six classes in total), 2/3 of the 1/6 in funding would stay with school district, only the remaining funds would go to the IDLA. **Sen. Bair** noted that on the financial table it appeared the state would be \$68.5 million short, and asked how that will be made up. Supt. Luna explained that the line in question showed cumulative figures, not year-end totals.

Sen. Toryanski asked if it is known how many students are double funded each year and asked if **Supt. Luna** knew what the student ratio was in the 1970s, when there began a push to decrease class size in order to improve achievement. Supt. Luna stated that he could get the data relating to ratio in the 1970s and the number of double funded students would be available within a few weeks, thanks to the ISEE. **Rep. Bolz** asked if the number of teachers accounts for the change in administrators and classified staff. Supt. Luna replied that when one teacher is funded a percentage of administrators and classified staff are funded as well. **Rep. Vander Woude** asked if there are restrictions set by postsecondary institutions that don't allow dual credits and if those will be changed along with this reform. Supt. Luna admitted that there are still some challenges but commended several university presidents who have knocked down barriers and agreed to lower tuition cost for dual credit students, noting Boise State University, Idaho State University and the College of Southern Idaho in particular. Supt. Luna also stated that the Idaho Education Network will expand dual credit to every high school in the state and they will continue working with colleges and universities across the state.

Sen. Pearce commented that in some town hall meetings there has been disagreement regarding the laptop program. **Supt. Luna** agreed that there would need to be protective measures taken but that giving students access to computers outside of the classroom will help student achievement. **Sen. Malepeai** asked about school technology upgrades and asked what is included in those funds. Supt. Luna stated that in FY2012, \$6,000 would be spent in each classroom to upgrade technology. In subsequent years the money will go toward maintaining wireless capacity and in calendar year 2016 the money will level out to use for the maintenance of hardware, training and support of the investment made in previous years. **Sen. Keough** asked about the long term financial commitment for updating technology and repairing laptops. Supt. Luna stated that in FY2016 the number is consistent, to purchase new 9th graders laptops and maintain the old ones, with the intention that students can keep the laptop when they graduate. **Sen. Keough** remarked that since the school district in her district split, both districts are now seeing levy's passing consistently where they were arguing constantly. She asked for a list of the 7 least efficient counties. **Rep. Nieslen** commented that dual credit students pay far less than college students and asked if there will be wireless in rural areas so students can take dual credits. Supt. Luna replied that the Idaho Education Network is connecting all schools with Broadband. Supt. Luna agreed that is far cheaper to take dual credit courses, about \$65 per class and we need to give students this opportunity.

Rep. Ringo asked if other countries are lowering or increasing their investments in education. **Supt. Luna** commented that Korea made the decision to increase class ratio considerably to improve achievement, and that countries that are outperforming the U.S. have larger class sizes and spend less money. Rep. Ringo encouraged the Committee to be careful on generalizations on class size, since smaller classes could make a difference when a large number of students need extra attention. Supt. Luna stated that this is why class sizes will be determined at the local level. **Sen. Bilyeu** asked if students will be allowed to take laptops home. Supt. Luna stated that it will be determined at the local level. The state will give guidelines but districts can determine what they would like to do. Sen Bilyeu commented that some students won't have wifi capabilities at home. Supt. Luna stated that the laptops would have information and possibly textbooks downloaded so they could still do homework regardless of internet connectivity.

Chairman Cameron asked **Supt. Luna** for clarification on how a decrease of 770 teachers and 300 classified employees and administrators will help the economy. Supt. Luna reported that through attrition most of these positions can be absorbed in the next two years and asked what the alternative is. Supt. Luna reiterated that if we don't change the system we will have to raise taxes, because we cannot cut the system anymore. Chairman Cameron thanked the chairmen, committees and guest speakers.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 11:12 am.

Senator Cameron
Chair

Amber Messa
Secretary

Senator John Goedde
Chair

Representative Nonini
Chair

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Wednesday, January 19, 2011

SUBJECT	DESCRIPTION	PRESENTER
	STATE SUPERINTENDENT TOM LUNA TO STAND BEFORE COMMITTEE FOR QUESTIONS	Tom Luna, State Superintendent of Instruction
DOCKET 08-0203-1003	Rules Governing Thoroughness; Common Core Standards and ICT	Luci Willits, State Department of Education

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, January 19, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Toryanski, Malepeai, and LeFavour

ABSENT/ EXCUSED: Senators Pearce and 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: **Vice Chairman Mortimer** called the meeting to order at 3:00. He asked the secretary to take a silent roll.

PRESENTATION: **Superintendent Luna** approached the committee with more information based on the questions from the Joint meeting on January 18. He indicated the first document in front of the committee included the number and percentage of certified employees in the state. Teacher-Elementary, and Teacher-Secondary includes only educators. By dividing the number of students in Idaho by the combination of these two, the State came to the 18.2:1 ratio referenced in the Superintendent's initial presentation.

The kindergarten student/teacher ratio is 36:1 because Idaho has a half-day kindergarten. Elementary ratio is 23.5:1. Secondary student/teacher ratio is lower, at 11.3:1, because of the focused, specialized secondary classes. Washington, Oregon and Utah have higher student/teacher ratios, whereas Montana and Wyoming have lower student/teacher ratios, primarily because of the rural nature of the latter two states.

The trend in student/teacher ratios shows a continued drop from the early 1980's until around 2002, at which point it began increasing to this year's ratio—18.2:1. Five years from now, Idaho's student/teacher ratio will be almost equivalent to the student/teacher ratio in 1991. The State will still have a smaller student/teacher ratio than it did in the 1980's; the ratio will still be comparable to the surrounding States.

The last document distributed shows statistics by district size. As the schools reduce in size the ratios decrease; for districts with more than 5,000 students the ratio is 19.1:1 as compared to those with less than 500 students, which have a ratio of 12.4:1. The last column of this document is charter schools, both in-person and online. They have a larger ratio, in part because of schools such as IDLA and other online schools, where the student/teacher ratio is as high as 52:1.

Chairman Goedde asked how the teachers are paid. **Superintendent Luna** stated there are different divisors for different grades, but all employees are identified as certified employees. The information is broken down by code and reported by the districts.

Jason Hancock with the State Department of Education explained the funding formula for "education media generalist" on down. He stated that for each support unit funded, it appears that 1.1 instructional positions are funded; in reality, all positions, teachers included, are funded by the 1.1 staff allowance.

Senator Toryanski stated his constituents would like to know why the State isn't running pilot projects—providing laptops to juniors and seniors only, for example—to see if some of these components of the plan will work, and if it would consider eliminating some of the non-statutory functions to save money. His constituents are also concerned that there just is not enough money to pay for the combination of base salary, performance bonuses and laptops, and he would like a website to direct them to for more information.

Superintendent Luna indicated the SDE website as well as the website <http://www.idahostudentscomefirst.com> carries the information Senator Toryanski's constituents are looking for. In response to **Senator Toryanski's** questioning, **Superintendent Luna** stated that waiting one more year will only succeed in throwing the same money at unsuccessful programs. The result of this is that teacher pay will continue to be cut, students will receive fewer instructional hours, and there will be other negative ramifications.

Regarding pilot programs for just juniors and seniors, for example, the funding for those grades would be adjusted accordingly. **Superintendent Luna** noted the current system is not fiscally sustainable any longer, and taking 10 years to return spending to where it was previously is not an option he is willing to take. **Senator Malepeai** stated that reform for the sake of reform is very concerning to him—major reform has to be somewhat supported by a lot of data. He asked about the number of teaching positions eliminated, asking if the number was a first-year number or if it would be phased. **Superintendent Luna** indicated that would be phased over a 2 year period. However, over 5 years we would have 330 additional from the 770 lost because more teachers would be hired as the need increased from student growth.

Chairman Goedde asked about IDLA and fractional ADA; he stated there is money budgeted for FY2012 that is being paid to districts as well as online providers as a double-dipping sort of number. If IDLA is going to continue to get fractional ADA, then the savings will have to come out of traditional school districts. **Superintendent Luna** clarified that currently, if a student is enrolled in online classes, the district is still receiving full-funding. He also stated the committee would be sent a list of the elements Idaho has satisfied with the Longitudinal Data System.

Chairman Goedde asked about the list of 8 elements that Idaho has satisfied with the Longitudinal Data System. **Superintendent Luna** stated the list would be sent.

Chairman Goedde noted that there was some discussion about coalition funding when Julie Bell with the NCSL was here; the NCSL indicated only about 20% of the assessment development would be covered by the federal grant. He asked if the \$250,000 for end-of-course assessment in the State is an adequate number. **Superintendent Luna** noted that the involvement in the SMARTER Balanced Consortium as well as the development of these end-of-course assessments is not necessarily intertwined. Regarding the 20% funding, that question will be asked if there is even a hint of a possibility of the \$250,000 being used towards that. He also clarified that the end-of-course assessments would be in the sciences: biology, chemistry and the like.

Regarding laptops, **Chairman Goedde** stated he has been getting emails from those concerned about students in traditionally underserved areas or the areas with low internet connectivity, and asked if we are creating a problem with this issue. **Superintendent Luna** stated these courses are intended to be taken in-building which will be wired for internet. When it comes to using the laptop outside the school, the department is leaving it up to the school districts to decide their policy

on them leaving the building. The ability to load content onto devices is being explored already by rural districts.

Chairman Goedde addressed the issue of barring certain websites and issues of harassment over the internet. **Superintendent Luna** indicated the Department is very aware of the concerns. One of the reasons the Department is looking to start this program down the road is to ensure they are providing adequate protection, not only from predators but from curiosity. Regarding charter schools, Chairman Goedde asked if new charters would be included in the current cap. **Superintendent Luna** stated that yes, they would be.

Chairman Goedde noted he would hope there could be a provision written to allow local providers an “in” with districts on the purchasing contracts. He also followed up on **Senator Malepeai**’s comment, noting that the attrition in districts may vary. **Superintendent Luna** stated he is confident that the numbers will even out throughout the State.

Senator Andreason told the Superintendent he received a number of emails regarding the laptops asking what will prevent students from playing games, pulling up pornography both in class and out of class, and similar misuse of them. **Superintendent Luna** stated it is incumbent on the district to have the correct programs and security measures to protect students. Not only will policies address it, but programs and protections implemented will ensure proper usage. They will be looking at other states and some districts in Idaho that are doing this, and follow the successful models.

Senator Andreason asked if the Department is confident it can develop a system that student’s can’t get around. **Superintendent Luna** stated that is their hope and belief.

Senator Malepeai asked if districts are going to be responsible for hiring IT staff to support their students. **Superintendent Luna** stated the Department will be outsourcing IT/Technical support to companies that do this for large corporations. This will all be paid for by the State, not districts.

Senator Andreason asked if this has been discussed with the IT people, to ensure that they can keep the computers running. **Superintendent Luna** told the committee that he has talked not only to these companies, but to their customers.

Senator Toryanski noted that in the Superintendent’s earlier comments, “laptop” seemed to be a placeholder for other technological devices, and asked if the plan would allow for something else that has fewer parts to break, etc. **Superintendent Luna** told the committee that the Department struggled a lot to determine what term to use and intentionally left it open-ended, as technology will advance.

Senator Andreason asked if it was the plan of the Superintendent to not only buy, but to upgrade as well as available. **Superintendent Luna** stated that the plan is for students to keep laptops once they graduate. Every year the incoming freshmen will receive a laptop/etc. so that keeps the technology current.

Vice Chairman Mortimer requested that **Superintendent Luna** introduce the docket. **Superintendent Luna** stated that a few years ago, there was an impromptu discussion about common achievement standards among states. NCLB required state-standards, but they were only state-wide not nation-wide. The consensus was that this has to be a state-led effort, not a federal mandate; it would be voluntary for state participation; and there needs to be a focus on two subjects (Reading/Language Usage and Math). They decided it would be best if the NGA was involved. There was a meeting in Chicago, IL—41 states showed up. The expectation when the standards were developed was that they would be higher, fewer and clearer. If students met these standards upon graduation they would not need remedial classes or training when they got to college or the workforce. It is Superintendent Luna's belief that 40 states have adopted these; 2 years ago Idaho signed an MOU, with the understanding that these standards are not mandatory.

The State Board of Education and colleges see these as college-ready standards, and businesses in Idaho have agreed that these are career-ready standards.

Luci Willits presented to the committee the specifics of **Docket 08-0203-1003** The standards movement occurred in the mid-90s; standards are changing every year. Every state spends millions on standards. It takes a while for people to embrace something, and then look for efficiencies. **Ms. Willits** doesn't believe we would have been here 10 years ago. There is no text book written for one state, but there is no comparability unless it is through the National Assessment for Educational Progress. However, through Common Core Standards, this will provide a way for all states to be compared across the board. A majority of states have adopted Common Core Standards; some states have had an easier time than others.

Ms. Willits said the State Department of Education does not have rulemaking authority in Idaho. Although in other states the Superintendent can dictate standards changes, in Idaho they have to go through the Legislature. National experts, teachers, business groups and the like were involved with this process; Idaho took a team every time there was the opportunity. The standards are about defining skills, and making sure students are college and career ready. They are rigorous and internationally benchmarked. When the grant was put forth, the SDE went to the colleges to ensure that any student who passes these standards will be able to go to any college without the need of remedial training.

There is also tremendous cost-savings associated with these standards; Idaho will be able to get the test it has always wanted but never been able to pay for. The Department held meetings to show parents and educators what it is aiming for. There has been a lot of outreach to ensure awareness.

The whole goal of these standards is clearer, fewer, and higher. **Ms. Willits** gave a 6th grade sample. Although it is not specific as to how things are to be taught, it is very clear about what needs to be achieved.

Once the draft was put out, the Department had to ask how Idaho math standards match with the Common Core Standards. Some of the alignments are better than others; to be successful these standards need to be applied in earlier grades. Overall, Idaho is in a good spot to make this happen. These standards are just that—they are standards. They don't dictate teaching styles, just what is necessary to be achieved.

The first thing that has to be recognized regarding implementation is that teachers have a professional responsibility to know and understand the standards. Teachers who go through public education programs know about standards and know they have to change. There are three tiers to achieve implementations.

The first tier is utilizing existing conferences and federal funds. A common-core leadership group will be related for the 6 regions around the state to “unpack” Common Core Standards statewide.

The content people will travel the State. Professional development is given to teachers, and rural teachers will be taught while students are taught by other students (Common Core Students). There will be a strong technology component—website, IDLA, MTI regional Specialist outreach, course study guides, etc. No matter where you are in Idaho you will have a personal visit or see how this looks in Idaho.

Rural and Remote districts, where teachers can't travel to Boise, will have visits from the Department. The ultimate goal is that these standards will make students college and career ready.

Chairman Goedde asked about the cost of realigning curriculum to the new standards, and where the cost is recognized. **Ms. Willits** told the committee that it is her belief that will lie at the District level, as it is every time standards are changed. It is up to the state to know where standards need to be changed.

Senator Fulcher asked if **Ms. Willits** would expand on the international benchmark. In a nutshell, his experience tells that the thing that bothers him about the international standards, other countries “sort” their students. Ms. Willits affirmed that our education system is different in that we educate everyone. What we have seen in other countries is that they are very good about articulating their standards; the United States is not.

Chairman Goedde asked **Ms. Willits** to talk to standards of alignment for online classes offered in the State, and their requirement to align with our standards. Ms. Willits stated it is very similar to what the state does with text-books. She presented PLATO and Apangea as examples; if these initiatives do not align with standards, they won't help students and the State. There will be content review of the online courses as they are added to the system.

Ms. Willits stated there are not just common core standards in this, there are also standards for technology. On page 67, there are Information and Technology Standards that are being reviewed. Earlier this year the state put forth a rule on seclusion and restraint; this is not talked about in this rule. After looking at public comment, the Department decided it was not ready to go forward.

Vice Chairman Mortimer noted that most of the actual information is on the website. **Ms. Willits** stated that this information is incorporated by reference, but the Department would have to come to the committee to change anything that is incorporated by reference. The Standards are K-12, Math and English, all of which are available on the webpage.

Vice Chairman Mortimer asked the committee who has reviewed the incorporated by reference documents. **Senator Fulcher** noted that it would not hurt his feelings any to hold the rule another day. **Chairman Goedde** reiterated **Senator Fulcher's** opinion.

Sherri Wood, President of IEA, offered two points on the Common Core Standards. First off, the IEA is in full support of the Common Core Standards. Second, the biggest concern is how they will be funded, and what kind of adequate funding will be provided for the implementation of these standards.

Vice Chairman Mortimer told the committee that this rule would be held until Monday, January 24, 2011. **Vice Chairman Mortimer** handed the gavel back to **Chairman Goedde**.

Chairman Goedde expressed his displeasure that the Federal Department of Education has required adoption of Common Core Standards before federal funding will be administered, and although this is something the Superintendent and Governor Otter have recommended, it is not within the scope of the federal Government to use them as such.

ADJOURN: Having no further business, **Chairman Goedde** adjourned the committee at 4:40 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

**JOINT
 SENATE EDUCATION COMMITTEE
 AND
 HOUSE EDUCATION COMMITTEE
 8:00 A.M.
 WW02 (Auditorium)
 Thursday, January 20, 2011
 JOINT MEETING WITH SENATE EDUCATION, HOUSE EDUCATION AND JFAC
 COMMITTEES**

SUBJECT	DESCRIPTION	PRESENTER
8:00 a.m. to 8:15 a.m.	Higher Education Budget Requests	<i>Paul Headlee, LSO</i>
8:15 a.m. to 9:30 a.m.	State Board of Education: <i>Current & Future Vision for Higher Education in Idaho</i>	<i>Richard Westerberg, President, State Board of Education Kenneth Edmunds, Vice President, State Board of Education</i>
9:30 a.m. to 9:45 a.m.	Break	
9:45 a.m. to 10:30 a.m.	Office of the State Board of Education FY 2010 Budget Request (Including Higher Education Longitudinal Data System)	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
 Vice Chair Mortimer
 Sen Andreason
 Sen Pearce
 Sen Fulcher

Sen Winder
 Sen Toryanski
 Sen Malepeai
 Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
 Room: WW39
 Phone: (208) 332-1321
 email: spealy@senate.idaho.gov

MINUTES
JOINT MEETING
SENATE EDUCATION COMMITTEE
HOUSE EDUCATION COMMITTEE

DATE: Thursday, January 20, 2011

TIME: 8:00 A.M.

PLACE: WW02 (Auditorium)

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Winder, Toryanski, Malepeai, and LeFavour

Chairman Nonini, Vice Chairman Shirley, Representative(s) Trail, Block, Nielsen, Chadderdon(Chadderdon), Shepherd, Wills, Marriott, Thayn, Hartgen, Bateman, Boyle, DeMordaunt, Nessel, Pence, Chew, and Cronin

Chairman Cameron, Vice Chairman Keough, Senator(s) Broadsword, Bair, Brackett, Mortimer, Toryanski, Heider, Bilyeu, LeFavour; Chairman Bell, Vice Chairman Bolz, Representative(s) Eskridge, Wood, Patrick, Hagedorn, Thompson, Vander Woude, Ringo, and Jaquet

ABSENT/ EXCUSED: Senator Pearce, Representatives Chadderdon (Chadderdon), and Shepherd

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: The meeting was held jointly with the members of JFAC and the House Education Committee. **Chairman Bell** of the Joint Finance Committee presided over the meeting.

Chairman Bell called the meeting to order at 8:00 AM

Paul Headlee approached the committee to provide an overview of the higher education, how to utilize the Legislative Budget Book (LBB), and the proposed budget.

Page 1-38 of the Budget Book starts with the Office of the State Board of Education (OSBE); there are 10 budgeted entities (referred to as "divisions" in the LBB) under the OSBE. The last two columns on the page are the FY2012 request and the Governor's Recommendation. The SBE request is \$663,671,400 the Governor's recommendation is \$592,425,300. Metrics on full-time enrollment; head-count enrollment; resident student fee increases over time; and both appropriated and non-appropriated operating budgets are found in appendix 510(c).

Richard Westerberg, President of the OSBE, presented the OSBE budget.

Mr. Westerberg stated the OSBE is responsible for education, from kindergarten through college. The goal adopted by the OSBE is that 60% of Idahoans between the ages of 25 and 34 should have a post-secondary completion certificate by 2020; it has been predicted that 61% of careers in Idaho will require some kind of post-secondary degree. Idaho has approximately 1.5 million people, of which 31.4% are between 25 and 34, and have a post secondary degree. This is an estimated 67,213 Idahoans. The challenge is to double that by 2020. **Mr. Westerberg** noted it is not reasonable to expect this goal to be met under current student funding.

Dual credit is a way to alleviate current funding issues. For high-school students, the average cost per credit is \$65 versus \$247.50. This helps students by ensuring academic confidence, and it helps institutions as well—students are more likely to attend the college from where they have gained them. Idaho has also joined the Complete College America campaign, which capitalizes on best-practice. Additionally, Idaho participates in GEAR UP and the College Access Challenge Grant.

The State has the IRI—Idaho Reading Initiative—and the Math Initiative. The OSBE's renewed emphasis is not just limited to focusing on students pursuing post-secondary degrees; it has also started focusing on the Tech Transfer Policy, and how programs are delivered. Additionally, the number of hours required for graduation has been reduced from 128 to 120.

The staff is currently working on an outcome based budget proposal. Outcome based budgeting allows personnel to excel in specific areas.

Each college and university president will present in greater depth; but doing more with less is not just a mantra any more. Higher education has experienced 22% reduction from FY2009; the Board has implemented policies allowing presidents more flexibility to deal with financial challenges. Restructuring has also been pursued.

Local school districts receive State appropriations, property tax funds, and other taxing moneys. More and more districts are raising supplemental levies. Pay-for-play numbers are going up as well. Higher education's revenue sources includes state appropriations—there has been a reduction in appropriations by 22%% in the last 3 fiscal years. This, despite the fact that enrollment numbers are at a record high. Government and industry training contracts and research grants have increased. Long-term the State of Idaho cannot continue to raise tuition and fees the way it has. Although the tuition and fees are comparably less than other states, Idaho is also a lower-income state, and students are less able to pay. There is always going to be a cost/quality ratio for education.

As a result of major funding cutbacks, all of the institutions have made significant program changes including elimination and reduction. University of Idaho has seen 41 degree programs eliminated or folded into existing programs, and Idaho State University has seen significant restructuring. Universities state-wide are pushing to increase the enrollment in their summer sessions.

Some of the questions that have to be asked when distributing funds and looking at how they are used are, is the institution at risk for non-compliance with state law, rule or federal law and regulations because of a lack of resources? Idaho took American Recovery and Reinvestment Act (ARRA) money; as a result the state is now on the hook for complying with requirements that go along with these funds. The same goes for the Perkins Funds accepted for Professional-Technical Schools—there are requirements attached to these funds, and they have to be met for the state to be in compliance.

Regarding the Public Charter School Commission, the OSBE provides oversight evaluation for charter schools within the state. The board provides staff and operating expenditure; 77% of the school enrollment growth from 08/09 to 09/10 was seen in charter schools. Current staff-support is unsustainable at 1.5 FTE for the entire board, versus 1 FTE per 5.3 Schools.

Regarding institutional bonding, bond ratings come from Moody's Investors Service

and Standard & Poor's. BSU's CBE building received an A1 rating from Moody's, and an A+ rating from Standard and Poor's. University of Idaho's Kibbie Dome Life Safety Improvements received identical ratings. There is an 8% debt service ceiling.

Mr. Westerberg stood for questions.

Representative Hagedorn noted he has seen at least five private higher-education institutions created in the State. He wondered if the degree process in State institutions is meeting market demand, and if not, why? **Mr. Westerberg** stated he didn't have the numbers at hand, but that he doesn't feel Idaho's institutions has enough offerings to meet market demand.

Representative Nonini inquired about outcome-based-budgeting. He asked if **Mr. Westerberg** would expand on any discussions that have been had on this. **Mr. Westerberg** stated there has been extensive discussion; the model would be in the neighborhood of 3-5% of appropriations, based on key-performance indicators given to institutions. The OSBE is at least a year out on these.

Representative Jaquet asked if an identical program holds the same weight in one institution as another. **Mr. Westerberg** stated there is work to be done to ensure these credits that transfer over, but there is also a fair amount of institutional pride. There is still a fair amount of compartmentalization within institutions, where we should be working on evaluation of courses from each institution.

Representative Trail commented on increased community-related projects, and feels the board should be commended for its involvement. He asked **Mr. Westerberg** to expand on collaboration with institutions outside the State. **Mr. Westerberg** stated there are a number of collaborative efforts being pursued with institutions, high schools and businesses.

Senator Malepaei stated the Superintendent's three-pillar plan is a major new approach to how the education business is conducted in the State. He inquired about the extent of **Mr. Westerberg's** involvement in the development of this plan. **Mr. Westerberg** indicated the OSBE did not have much involvement in the plan. It was a collaborative effort between the SDE and the Governor's office, but it did not come before the Board as an item to be approved.

Representative Shirley noted that there is a small high school in his district that is interested in online-courses, but when they contact universities and institutions, there are not many courses offered online. He asked if our universities are in a position to actually deliver these courses given the pending requirements by the State Superintendent. **Mr. Westerberg** stated one of the options available is the IDLA, which will provide course content from other sources. One of the problems the State is facing is that universities are filling courses with their own, traditional students, leaving fewer spaces for dual enrollment students. He hopes that the performance-based outcome pay will help alleviate this issue.

Representative Trail commented that the courses delivered through IDLA may or may not be accepted by all universities whereas if the course is delivered by ISU, for example, it will be guaranteed to be accepted by that university. **Mr. Westerberg** noted that many of the IDLA courses are CWI courses, so they should be transferring. Representative Hartgen asked how universities are planning to integrate students from the Mastery Advancement Pilot Program (MAPP) into their institutions. **Mr. Westerberg** stated he doesn't know, but he would look into it.

Representative Thompson asked what it would take to convert Eastern Idaho

Technical College to a community college. **Mr. Westerberg** stated the first thing would be to get the community to agree to create a community college district, after which it would be pursued from there.

Senator Bair asked for an explanation of the process for distributing funds to each university. **Mr. Westerberg** stated this is an historical matter—there is a base distributed, and then the Board moves forward with further funding depending on institutional need. **Senator Bair** asked if it the SBE tracked within the Universities to ensure programs are funded properly. **Mr. Westerberg** stated there is some follow up on funds, but not specific.

Representative Bolz asked about unrestricted funds tracking. **Mr. Westerberg** noted this depends on how unrestricted funds are defined; however, funds deemed unrestricted are followed closely, and the SBE is very close to determining a requisite reserve. There will be a number set as a benchmark, and it will be monitored on both sides.

Kenneth Edmonds stated it really comes down to, are there monies available that have not been tapped. The OSBE will not be able to tap into these funds; they are encouraging the universities to increase these funds in the event that they are needed.

Senator Cameron stated it strikes him as odd that in times where budgets of universities are reduced significantly, reserve balances have increased. On one hand he applauds the efforts for best business practices; on the other hand however, it is concerning when they are trying to set budgets.

Representative Cronin wanted to know what the role of a general, broad-based education is, and are we doing enough to prepare students to be adaptable and have the basic general skills to retool their skillset. He also asked if we are keeping the needs of our entire workforce in mind. **Mr. Westerberg** noted that all institutions have groups they are consulting with to determine industry needs. The proof in the pudding is whether graduates can get jobs, and are they living wage jobs.

Representative Jaquet asked for a copy of placement rates from institutions and questioned if the board has been monitoring salary increases, reductions and furloughs. **Mr. Westerberg** noted the OSBE does have this but it is not as extensive as they would like; it has been monitoring salaries, reductions and furloughs. **Representative Jaquet** followed by asking where the merit increases are going. **Mr. Westerberg** stated the merit increases tend to be a retention-tool.

Representative Hagedorn asked if the OSBE has had the same kind of discussions to resolve fragmented issues such as universities not working together, or should we consider other alternatives, such as Wisconsin's chancellor system. **Mr. Westerberg** told the committee that the last year it has been putting benchmark tiers in place so universities can be adequately compared. That way the state will be able to know what kind of revamp will be needed for the higher education system.

Mr. Westerberg remarked in closing that he realizes the legislators are not in an easy position in this economy, and he appreciates their work.

Dr. Mike Rush approached to discuss the Office of the State Board of Education (OSBE).

The Board is charged with general supervision, governance and control of colleges and universities; public community colleges; and the public school system. Idaho's

structure is what many states are striving to be.

The Office of the State Board of Education serves as the administrative staff for the State Department of Education. Staff focuses on developing policy oriented agendas, strategic plans, and providing planning data.

The OSBE is requesting an increase in funding for administrative support for proprietary schools. The number of schools chartered by districts remains flat, whereas the number chartered by the commission has increased tremendously. This demands more staff support. The commission would need at least 6 administrative personnel to reach the national average. For the Charter School Commission Director, they would request \$117,400 for salary, benefits and technology).

The second position requested is to support a Technology Program Manager for the Longitudinal Data System. To meet the ARRA funding deadline the OSBE has reallocated funds to pay a staffer from BSU. The request is for 1 FTE and \$98,100 to pay a staffer. This money would be reallocated permanently. (LBB 1-60).

The next decision unit is for the renewal of the College Access Challenge Grant (CACG). The grant would provide \$1.4 million annually for the next 4 years. This year \$232,000 was set aside to provide dual-credits for students. The fourth decision unit is to transfer the funding for GIANTS in to the SDE from the OSBE (\$17,000). The OSBE is taking a hit of \$73,500—a reduction of 3.45%—in the FY 2010 Omnibus Reduction. **Dr. Rush** thanked the committee for the lump-sum budgeting from legislative session 2010. The OSBE staff is doing more with less—there are 20 staff serving 69,737 students; other states are averaging 40.8 staff for approximately 66,000 students.

Another area managed by the OSBE are Special Programs (LBB 1-81), which includes scholarships and grants. The Public Safety Officer grant provides scholarships for students of police officers and firefighters killed in Line of Duty—\$30,000 request this year. For GEAR UP scholarship requests the OSBE has revised its request to increase by \$20,000, from \$250,000.

The Governor's request for the Opportunity Scholarship is \$1,000,000—some of that money will be for existing scholarships.

Representative Jaquet asked about the charter school monitoring and accountability; she indicated it seems it would be more appropriate to move the commission to the Superintendent's office, and asked for additional information. **Dr. Rush** stated the Charter School Commission is established in state code, and is located in the OSBE as a result. The argument is that the Dept. of Ed. provides support for charter schools, however the commission is the oversight authority. The SDE holds the roll of the advocate, supporter, etc. and the argument he has heard is it is important to keep those separate.

Responding to questioning by **Representative Jaquet**, **Dr. Rush** stated that if we do not help students at a young age (kindergarten and primary), they will not likely succeed in college. First what needs to be developed is an attitude of confidence, etc. The OSBE is also starting active planning on the NearPeer program where you bring in students from colleges to encourage college participation with high school students. This is being funded with the CACG.

Senator Cameron asked if **Dr. Rush** would inform about maintenance of effort funding, particularly PTE. **Dr. Rush** stated it was his belief that the

Governor's recommendation would keep these funds level. When the audit hits in 3 years however, it will likely be discovered that the funding from last year was not maintained. At that time the Federal government will fine the State for non-compliance; they will decide the punishment then. **Senator Cameron** followed by asking about Five/Ten Funding, which was secured by Speaker Newcomb, and whether there is really discussion about changing the funding. **Dr. Rush** stated this funding is specifically targeted towards schools that collaborate in PTE; the Five/Ten funding was designed to enable those districts that share programs to fund a center. He is not specifically aware of any discussion to this nature, but he will ask.

Representative Block asked if the institutions and K-12 are working on aligning standards. **Dr. Rush** stated yes; also the State of Idaho has had a Tech Prep program that will assist high school students in easing into the transition in to college. The other thing that has been worked on at the secondary level is the development of the Common Core Standards. One of the conditions of the development of these standards is that students who complete courses under these standards will be college ready.

Dr. Rush noted that the OSBE has had a performance-driven funding formula for technical colleges for the last 15 years; there is a formula that drives funding but it is something we don't always think about. The Board does have experience with this, and we need to recognize that.

Having no further questions from the committee, **Chairman Bell** adjourned the meeting at 9:50 a.m.

Representative Maxine Bell
Chairman

Representative Bob Nonini
Co-Chair

Senator John Goedde
Co-Chair

Sara Pealy
Secretary

**AMENDED #2 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Monday, January 24, 2011**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Lewis-Clark State College update	<i>J. Anthony 'Tony' Fernandez, President</i>
DOCKET 08-0203-1003	Relating to Core Standards	<i>Luci Willits, State Department of Education</i>
S1023	Relating to charter school "founder" designation in Idaho Code 33-5202A	<i>Senator Les Bock</i>
MINUTES APPROVAL	January 11, 2011 January 12, 2011 January 13, 2011	<i>Vice Chairman Mortimer</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, January 24, 2011
TIME: 3:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Winder, Toryanski, and LeFavour
ABSENT/ EXCUSED: Senators Pearce and 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 committee to order at 3:05 PM. He asked the secretary to take a silent roll.

Chairman Goedde welcomed **Dr. Tony Fernandez**, Interim President of Lewis-Clark State College, to the committee to present his institution's update. Before proceeding, Dr. Fernandez stressed the hands-on teaching that is conducted at LCSC, and that the school fits very nicely into the educational system in Idaho.

Since the year 2000, enrollment has been trending upwards; in addition to financial reasons, it is believed that this increase is due in part to the quality of education at LCSC. The quality of teaching at LCSC has improved substantially over the years; the 2010 accreditation report determines that it is "an institution that really has it all together." The College received six commendations, and one recommendation. Quality is also measured in other ways—awards such as the PTE Program of the Year; Governor's Brightest Star award—all of which show the success of the College.

The University has a dental program that provides access for children who would otherwise not receive dental care; the engineering students are providing wheelchair ramps for individuals; and the nursing program traveled to Nicaragua.

LCSC has also been collaborating with local businesses and hospitals—St. Joseph's Regional Medical Hospital, for example, which supports the Radiographic Science program. It also supports the BSN faculty position, and provides clinical partnerships. LCSC has partnered with NIC, UI and BSU as well.

Students enrolling at LCSC come from a wide range of backgrounds—some are out of college, some are non-traditional students who require help. The average high school GPA is 2.9; the average ACT score is 20; and the average SAT score is 972. There is enhanced advising for provisionally-admitted students; free tutoring; special curriculum to develop college survival skills; and the like. LCSC is working with the college completion program, as well as the SBE to increase the number of students who finish college and receive a degree.

The incoming class in the fall of 2010 had 647 students;. 35% of the incoming 447 high-school graduates test for remedial English and Math. Of the other first-year students (200 in the incoming class), 24% required remedial English, and 46% needed remedial Math. Dr. Fernandez noted that every fall LCSC writes a letter to the high school and informs them what level the student tests into when they start at the College.

Between FY 2002 and FY 2010, revenue source distribution has changed tremendously. Contracts and grants are now 25% versus 20%; student fees are 25% versus 17%; State Appropriation is 37% versus 51%; gifts now make up 3% of the revenue source as opposed to 1% in FY 2002; and 10% versus 11% is “other” funding.

LCSC has made a concerted effort to cope with the cuts that have been handed down—it has eliminated or consolidated programs; delayed filling positions; reduced travel/capital outlay; and the like. Program cuts include closing outreach offices; eliminating family education programs; reduced teleconferencing accounts; and transitioned many academic programs away from general fund programs. From FY2001 the total employees at LCSC has dropped to 985 from 1,070. Most of these cuts have been seen in temporary positions.

Of the permanent positions eliminated, six were in FY2009, 19 were in FY2010, and one was in FY2011. LCSC has delayed hiring of positions over the last three years, saving approximately \$500,000. Alternative funding sources have been explored, and PTE grants and Academic Grants have significantly increased.

Regarding bonding liability, there is approximately \$4 million outstanding for the Student Union Building; the revenue source for this is through Student Union fees. Dr. Fernandez pointed out to the committee that LCSC runs a lean and practical operation focused on professions that promote economic development.

Senator Andreason asked **Dr. Fernandez** to discuss the negative effect of the cuts on the institution. **Dr. Fernandez** stated it has a significant effect on students, including a large increase in lower-level courses, particularly in the health-care fields. He pointed to Anatomy and Physiology—the “pre-health professional” courses—that are full. The manpower and faculty simply isn’t there. **Senator Andreason** followed by noting there doesn’t appear to be enough people in the nursing area to graduate the number of nurses we need, which in turn reduces the nursing graduates necessary in the community. **Dr. Fernandez** told the committee that it delays graduation, but does not completely eliminate it; however, **Senator Andreason** is correct that the pre-nursing students are not receiving what they need.

Senator Toryanski asked **Dr. Fernandez** to describe how distance learning has enhanced the programs at LCSC. **Dr. Fernandez** pointed to the PACE program, which is geared towards educators. During regular courses—spring, fall and winter—individuals take courses online. Then, during the summer, there are intensive’s that are taken to teach the necessary knowledge to become an educator. This program has been recognized nationally as a very good program. The second program highlighted is the RN to BSN program. This is an online program that provides instruction over the web to allow individuals with an RN to receive their BSN. Also started this year are certificate programs offered for rad-tech students; a student that takes these courses can then sit for a different modality in Medical Diagnostic Imaging.

Chairman Goedde asked if LCSC has any statistics on how graduates through the PACE program fare. **Dr. Fernandez** stated he does not have the specific data, but informed the committee that he would get it for them. **Chairman Goedde** commended LCSC for the work being done with NIC and UI for the work done at NIC; he believes this is the future of education in Idaho.

Chairman Goedde asked what, if any, degree programs were delivered with the

reduction in budget. **Dr. Fernandez** stated that an earth information systems program; a two-year pre-engineering program; the video production minor was eliminated. **Chairman Goedde** asked for clarification on the percentage of students who needed remediation classes—combined, there was approximately 50% who needed either Math, English, or both.

S1023:

Senator Bock approached the committee to present **S1023**. As the statute reads currently, the definition of founder is a definition that is “big enough to drive a truck through,” leaving the possibility for almost anyone to be a “founder.” The reason for “founder” status is that some preferential status can be granted. He stated that this is something that is fundamentally unfair for students who are not of “founder” parents; the approach taken in drafting this bill was the least intrusive that could be found. It simply creates a time window when a founder can be named, rather than going after the chartering entity or the district. It is the belief of **Senator Bock** that charter schools are a good asset, but that admission to the schools should be fair for the students.

Senator Winder asked if **Senator Bock** would provide examples of the abuse. **Senator Bock** noted that his example is anecdotal; however, **Tamara Baysinger** with the Public Charter School Commission stated that when they go on oversight visits to schools, some of the older schools (3, 4, 5, 10 years old) are still gaining new founders. This would allow children of these new founders to gain preferential admission.

Senator Toryanski asked why 180 days was chosen; **Senator Bock** stated that 180 days was an instinctual type of number. He wanted to make sure that the charter school board would have sufficient time to name someone a founder, and that if the charter school board doesn't have its act together within 180 days, that's a problem.

Chairman Goedde asked if there would be an issue with charter schools that would provide founder status for “anyone volunteering x number of hours.” **Senator Bock** indicated it was his understanding that specific names have to be named. He noted that this may still be a problem down the road, but that simple is better and this is no exception. **Eric Reifschneider** stood before the committee to testify in favor of **S1023** to share his experience. **Mr. Reifschneider** stated he and his wife had been informed that there were other ways to get his children enrolled into the school if the parents volunteered hours and were named as founders. He was told that for 100 hours of volunteer work, he and his wife would be named as founders and their children would get priority enrollment. Things such as washing windows, painting, and the like—preparing the school in the summer for the next fall—would ensure someone was listed as a founder. He declined, although he noted there have been an additional 20 founders added in the last year or so, for a school that is over ten years old. Additionally, for those who are unable to or chose not to contribute the hours, they can enlist someone to contribute hours on their behalf.

Senator Winder wondered if the committee would be well-served to hold the bill for some time to allow the charter community to review the legislation. **Suzanne Budge** stated she has heard no discussion on the bill. She has no particular concern, although she feels that it would be justified to hold the bill.

Senator LeFavour inquired what **Chairman Goedde** thought the time certain would be. **Chairman Goedde** stated that would be up to the maker of the motion.

Senator Andreason moved to send **S1023** to the floor with a do-pass recommendation; the motion was seconded by **Senator LeFavour**.

Vice Chairman Mortimer made a substitute motion to hold the bill until Thursday; the motion was seconded by **Senator Winder**.

Chairman Goedde inquired why an emergency clause was not put on the bill. **Senator Bock** noted he would fully support adding an emergency clause, and that he has no problem holding the bill until a time-certain.

Vice Chairman Mortimer asked that excepting unusual circumstances, hasn't enrollment been done for the fall. **Tamara Baysinger** noted that most charter schools hold their enrollment in the spring, so if this were to pass it wouldn't really take effect for over a year.

The Substitute Motion passed with unanimous consent.

**DOCKET
08-0203-1003:**

Senator Winder moved approval of **Docket 08-0203-1003**; the motion was seconded by **Vice Chairman Mortimer**. The motion passed with unanimous consent.

**MINUTES
APPROVAL:**

Vice Chairman Mortimer moved to approve minutes from January 11, 12, and 13; the motion was seconded by **Senator Fulcher**. It passed with unanimous consent.

Having no further business, **Chairman Goedde** adjourned the committee at 4:10 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, January 25, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	North Idaho College update	<i>Dr. Priscilla Bell, President</i>
PRESENTATION	SMARTER-Balanced Coalition Assessment	<i>Dr. Carissa Miller, Deputy Superintendent, Assessment</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, January 25, 2011
TIME: 3:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Winder, Toryanski, LeFavour
ABSENT/ EXCUSED: Senators Pearce, 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 committee to order at 3:05 and requested the secretary take a silent roll.

The Chairman informed the committee he expects to have print hearings on Monday for the education bills coming down from the State Department of Education. He also pointed the senators to two updates from the Division of PTE, and an article from the New York Times.

Chairman Goedde invited **Dr. Pricilla Bell** to the committee to present an update of North Idaho College. **Dr. Bell** stated the Community College serves approximately 24,500 students, and the greatest growth has been seen in credited-enrollment students. The struggling economy as well as record-high unemployment are both contributing factors, as well as individuals realizing the importance of education.

There are three major sources for revenue: State funding; property tax; and tuition and student fees. State funding will be below the FY2002 level by FY2012.

The mission statement at NIC demonstrates a commitment to student success, teaching excellence and lifelong learning. It is a member of Business Professionals of America (BPA), Phi Theta Kappa, and Idaho Network for Biological Research Excellence (INBRE). 8 NIC members of BPA attended the national conference of BPA last year, resulting in two first places, one second place and three third places at conference leadership competitions.

NIC has exceptional teachers. Examples are educators who have won the Mayors Award for Education in the Arts; they have secured EMR Grants; one has won the National Advisor of the Year for BPA; and there an International Sports Trainer.

NIC taught its first P.O.S.T. academy class in April 2009; since then they have conducted blended P.O.S.T. academies, which is helping to fill the longtime need of law enforcement officers in the North. Online learning has helped to increase credits administered by 400%. The NIC also has the I-BEST program, which allows students enrolled in GED courses to complete their first year of their tech education simultaneously.

NIC has seen record-setting enrollment, forcing expansion to meet needs. To do so more land has been acquired (40 acres north of the traditional campus on the Rathdrum Prairie). The college also owns the former mill site north of the campus; the current health science building opened in 2005. Two years later it is at full capacity. The only way to meet demand is to increase physical space.

NIC has changed its retirement plan; currently PERSI and the Optional Retirement Plan (ORP) are in place at NIC. ORP was added in 1997, but it created an unfunded liability in PERSI. This unfunded liability will sunset July 1, 2011.

Incoming freshmen needing remediation is a concern; almost 69% of first year students needed some remediation courses—this number does not include GED, returning to school, or people from out of state. While there is an understanding of the concern about the number of students needing remedial classes, community colleges are designed in part to provide an opportunity for post secondary education students wouldn't otherwise get. Reduced levels of State funding have forced the college to support almost 40% more students with the same number of teachers. Equipment upgrades have been halted, operating budgets have been cut, and other financial decisions have been made to cut funding.

Bonded Liabilities at NIC are the residence hall, with a \$5.03 million liability, and the Student Union Building, with a \$2.5 million liability.

The College Completion Initiative is looking at students who have left without completing their degree. The College is also looking to future students who will be attending NIC, and how it can ensure they will stick around. PTE class schedules are also being modified to make it easier for students to take the general education classes and actually obtain a degree.

Senator Malepaei asked if Dr. Bell had a breakdown of the age group of the GED students. **Dr. Bell** stated that she could get that for the committee, but that anecdotally, many of those students are adults, often former members of the correctional system, who dropped out of high school. Home school students also make up a large number of these students.

Chairman Goedde asked if there is a greater number of dropouts or failures in online classes than in a traditional class. **Dr. Bell** stated the number is pretty much the same, but noted that it is the quality of the instructor that ensures a student's success. At NIC, the professionals know how to run the online program, which is seeing success and huge enrollment growth in the area of online learning.

Chairman Goedde asked if the Compass Test is being used to assess incoming freshman. **Dr. Bell** indicated yes, unless the ACT or SAT scores are adequate. Also, over the last several years NIC has been trying to expand dual enrollment offerings, and it intends to continue those efforts.

Chairman Goedde asked to compare the cost of the POST academy at NIC versus in Meridian. **Dr. Bell** stated she could not because she doesn't know what the funding is for the Meridian campus, but that NIC is funding their program out of their own pocket. **Chairman Goedde** noted that at NIC he believes the tuition around \$2500, versus the \$10,000 that is charged in Meridian. **Dr. Bell** added that North Idaho students at the NIC-POST academy don't have to leave home to attend these courses.

Chairman Goedde asked how the IEN and NIC are working together. **Dr. Bell** stated that the IEN staff and director did not see the computer infrastructure at NIC as compatible with the IEN in the past, although the school could demonstrate otherwise. Now, the school is in camber with IEN and NIC hopes it can be part of IEN in the future.

PRESENTATION Dr. Carissa Miller with the State Department of Education approached to discuss the SMARTER Balanced Assessment Consortium. With the passage of common core standards out of Senate Education yesterday, the new question is, “What Next?”

Dr. Miller explained the historical development of the SMARTER Balanced Assessment Consortium. It is a conglomerate of three specific groups—the SMARTER group, the MOSAIC, and the Balanced system. These three groups have focused on computer adaptive, formative capacity and integrated systems.

There are 31 states that are members, primarily western states. There are governing states (which have voting rights), and advisory states; because the SMARTER BAC is actually two consortium’, some states have voting rights in one consortium, some have voting rights in the other.

Part of the grant application and MOU signed forced states to agree to standards for graduating high schools students in an attempt to bridge the gap between high school and college. 100% of Idaho’s public institutions signed on to these standards. This consortium is really focused on teacher involvement as well; technology will be used to the maximum extent through Artificial Intelligence, online learning, and similar tactics. There are essentially three different pieces: the formative process and tools used to improve instruction; interim assessments; and assessments (such as ISAT).

The Summative Assessments would be computer adaptive, with mandatory comprehensive assessment in grades 3-8, and 11. Testing windows would be in the last 12 weeks of the instructional year. It could be taken twice the year.

The Interim Assessment would also be computer adaptive; learning progression could be monitored and it would be available for administration throughout the year. This would be an open-item bank that would be able to be narrowed to a focus of what the students are learning. The questions would be out of an adaptive bank so there would not be two identical questions.

The formative process and tools would be publically released assessment items, and optional resources used across States. These would drive down the cost of these resources. Some of the key components for achieving college readiness include entering college having met a clear, common standard; interim assessments provide students teachers with detailed knowledge; and summative assessments that are benchmarked to college and career readiness.

It is estimated that it would not be until 2014 or 2015 that states would be utilizing this full-time. States will also be item-sharing , which is critical for all involved states because it allows them to utilize the best resources to the best of their ability.

Currently only a summative test is administered. Through work-sharing and collaborative efforts, States will be able to use more resources while expending less money. One of the key things is this will provide states with more control through shared interoperable open-sources software platforms—items will be able to be shared across any platform. This will also provide state-to-state comparability, with standards set against research-based benchmarks. There will also be better service for students with disabilities and those enrolled in English Language classes.

Vice Chairman Mortimer noted that he has heard from many sources that all the State does is test our students, rather than teach them. He asked **Dr. Miller** how we would get around this. **Dr. Miller** stated there will have to be some kind of a

summative assessment; the interim assessments will be at the will of the teacher rather than mandatory. One of the other criticisms is that teachers don't know where students are throughout the year, and this will allow for more focused instruction.

Chairman Goedde stated he understands there is technology now that allows computers to grade essay questions, and asked **Dr. Miller** to expand on those. **Dr. Miller** stated this is an "artificial intelligence" program; it's not fool-proof, but is has come a long way.

Chairman Goedde revisited the cost-estimate of this program. Once it is in place, the administration process will be less than it is now.

Having no further questions for **Dr. Miller**, and no further business of the committee, **Chairman Goedde** adjourned the committee at 4:00 PM.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Wednesday, January 26, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Idaho State University Update	<i>Dr. Arthur Valias, President</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher
Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

- DATE:** Wednesday, January 26, 2011
- TIME:** 3:00 P.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Fulcher, Winder, Toryanski, and Malepeai
- ABSENT/ EXCUSED:** Senators Andreason, Pearce, and LeFavour
- 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 committee to order at 3:10. He informed the committee that it would not have a print hearing on the Superintendent's legislation until Wednesday, February second. He anticipates the committee would be having bill hearings on the legislation Monday through Thursday of the following week, which would include public testimony.
- PRESENTATION:** The President of Idaho State University (ISU), **Dr. Arthur Valias**, approached the podium to update the committee on the past year at ISU. His comments have been inserted below:

Just a few weeks ago, the University received a new categorization from Carnegie Mellon University, reclassifying the institution as a "high research university;" it was previously a "doctoral research university." This will bring more recognition and national confidence in ISU.

President Valias stated he is a firm believer that higher education needs to be a centerpiece of Idaho's economic recovery and growth. Education is the number one priority in countries such as China and India, and it should be in the United States. This means private industry and private philanthropy need to come together to make this happen.

Today, ISU leverages about \$705 million annually. The school has enjoyed great success with its energy programs—ISU has technical through PhD level programs in nuclear studies. The University has directed its core priorities, including curriculum reforms, reevaluation of education requirements, and other factors that impact both enrollment and graduation time.

Colleges that are more thematic have been created so there is more interdisciplinary cooperation. ISU has enjoyed its highest enrollment in years, and by waiving out-of-state tuition, it has increased access to troops and veterans. ISU ranks in the top 10% of the United States for this type of access. The University has also found ways to create joint ventures. For example, ISU is creating medical clinics together with hospitals to serve local populations. Of the people served thus far 65% have not had health insurance; however, through grants and other funding sources they were still able to be served.

Approximately 70% of the University's research portfolio is in the federal arena; the University has provided the confidence and opportunity that major corporations that have never been in Idaho are moving into the State. Areva is one such example; Lockheed-Martin and Monsanto are others. ISU is increasing human capital

through credit-hour production and funding; in this way money is matched to plans, which is then matched to outcome. Approximately 25% of incoming freshmen require remedial classes. However, ISU has some of the highest dual-enrollment students of any institution state-wide.

In response to rapidly declining funding, the University has made cuts and adjustments saving about \$8.8 million. Most of these savings have been recognized through not filling positions. In areas where performance was not where it should have been, the difficult decision to not rehire was made. Cuts were made in administrative oversight as well. Tuition and fees, energy efficiencies, and other recurring costs were looked at to see where more money could be saved without losing people. ISU has the lowest relative debt service of any operating university in Idaho at 3.1%. Today, the University still does not have adequate emergency reserves, but it is larger than it was two years ago. He pressed that the University needs the State to agree to matching funds for federal grants.

He closed by asking of the committee, what can education do for corrections? How much money can be saved by preventing? **President Valias** noted that these same questions can be applied to Health and Welfare, and other departments.

Senator Mortimer asked if ISU had seen an increase in the number of veterans enrolled since legislation passed waiving out-of-state tuition for them. **President Valias** stated he did not have exact numbers, but that he would get these numbers back to the committee. **Senator Mortimer** asked how many dual-enrollment courses are being offered in the 2010 school year. **President Valias** stated there were approximately 1,200 students enrolled, for a total of more than 6,000 credit-hours. He did not have on hand the spring dual-enrollment numbers, but he will get that number for the committee. **Senator Mortimer** asked how the faculty senate is financed. **President Valias** stated ISU's faculty senate is financed through the Office of State Affairs, which comes from State-appropriated funds.

Senator Winder asked if dual-enrollment was a break-even cost for the University. **President Valias** stated it was a complicated answer. From the standpoint of the University, no—the \$65 doesn't cover administrative costs. However, he commented candidly that the University does have to take into account the students who come to ISU after taking these courses. **Senator Winder** noted that if it is costing the University money to administer these courses, he feels it would be beneficial to at least know what the is change in cost. **Senator Malepeai** stated that although this may be sacrificing revenue on the front end, this is a way to encourage students who may otherwise not go to the University; this provides an opportunity for them to get a year or more under their belt before starting full-time. He also commented that ISU will be able to attract students who are looking at top universities; research dollars; and quality instructors. Economic development and innovation may benefit as well, and this is indicative of the top-quality staff, both administration and faculty, at the University.

Senator Fulcher noted ISU is facing some vexing problems, and the University is providing a best-faith attempt at creative solutions.

Having no further business of the committee, **Chairman Goedde** adjourned at 3:45 P.M.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, January 27, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	College of Southern Idaho Update	<i>Dr. Jerry Beck, President</i>
PRESENTATION	College of Western Idaho Update	<i>Dr. Bert Glandon, President</i>
PRESENTATION	University of Idaho Update	<i>Dr. M. Duane Nellis, President</i>
<u>S1023</u>	Relating to Charter School Founder Designations	<i>Senator Les Bock</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

- DATE:** Thursday, January 27, 2011
- TIME:** 3:00 P.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour
- 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 committee to order at 3:05 p.m. He requested the secretary take a silent roll.
- PRESENTATION:** **Dr. Jerry Beck**, President of the College of Southern Idaho,, stood before the committee to present the update on CSI. His comments have been inserted as follows

Dr. Beck noted that CSI has served 10.9% of the over-16 population in the eight-country region it serves in the 2009 calendar year. Student enrollment has grown to over 9,000 students, and CSI continues to support the accreditation of the College of Western Idaho. Dual Credit opportunities continue to expand with a record number of students, high schools and available course opportunities.

CSI has also been a key partner in the development of the Idaho Education Network, and CSI helped the city of Twin Falls and Urban renewal recruit C3 and develop their Magic Valley call center, leading to 900 new jobs in the region.

The Surgical First Assisting program received accreditation, becoming the only such Associate's Degree program west of the Mississippi River; the Dental Hygiene program received accreditation and began enrolling students during the fall term; the Pharmacy technician course was offered this fall to help students earn certification, and this spring CSI will have its first "4-Year Graduates" in the Maintenance Technology Apprenticeship Program.

The big news is that there has been a \$4.4 million EDA grant to build an Applied Technology and Innovation Center, which was matched with \$2.5 million of CSI funds.

There are five strategic themes that CSI has developed in completing its strategic plan: first is responsiveness to the needs of stakeholders; second is commitment to learning and the success of students, employees and institution; third is commitment to performance and accountability; fourth is global citizenship and competitiveness; and fifth is institutional advancement and advocacy.

CSI saw a large increase in dual-credit enrollment until this last year; the College attributes this drop to the switch Valley View High School in Boise made to use the College of Western Idaho to administer their dual-credit classes.

Regarding remedial classes, 35% of recent high school students tested into

pre-college English, and 67.8% tested into pre-college math. For individuals 20-22, 35.1% of them tested into pre-college English and 66.7% tested into pre-college math. For all other students, 26.9% tested into pre-college English, and 70% tested into pre-college math. Regarding the last group of students (“all other”), part of the problem is that between 16 and 20% come from an area where it cannot gauge testing.

CSI has received over \$6.8 million in external grant funding. This funding included \$5 million from the WIRED grant, continued support from the J.A. and Kathryn Albertson Foundation totaling \$2,210,000 in grants, as well as \$225,000 for support of a regional fiber optic network and \$15,00 for Project Life.

In July of 2010, the CSI Foundation completed the “Building Our Futures Together” Major Gifts Campaign; approximately 400 volunteers helped raise over \$10 million. The CSI Foundation’s base now totals more than \$26 million cash, which will be used to continue to maintain the current level of scholarship distribution despite economic volatility and investment challenges; and create new scholarship opportunities to meet the increasing numbers of students now seeking a higher education at the College of Southern Idaho.

CSI continues to work with cities, counties and business partners, and this C3 in Twin Falls and Mid Point Energy in Jerome have been two specific successes. Statistically, the Magic Valley has become one of the highest job-loss areas in the nation, and CSI is pushing to help bring jobs back to the area.

For the 1.7% funding reduction recommendation by the governor, CSI is continuing to leave vacant positions open for 90 days. It is also eliminating the \$50,000 budget for planning incentive funds; it will be continuing to evaluate credit costs—students will pay for exactly the number of credits taken. Also, student fees will be reevaluated, and the possibility of moving some fees to registration services. Additionally, the possibility of increasing student fees is on the table.

There are some additional shortfalls and challenges faced—there will be a loss of stimulus funds (\$205,400), assumption of funding for 3 nursing faculty (\$175,800), assumption of funding for dental hygiene program staff and Wind energy Program staff (\$70K and \$55,200, respectively) funding for PTE capital outlay and utility and inflationary increases (200,000 and \$105,000), to the tune of \$811,400.

He stated, on a positive note, that CSI has \$0.00 in bonding liabilities.

Senator Pearce asked if the remedial class numbers have changed in the 35 years Dr. Beck has been there. **President Beck** noted that the number has not changed, but testing levels have dropped—overall the university is going backwards in his opinion. **Senator Pearce** asked why this level dropped. **President Beck** responded that society has changed; we need to be holding the parents’ and students’ feet to the fire as much as we are holding our teachers feet to the fire. The standard and bar need to be set high, and we need to hold it there.

Chairman Goedde asked if the remedial levels have been compiled by high school, and whether these numbers have been shared with the high schools. **President Beck** said that they have done this, and but again, there is a discrepancy within the schools and districts themselves.

Senator Pearce asked if the overall operating costs of the college would change if fewer remedial classes had to be administered. **President Beck** stated it was his estimate that currently \$1.5 million is put into remedial education, and yes, that

money could be put elsewhere. CSI also offers a “Student’s Right to Fail,” form, which allows students the ability to enroll in any class with the understanding that if they fail it is their own fault.

Senator Fulcher asked about the demographic of recent high school graduates versus individuals whose parents are fully out of the picture. **President Beck** stated there really isn’t a black-and-white line as there are students who are in their forties who have parents that are still involved, versus 18 year olds who have been emancipated since they were 16.

PRESENTATION: **Chairman Goedde** welcomed **President Glandon** from the College of Western Idaho to present the college’s update to the committee. His testimony has been inserted as follows:

Thank you legislators for the opportunity to present and acknowledge the appreciation for CSI’s support and continued partnership in accreditation.

The College of Western Idaho is a public, open-access, and comprehensive community college committed to providing affordable access to quality teaching/learning opportunities to the residents of its service area in Western Idaho. CWI has continued to experience a great influx of students due to the pent-up demand of our geographic area and the current economic conditions. Despite the growth challenges we are continuing to follow our mission as a community college of 4-A’s:

Affordable - Our per credit price is in line with the other two community colleges; Adaptable – keeping our programs at industry standards making students marketable; Accessible – providing opportunities for everyone seeking post-secondary education, regardless of their current level of education; Accountable – Quality education and results oriented. Requirements for faculty are a master’s degree, preferably in the discipline they are teaching. We work closely with community resources, other colleges, and business and industry to ensure our graduates are efficient and productive citizens.

Credit programs consist of Lower Division Transfer/General Education and Professional Technical Education.

Lower Division Transfer/General Education classes cater to associate degree seeking students as well as those students wishing to transfer to a four-year university. There are 13 degrees and majors accredited through partnership with CSI.

Professional Technical Education programs are industry and market driven career training programs where students can obtain associate degrees and technical certificates.

Again, our growth has far exceeded any expectations. We are already over 7,000 students registered for classes this spring and have projected to surpass 8,000 next fall.

The percent of freshmen enrolling directly from high school requiring remediation at CWI are represented on the screen. The criteria illustrated in the graph represent the number of first time, first year students who attended high school within the last 12 months.

In 2008, 140 students were enrolled and 67% required some form of remediation; in 2009, 357 students were enrolled with 31% requiring remediation. The highest area of remediation has been in Math followed by English/Reading.

This information is available on an annual basis by high school.

Non-credit programs include areas of education serve those in our community who need continuous life-long learning opportunities to remain successful and adaptable to the new technologies of the industry.

The Center for Workforce Development caters to area employers and career focused students seeking fast-track training and certification. These areas include: Business & Professional Skills; Healthcare/ Medical fields; Fire Service Technology; Manufacturing; Construction/Trade; and Computer/IT Certification as well as customized training.

The College of Western Idaho also offers Community Education classes. Community Education offers a variety of fun, inexpensive lifelong learning sessions. Offerings include theater, music, dance, cooking, mind, body and spirit, arts, crafts and photography, financial planning and saving.

Both Workforce Development and Community Education programs are self supporting and revenue generators for CWI.

Adult Basic Education offers basic skills of reading, writing and math. GED preparation, and English as a Second Language program has students with more than 30 different native languages other than English.

CWI is a tremendous resource for the area.

CWI has seven campus locations: Nampa Campus, Professional Truck Driving Center, Canyon County Center, Ada County Campus, Oak Park Center, CWI at Boise State University and a Horticulture Center. It also has ten off-site locations: a Micron Center, Several high schools, including Centennial, COMPASS Charter, Frank Church, Homedale, Vallivue, Notus, Middleton, Meridian Technical Charter, and Renaissance, the YMCA, George Fox University, and Clinical/Intern locations at various community locations. There are 63 credit and 170 non-credit program offerings.

CWI Started with 23 online classes and is now at 180 credit classes and increasing with each semester. Hundreds of non-credit classes offering ultimate time and distance flexibility. As of Fall Semester 2010, CWI has 732 employees: 171 of those are full-time staff; 94 are full-time faculty; 39 are part-time staff; and 428 are part-time faculty.

CWI has amazing and talented instructional staff at its fingertips, many of which are working in the industry as well as teaching offering real-world experience.

Community colleges operate on support from tuition, state tax revenues, and local property taxpayers. In order to keep tuition low and education accessible, monies from property taxes and state appropriations are spent sparingly. In times such as the current economic conditions, additional support from local businesses and self-supporting programs is vital to the sustainability of the programs. FY2011 revenue is expected to be approximately \$37 million, plus whatever gifts and scholarships can be secured. Of the estimated 2012 revenue, approximately 47% will be from tuition and fees.

CWI is fiscally responsible – the main areas of spending are dedicated to instruction, academic support, and student service. CWI is making sure tax payer dollars and student tuition and fees are spent wisely for educating a skilled and productive workforce that serves our community for years to come.

At CWI we know that we cannot rely solely on state support and tuition and fees.

As such we have taken great strides to implement robust self-support programs that cater to business partnerships and workforce development. We have already increased our customized, onsite training for local businesses by 40%. This direct connection to industry staff development ensures our area businesses will have an advantage of well-trained staff to stay competitive in today's market. In addition, CWI has expanded the community education offering to accommodate the personal enrichment needs of Treasure Valley residents. An example would be our kids and teen college and new iDream program for the intellectually challenged.

In addition to the self-supporting programs, the CWI foundation was created this last year and already has a 20 member board. The foundation will focus on further developing grant and scholarship opportunities to support CWI's students and programs.

CWI has been hit hard by the ever-shrinking budgets in this tough economic climate, yet we are dedicated to remaining a college of opportunity. As a brand new community college we have broken every record for enrollment growth and have proven to be a valuable asset to the future workforce of Idaho.

Amidst our growth, CWI has taken proactive steps to address budget shortage: Last spring CWI completed a reorganization of employees that resulted in the elimination of 15 positions, and reduced compensation for an additional 35 employees. CWI does not have authorized positions that are vacant for longer than a few weeks. CWI also raised tuition and fees from \$119/per credit to \$129/per credit.

Over the last year CWI has completed thorough program reviews on approx. 75% of our programs to check for relevance, industry standards, market viability and overall quality of the programs. A couple programs have been suspended based on the findings and several are in the process of restructuring to better serve the students and market.

Class delivery has been adjusted from solely a traditional classroom setting offered during the standard weekday to be more agile with evening, weekend, and online options. These changes have increased our ability to deliver classes to more students while meeting hectic schedules. CWI has also worked diligently with area schools and businesses to deliver training at off-site locations.

CWI believes in providing thorough academic advising to foster successful completion of programs – Our student services department has three programs that are designed to support students in their college completion goals: Personal Academic & Career Enhancement (PACE) – for undecided and underprepared student support; Center for New Directions (CND) – for career changers, single parents, displaced homemakers and other groups facing significant challenges; and the Career and College Transfer Center (CCTC) – for assistance beyond CWI. Each of these programs has been implemented and are expanding to cater to groups of students that may be at risk for non-completion.

In addition to the advising programs, CWI has developed strategic partnerships

which represent a complete collaboration approach in supporting our community. CWI will be the western Idaho Bridge between business and industry and a skilled workforce. We are reaching out early to students in high schools, supporting citizens that have lost their means, and engaging active professional members with continuous learning opportunities to stay at the top of their game.

Currently CWI has assembled Technical Advisory Committees for every technical program at CWI. The group is an astonishing 350 members strong comprised of local business representatives who know the industry. They provide expertise in keeping our programs current through trends, standards, curriculum and technology recommendations, help with recruiting students and faculty, provide speakers and tours, sponsor and donate equipment, and provide internship opportunities.

CWI has partnered with Idaho universities to establish articulation agreements that provide students a seamless transition into bachelor programs. Currently we have articulations in place with all public institutions and several private colleges in Idaho. CWI and Idaho Dept. of Labor recently partnered to offer expanded career guidance and labor market information. As part of the agreement CWI has provided a space on-campus for a Dept. of Labor representative to meet with students two days a week. Roger Matson and I feel confident that this new partnership will greatly benefit both students and area employers.

CWI is also dedicated to expanding the number of students and area high schools participating in dual credit and tech prep programs. These programs allow high school students to obtain college credits concurrent with high school credits. We recently received a grant from the Albertson Foundation to expand the offerings in alternative high schools that have not yet had the opportunity, and we are also working on an aggressive plan to deliver these opportunities through use of the Idaho Education Network.

Beyond the facts and figures, we want to stay focused on the main reason CWI was created – we are here to help the members of our community, young and old, achieve their goals by providing quality and affordable education. I truly understand the revenue constraints facing the Governor, this Committee and the Legislature as a whole.

The Governor made a recommendation for CWI that doesn't meet our enrollment needs, but is the best given these times. This committee will make its decisions in the same fiscal environment, and I know you will balance the needs of all of the state and its agencies. College of Western Idaho thanks you for all that you are doing to help keep Idaho strong and we look forward to supporting your efforts. Together we will build a strong community rich with happy citizens and thriving businesses.

President Glandon stated there are 400 students that graduated last May; as of today, 800 students have applied to graduate, and more will likely be applying. He told the committee that these days, his discussions with BSU's president is not about if CWI will make it, but that BSU will be seeing 2,000 to 3,000 more juniors than it anticipated.

Senator Goedde reminded President Glandon that it was the voters in his district that made CWI happen.

Senator Andreason asked where CWI stands with BSU regarding moving undergraduate programs to CWI. **President Glandon** stated all but 13 have been moved to CWI, and it is the hope that they can move them by July 1, 2011. He stated it was money holding up the moves; there are buildings already built that are available, but that these buildings still need renovation. **Senator Andreason** asked

how many additional students will be represented once the programs are moved over. President Glandon stated it is estimated it will be as many as 2500 to 3000.

Senator Malepeai asked what the difference was between online and distance learning classes—are they interchangeable or are they two different things?

President Glandon stated online courses are web-based; there are also hybrid classes, where students are on campus one day per week and do the rest online.

Senator Malepeai stated distance learning to him is where there is a teacher and interaction and dialogue whereas online, is just a screen. **President Glandon** told the committee online can be a chat room, the use of blackboard, or some other interaction with students or faculty. He stated education is changing dramatically; there is more of a learner-interaction.

PRESENTATION: Dr. M. Duane Nellis, President of the University of Idaho, stood before the committee.

President Nellis stated the University of Idaho's priority is to ensure student success. That means providing quality education. The University of Idaho was ranked in the top 11% of universities; it was ranked 68th in Washington Monthly; and the Carnegie Foundation has continued to rank it in the top tier of research institution.

Currently there are 12,300 students at U of I; the goal is 16,000 by 2020. The last two freshmen classes are the largest they've ever been, and the last freshman class had a GPA of 3.4. Additionally, 1/3 of these students were first-generation collegiate.

The SBE has adopted a goal of having 60% of Idahoans having some type of certification or degree; the U of I is actively looking at how it can comply with this goal. To do so, it would have to nearly double its enrollment. According to the SBE, it supports students to the tune of \$3,000 per student. One of the ways progress is looked at is retention rate. How successful they are when they get to campus, and how successful they are in obtaining their degree are things to be looked at. The graduation rate at the University of Idaho is 2x the graduation rate of any other public institution in Idaho.

Regarding remedial education, the most recent figures are from fall 2009; approximately 7.6% required remedial math or English, and a small number who needed both. As the cost of college increases, so does student debt. UI awarded approximately \$12.5 million in University of Idaho scholarships. Retention and graduation is important—attracting students in STEM (Science, Technology, Engineering, and Math) is key. 1/3 of the students graduating are in these areas. Although it is doing better than peer institutions in attracting these students, it could do better. STEM is an economic and strategic imperative for the state and the nation. U of I also has a very competitive research enterprise; last year it expended 72% of the State's total research monies.

The total operating budget is \$453 million; of that 23% comes from state appropriations. External funding sources make up 42% of the budget. The University has just over 1% of its operating budget in reserves; one major problem would wipe it out.

Since FY2009, the University has had a hiring freeze, reducing the number of faculty by 44 position; the total FTE reductions has been 130 when part time staff eliminations are included. There has also been a travel freeze; deferred facilities maintenance has also been undertaken—to offset this issue, non state issued bonding has been undertaken to the tune of 3.3% accumulated debt.

A scaled furlough was undertaken last year, which accounted for \$1.2 million which has better positioned the university this year; colleges have been restructured, programs have been eliminated, and \$1.2 million has been recognized in energy savings. The University also works collaboratively with other institutions state and region wide. An increase in fees helped to offset reduced appropriations, but it has still managed to remain second-lowest of the peer-institutions. Externally funded research activities have continued to be pursued as well.

The University is hopeful the legislature adopts the 1.7% reduction recommended by the governor, and is budgeting accordingly. **President Nellis** noted it is important for higher education to return to a high-priority item at some point in the near future.

Senator Andreason inquired about doubling the student population, and asked where this would put the University in terms of handling these students. **President Nellis** noted that the residence halls do not have the capacity for this. **Senator Andreason** asked how long the president estimated it would take to accommodate the doubling of students. President Nellis stated that it would be a multi-year process; it would not be until they knew the funding was there before they could start the process.

Vice Chairman Mortimer asked about the graduation rate. **President Nellis** stated it is 55-56% graduating in the 6 year window, but noted he would like to see that number increase.

Senator Malepeai asked what factors would affect the Carnegie high-level designation as it stands at the moment. President Nellis stated there are a number of factors; competitive research dollars; researchers; PhD programs and degrees granted on an annual basis; these are all factors that contribute to this.

Chairman Goedde asked how the university is doing graduating educators with STEM classifications. **President Nellis** stated part of the STEM grant is to strengthen the number of students who want to be out teaching students in the sciences. Additionally, they are pushing to have programs students can take online in high school so these students come to U of I prepared. He is concerned about the number of students tracking into the Science Education program.

S1023: **Senator Bock** stood before the committee to present S1023. He stated the purpose of this legislation was to amend 33-5202A, Idaho Code, to provide a time period during which a charter school founder can be designated. This time period would be one hundred and eighty (180) days.

TESTIMONY: **Jane Whittmeyer** with the Coalition of Idaho Charter School Families, stood before the committee on behalf of the Coalition president Leslie Maudlin. Her testimony has been inserted below as follows:

Mr. Chairman and Members of the Committee:

My name is Jane Whittmeyer. I am the Manager of the coalition of Idaho Charter School Families. I am here to provide testimony on behalf of Leslie Maudlin who is President of the Coalition. She is unable to be here today as she is working out of town. She sends her regards to the Committee and regrets that she cannot be here today. She does, however, look forward to seeing many of you next week when she will be here for the Coalition Day at the Capitol on February 2.

The mission of the Coalition is to promote and advocate for Public Policy that furthers the advancement of charter schools and the innovations in education that they represent. The Coalition works to ensure that every Idaho student has equal access to the option of enrolling in a public charter school whether it offers instruction in a traditional classroom or a virtual setting.

The Coalition Board has reviewed the proposed legislation and in light of their many years of working on Charter school issues, including Ms. Mauldin personally being a founder of two Public Charter schools, (Victory and Liberty), the Coalition is here today to suggest that this bill is restrictive and does not seem necessary.

Charter schools came into being because of dedicated parents who wanted more public school choice for their children. Founders were the driving force for this change and for creating their Charter Schools. They volunteered hundreds of hours and as such received the benefit of having a “seat” for their children at the school. This drive, this dedication, this effort is still evident in Public Charter Schools today, even in Charter schools that were among the first to be created, over 10 years ago. These schools have the autonomy to make decisions for what is best for their school—particularly in this area. Not everyone is going to agree with the decisions made by the leadership in each Charter school. But I suspect that with parent input and full discussion on the issues at the school level, the Parent/Administration boards make their final decisions on issues such as “founder status” in ways that are best for their charter schools.

What comes before you today is a question of who should make the rules – the individuals closest to the issues at their charter school or the Idaho Legislature.

If we truly believe that the best government is that closest to the people, then this bill should proceed no further. This bill works to erode the autonomy of charters and puts a decision made by the Idaho Legislature in the place of Charter School parents, teachers and administrators who have come together to determine what is best for their individual Charter School. The decision making should be exactly where it is—at the charter school. It should stay there.

Each public Charter School is different – as originally intended. There is no “one size fits all” in life or in Charter schools. In the case that brought this issue forward, the Parent Council carefully considered the issue and made a decision. It was based upon the needs of their charter. Since they were purchasing a building and doubling the size of their school, they felt that the opportunity to once again become a “founder” was appropriate. An older school, in particular, must have flexibility to allow for new founders. They would generally be past the point of having original founders and they would not exceed the 10% founder/teacher provision of the law. All Charters need this flexibility to meet the needs of their particular schools as those needs change over time.

On behalf of the 1,941 members of the Coalition of Idaho charter school families, Ms. Mauldin urges you to send this bill back to the sponsor.

Mr. Chairman, I stand for questions.

Senator Toryanski asked for clarification that under current law, if a charter sees drastic changes such as the purchase of a building which results in the doubling of school size, charter school boards could designate new individuals to “founder” status although they were limited as to the number of individuals they could designate. **Ms. Whittmeyer** indicated this was her understanding.

Senator Toryanski asked if the coalition would have an issue with a trigger period of a time certain whereby new founders could be named – rather than new founders being able to be named throughout the life of the school. They would have to be named within a certain time period of a triggering event until that time period closed, and then could not be named again until another significant triggering event would happen. Answering on behalf of the coalition, **Ms. Whittmeyer** stated she feels the coalition would want lots of lead-time to discuss this if that were the decision.

TESTIMONY: **Diane Demarest**, executive director of Idaho Charter School Network, stood before the committee to testify against S1023. Her testimony has been inserted as follows:

Good afternoon Chairman Goedde and Senators, thank you for this opportunity to speak with you today. My name is Diane Demarest and I am the Executive Director of the Idaho Charter School Network. We are a membership organization representing Idaho's 40s charter schools, supporting high quality schools. Senate Bill 1023 introduced by Senator Bock this week distracted us from the incredibly important work during this time of education reform in our state. Charter schools are very invested in a customer driven schools, great teaching and student achievement. Charter schools fully support transparency and accountability; however, we oppose Senate Bill 1023 because while it may seem like just one detail in the Idaho Charter Code; one simple clarification of the term FOUNDER by restricting the time frame in which it is applied - in principal - the introduction of legislation to address the disappointment of one constituent treads heavily on the autonomy and authority of school boards; both at the charter school level and the Public School District Board level who may be the authorizer of the charter school.

Current charter law [§33-5202A] defines a founder as one "who makes a material contribution toward the establishment of a public charter school in accordance with the criteria determined by the board of directors of that school". Furthermore, in the case of both Commission Authorized Schools and District Authorized schools, these criteria set in the charter and in policy are reviewed and monitored by the charter school's authorizer.

If there have been abuses of the 'founder' clause, I believe these reports are based more on the perception of a few rather than evidence of significant abuses. For instance, the Idaho Public Charter School Commission has not delivered one letter of defect for misuse of founder status.

Charter schools as you all know, do not have access to levies nor do they receive any funds to support the purchase, construction or repurposing of a facility. When a great deal of work needs to be done to rehab a building charter schools depend on parents. Identifying founders, individuals who have made a material contribution to the development of the school is one of the only ways to acknowledge these amazing contributions and build a sustainable future. It is up to the board of a school and their authorizer to determine the criteria for achieving founder status and the appropriate time frame in the development of the school whether it is in the year before the school opens or in year three when they can finally afford to purchase a building. I can assure you that charter school boards do not take lightly this responsibility. We may interpret the word 'establish' in the law to mean the very outset, prior to instruction beginning, but I submit to you that while the work in the year prior to a school opening is Herculean, year 5 or year 10 may present equally monumental tasks. For instance Vision Charter School in Caldwell, a charter with outstanding academic performance - has been opened for five years. They never imagined that they would still be operating in portables but they are growing from a k-8 to a k-12 school and in this year they hope to begin construction. Sandpoint Charter School opened as a 6-8th grade charter, now in their 10th year expanded to 6-12th grades and erected a new building. They did so under the same charter.

Students who attended Anser Charter School in 1999 in repurposed racquet ball courts, graduated college before their school got a permanent building.

Lastly, I want the committee to understand that the privilege ascribed to a founder is a limited one. As indicated in the law only 10% of a school's enrollment may be filled with children of either founder or teachers. In the case of most of our charters it is fewer than 10%. In the case of Anser Charter it is only 3% leaving ample opportunity for other students. Even if new founder status were afforded a family, they would go to the waiting list if the school was full. A lottery, implemented by all of our brick and mortar schools and outlined very specifically in code, is advertised and conducted in public view. The lottery insures that students are randomly enrolled in schools and not shown favorite based on who they know, how much money their family earns or what zip code they live in. Enrollment in many of our public schools is far less accessible. You may be familiar with the Boise School District where several of you live. The Boise District has an open enrollment policy. However, a student's address is the first consideration. I spoke with Sen. Bock just this morning about this very situation. He lived in the vicinity of Timberline High School, but as a parent, wanted his child to attend Boise High. He appealed to the board and his child was enrolled and graduated from Boise High. Today, if I want to enroll my child in Boise High just across the street and I live in Southeast Boise, I cannot enroll them. They are currently taking names of 8th graders for 2012. Should there be an opening I would have a distinct advantage if my address was in the north end. Beyond the immediate 'old' enrollment boundaries, students are admitted on a first come first serve basis, not by any random assignment. I applaud the Boise District for having many wonderful schools which my children have attended and I applaud the Boise District School Board, who as authorizer of the Anser Charter School did their due diligence in investigating the complaint of one of their constituents. I know that you have heard some heartfelt testimony of a very disappointed parent; however, the Boise School District Board review the complaint and found that Anser Charter School had operated in accordance with all provisions of the law.

The Idaho Charter School Network asks this committee to focus on the larger issues of quality education and accountability that we fully support. We believe that every student is important and we wish that there were no barriers for any parent making the choice they would like for their child. Until we have many more charters, there will unfortunately be insufficient room and lotteries will continue to be the mechanism to insure fairness. We ask that this committee refrain from passing this legislation which we believe would increase state control over local school boards for the sake of appeasing one individual and not add in any substantive way to the quality nor accountability of our schools or authorizers. While a ribbon cutting may happen on day 1 - a charter school continues to develop and may even newly establish itself well beyond the 180th day.

Thank you for your time today. I would be happy to respond to your questions.

Chairman Goedde asked for clarification on how founder's children get into the school. **Ms. Demarest** explained that children get put at the top of the lottery list.

Chairman Goedde stated that the 100 hours could actually be done by someone in the founder's employment. **Ms. Demarest** stated she did not know if this was correct.

DISCUSSION: **Senator Fulcher** noted the Black's Definition of Founder is "the person who founds or establishes; especially a person who supplies funds for an institutions future needs."

Senator Bock noted that the legislature decided how the lottery system would work,

how things would be parceled out, etc. He stated that in his own research, “founder” is essentially someone who “founds”—sets up, or establishes on a firm basis.

He pointed that in the law, legislators are tasked with confining themselves to the ordinary usage of the word. To him, a “founder” is someone who is there at the start; someone who lay’s the blocks of the school. A founder is someone who is there at inception, not somewhere in the future. He doesn’t disagree that there are many people who make contributions to the public schools and charter schools—in fact, they deserve praise. Right now, however, we have the word founder, and it is our job to interpret accordingly. The 180 days demarcation was something that seemed fair to him for someone who was not there at the date of inception of charter school. That aside, the fairness issue needs to be addressed; public funds are being addressed.

If the word founder can be manipulated in such a way that someone can gain an advantage, it is not “fair.” When a decision is made about someone being a founder, there is another child that is being excluded.

Senator Winder noted that lines 15 through 27 attempt define “founder – “Founder” means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. Provided however, that such designation shall be made only within one hundred eighty (180) calendar days of the initial day of educational instruction offered by such public charter school. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

Senator Bock stated there was a definition of someone who establishes, and was there at the inception of the charter school, and he would take the rest of it as being self-explanatory. However, he feels that this means someone should have been there at the start. Chairman Goedde also indicated the committee should look at the definition of “establish.”

Senator Andreason stated for the record that lines 15-27 do not meet his definition of a founder.

Senator Malepeai commented this committee is always looking to keep the best interest of the children in the state. He does not feel he has heard a compelling argument against the 180 day demarcation. **Senator Malepeai** moved to send **S1023** to the floor; **Vice Chairman Mortimer** seconded the motion. He stated he appreciates the debate that has been had, and the concern of the charter schools. However, there is a matter of fairness, and if the legislature were to go to the general public, most would interpret it as a founder is the individual who was there from the start, and limiting designation to the 180 days is not unreasonable.

Senator Winder stated when you say, arbitrarily, 180 days, rather than allowing each board to look at their own institution, when is the actual establishment occurring? He does not have a problem with the equality problem, but setting the 180 days in law does not allow discretion for individuals that make significant contributions later.

Chairman Goedde passed the gavel to **Vice Chairman Mortimer** so he could debate the bill.

Chairman Goedde stated he sees two real problems with what he sees as a stretching of the word "founder." The first is if we are allowing someone preference in a public school by contributing time, we've crossed the constitutional boundary of free and thorough public education. He stated he has to make the distinction between establish and develop—establishing is at the outset, developing is ongoing, and the definition of founder has no hint of developing in it.

Senator Toryanski stated that based on his experience with statutory construction, **Senator Bock** is right on in his analysis. It cannot be left to the board's discretion that the loophole is so big the statute is subsumed. He feels that what the charter schools are talking about would be more accurately defined as a patron, and from his view, this can be fixed in two ways. He does feel it is an issue of fairness, and this bill would solve this. However, there is the issue of taking away discretion. First, the bill can pass to plug the loophole and the legislature can establish a "patron" which would reward and provide an incentive; or, second, the bill can be tabled so both changes can be made at the same time.

Senator Winder inquired of **Senator Bock** if there was a way to structure something that might allow a little discretion or definition differential. **Senator Bock** stated he feels the issue of who you include is a difficult one, and not one that can be solved in a few days. He stated he made an offer to the charter school representatives that they could work on something for next session, but that he feels it would be more appropriate to deal with the bill in front of committee now, and then handle the rest later.

Vice Chairman Mortimer stated there is no time period that is in this to make this on date-of-passage versus effective date. He asked if it was the desire of Senator Bock to make this effective July 1, or effective the last date of session. Senator Bock stated he feels the July 1 effective date is fine with him.

Senators Fulcher and **Winder** wished to have their Nay votes recorded. The motion to send **S1023** to the floor with a do-pass recommendation passed by voice-vote. Having no further business, **Chairman Goedde** adjourned the committee at 5:20 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, February 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Eastern Idaho Technical College	<i>Dr. Burton Waite, President</i>
<u>RS20212</u>	Amendment to Idaho Code 33-511 to remove requirement for a consolidated district to hold an election to discontinue the use of a building, but only when that building has been declared an imminent public safety hazard by the Division of Building Safety.	<i>Senator John Goedde</i>
MINUTES	January 17, 2011 - <i>Senator John Andreason</i> Januart 20, 2011 - <i>Senator Russ Fulcher</i>	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, February 01, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour

ABSENT/ EXCUSED: Vice Chairman Mortimer

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 committee to order at 3:00. He asked the secretary to take a silent roll, and welcomed **Dr. Burton Waite**, President of Eastern Idaho Technical College, to the committee. **President Waite's** testimony has been inserted into the committee minutes:

Good afternoon Mr. Chairman and members of the Committee. I am pleased to talk with you today about Eastern Idaho Technical College.

The College was established with legislation in State code. As the only Professional-Technical College in the State our mission and focus is different from the other two year institutions in the state. Our entire focus is on professional-technical programs and we do not have a focus that community colleges have of being transfer institutions. Having said that, we do work closely with all of the institutions of higher education to do all that we can to make sure those students who take classes in programs at EITC receive credit when they transfer or continue their education. The same is true of student coming from other institutions that choose to come to EITC. In each of these cases the credits will transfer but if the student changes programs, some credits will transfer as elective credits and may not apply directly toward the completion of that associate degree. As college and university presidents we work closely to make this work for students and when we hear of a situation that does not seem to be working the way it should we intervene to correct the issue.

We are governed by the state board of education, which is also the state board of professional technical education. We have a college advisory committee comprised of various stakeholders in the region. In addition to a college advisory committee, each of the individual credit programs of study has their own advisory committee. These committees provide input on curriculum needs, equipment needs, and future employment opportunities for our graduates.

As stated here in our mission, our geographic focus is on the counties in southeastern Idaho. We do not recruit students aggressively from other parts of the state or from other states. Our focus is on meeting the needs of our own region.

This is a map of the service area. We are given responsibility to provide the workforce training needs for all of Lemhi, Custer, Clark, Fremont, Butte, Jefferson, Madison, Teton, and Bonneville counties; in addition we serve the eastern half of Bingham County.

The instruction we provide falls into three major areas. We have certificate and associate of applied science degrees with our credit programs of study. We provide a variety of non-credit instruction to meet the individual skills needs of the citizens of the region as well as customized training for business entities. The workforce training unit has responsibility for this non-credit training. It provides these services in a cost-recovery operation. Those individuals taking the training on their own or in the case of a business request all pay a fee that recovers all of the costs for delivering the training. If enough people do not enroll in a class it does not run. The other area of instructional service we provide is in our adult basic education/GED unit. There are many who for a myriad of reasons do not have the basic reading and math skills to be competitive in our society. This unit provides English as a Second Language and several levels of these basic skills to assist these individuals. We also have a GED testing center to provide the opportunity for obtaining a GED.

Both the Workforce Training Unit and the ABE unit take their services to various locations in the region as resources permit.

As you have heard presentations from other institutions of higher education, they have no doubt talked about the increase in their enrollment numbers and having to do more with less. Well, EITC is not any different. Even as a focused professional Technical college where we cap enrollment with maximums established in conjunction with the program advisory committees in the last two years we have experienced a 23% increase in our enrollment. During the fiscal year 2010 we touched the lives of over 18,000 individuals at our campus or outreach sites as the numbers on this slide indicate. In addition, through articulation agreements with the high schools in the region we provide college credit to over 3800 high school students in the region.

One of the measures used in Professional-Technical Education is the number of completers of certificate and associate of applied science programs who obtain training related employment or continue their education. In recent years it has become a constant balancing process between what our advisory committees tell us the available hiring opportunities are and the number of people who apply for a program. You will be able to see how we are doing this on this slide and the next slide. One of the common attributes of PTE programs all over the country is to match employment opportunities with program completers. Using enrollment caps on programs is a common way for doing this. The full-time student count for the fall semesters in each of the past five years has fluctuated between 300 and 350 students while the part-time student numbers have shown a steady increase. The demand for many of the programs is such that students will take prerequisite and general education classes as part-time students to increase their chances of getting into the professional part of a program.

So how are we doing in that balancing act between supply and demand? You can see from this graph that our positive placement for this five year period is between 90% and 96%. The reason the last year shown is 2009 is because the 2010 graduates survey numbers have not been completed. I have had some ask me why we don't just open doors and take everyone. There are two factors. I will list them as I see them in order of importance.

As a technical college that has a mission for training for employment we do not want to have students incur debt through student loans for their education and upon completion not be able to find employment in the field of their training. I often say we are not in the business of "training people to be unemployed." The second reason we do not open our doors to everyone has to do with limits on adequate equipment and faculty. With the declining resources we have been receiving from

the State it has an effect on how much we can do. We do believe we are being successful in trying to strike a balance between providing quality training to match the employment opportunities in the region.

The number of people we are serving in workforce training I have divided into two groups: those that are part of a contract we have with the INL and those that are not. The non-INL number remain pretty constant from year to year. Even in years of declining employment when individuals may have an increased need for skill upgrade training, they often choose to not get that training because of a change or a potential change to discretionary dollars they may have. Similarly, businesses often choose to reduce or eliminate training dollars when things get difficult for them. The INL training numbers will vary from year to year based upon the change in required training needs as prescribed by the Department of Energy. Last June our first three-year contract to provide this training expired. Our contract was renewed on July 1 for another three years. One indication of the successful relationship we have with the INL is their request for us to increase the number of trainers from three to five.

I want to share a couple of successes we have experienced this past year. Last year I reported to the committee that EITC was the recipient of a \$1,000,000 grant from the J.A. and Kathryn Albertson Foundation. It was to be used for scholarships. There was about an 11 month window in which to award these monies. They also need to be spent over the next three years. You can see from this slide the impact this generous grant has had on the students at EITC is significant. The EITC Foundation that has responsibility to administer scholarships to the EITC students really stepped up to the plate to accomplish this task. We have increased the number of students receiving scholarships to nearly three times and increasing the amount to over four times when compared to the prior year. It also allowed for the first time the colleges ability to offer multi-year scholarships to our students.

In the fall of 2010 we started the first year of the Energy Systems Technician program. This is a program in partnership with the Idaho State University's College of Technology. ISU has had this successful program for some time. The space limitations they had on their campus prompted a discussion between us about how we could do the first year on our campus in Idaho Falls and then the students would transfer to Pocatello for the second year. We were successful in obtaining a grant in conjunction with the Department of Labor to provide the startup costs to do this. Our faculty member at EITC has been working closely with the Faculty at ISU and it appears to be a wonderful partnership..

When I was invited to present to this committee there are four areas that I was requested to discuss. I will address each of these on the next few slides.

Most of the students who come to EITC are not students who have completed high school in the past year. Our students are most often people who are in their twenties, or older adults who have a need to be retrained in a new profession. But the question was asked about the need for remediation for recent high school graduates. You can see from this slide that less than 20% of last fall's freshmen class was recent high school graduates. However, the need to take remedial classes was large, especially in math. There were not any particular Idaho high schools that seemed to have a higher number of students needing remediation than the other high schools. There were a few who are graduates of high schools outside of Idaho and their remediation needs were the same as the Idaho graduates.

Eastern Idaho Technical College has historically operated on bare-bones staffing. Programs of study are reviewed regularly to ensure that they are still providing

appropriate training for employment. If a program does not do this it may be suspended or closed. This continuous identified some programs that were closed in the mid-2000s.

As we have worked to respond to decreased funding, our objective is to have as little impact upon students and their learning process as possible. Whether that process was in the classroom or another student service it made no difference. Meeting the needs of the students is our priority. We have not budgeted for capital expenditures in any of the past three years. Occasionally an item needed for training will break and in order to provide for the training a new item has been purchased. However, in many instances we are living on borrowed time. We have had some business partners who have stepped up to help with the purchase of specialty equipment for some programs. During the past six months we implemented a new administration structure for the college. This restructure reduced the number of administrators from 4 to 3. As personnel openings occur either through retirement or attrition in every case the position has been evaluated. In some cases the position has been reclassified to a lower level. We have also delayed hiring.

Fortunately we do not have any bonds to repay at the college.

The State Board of Education has established a goal to have 60% of the citizens of Idaho have a higher education credential. We are committed to assist in the attainment of this objective.

The Center for New Direction has counselors and a social worker. I know you are aware that people often do not complete their education for reasons that are not related to the education itself, but other factors. There are just life issues that often take higher priority. These counselors work with students to help them work through these issues and remain in school. The EITC foundation provided over \$100,000 last year as a resource to meet some of these temporary needs. The educational challenges can often be met at the colleges tutoring center. WE have recently been awarded a \$500,000 Albertson Foundation Grant designed to target graduates at alternative high schools and those in our Adult Basic Education Program. It provides for increased available counseling and resources to help these people see themselves and success in college and to complete a credit program at EITC.

Senator Winder asked about the \$500,000 grant for issues outside the classroom for individuals. **President Waite** stated it was going to be focused towards adult basic education individuals and those who are in adult basic education, to help show them they can be successful in college.

Chairman Goedde asked for affirmation that ISU is the college that provides the community college function in the area. **President Waite** confirmed that. He also asked if EITC was sharing the remediation numbers with local high schools. **President Waite** said they are not; **Chairman Goedde** stated they should consider doing so; he also indicated he appreciates the school's enrollment caps.

President Waite told the committee that health care and welding tend to be the two most popular fields of enrollment for students, in response to questioning from Senator Andreason. He noted the increase in jobs is not coming as quickly as individuals had hoped.

Senator Malepeai asked about the Energy and Applied Science's Program—**President Waite** stated it is an entry level program that is then completed at Idaho State University.

Senator Andreason asked if individuals were still bussed from ISU to EITC. **President Waite** stated they did not.

RS20212

Chairman Goedde stated that currently the Division of Building Safety can declare a building an imminent public safety. The state forces the construction and the taxpayers have to pay the bond, and the issue is what to do with the building if the new building is not constructed on the same site. There needs to be a way for a consolidated district to carve out a way to close a building that poses an imminent safety hazard.

Senator Winder moved, seconded by **Senator Andreason**, to print **RS20212**. The motion carried by voice vote.

**MINUTES
APPROVAL**

Senator Fulcher, seconded by **Senator Malepeai**, to approve the minutes from January 20, 2011. The motion carried by **voice vote**.

**MINUTES
APPROVAL**

Senator Andreason, seconded by **Senator LeFavour**, to approve the minutes from January 17, 2011. The motion carried by **voice vote**.

ADJOURN:

Having no further business of the committee **Chairman Goedde** adjourned at 3:40.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, February 03, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20241</u>	Amending Section 33-513; this legislation returns decision-making powers to locally elected school boards and creates a more professional and accountable work force.	<i>Tom Luna, State Superintendent of Education; Jason Hancock; State Department of Education</i>
<u>RS20254</u>	This legislation reprioritizes statutory requirements to strategically invest in Idaho's educators and technology, and increases transparency for Idaho's public school system.	<i>Tom Luna, State Superintendent of Education; Jason Hancock; State Department of Education</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, February 03, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 committee to order at 3:00; he asked the secretary to take a silent roll.

RS 20241: **Jason Hancock** stood before the committee to present **RS20241**, legislation relating to Labor Relations and Employee Entitlements. This legislation would return decision-making powers to locally elected school boards and create a more professional and accountable work force.

Under this legislation tenure would be retained for teachers who currently have it; teachers who do not have it would be granted two year contracts instead. This would also require parent input in teacher and principal evaluations. This legislation prohibits seniority or contract status as a factor in force reduction decisions (language is removed on page 14, section 9 of the legislation; new language is inserted on page 15, line 26). The board of trustees would need to use other factors in making these RIFs. Another component of this legislation relates to the ability of principals to have an increased say over the staffing in their schools. This allows principals to block the hiring of an individual or transferring of an individual into their school. This doesn't apply to the existing staff, just when new instructors are brought in.

The elimination of 99% ADA protection feature is incorporated on page 17 of the legislation. Under the current system students are funded as "ghost" students in districts where they once attended but then transfer out. This legislation eliminates the 99% protection feature, while simultaneously adding a severance stipend in section 8 on page 13 to allow schools to let staff go in September rather than lock them into staff when they don't have students to support the quantity.

Section 13 eliminates the Early Retirement Incentives Program (ERIP). ERIP formerly included teachers and administrators. However it was discovered that when administrators were eliminated from participating in the program, the index multiplier did not go up as anticipated. The argument was formerly that the program paid for itself, but it is now the belief that these administrators were going to retire anyway so the program was essentially unnecessary.

Pages 20 through 24 contain language relating to negotiations and collective bargaining. There are provisions that say master agreements in the future are limited to one year at a time; the legislature budgets one year at a time, so it doesn't seem to make much sense for school districts to have contractual obligations that run out ahead of known factors such as how much money they will be getting from

the state. Most of the money that comes to school districts comes from the state so that would sync these contracts with the state's budgeting cycle.

This legislation will also eliminate evergreen or continuing clauses in master contracts or negotiated contracts, as found in Section 16. Currently, when a contract expires, the provisions in the contract continue on until a new agreement is signed, however long that takes. What this essentially does is binds in perpetuity the actions of school boards to the actions of past school boards. This type of action has certainly not been tolerated in a legislative environment, but that is really what you have in the contracts. Additionally, you really have to have both sides agree to get something out of a contract, and so this legislation eliminates the evergreen clauses and mandates the agreements go from year to year. The change will be reflected in 33-1271A, Idaho Code.

Labor organizations will be required to provide documentation that they represent over 50% of their purported organization, and collective bargaining must take place in public.

Senator LeFavour asked under what condition teachers will lose contracts. **Mr. Hancock** stated there are two contracts being discussed here; the grandfathering being discussed here is the individual right to grandfathering, to a tenured contract (in their fourth year or greater) and their right to have their contract renewed year after year. This does not guarantee their right to a salary, but it does guarantee their right to retention of tenure. It guarantees their right to have their contract renewed year after year. Teachers can be let go under Reduction in Force (RIF).

Senator Toryanski asked if the severance fee for professional staff would be recouped. **Mr. Hancock** said they would keep it, although it was unlikely that they would be employed immediately upon severance given the timing. **Senator LeFavour** pointed to Section 20, and stated it doesn't look like a real negotiation to her. **Mr. Hancock** stated there is a requirement to negotiate, and it is a requirement to negotiate in good faith. However, the master agreements no longer have the ability to live beyond June 30th because of the elimination of the evergreen clause. The only entity it makes sense to give that authority to is the school board. **Senator LeFavour** stated she fails to grasp how it is in good faith when there is incentive for individuals to not participate in the negotiation process. **Mr. Hancock** stated this is the Category C contract where the new teachers have the ability to have two years added on the end of their initial two year contract. The level of compensation is subject to change in the second year however.

Senator Fulcher moved to print **RS 20241**; the motion to print was seconded by **Vice Chairman Mortimer**. It carried by voice vote; **Senators Malepeai** and **LeFavour** voted Nay.

RS 20254C1:

Mr. Hancock stated that in the past two years approximately \$200 million in State funds have been cut from Idaho's public school system. To ensure the State can educate more students at a higher level with limited resources the State must reform and modernize the educational system. The Students Come First Legislation reprioritizes statutory requirements to strategically invest in Idaho's educators and technology, and increases transparency for Idaho's public school system.

Section 25 on page 47 inserts new language as 33-1627 regarding the online/mobile computing devices for the class beginning in 2012-2013. This is an attempt to get students ready for that world. There is also a provision in this part of the legislation relating to Fractional Average Daily Attendance—Fractional ADA – in 33-1002(a), Section 9. This establishes a default system for funding online courses. It says that if you have a student who has 6 periods, and one is an online course, 1/6 of the

funding for that day is carved out for the online course. Of that 1/6th funding, 1/3 is carved out to pay the district for fixed costs; the other 2/3 pays for the online course.

The legislation also has provisions in Section 15 in 33-1004A Idaho Code, in section 15 of the bill (sections 15, 16 and 17) unfreezes the salary grid for certificated staff. This grid has been frozen for the last two years, preventing teachers from advancing on the grid. What is being done here is unfreezing one of the two frozen years one by one until FY 14, at which point the salary grid will be whole.

In section 18, changes to 33-1004E Idaho Code bumps up the minimum teacher salary from \$29,655 to \$30,000; it also cleans up language from FY95 and FY96 which is no longer applicable. Additionally, the legislation will provide for the back-pay of nationally board-certified teachers, as they have already earned it.

Section 20 on page 38 adds 33-1004I to Idaho code. This addition is a Pay for Performance measure specifically dedicated to hard-to-fill areas and leadership awards.

Page 60 contains language granting public post secondary institutions the opportunity to operate charter high-schools. Responding to questioning from **Senator LeFavour, Mr. Hancock** stated he does not expect significant layoffs as a result of this legislation; Idaho sees 1600-1700 teachers turned over every year. If the state is talking about a net reduction of 770 teachers over two years, in a vast majority of cases the reduction will be a matter of not filling positions.

He noted the savings are from a high of \$25 million to a low of \$6 million; the state has settled on a net savings of \$16.6 million. It is a savings of a divisor move; most of it goes back into the system, although some of it does have to stay out to cover the one-time funds that are going to disappear at the end of the year.

He stated that when the divisors are moved around, each of the positions comes with a package of health benefit costs. If a school district has a few less positions on staff, those are savings that will be recognized at a local level. Senator LeFavour asked about the loss of income tax revenue, loss of revenue, family tax revenue, etc. in the state. Mr. Hancock stated the government has never taken that into account in the other direction—when hiring individuals.

Vice Chairman Mortimer moved to print **RS 20254C1**; the motion to print was seconded by **Senator Winder**; it carried a voice vote. **Senators Malepeai and LeFavour** voted nay.

Senator Winder asked **Chairman Goedde** to explain a print hearing for the benefit of the audience; **Chairman Goedde** obliged.

Having no other business of the committee, **Chairman Goedde** adjourned at 3:50.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
WW02 (AUDITORIUM)
Monday, February 07, 2011**

SUBJECT	DESCRIPTION	PRESENTER
	START OF BILL HEARINGS; S1068 AND S1069	
		<i>Tom Luna (State Superintendent of Education)</i>
<u>S1068</u>	Amending Section 33-513; this legislation returns decision-making powers to locally elected school boards and creates a more professional and accountable work force.	<i>Jason Hancock (State Department of Education)</i>
<u>S1069</u>	This legislation reprioritizes statutory requirements to strategically invest in Idaho's educators and technology, and increases transparency for Idaho's public school system	<i>Roger Brown (Department of Financial Management)</i>

STAKEHOLDER PRESENTATIONS

Karen Echeverria

Idaho School Boards Association

Phil Homer

Idaho Association of School Administrators

Sherri Wood

Idaho Education Association

Laurie Boeckel

Idaho Parent-Teacher Association

Vince Hannity and Christine Donnell

Idaho Business Coalition for Education Excellence

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde

Vice Chair Mortimer

Sen Andreason

Sen Pearce

Sen Fulcher

Sen Winder

Sen Toryanski

Sen Malepeai

Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy

Room: WW39

Phone: (208) 332-1321

email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, February 07, 2011

TIME: 3:00 P.M.

PLACE: WW02 (AUDITORIUM)

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, McWilliam(Malepeai), LeFavour

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 committee to order at **3:00 p.m.** He requested the secretary take a silent roll.

OPENING REMARKS: **Superintendent Luna** stood to present an overview of the “Student’s Come First” legislation, and began reviewing the changes that have been made since he last stood before the committee. He pointed out that there have been two significant changes: requirements in online education have been changed from eight to six credits, and students have been granted the opportunity to take those courses throughout their school career. While there has not been issue with the number of credits offered, districts have wanted the flexibility to choose when they have been offered.

Local school districts will decide the courses that will be taken through the online courses to decide the online flexibility. They will also have control over the “mobile computing devices;” districts will decide when and where the devices will be used, security, etc.

Superintendent Luna indicated there are three options the state has regarding the education system in Idaho: it can continue to cannibalize the system; it can raise taxes; or it can change the system through spending what it has differently in an effort to educate students differently, at a higher rate.

He also stated the business community is overwhelmingly in support of this plan because as parents they are employers of our future students. This is a community which understands the level students will have to be at to be successful and competitive.

Superintendent Luna stated there have been no proposed plans, or even ideas, that come close to “Students Come First.”

The next myth is that online courses do not include a teacher—the fact is that teachers do teach these courses; these are taught by Idaho teachers. In order for an online course to be taught, it will have to be taught by a certified, Idaho teacher.

Additionally, laptops will not be replacing teachers; this legislation promotes a 1:1 student-to-laptop ration in the classroom, while promoting teachers in the classroom.

Superintendent Luna stated that even if funding were to grow at 4% for the next

10 years, it would take equally long for per-pupil spending to equal what it is today. The state must spend what it has today differently, which involves increasing class-size slightly, decrease number of teaching positions state-wide slightly, and investing in advanced technology for teachers and students. The state must also reward excellence in classrooms, all in an effort to put Idaho schools back on a firm financial footing.

Senator LeFavour stated her confusion over the budget numbers—she asked if the plan includes the restoration of the cuts from FY2010. **Superintendent Luna** stated it mostly does, by agreeing to spend monies differently over the next five years. **Senator LeFavour** pointed to the salary restoration on the provided pie chart, and the lack of restoration of the \$128 million. **Superintendent Luna** reiterated the money would be spent differently, to restore funding in other areas. **Senator LeFavour** stated she does not understand how 800 fewer teachers can accomplish all of this on top of what they are already doing. **Superintendent Luna** stated in the next year the classroom divisor will be increased by X; the next year it will be increased by y; Those monies will be spent in areas that have been cut.

Senator Andreason asked how teacher loss would be leveled out as teacher loss would not be the same statewide. **Superintendent Luna** stated each district would lose positions based on district size, but the teacher loss would be equitable.

Senator Andreason asked about the cost difference between laptops and new “computing devices.” **Superintendent Luna** stated that this would be deployed 18 months from now; every year thereafter, the device would be replaced for the ninth graders. The funding provided is there to not only replace them but for repairs, upgrades in software, and the like.

Senator Toryanski noted the hot button issues, and stated that he has been hearing from his constituents that they would like the state to step back to consider options. **Superintendent Luna** told the committee that the buy in for the Pay for Performance portion of the plan is there. However, there is no agreement on removing/eliminating tenure, eliminating tenure in master agreements, or removing seniority as part of reduction in force. **Senator Toryanski** asked how the Superintendent would respond to the complaint that this is a “one size fits” all directive. **Superintendent Luna** stated he feels this is not that type legislation – it is not eroding control. Speaking from experience, he feels like the measures taken in this legislation providing more leeway and is effective in allowing districts flexibility.

Chairman Goedde asked **Superintendent Luna** to address the purchasing of personal computing devices and state maintenance. **Superintendent Luna** stated 20% of the technology funding will be toward training; for district needs, districts will be allowed the flexibility to choose what they need for their classroom. When it comes to the mobile computing devices, over the next 18 months a committee will be formed to develop a plan before rolling this program out.

Senator Malepeai expressed concern over **Superintendent Luna’s** painting of teachers as union members in a negative light. **Superintendent Luna** stated is it his opinion the union leaders do not represent most teachers in Idaho, do not represent most of their members, and do not represent most parents, students, or administrators. He indicated he has issue with union bosses and leaders, not union members.

Senator Malepeai stated there seems to be a lack of understanding of what tenure is—that tenure is really at a university level—and there is not really such a thing as a job “forever,” in K-12 education. **Superintendent Luna** agreed there are

semantics, but indicated that through continuing contract status it is about as close to impossible for a district to remove a teacher from their responsibility without spending extensive amounts of money in lawsuits.

S1068:

Jason Hancock, with the State Department of Education, approached the committee to present changes to **S1068**.

Mr. Hancock indicated that on page 3, lines 16-18, the default day language was changed from 10 to 21 days. Lines 28-31 pertain to valid teaching certificates; if a teacher does not hold a valid teaching certificate, a teacher cannot teach in Idaho and shall not be paid. **Senator Winder** asked if this takes away any potential legitimate claim for dispute; **Mr. Hancock** stated this takes away any ability to take a claim only as pertaining to this. Senator Malepeai asked if the board of trustees had the flexibility to require returning within one day of signing a contract—**Mr. Hancock** affirmed this.

Chairman Goedde asked why the language of “no less than 10 days” was stricken from line 14. **Mr. Hancock** stated that for continuity, it had to be stricken.

Vice Chairman Mortimer asked for an example of when a teacher would have their salary withheld after being hired without a teaching certificate. **Mr. Hancock** stated it would be more likely that a teacher’s certificate had lapsed and this was why a salary was withheld, but that this is a situation that is not likely to arise often.

Page 4 has carryover language from page 3; subsection four has mirror language for the 2012-2013 school year regarding student achievement and is in relation to 50% of teacher evaluation. On line 12, some of the new language ensures that teachers who become administrators don’t lose their tenure or renewable contract status; they still keep that status, and have that right to employment as a teacher. **Vice Chairman Mortimer** asked about line 8, of part 4; **Mr. Hancock** stated this person is a director, and the change is in an effort to update this section of code to match language seen commonly in districts today.

Chairman Goedde asked for some ideas of what boards of trustees might use as objective measures of growth. **Mr. Hancock** pointed **Chairman Goedde** to P. 40 for ideas of these measures of growth.

Responding to questioning by **Senator LeFavour**, **Mr. Hancock** stated the board of trustees has full authority to evaluate their own evaluation standards, assess whether the year has been unusual, and whether objective evaluation measures need to be reassessed.

Senator LeFavour stated these evaluations are very different from year to year and test different topics. She expressed her opinion that the opportunity for misuse is very great. **Mr. Hancock** noted that nothing about a teacher’s pay is tied to evaluation.

Senator Malepeai asked if the legislature is telling the courts what they can or can’t do in the new language on page 5; **Mr. Hancock** stated it would appear that this language does that. He noted this is not unique—there are other instances in Idaho Code where it is laid out in law what the court can and can’t do. **Senator Malepeai** stated it may not be unique, but it does not seem like it is a good policy, and is instead a violation of separation of powers.

Section 2 creates three categories of contracts – Category A, B and C – rather than two – Category 1 and 2 – as previously in Idaho Code. A Category A contract is much like a Category 1 contract; a Category 2 is like a Category B contract;

a Category C contract allows a 2-year rolling contract. If an individual is to be terminated at the end of the Category B- or Category C- they have to be provided notice; in a Category B termination there has to be a written reason as to why an individual is not being rehired.

When teachers are hired from district to district, they can be hired under Category B contracts, or Category C contracts—on lines 33 through 37, out of state contract teachers will not be allowed Category B or C contracts.

Subsection 4 reduces the minimum evaluations to be performed each year from two to one. There is also language of “no private cause of damages, having to do with cash damages—of failure to perform evaluation.” **Chairman Goedde** asked if this has to do with failure to perform a fair evaluation, or an evaluation period. **Mr. Hancock** stated this is whether an evaluation is performed period. **Senator LeFavour** wanted to ensure that the state is still able to measure what one does in a year, and that the measurement can be done with one evaluation versus two. **Mr. Hancock** stated reducing the number of evaluations from two to one does not disallow districts to have more than one if they so desire.

On page 8, this replaces some of the category one language, if a teacher is on a category two contract they can be offered a category B contract; if they are on a category 3 contract they can be offered a category B or C contract.

Section Four on Page 8 disallows the ability of districts to grant tenure for those who have not earned it. This legislation changes the current “tenured” status to “grandfathered renewable contract.”

Senator Andreason asked why the term “a lesser salary” was included in lines 13-18. **Mr. Hancock** stated that when the economy and revenues are in bad shape, we all have to see cuts, and teachers are no exception.

Responding to questioning by **Chairman Goedde**, **Mr. Hancock** stated that under state law a district could pay less than what a state is compensating a teacher on the grid; however, it could not pay less than the statewide minimum, which is \$30,000 under this legislation.

TESTIMONY:

Chairman Goedde welcomed **Karen Echeverria** to the committee to testify on behalf of the Idaho School Boards Association. Her testimony has been inserted as follows:

Chairman Goedde, members of the Committee. I'm Karen Echeverria, Executive Director of the Idaho School Boards Association. I also have Dallas Clinger, President of the Idaho School Boards Association here with me today. Thank you for allowing us to present on behalf of the 560 school board members in Idaho and the school districts they represent.

I wanted to take just a few minutes and tell you how we gathered information from our members. During the normal course of the legislative session, or bylaws allow for our Governmental Affairs Committee to make decisions on legislation that arises throughout the session. The Committee is made up of our eight Region Chairs and the four officers. However, because of the magnitude of this legislation, that Committee voted to ask our entire membership for their input on this issue. WE wanted to be very transparent with the information we gathered.

I also want you to know that when our membership votes on our resolutions that set out our legislative platform each year, the votes are weighted. They are weighted

primarily on student enrollment in each district, but are also impacted by the number of trustees in each district. However, the results that I provide to you today are based on individual votes of trustees from around the state and are not weighted in any way.

We had access to approximately 480 trustee emails and we received responses from 270 of those. That equates to a 43% response rate. We are very pleased with that result and believe we have a good representation of our membership.

Chairman Goedde, if I could, I would like to now have the page hand out a copy of our survey results. While he is doing that, I want to tell you about the survey itself. We asked for the four following responses: unconditional support, conditional support, neutral support and nonsupport. We also asked that trustees provide us with alternatives and comments for each question. Committee members, I did learn that you should never allow 1000 characters for comment on a survey of this magnitude. The first bill alone has 62 pages of comments. While I have read all of the responses, I'm not sure that this committee will have time to do so. My testimony today will include a synopsis of those responses.

The first 13 questions refer to the specific elements found in S1068, the Labor and Entitlements legislation, and the last 16 questions refer to the specific elements found in S1069, or the Modernization and Reform Legislation.

I will address S1068 first. As you can see from my survey in front of you, for the most part, trustees across the state support the major elements of this bill including limiting the scope of courts review on employee appeals, replacing teacher tenure with two-year rolling contracts, that the union must show proof that they represent 50% of the professional employees, moving the contract issuance date to July 1, eliminating seniority as a criteria for reduction in force, limiting collective bargaining to salaries and benefits, and requiring all negotiated agreements to end each year.

Many of these are not new ideas or discussions for trustees. These are things that we have long wanted and hoped to accomplish. Many of the negotiations provisions have long tied the hands of trustees around the state and made it incredibly difficult to manage the affairs of their local school districts. These provisions go to the very heart of what we have specifically been asking for the past couple of years and that is flexibility at the local level. We have proven to you during these past two years and the tough economic conditions that existed at the local level, that trustees are willing and capable of handling the pressure and the responsibility that is constitutionally given to them. The passage of this piece of legislation would certainly give trustees that flexibility.

As I'm sure you can also see there are certain elements of this bill that trustees either did not support or where we had a mixed bag of responses. On question #1, when it comes to including a component of student achievement on evaluations, many agreed that it was a good idea, but felt 50% was too high. On question #2, when it comes to parental input on teacher evaluations, a majority of trustees agreed it was a good idea but reiterated the need for local control over how this is implemented.

On question #7, there is definitely concern over the loss of the 99% protection factor and the comments focused mainly on the impact this could have for our small rural school districts with declining enrollments. On question #9, in reference to giving principals final authority over hiring decisions in their individual school, most districts already include the principal in the process and believe it is a good idea, but many felt the ultimate decision should be left with the board.

On question #10, there was simply the necessity for this provision. Finally, on question #13, our members were split evenly down the middle on whether to allow negotiations in open sessions.

I will now address S1069. As with the previous legislation, we got some positive and some negative response, as well as some responses that were a mixed bag.

The elements of the bill that received strong support were those that allowed for additional funding for teachers salaries both by refunding the grid and increasing the minimum salary. We also had strong support for funding the increased math and science requirements, providing funding for technology in the classroom, and paying for dual enrollment courses for students who pass all required state courses by their senior year. In addition trustees were supportive of publishing a fiscal report card and positing all master agreements and budgets online.

While not quite as strong, we still received a favorable response to the Pay for Performance provision of the plan with the caveat that many still did not fully understand how and when the plan was agreed to and wanting assurance that the local school boards would have some oversight.

We got mixed reviews on question#17: those in favor of allowing for termination of teachers in the fall commented they felt the state should not pay any severance and instead allow teachers to apply for unemployment, while those opposed felt this would make it difficult for local school, districts to recruit quality teachers, especially in rural districts. On Question#19, those in favor of increasing the Use it or Lose it Provision from 5 to 15%, and using those funds to pay for online teachers felt it was needed in our rural districts to allow for more flexibility in course offerings, while those opposed felt it should be extended to all teaching staff, not just online staff. Also on question #19, those in favor of allowing students to take any other additional online courses felt any additional options would be good for their students while those opposed felt it was taking away local control and were concerned about the cost to the district.

Those areas that our members did not support were: question #16, in reference to increasing the student teacher ratio, there is concern about how this will impact all classes and student learning. It will definitely vary from district to district and from class to class. Once again, it is likely that this ill have a bigger impact on rural districts.

Question #18 references instituting fractional ADA> Trustees were concerned about the loss of funds, especially to out of state entities. There was concern about how this will impact IDLA and school districts ability to contract with them. We also received several responses that indicated the desire for school districts to create their own online courses and allow their students to take those courses thereby allowing them to keep the entire ADA.

Question #26, those who were opposed to six online courses indicated there was no evidence that these courses were better at educating students or that it improved student achievement. There was also concern about some student's ability to be successful with online learning. I also want to note that those who responded with conditional support indicated that six online courses were too many but that they would be in favor of a reduced number of online courses.

In question #28, trustees indicated they did not support a laptop for every student. They indicated that many of their constituents did not want their 9th graders to have

their own mobile computing devices and they had concerns about 9th graders ability to properly care for them as well. Trustees also indicated that this should be a local decision and not mandated from the state.

I know that in the next couple of days you will hear from trustees who fully support this bill and from trustees who absolutely oppose this bill. Just as occurs with the legislature and your debates, so it occurs with the members of ISBA. It is virtually impossible to get 560 plus members to fully agree, especially on legislation of this magnitude. So we will allow the survey to speak for itself and allow you to make your conclusions as to the responses.

Members from the Committee, President Clinger and I just returned late last night from a National School Boards Association leadership Conference in Washington, DC where we had the opportunity to hear from Jamie Vollmer, author of the book entitled, "Schools Cannot Do It Alone: Building Support for America's Public Schools." He challenged us, all of us, to change the conversation we are having today about public education. He said we need to stop, shift and share. We need to stop badmouthing each other in public. We need to shift our attention from negative to positive. We need to start talking about our successes and have positive conversations of greatness and possibility. Finally, he told us to share at least five positive things about education every week, and then challenged all of us to do just that.

As you begin your own debate and discussion, we would ask that you keep those three things in mind: stop, shift and share. We would also ask that you keep flexibility at the forefront of your discussions. Trustees are capable, worth and able to conduct the business of their local school districts as they are constitutionally mandated and elected to do. We would ask that no matter what your final decision may be that you give trustees the flexibility they will surely need to get through these tough economic times.

With that Mr. Chairman, Mr. Clinger and I will be glad to stand for questions.

Chairman Goedde asked if the trustees understand the increase in student teacher ratios funds everything else. **Ms. Echeverria** stated they do, but that they are concerned what will happen to certain programs.

TESTIMONY:

Chairman Goedde welcomed **Phil Homer** to the committee to testify on behalf of the Idaho Association of School Administrators. **Mr. Homer's** testimony has been inserted as follows:

Mr. Chairman and Members of the Senate Education Committee, my name is Phil Homer. I represent the Idaho Association of School Administrators.

Thank you for this opportunity to address the Senate Education Committee on this most important piece of legislation.

The proceeding document was not arrived at unanimously, but does represent a majority opinion. Less than unanimous opinion is to be expected from school districts as diverse as those in Idaho. However, superintendents and school administrators are committed to continuous improvement and innovated and

creative ways to improve student achievement.

Our commitment to fiscal accountability has been clearly demonstrated as we have skillfully led our school districts during these difficult economic times. Even with recent reductions in revenues, significantly more Idaho students read, write and compute at or above grade level than ever before. The most recent NAEP scores provide the same improved achievement in science. Continuous improvement in student achievement shows a great return on Idaho's investment in education. Last year's legislative focus on flexibility and local control equipped school boards and administrators to keep students first.

Regarding Senate Bill 1068 and Senate Bill 1069 before the education committee today, we support and endorse many of the concepts. Foremost among those are continuous student improvement, accountability and the principle of local control. We support the tools and flexibility that are provided to districts through the Labor Relations and Employment legislation.

The following suggestions, however, are based on research and best practices.

We suggest a modification in the requirements for administrative evaluations as follows: a required component of all administrator evaluations should be based on objective measures of student growth as determined by the local board of trustees. An additional component should be added, based on instructional leadership as determined by the local board of trustees.

We suggest a modification in the requirements for teacher evaluations as follows: A required implementation of the state-approved (Danielson) framework which is based on objective measures of student growth and achievement. The two part evaluation requirement does not reflect a time table appropriate to effectively use student growth data and the timely ability to complete the second evaluation within the contract days of most building administrators. The local school board should be responsible for a new time table better suited for teacher evaluations.

We suggest that a conflict exists between the new section 33-523, Idaho Code, which gives principals hiring authority, and 33-513, Idaho Code, which gives school boards hiring authority. Final authority on personnel actions should rest with the local school board as outlined in 33-513.

We suggest that the 99% protection law not be eliminated. A safety net is essential for unforeseen reductions in enrollment that occur after September 1.

We also support many of the concepts in the Public School Modernization and Reform legislation in Senate Bill 1069. A key tenant of the proposal is the enhancement of student college and career readiness. To assure accountability to this important tenet, we recommend adding a new section:

The State Department of Education will establish a college and career data collection system and include this information in their annual district report card. Information may include the following: college (2 and 4 year) entry and retention information; college graduation rates; and remediation courses required at Idaho colleges.

We support technological improvements and advancements in Idaho schools. However, we do not support these improvements at the expense of larger class sizes. We are concerned about dramatically larger class sizes which this legislation would create in many districts. With regard to the sections tying classroom

technology improvements and upgrades to unit divisor increases, we suggest the following: eliminate technology upgrades for 2012; defer classroom modernization until other funding becomes available; and, defer mobile technology devices until other funding becomes available.

Regarding fractional ADA, since this is a new concept, the implications of Fractional ADA are unclear and warrant further study because of the difficulties this would present in fiscal planning. Therefore, we suggest the elimination of fractional ADA. Subsection three should be amended as follows: "For the purposes of this section, the term 'online course' means a course which delivers aligned curriculum of synchronous and/or asynchronous instruction primary through the use of technology." The physical location of the online instructor matters only to the provider. Eliminating on-site instructors excludes local high schools from competing as online providers in their own school.

In support of the expanded use it or lose it, we recommend an expansion of the use of these funds beyond online coursework to all instructional coursework regardless of the format.

The original support for pay for performance was contingent upon value-added funding. Unfortunately, today's economic conditions do not provide for the additional funding which is required without raising class sizes. Therefore we will support pay for performance when additional funding becomes available.

We support state financial aid to students to get college credits while still in high school. We recommend making those funds available to all high school students, focusing on those students who have the least ability to pay.

It appears that states who have been the leaders in online learning required one credit during high school. We suggest one class be required. Currently, students have the option to take additional online courses as determined by the local board of trustees. For the required online course, strike "may not prescribe the provider." Local districts are accountable for both graduation and AYP; therefore, the school district should retain oversight for all students learning. Local school board policy should allow additional online coursework based on their established policy.

In summary, we believe the Labor Relations and Employment legislation provides local school districts with greater flexibility to adapt their economic realities. However, the Public School Modernization and Reform legislation represents an unprecedented shift of creativity and innovation at the local level, often with limited resources, hard work, creativity and support from local school boards. However, if this reform has to be based on larger class sizes, school administrators have grave concerns about being able to provide a quality educational program.

Staying with the theme of local control and flexibility and if K-12 public education must participate further in budget reductions due to decreasing revenue, it is imperative the legislation does not limit our actions at the local level to one area of reduction – i.e., class size.

School administrators appreciate the work that has gone into Senate bills 1068 and 1069 as well as the opportunity to report our view of these bills to this committee. We also appreciate any thoughtful consideration you may give to our suggestions. We do stand ready to work with Mr. Luna in any way we can.

Senator Fulcher asked **Mr. Homer** about his overall perception of local control if

TESTIMONY: **Chairman Goedde** welcomed Sherri Wood to the committee. Her testimony has been inserted as follows:

Mr. Chairman, members of the committee, I am Sherri Wood, president of the Idaho Education Association. Thank you for holding these hearings and once again giving the public an opportunity to talk about Mr. Luna's plan. I stand before you representing 13,000 Idaho educators. Like you, they know that education is central to our democracy and fundamental to our future. We know that all of you, like all of us, want the very best for our children.

It has not yet been a month since Gov. Otter first hinted at Mr. Luna's sweeping plan to turn Idaho education upside down. It has been less than two weeks since the legislation was posted on the Department of Education website. When Mr. Luna briefed JFAC at its pre-session meeting in November, he gave no hint that a plan like this was coming.

Mr. Luna is asking you to remake a public education system that Mr. Luna himself praised repeatedly while seeking another term last year. The Idaho Education Association has many serious issues with Mr. Luna's plan.

Mr. Luna claims that this plan would increase Idaho student-teacher ratios from 18.2 to 19.8, but several Idaho districts have done analyses of the Luna proposals showing that class sizes – already far higher than that – would grow by three to five students.

And although Mr. Luna says class sizes will not increase before Grade 4, our analysis shows this is not true for small districts with fewer than 168 students in grades 1-3. For example, the Council Schools in Senator Pearce's district, with 49 children in the early primary grades, would lose more than \$107,000 for those grades alone if the Luna plan passes. Statewide, small districts would lose nearly 5 million dollars in funding for our youngest students.

We have no idea where else the figures may be incomplete or incorrect. But Idaho educators believe, as these examples show, that Mr. Luna's plan was hastily compiled and has an agenda that most educators and parents believe is wrong and dangerous for our children.

Much of the attention around the Luna plan has focused on its "mobile computing devices" and online courses, and less has been said about how his "Labor Relations and Employee Entitlements" legislation would gut teacher rights in Idaho. Mr. Luna repeatedly says that highly-effective teachers are the most important part of his plan, yet his proposed legislation goes out of its way to devalue teachers. This goes against a long history of education collaboration in Idaho.

The Idaho Education Association was formed in 1892 in a partnership with elected officials and school administrators as a way to advocate for public schools and the "uniform and thorough" education mandated in our state's Constitution. In 1950, the state Republican Party platform said, quote, "the security of teachers in their profession must not be impaired." And since 1971, Idaho teachers and boards

of education have had the privilege of collaborating on master agreements that include not just wages and benefits but a huge array of other factors, including parent-teacher conferences, bell schedules, health and safety issues, and many more. The Luna plan wants to end the evergreen clause and wipe away years – and, in some cases, decades – of work.

Although Mr. Luna's plan purports to provide for bargaining between teachers and the local school board, in truth, his plan would alter the process to a point where "bargaining" may cease to exist. Instead, the process could easily devolve into a series of sessions where the local school board could repeatedly say "no" until June 11, then impose whatever settlement they want. You can imagine what sort of morale problems our state's highly effective teachers would have in such a situation. With the elimination of the 99 percent protection for district funding, teachers can be laid off four or five weeks into the school year if school enrollment drops by more than 1 percent. Can you imagine what life would be like in countless classrooms next September if teachers don't know whether they'll have their jobs in a few weeks and students could be herded into larger classrooms.

Contrary to popular belief, Idaho teachers do not have tenure, but many Idaho teachers currently have continuing contracts that give them, their districts, and the families in their schools some assurance from year to year that a teacher will still be there. Think about the havoc the Luna bills will create for families and students and school boards if proven, highly effective teachers can essentially be let go at any time, for no reason.

Teaching is unlike any other profession. We answer to parents – and often grandparents – as well as principals, superintendents, school boards, the state board of education, and the Legislature. Education is not a widgets business; it's a people business, and teachers need know they can treat the superintendent's son or the mayor's daughter the same as other students without fear of losing their jobs.

The vast majority of Idaho teachers are already highly effective and doing the best they can with limited resources. So why do we need to overhaul the whole system, especially in this time of budget crisis? Why not work collaboratively to create more targeted, less costly measures to help teachers continually improve?

Think about the loss of local control that the Luna plan's passage would mean. The plan strips local decision-making authority, from dictating how and what teachers and districts can and cannot bargain to severely limiting teachers', districts', and families' ability to plan for a stable school year.

Finally, please think about how the Luna plan is NOT answering the real questions that are hurting Idaho schools. We have effective, committed teachers; we don't have a strongly funded school system where each child has a desk; each teacher has supplies (without teachers and parents digging ever deeper into their pockets); each child has a current textbook; and children can take actual – not virtual – field trips to museums, zoos, and special events.

Mr. Luna talks about the "miracle of technology" as if it's something shiny and new, but our teachers have been using clickers for decades and few of us know a high-school student who isn't already fully familiar with computers. Some of you remember in the mid 1990's when the Legislature first began funding school technology. Over the years, Idaho schools have received millions of dollars to upgrade hardware and software. In fact, because lawmakers wanted to be sure that the money being invested in technology was used effectively, they also required every Idaho teacher to prove they were "technology certified."

We like a few of the concepts in Mr. Luna's plan, such as allowing students to take dual-credit courses and expanding course selection for teens in small towns and rural districts. But to mandate six online courses for every Idaho student makes no sense; technology is a tool, not a substitute for a caring, competent adult in the classroom.

As educators, we talk with business owners all the time. We don't hear them telling us they need workers with more technological skills. They say they need young adults who can address complex problems, work as a team, and find creative solutions. These are things best learned face to face, not in front of a screen. Think about your children and grandchildren: Our students have more than enough screen time.

Idaho educators are not opposed to change. Our association helped develop Idaho's content standards, charter school law, and the Idaho Reading Initiative. We even helped write legislation that would have streamlined the dismissal of ineffective teachers; establish alternative pay measures that take teacher evaluations into account; and lessened due-process rights for new teachers in exchange for mentoring, peer assistance, and professional development.

We know that more changes are needed, especially since Idaho continues to lag nationally in the number of students we send to college and the number that stay. But change shouldn't be imposed in a reckless, unilateral way; it should be discussed in a thoughtful, thorough, and probably lengthy process that brings all players to the table. We understand, for example, that for its vaunted – and voluntary - laptop program, the state of Maine brought together an 18-member panel to meet eight times over four months. Mr. Luna wants you to pass a much larger legislative package in a fraction of that time, and he has not involved any of the people who will need to make the change work in our classrooms.

It feels as if, here in Idaho, we have made education a political football. We need to stop, for the sake of our children. Idaho educators, parents and visionary businesses know that it just doesn't make sense to tear down our current system and replace it with unproven ideas that will increase class sizes, eliminate about a thousand education jobs, and gut the fair labor standards that Idaho educators AND school districts have worked together to develop over many decades.

Idaho educators and parents – and far-sighted business owners – know we have more than the three options that Mr. Luna has outlined. We can and we MUST do better than the Luna plan, for our children. We urge you to vote no on Mr. Luna's legislation and invite us all to do the hard work that will result in a system that truly puts students first.

Senator Fulcher stated there are some constraints that are trying to be managed—time and money, particularly—and asked if the IEA had any comprehensive alternatives. **Ms. Wood** indicated the IEA could put out some kind of plan. Several years ago it put out the “we teach plan”, although that didn't go very far. She stated the IEA's idea is not to put together a plan in isolation; in order for a plan to work and for the teachers in the trenches, all the stakeholders need to be at the table. **Senator Fulcher** commented that one of his struggles and frustrations is that outside the committee is that there is a lack of leadership—stakeholders are not willing to stand together, come together, and present viable alternatives. **Ms. Wood** stated she agrees that the educators and stakeholders are not very good at standing together and telling the successes of the education in the state.

Senator LeFavour commented there were a number of stakeholders who participated in the \$128 million in cuts in FY2010. **Ms. Wood** stated that was her understanding, and that everyone was at a table talking about the budget cuts last year. None of the budget cuts were fun, but that could happen again.

TESTIMONY: Chairman Goedde welcomed Laurie Boeckel, with the Idaho Parent-Teacher Association, to the committee, to testify.

TESTIMONY: **Chairman Goedde** welcomed **Vince Hannity** and **Christine Donnell** with the Idaho Business Coalition for Education Excellence to the committee. **Mr. Hannity's** testimony has been inserted as follows:

Mr. Chairman and members of the Senate Education Committee:

My name is Vince Hannity. I am president of the Idaho Business Coalition for Education Excellence. I am joined today by Christine Donnell, IBCEE's executive director. Christine will speak in a few minutes.

Our organization consists of more than 80 Idaho CEOs, presidents and managing partners. It was officially organized in 2003 and incorporated as a 501c3 nonprofit in 2005. Our purpose is twofold: To facilitate the work of key stakeholders to achieve education improvement, and to advocate on behalf of key education improvement efforts.

IBCEE embraces a philosophy of working closely with education professionals to support, in a constructive manner, selected education initiatives.

We believe the critically important task of education is to develop students into effective citizens, and into competent participants in the international economic environment.

How have we been doing? In our judgment, not nearly well enough. We believe the Idaho education system is falling behind other states in our nation in important metrics.

The nation itself is rapidly losing its historic edge in educational attainment. As recently as 1995, America still tied for first in college and university graduation rates, but by 2006 we had dropped to 14th. That same year the U.S. had the second-highest college dropout rate of 27 countries.

And in Idaho today, only one in four high school graduates is deemed college ready. Many require remediation after high school. Idaho is in the bottom 10 states for college-going rates and last in the nation for post-secondary retention rates.

In the future, most new jobs will require highly skilled workers. If Idaho's education system does not rise to meet this challenge, a growing number of those highly skilled workers will not come from Idaho.

That is why, for several years now, IBCEE has encouraged all stakeholders to look at meaningful reform of Idaho's education system. And today, in this climate of increased demands on Idaho's budget, the only way to improve and strengthen our education system is to innovate and eliminate inefficiencies.

We believe the package of education reform proposals outlined by Governor Otter and State Superintendent Luna in the Students Come First plan is a bold and innovative step toward such reform...Although we know that specifics of the plan will change and that good ideas to improve the plan will certainly emerge.

Underscoring our support for this plan is this notion, which we wholeheartedly support: The most important entity in the education equation is the teacher. We recognize and salute the many dedicated, talented, and highly effective teachers who provide an enormously important service to our students.

And we recognize that, in the short run, elements of this plan will make more demands on teachers, as well as on students, parents, and administrators. We also recognize that several elements of the plan are controversial. Specific proposals have attracted strong adherents and opponents, both with compelling arguments.

As we debate specific issues, we strongly encourage all stakeholders to weigh in with their perspectives and the most persuasive case they can make...to focus their debate on factual information and real details...to steer clear of historical bias and misinformation...and to always keep the desired end in sight. And the desired end, of course, is the most effective, efficient education system for Idaho, given the resources available.

We must come together to make these changes happen. By working together, Idaho will have a system that will be better for all, and make our common objectives more attainable.

In summary, IBCEE supports systemic change in Idaho education now. We strongly support the Students Come First education reform plan. And we stand ready to join with all stakeholders, to facilitate and assist in any way possible, in the continued development and implementation of the plan.

As we look to the future of education in Idaho, consider this: The world is indifferent to tradition and past reputations, unforgiving of frailty, and ignorant of custom or practice. Success will go to those individuals and states and countries that are swift to adapt, slow to complain, and open to change.

Thank you. Now I'd like to turn over my remaining time to our executive director, Christine Donnell.

Ms. Donnell's testimony has been inserted as follows:

Mr. Chairman and members of the Senate Education Committee:

My name is Christine Donnell and I am the executive director of the Business Coalition for Education Excellence. I appreciate the opportunity to give you my perspective and thoughts regarding Superintendent Luna's Students Come First Education Reform Plan.

As a forty year educator in the state of Idaho, I have lived through a variety of challenging times in regard to funding, when we had to scrutinize every item in the budget to make cuts. I can remember in 1980 when our superintendent at the time,

gathered all the administrators together and told us we had to find a way to cut a million dollars out of the district budget. Well in 1980, 31 years ago, a million dollars was as horrible then as cutting 10 million or more is today in the district.

And there were times when we were able to enjoy a little “breathing room” in terms of meeting the basic requirements and were able to institute new and innovative programs. Being an administrator in the Meridian School District, we particularly faced challenges in growth of students and staff. But regardless of those challenges we enjoyed the excitement of finding ways to capitalize on the increased funding that the growth insured.

Class size was always the focus of our budgeting decisions, as well as providing the services to our students and teachers. Some years were certainly easier and others were tougher in making employee decisions, but our student achievement results hardly fluctuated a bit. The majority of teachers are dedicated to providing the best service to their students regardless of how many are in their classrooms. They take what they are given and work harder. Is it easy? No. But great teachers care about all their students and should certainly be compensated.

We can pull up any number of research studies that weigh in on whether class size affects student achievement and find arguments on both sides. We are not going to come to an agreeable resolution. It is truly an emotional issue as well as a management issue. Under the Students Come First plan to fund the needed technology and restore salary levels, we need to get past the argument and the emotion. I appreciated a comment that Dr. Linda Clark, Superintendent of Joint School District #2, made about this issue as she explained the impact on her district. She said perhaps this is the time when we do away with the traditional class structure and deal with increased class sizes in a totally different manner.

Now after 3 years with the Business Coalition, I have a bit of a broader focus and realize, just as you do, that our public school system is not the only one that is impacted by this economy and the ensuing funding challenges. Industries across the board are asking their employees to do more with less. As you know, there have been massive layoffs, restructuring, scaling back and in some cases, closing the business. We are not going to do away with the public school system, but we must find efficiencies, make better use of existing resources and cut out anything that isn't absolutely necessary. And most importantly, find ways to do things differently.

I am reminded of a remark by one of our IBCEE members who said if a farmer gets more acres to farm, then he has to get a bigger, better tractor and the equipment to do the job but still has to put in more time in order to reap the bounty of the land. Well, just maybe it is time to recognize that the tools we have to produce the results we want are in part what the reform plan is proposing. Let's make use of the technology, online classes, blended learning that uses the technology and resources available to enhance instruction, distance learning opportunities that we already have, and increase these teaching techniques with the funding solution offered by Superintendent Luna that will help our “farmers” plow the extra acres”.

I know that it is much more complicated than that, but I keep asking myself, if we do not take this opportunity to really transform the system in the ways that are not the norm, then when will we? Many are saying just wait until we have more revenue. And then what will change? We just continue with the “status quo”, doing what we have always done? Even if the budget shortfall is greater than what was projected, how will it help to just slash and cut the current system more than it already is?

IBCEE wants to facilitate the dialogue as we begin to implement whatever the final

legislation may be. The Education Alliance of Idaho is poised to do just that. There are different parts of the plan that I personally do not agree with and other parts that I do, but it is your job to make those decisions.

This is an opportunity to become really uncomfortable, actually feel pain, to stretch our thinking, to be creative and strategic, and begin, and I do say begin, to design a completely different system that will produce the results in student achievement and student behaviors that we need to be a global competitive power. It is time for you legislators, even though it will most certainly be hard, to support these reform measures and position our state to have a school system that truly is the best in the nation and that will only come about with a very close look at how we do our job now and how we can do our job better, and yes, with less.

Thank you and I would stand for questions.

Senator Winder stated one of the biggest concerns he hears is classroom size, and the policy that allows funds to be diverted from classroom to other parts of the school. **Ms. Donnell** stated things have changed a lot since she came to the district: children have changed; families have changed; the inclusion has changed. Along with all these changes funding has changed.

Senator LeFavour asked how the state would go about rethinking already large class sizes. **Ms. Donnell** stated every six year old is not at first grade level, and not every 6th grader is at 6th grade level., and asked why all these children of identical age groups are in the same grade level.

Senator LeFavour asked if the IBCEE had debated coming to the legislature with a way to better fund the education system. **Ms. Donnell** stated she feels the funding system has had its share of problems; however, the IBCEE is concerned with how education affects business in the state, not how business is going to affect the education in the way of sales tax indicators, and the like.

TESTIMONY: **Roger Brown** stood before the committee representing the Governor's Office. He stated things are changing; we have to ask tough questions, the governor has had to ask tough questions of everyone, stakeholders included.

The Governor traveled to DC to talk to Secretary Duncan about Merit Pay and technology in the schools. Whereas Maine had four months of meetings, Idaho intends to have 18 months of meetings to ensure it meets its goals.

The Governor has been very satisfied with the product he has received from the IBCEE and IEA; the product is not represented in any other state in the country.

ADJOURN: **Chairman Goedde** adjourned the committee at 6:15

Senator Goedde
Chairman

Sara Pealy
Secretary

MINUTES
SENATE EDUCATION COMMITTEE

- DATE:** Tuesday, February 08, 2011
- TIME:** 3:00 P.M.
- PLACE:** WW02 (Auditorium)
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour
- 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 committee to order at 3:00 p.m. and requested the secretary take a silent roll. He announced the committee would begin hearing public testimony on **S1068**, legislation relating to labor relations and employee entitlements, and **S1069**, legislation relating to school modernization and reform.
- TESTIMONY:** **Chairman Goedde** welcomed **Pam Chiarella** to the committee. **Ms. Chiarella** is a teacher from Mountain Home; she has a list of degrees and a daughter in elementary school. Whether it is continuing on to college or the workplace, teaching children is the business of educators. The current proposal undermines Idaho's economic liability; if the state had state of the art technology labs, more student teacher face time and more bandwidth, we would see sufficient improvement. She stated we need to give teachers the tools and resources to teach our students.
- Senator Toryanski** asked what **Ms. Chiarella** meant by larger schools. **Ms. Chiarella** stated the school in Mountain Home is physically inadequately sized to support these proposals.
- TESTIMONY:** **Chairman Goedde** welcomed **Colby Gall**, Challis Superintendent, to the committee. **Mr. Gall** stated he supports the plan. He believes the stakeholders have to have the best interest of students in mind. He feels Superintendent Luna has the best interest of school boards in mind. He feels the path the superintendent has outlined is a good path, and should be followed. Education has to be funded and the purse strings have to be cut. Education needs to be changed to succeed this way.
- Senator Fulcher** asked how **Mr. Gall** thought the proposal would help or hurt attracting the workforce to his area. **Mr. Gall** stated he doesn't see why this proposal would make it difficult to attract teachers to any area. **Senator Fulcher** asked how **Mr. Gall** saw the online education component. **Mr. Gall** stated he sees our education system going in the direction of online education any way so the state may as well take advantage of that.
- Senator Andreason** asked if there are many ESL students in Mr. Gall's district—there are nine.
- Vice Chairman Mortimer** asked if IDLA has been used in **Mr. Gall's** district. **Mr. Gall** stated IDLA has been used in his district more after he has taken over. **Vice Chairman Mortimer** asked what percentage of his students are using IDLA online; Mr. Gall stated approximately 20%—40 students.

Senator Malepeai asked **Mr. Gall** if distance learning is different from online learning, where a teacher is face-to-face. **Mr. Gall** stated that yes, these are two different things.

TESTIMONY: **Dotty Douglass** stood before the committee. **Ms. Douglass** stated she is very concerned about the proposal. She stated most people probably don't remember books, subjects or things that had an effect on them; however, people—teachers have had an effect. She doesn't feel that English, math, science, social studies, etc. can be taught effectively online. She asked that the legislature would not do anything to affect the current education system where students are receiving hands-on classes.

Chairman Goedde noted Stanford accepts online courses.

TESTIMONY: **Michael Fuller** stood before the committee. He stated he is a private educator, a parent, and a doctoral student at BSU, and is in favor of the legislation. He understands technology alone does not increase knowledge, but increases access to knowledge. He feels each child should have the opportunity to have access to the same books, supplies and teachers as the next.

TESTIMONY: **Vickie Skaggs** an English teacher at Vallivue High School stood before the committee to testify against the legislation. She stated she is dedicated to 21st century skills. Along with 21st century skills there must be a support system; she stated she would like the legislature to consider stepping back and create a task force to study the effect of Superintendent Luna's plan.

TESTIMONY: **Dr. Lorna Finnman** stood before the committee to testify in favor of the legislation. She stated educational reform is absolutely critical. She told the committee laptops are the pencil and paper of today. Online classes give students an edge; having higher level classes and college credits gives students an advantage where they would otherwise not get one. She stated she stands with the Albertson Foundation and other businesses.

Chairman Goedde pointed out that **Dr. Finnman's** robotics class has had robots on the international space station.

Senator LeFavour asked if students prefer online classes over the physical classes and noted some students have gone to the online strictly because the physical class isn't available. **Dr. Finnman** stated that it depends on the student.

Chairman Goedde asked how critical it is as an employer for an employee to be able to learn online; **Dr. Finnman** stated it is very critical.

Senator Toryanski asked if a computer was involved typically in an engineering student's education. **Dr. Finnman** stated absolutely, but that it is just a tool; it makes you more efficient.

Senator Winder noted that **Dr. Finnman's** husband does interviews for MIT, and asked what MIT requires of students in terms of online courses; **Dr. Finnman** stated her own sons benefitted from online courses, and that it is not discerned on the transcript that the classes were taken online.

TESTIMONY: **Whitney Webster** stood before the committee on behalf of Conner Coughlin. She stated that the introduction of laptops and the mandatory enrollment in online classes will be detrimental for students. Students in the Miami-Dade school district are failing in online courses as they are unable to ask questions of their educators. She stated that it is ironic that the biggest detractors of the educational reform plan are the ones who are most closely tied to the plan—teachers, educators and administrators.

Vice Chairman Mortimer asked for clarification from **Ms. Webster** regarding her statement that we need to balance online versus face-to-face time. **Ms. Webster** stated that is her belief.

TESTIMONY: **Frank Vandersloot**, the CEO of Melaleuca Inc., stood before the committee to testify in favor of the legislation. **Mr. Vandersloot** stated that pay-for-performance shows in his company, and it should be no different in the Idaho Education System. However he realizes the transition is never easy—the opposition to this bill has only just begun, and asks the committee to have the courage to pass this legislation.

Senator Fulcher noted the pay-for-performance comment, and asked **Mr. Vandersloot** to speak to his experience of this in the private sector versus the public sector, such as in, the education system. **Mr. Vandersloot** stated he has heard many arguments; however, he believes that measuring and rewarding the right activities is critical.

Vice Chairman Mortimer asked **Mr. Vandersloot** to address the technology issues being seen in students coming out of college. **Mr. Vandersloot** stated technology is very important; jobs are always open, but there is always a shortage of people they can put on the high-technology jobs where you need a computer degree or large number of experience.

Senator Pearce stated education is embarking on a very different direction, and inquired if the state should have a very clear, defined goal for the education system. **Mr. Vandersloot** stated the principles of measuring, reporting and rewarding stand—students grades would be a good place to start.

Senator Malepeai asked if **Mr. Vandersloot** would agree that pay-for-performance would be different in his company than in a classroom of 35 students with very different learning styles. **Mr. Vandersloot** stated each company is different yes, but the overall goals should be the same in each company, where the education system is a company. **Senator Malepeai** followed stating what he is thinking about is that in the school system, there are multiple approaches by multiple groups of people; it seems to him that it is very difficult to operate that as a team. **Mr. Vandersloot** stated he sees that working in both team situations and individual situations.

TESTIMONY: **Adriana Caloca** from Vallivue High School stood before the committee to testify. She stated no real studies have proven technology increases student education.

Senator Toryanski asked if students are ever assigned a project that is to be typed rather than handwritten, or submitted in URL form. She stated yes. Senator Toryanski asked what is used to type these. **Ms. Caloca** stated she uses the ones in the computer lab or library, and would suggest investing in more computers for these areas.

TESTIMONY: **Michael Batt** stood before the committee to testify in favor of the legislation. He noted the ultimate goal is that students should come out of the education system ready to face whatever is thrown at them. One of the key things is that they should be able to learn on their own. He feels Superintendent Luna's plan provides a unique opportunity for students to do this. He also wants to ensure his students have a teacher before them who is motivated to be there.

TESTIMONY: **Adree Rayes**, a Junior at Vallivue High School, stood before the committee to testify against the legislation. She noted that legislation is improving every year, so why should we change this now. She also addressed Pay for Performance. She stated merit pay does not work in a public school setting—she also stated some students are simply lazy and do not want to work. Teachers teach, and it is the job of students to learn.

Vice Chairman Mortimer asked what **Ms. Rayes** felt we should do with the students who are unmotivated to learn. Ms. Rayes thought they would be motivated with more face-to face contact.

TESTIMONY: **Jim Dalton** from Idaho Falls stood to testify in favor of the legislation. He stated he feels pay-for-performance section of Superintendent Luna's legislation is critical. He feels the state needs to start differentiating between the great teachers and the good teachers; it needs to incentivize and encourage teachers to reach higher and raise the bar.

Senator LeFavour stated the bill contains more components than the pay-for-performance; she wanted to know what **Mr. Dalton** feels about the other components. **Mr. Dalton** stated he is least familiar with the ADA component; however overall he realizes teachers will not be replaced by technology; technology is something that should be embraced, rather than something which people are scared of.

TESTIMONY: **Whitney Harris** from Vallivue High School stated 6 online credits is a lot to ask of both students and teachers. Rather than readying students for the real world, this will be hindering. Ms. Harris stated she is taking a few online classes, but when these classes take the place of traditional classes, they are lacking what traditional classes have had for centuries. She stated if students really come first, online classes should remain only an option.

TESTIMONY: **Wayne Hoffman** with the Idaho Freedom Foundation approached the committee to testify in favor of the legislation. He noted that while Idaho does have great teachers, both these bills recognize there are things we can do to better our education system. When IFF released its 2011 wasteful spending report, much of what it addressed has been addressed in the legislation was so addressed in the report.

Senator LeFavour asked if **Mr. Hoffman** thought children didn't know how to use laptops. **Mr. Hoffman** stated when his child wants to learn about Greece, she goes to a computer, not an encyclopedia.

TESTIMONY: **Tenaly Smith** from Vallivue High School approached the podium to testify against the legislation. She stated she does not like the current student/teacher ratio she has in her classes as they stand. She stated that according to her research the proposed legislation would raise Idaho's ranking to 5th largest class size in the nation, and she has seen research that indicates large class sizes do have negative impacts on learning.

Senator Winder stated that **Ms. Smith** and several others have discussed classroom disruption, and asked what the suggestion as a student would be. **Ms. Smith** stated there is already separation—AP classes, and the like, but in the mean time she sees reducing class sizes as really the only way to go.

Vice Chairman Mortimer asked how many students come motivated to learn versus how many do not. **Ms. Smith** stated the line of separation tends to be at the AP classes, and that a rather large percentage of those students come prepared to learn. To motivate further though, it will be through reducing class size.

Chairman Goedde stated increasing the divisor saves the state \$100 million, and asked how the state would otherwise save that money. **Ms. Smith** stated she is not a product—she is a person—and increasing class size was not the answer.

TESTIMONY: **Chuck Shackett** approached the committee in favor of Superintendent Luna's legislation. **Mr. Shackett** pointed to the Bonneville School District Virtual Academy which exists to provide online and digital classes for students in the district. There have been 54 students graduated that would have otherwise been dropouts. He urged the committee to leave as many details of the legislation to the local school boards while still pursuing the legislation. **Vice Chairman Mortimer** stated he has heard **Mr. Shackett** feels there may be ways to keep class size the same in spite of this legislation, and requested he share that with the committee. **Mr. Shackett** stated building a greater online course selection would lessen the number of students in the classroom. The students that are coming out of cores classes and taking online courses are doing so because of their learning styles, not necessarily because it is the requirement.

Vice Chairman Mortimer asked if he thought they would be able to keep class sizes smaller. **Mr. Shackett** stated not necessarily, but it is a way to lessen the impact. He also noted his district has one student who has taken ten online classes; he feels it is important for students to take at least one class, but that should be left up to the school board.

TESTIMONY: **Joann Holtz**, a language arts teacher with Vallivue middle school, stood before the committee to testify against the legislation. **Ms. Holtz** feels students and parents need to be held accountable; regarding technology, students don't necessarily realize the parameters of appropriate.

TESTIMONY: **Monti Pittman** approached the committee to testify in favor of the legislation, and how the legislation would allow students to become competitive in the 21st century workplace. **Mr. Pittman** stated challenges are not just about today; our children need a system to prepare them for a life after school. Post-secondary schools are looking for students who are tech-savvy, and corporations are looking for employees who can work in a group in the same room as well as a group around the world.

TESTIMONY: **Decker Sanders** stood before the committee to express his concern regarding S1068. He stated there is too much in human nature when expecting objective review of the legislation before the committee. He stated there is no need for a separate contract outside of the master agreement.

TESTIMONY: **Wendy Horman**, school board member and mother of four, stood before the committee. She stated the Bonneville school board has not met since the legislation was released. She personally is supportive of the legislation. She stated most of those who come are here to testify against, however there are some who are here to testify in favor. She stated in Idaho's public education we are at a point where we need to change—as good as the system is now, it needs to be better tomorrow.

Vice Chairman Mortimer asked how **Ms. Horman** feels as a parent regarding the technology component of the legislation. She stated as a parent she is supportive. Those who can afford it already have it. The technology piece is an equity piece that will provide skills for those who need them. **Vice Chairman Mortimer** asked if this would be a cause of concern among the trustees. **Ms. Horman** stated this would be a concern among everyone, but it should not stop anyone from acting. Even her face to face classes involve a technology component; taken in whole the legislation will allow school boards to positively impact learning in the school districts. She stated her son felt there was more interaction and a better connection with his online teacher.

Senator Andreason asked if her children have good GPA's; she stated some of her children are more motivated than others, and through the online learning one of her sons realized he was actually responsible for his learning.

TESTIMONY: **Dr. Eileen Lento** from Intel approached to testify in favor of the legislation. She stated that Intel understands budgets are tight, but students are also living with technology. The US is not doing well technologically speaking. Children in Idaho are not competing with children in California, who are not competing with children in China or India. There are 15,000 schools in the United States with 1:1 computing, and there is the ability to check in and see what students are doing—or not doing. Intel does know what is important for success; it is important to know what success should look like.

Senator Fulcher asked about other states that have implemented technology, what kind of experience has been gained, and what has been learned from that. **Dr. Lento** stated it is about changing the culture of the school, providing the support and having a sense of what a good online course looks like. **Senator Fulcher** reminded **Dr. Lento** of the apprehension of educational stakeholders. **Dr. Lento** stated many of the fears come from just not knowing, and information helps overcome many fears.

Senator Andreason asked how important it is in her view for teachers to get advanced degrees. **Dr. Lento** stated content mastery is important, as is a solid education; there are multiple avenues to get to these areas though; more importantly we need to set standards and have high-quality bench-marks that need to be met.

Senator Winder inquired about class sizes in China and India. **Dr. Lento** stated class sizes are much larger, but the classes are run differently as well. Ultimately, to achieve the same results we would need to reduce class size to 15 to achieve the same apples-to-apples results in the United States.

Dr. Lento stated just dropping a laptop in a room is not the solution; how you teach the technology is critical. She stated she feels there is great opportunity in the legislation, but ultimately at the implementation end, the devil is in the details.

TESTIMONY: **Christina Hartman** stated the model Luna is suggesting is because Idaho will never adequately fund its education system. She stated her research shows student achievement is directly linked to class size, regardless of teacher pay.

- TESTIMONY:** **Debra Ingfanger**, a resident of Gooding, ID, stated she knows what it is like to be a formerly bad idea, that has become a good idea. She is a charter school founder, and is wholeheartedly in support of the legislation. Although it will cost her \$7,000, she still feels it is necessary for education for students. She said she would implore the committee to pass it in its entirety, and that the districts would work through the details later.
- TESTIMONY:** **Rhonda Wheelright** from Rexburg asked what the cost to families would be for damages, or transient student who move and take laptops. She also asked what would happen to students who come to school with inappropriate images on their backgrounds, and will happen after four years when the technology is outdated. She suggested the plan take care of the educators first, which would then be passed along to the students. She concluded that there are many loose ends that have to be tied before implementing this kind of educational overhaul in Idaho.
- TESTIMONY:** **Travis Thurston** stood before the committee. He stated he is concerned about S1068. They currently offer an array of online courses to the top academically achieving students. He presented an online transcript of a top-notch student at the school as an example. The stated difference between his online and in class courses was significant—the former being low; the latter being high. The student is an engaged in-class student. However, he often needs things explained in a different manner. He stated losing any more teachers at Bear Lake would be disastrous to the school.
- TESTIMONY:** **Briana LeClaire**, with Idaho Freedom Foundation, stood before the committee to testify in favor of the legislation. She expressed more support for Dr. Chuck Shackett's school: the school succeeds financially, it has met AYP although it started the year behind, and it has 130+ students in grades 3-9 being taught by 3 full time teachers. She commended the Bonneville school district, and urged the committee to vote in favor of the legislation.
- TESTIMONY:** **Ruth Wells** stated she teaches advanced computers, math, and advanced trigonometry, but she questions whether handing 14-year-olds computers is a good thing. She commented the state needs to slow down and consider the consequences of doing so.
- TESTIMONY:** **Emma Romhildt** with Idahoans for Choice in Education stated that regarding online education, she is in favor of it.
- TESTIMONY:** **Jamie Gebhardt** stood before the committee. She stated she is concerned as it was only a few years ago that the legislature implemented a process of improving student achievement. She wants to know where the evidence is that this new program will fit the needs of the students. She asked how Superintendent Luna's plan will reach students, and why anyone would work to become a teacher under this plan. She stated the board of trustees has voted unanimously to reject the plan.
- TESTIMONY:** **Lawrence Gebhardt** stated the state needs better public education; he is concerned about the approach to education reform. He indicated there are some good ideas, but there are some ideas that need to be studied more carefully, and some that need to be rejected. He doesn't feel the public education system is broken; alternatively kids coming into the workforce know more than their parents or their predecessors. He doesn't feel the plan is bad, but the timing has not been coordinated. What is really needed is uniting leadership.

- TESTIMONY:** **Judith Harold** stated she is a retired teacher with 29 years of teaching experience. She feels the elimination of tenure is widely misunderstood—she stated tenure is a lifelong contract, something of which teachers do not enjoy. Contract renewal continues to require satisfactory annual review by an administrator. She stated teachers can be and are terminated, and it is the role of unions to protect teachers. She stated if the teachers environment is threatened, the teachers will be as well.
- Senator Winder** asked why **Ms. Harold** is concerned about taking away tenure if teachers don't have it. **Ms. Harold** stated public teachers don't have an unending contract; they have a contract depending on annual review. What she is saying is that they don't have tenure, and it is punitive.
- TESTIMONY:** **LaVon Dresen** stated the use of tenure should be stricken from use in public as it is inaccurate. She explained the process by which a teacher can be dismissed. She also explained the process by which a board of trustees, or a board of directors, is selected in a school district.
- TESTIMONY:** **Carol Sayles** stated pay for performance would create rivals not mentors; teaching is a mastery of curriculum, nuances, and the like. If bonuses are based on ideas, she questioned why she would give those away. In her teaching career, the best ideas were gleaned from collaborative environments.
- TESTIMONY:** **Katrina Elliot** feels there are concerns that need to be addressed from a parent's point of view. She has witnessed what a teacher has to deal with in a class of 28; she feels Superintendent Luna's plan will remove mentors from student's lives. She also stated she doesn't want the schools giving her child a laptop.
- TESTIMONY:** **Clifton Davis** from Shelly High School stated he has had the unfortunate experience of removing three different teachers because they were bad teachers. He stated principals can remove the teachers simply by going in and observing. He stated we are in this together, for kids, and the divisiveness today is destructive.
- TESTIMONY:** **Jared Neff** from Mountain View middle school in Blackfoot; he teaches in an alternate class. He stated the proposal before the committee, although it would reward him as a highly qualified teacher, would also penalize him when students choose to not take tests, evaluations, and put forth the performance effort.
- TESTIMONY:** **Kathryn Holyoak**, a parent from Rexburg, stated the 1:1 ratio makes no sense to her unless the education is purely online. She sees no justification to provide better than the already 1:4 seen in her district. With the resources already in place in most public schools, students could share computers, save money, and not burden taxpayers additionally.
- TESTIMONY:** **Gary Romel**, a Math Teacher from Marsh Valley School District, would like the committee to consider teacher morale regarding legislation.
- TESTIMONY:** **Patti Bladeau** stated she is a science teacher, and under this legislation, educators statewide are going to have to teach parents how to teach their children and interact with their children.
- TESTIMONY:** **Madeline Love** stated she has administered a learning styles test every year for the past ten years—she has seen learning styles change from visual to kinesthetic to interpersonal, which has resulted in a change in her own teaching style. Unfortunately kinesthetic and interpersonal learners don't learn well through online courses. Additionally, the infrastructure does not exist in her school to accommodate the largest class.

TESTIMONY: **Jocinda Lyon** explained what really makes excellent teachers. She stated they are not products, and cannot be treated as such.

ADJOURN: **Chairman Goedde** adjourned the committee at 6:35 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
WW02 (Auditorium)
Wednesday, February 09, 2011

PLEASE NOTE ROOM CHANGE

SUBJECT	DESCRIPTION	PRESENTER
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3:00 P.M.	Stakeholder Presentation, Tom Taggart <i>Idaho Association of School Business Officials</i>	
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COMMITTEE WILL CONTINUE HEARING
PUBLIC TESTIMONY REGARDING
S1068 AND S1069

PLEASE SEE SIGN-IN TABLE FOR
INSTRUCTIONS ON HOW TO TESTIFY,
AND RULES REGARDING COMMITTEE
PRECEEDINGS

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, February 09, 2011
TIME: 3:00 P.M.
PLACE: WW02 (Auditorium)
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour
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 committee to order at 3:10 p.m. and requested the secretary take a silent roll. He announced the committee would continue hearing testimony on **S1068**, legislation relating to Labor Relations and Employee Entitlements, and **S1069**, legislation relating to School Modernization and Reform.

TESTIMONY: **Chairman Goedde** welcomed **Tom Taggart** with the Idaho Association of School Business Officials to present the IASBO's view of the legislation. **Mr. Taggart's** testimony has been inserted as follows:

My name is Tom Taggart. I am the Director of Business and Operations for the Lakeland Joint School District. However, I am here today in my capacity as President-elect of the Idaho Association of School Business Officials. Thank you, Mr. Chairman, for allotting time for our organization.

IASBO members are employed in school districts and charter schools across Idaho. We have members from the smallest districts as well as the largest. Among other things we handle budgets, accounting, purchasing, insurance, negotiations, planning, human resources, state and federal reporting, and many times we oversee technology, maintenance, food service, and transportation. We are "nuts and bolts" people. We are in the trenches making things work.

Of all the public education related groups that you will hear from, IASBO has the highest percentage of members who have come from outside the educational system. We feel this gives us a different perspective on how things are done, or should be done.

We feel, like many others, that this plan was created in a vacuum. The lack of involvement from key stakeholders is troublesome. We feel the lack of input and discussion in development of this plan greatly decreases the odds of a successful implementation.

We feel a false choice has been presented with this proposal. We are told there are three choices: raise taxes; continue cutting the current system; or pass this legislation. This is clearly not correct. There are many choices available to the legislature. These bills can, and should be, taken apart and good sections moved forward; others sections modified; others held for further study; and some eliminated entirely. This is not an all or nothing situation.

The State Department should not be afraid of ideas, or different opinions, or spirited disagreement. If sweeping reform is indeed the right thing to do, then why not do everything to insure it is done well? Exposing ideas to other viewpoints will only make the proposal better. Slow down and do it right.

We do have concerns with the State Department of Education's ability to properly implement the multiple and complex provisions of these bills in a timely or orderly manner. This concern is a direct result of our experiences on a number of programs, the most recent being implementation of the ISEE system. You have been told that the ISEE project was rolled out smoothly and is operating well. Our members would disagree. Districts have spent thousands of hours of staff time trying to get ISEE done. It was local district staffs that made this work. It was local people who worked with software vendors to make the adjustments needed to keep up with the continuously changing requirements. Poor communication, inadequate planning, along with a deep lack of understanding of the impact at the local level, led to unnecessary disruptions at districts across Idaho.

As we speak districts are plugging numbers into SDE worksheets to determine the impact these bills would have on their district. One problem, as a direct result of ISEE, is that key numbers on those spreadsheets are just guesstimates. We still do not have confirmation of our first reporting period units, or our instructional and administrative indexes. In the past we would have that information in December.

Managing the implementation of proposals of this scope would be difficult under any circumstances. Doing so with a lack of understanding of impacts at the local level ensures additional difficulties.

Our members value local control and the ability to make local decisions. We understand that unique circumstances exist within local districts and solutions will differ greatly. Elements of this plan work when looked at from a state wide level. However, those same elements start to come apart when looked at from the district and building level. If you look at earth from the moon it looks like a round smooth ball. However, when you see it from the ground it is very different. The same is true with our districts. When seen from Boise they seem one way, but in the districts they look very different. They have very different circumstances and these proposals will impact them in very different ways.

The last two years, as we have dealt with the financial crisis, the legislature saw fit to give districts some increased flexibility in how dollars could be spent. We were also given tools through the financial emergency legislation to address our shortfalls. This was very much appreciated.

Within these bills are many areas where local decisions will play a key role. However, in the financial sections the exact opposite is true. We object to being told, at anytime, but especially in a time of crisis, exactly what we should spend our limited resources on. It's like someone cutting my income and then giving me a portion back to buy a big screen TV. The TV would be great, but first of all I need to make sure I can pay the electrical bill.

The State Department has done an excellent job in responding to questions from trustees, administrators, and members of our organization. This has been very much appreciated and has helped clarify specifics great deal. However, some of the answers contain examples of the disconnect between the department and the districts.

In regard to the laptop proposal –“It will not cost the local district additional dollars;”

“through this plan, we will not only ensure our students are prepared academically but also that our public education system is financially stable;” “The high speed affordable network access provided by the IEN will be expanded to Wi-Fi in each of Idaho’s high schools at no cost to the local district;” In each case our members would disagree with these answers.

There was general support from members for specific changes to contracts and negotiations. We had 60% plus support for most provisions in the Labor Relations bill.

Even among supporters there are serious concerns about the scope and tone of these proposals. Back in our districts we have to deal with real issues of morale. This can directly impact recruiting and retention of staff. Improving contract and negotiation law could be done without the overriding harshness of these changes. Many of us who enjoy excellent relationships with our teachers associations have concerns about how these changes will affect that relationship.

There is one area within SB1068 that was not supported by members. This is the removal of the flooring provision. Flooring provides an orderly way to budget and adjust to declining enrollment and our members do not want it removed. Allowing severance pay does not fully address the concerns. For a number of districts this would be a very severe change.

My district is a good example of the impact this could have. Next year we have a charter school opening within our district. We have no idea how many students will leave our district to attend. With flooring in place, I can build a budget based on 99% of this year. We then have a year to adjust to the drop. If we lose 100 students spread out over scores of classrooms, it would be very difficult to identify the four to six teachers to let go. We know it is best for kids to have an orderly start to the school year. Disruption after school has started can result in “lost days” of instruction as we sort out what has happened and where. Keeping flooring would in fact be putting students first. We ask that SB1068 be amended to remove the repeal of flooring.

There were generally negative responses to SB1069. I have already addressed one major objection, which is dictating how we have to spend our limited resources. Serious concerns were expressed about the lack of research and study of the mobile computing and laptop programs. In the world our members live in they would study an issue first and then offer a plan. Passing a law and then coming up with the plan later seems to us to be the wrong approach.

If the last few years have taught us anything it is that we may think we know what will happen to the economy next year, but we really don’t. Seeing a long term budget with key provisions being phased in is great for planning, but the reality is that all of these dollar amounts are built on quicksand. As the economy continues it’s slow and fragile recovery, waiting another year would provide better numbers and a more reliable long term plan.

We feel the specifics of the divisor changes have not been presented accurately. On Monday it was still being stated that the changes were 1-2 students per classroom over two years. That is not what the language in the bills say and it is certainly not the reality back in the districts.

There has been no mention in any presentation I have seen of the divisor increases to special education. We have very strong concerns about changing the ratio for these classes. In addition to the reality of what it takes to teach these students, we

have the obligation to meet federal “Maintenance of Effort” amounts. Just because the state sends less money to the district doesn’t mean the district can reduce what it spends on special education. The result would be further reductions to regular classroom teachers.

We still have not seen anything that shows how the increased budget shortfall impacts the budget under these plans. It seems to me SB1069 starts to come apart with larger reductions.

These next comments are made as an individual and do not represent either IASBO or the Lakeland School District: A proposed 2011-2012 Public School Budget: This assumes SB1068 is passed; decide the amount of reduction needed; reduce the following categories proportionally to meet the required reduction: Salary Based Apportionment; State Paid Employee Benefits; and discretionary funding. Do not change any elements in the funding formula. Also remove the “use it or lose it” provisions in 33-1004.

This would be a test of who truly believes in local control. Tell us how much we have to cut and then get out of the way. Spend the next year engaged in a meaningful process to fully discuss the various proposals in SB1069 and be prepared to return next year with an improved reform plan. There will be a higher degree of confidence in budget projections and the argument that there was little or no input would be gone.

Senator Malepeai asked if **Mr. Taggart** was saying that absent any accelerated way that the state can do this, it is best to hold this until next year. **Mr. Taggart** stated his organization feels it would be better to not move it forward, and return next year instead.

TESTIMONY: **Erin Smith** approached to testify against the Legislation; she stated she is increasing class size, and feels that Superintendent Luna has not included parents, parent-teacher associations, and other organizations in the conversation.

TESTIMONY: **Jason Denizac** stood before the committee to testify in favor of the legislation; he is the executive director of the Idaho Student Association. He commented on two aspects: increased math and science standards, as an important part of college readiness. The second part he addressed was the dual credit opportunity. He stated in neighboring states it is very common to see students graduating with college credits, which means more rapid college graduation.

TESTIMONY: **Melanie Ferrell** stated she feels the legislation is taking away the rights of teachers and administrators. She stated changes can and should be made with proper support and input, and she is willing to take time to see this done.

TESTIMONY: **Mary Gersema** stood before the community to present in favor of the legislation. She said it is about time to put students first. She said she has spent the last two days reviewing the Meridian school district's budget and she is outraged at what the district is spending money on.

Senator Toryanski asked if **Ms. Gersema** would describe how the children spend their day – what have been her observations. She stated the first years of her children's education were in private schools; she transferred them into public schools for the socialization, but has since bounced them back and forth for behavioral and language issues. **Senator Toryanski** stated he was more interested in how the children's time was spent in the classroom. **Ms. Gersema** stated a lot of time is spent drilling on behavior which is why she went there first; however, not much time is spent on core education.

TESTIMONY: **Brian Smith** from the Pend Oreille School District presented to testify against the legislation. He stated this legislation eliminates constitutional provisions of freedom of contract. He stated this bill necessitates buy-in for success.

TESTIMONY: **Roger Quarrels**, Caldwell School District Superintendent, stood before the committee in full support of the legislation. He stated technology is a tool in learning, not a replacement for a teacher. The school district is working on a plan to provide wireless internet for all students at no cost. He feels the educational system in Caldwell can be improved under this legislation. He stated it is easy to be a critic, and encourages all to look at this legislation.

TESTIMONY: **Eric Mann** stood before the committee to testify against the legislation. He is a third year student in the ISU technology teaching program. He figured he would be the one pushing this teaching, but he is not. He also understands there is not always a clear and easy solution, but feels this is certainly not it.

TESTIMONY: **Ryan Kirby** stood before the committee to testify in favor of the legislation. He stated he is in favor of pay for performance, and feels it will help improve education in Idaho. The pay for performance plan is based on performance for whole schools. He doesn't believe it makes people work harder, but it will push best practices.

Senator Pearce asked what goals **Mr. Kirby** felt would be appropriate for this legislation. **Mr. Kirby** stated he felt we should look at a broad, overarching goal and then follow that with looking at every piece of legislation forthcoming and asking ourselves how that will help us achieve that goal. He also stated that a lot of what they are hearing is kids are having to "power down" when they come to school, and teachers in his school have expressed a lot of interest in blended classes. **Senator Pearce** asked if **Mr. Kirby** really felt this would get us buy-in from districts and teachers. **Mr. Kirby** stated this would get more than the state currently has.

TESTIMONY: **Sarah Lee** stated she is against this legislation. She stated education is a professional field; everything that is old goes out, but just to embrace something for change' sake is not necessarily for the better. She stated she is not saying these things because she fears technology; she is saying these things because she does not feel this is necessarily the right change. She does not agree with the one-size-fits-all program. She stated we need to teach our children to cope, care, and dream, and we can't do that with computers – we do that with educators.

Senator Toryanski asked if **Ms. Lee** felt this proposal was change for change sake; she stated maybe, maybe not.

TESTIMONY: **Jane Whittmeyer** approached the committee to testify in favor of the legislation, representing the Idaho Charter School Coalition. She stated crisis is a good time for change; it allows people to think about out of the box change. There is a need for hybrid, virtual, and charter schools. She stated nothing in this plan is new; now is the time for change.

TESTIMONY: **Shaena Burns** from Caldwell High School stood before the committee to testify against the legislation; she stated her high school is lacking the basics such as books, expo markers, and desks.

TESTIMONY: **Mary Michael LeClaire** stood before the committee to testify in favor of the legislation. She stated she is enrolled in an online virtual charter school, and acknowledges the difference between her education and the education of others. However her flexibility in education has given her the opportunity to raise a seeing eye/aid dog, which is something she couldn't do in a traditional school.

TESTIMONY: **Brenda Angel** stood before the committee to testify against the legislation. She stated she doesn't feel the promises that were made in previous sessions still haven't been made up; rather, they are seeing a further degradation in the education system.

TESTIMONY: **Cindy Ohmlin**, with NWPE, stood before the committee to testify in favor of requiring notification of liability insurance option. She stated teacher union threats against districts are preventing teachers from distributing information within schools. She stated teachers need this bill because teachers need to know their rights and protection.

TESTIMONY: **Brandon Durst** stood before the committee to testify against the legislation. He stated the 99% change is not a good change for rural schools. He also stated online courses are not for everyone and this is not a zero-sum game – passing this legislation will funnel money from Ada County to rural districts; finally, more students plus less teachers equals bad teaching.

- TESTIMONY:** **Mindy Cameron** presented from Sagel; she testified against the legislation. She stated the system does lack adequate resources, but it is not broken. While there is talk about teacher tenure, it doesn't actually exist in Idaho. Using a state financial crisis strikes her as a wrong way to achieve reform. Studies show laptops for all students does little to achieve student learning.
- TESTIMONY:** **Robbie Robinson** who is an 11 year old with IDBA presented in favor of the legislation. He stated some people say virtual charter schools are just what they say – virtual. However, he stated in his Latin class he has stories combined with pictures; he also participates in 4-H, sports, and play-dates. He does hope the state will continue to fund it.
- TESTIMONY:** **Dick Sivatonich** from Pend Oreille stood to testify against the legislation. He listed a number of successes seen in the district in the past five years, and there are a number of choices that have been made to achieve this success. He believes this legislation relegates teachers to second-class citizens.
- TESTIMONY:** **Paul Powell** stood before the committee to testify in favor of the legislation. He noted the Boise Metro Chamber of Commerce has a long track record of supporting education. He stated the Chamber has heard concerns of Boise and Meridian School Districts, but the BMCC feels the status quo is not an option.
- TESTIMONY:** **Nancy Brinkhauer** stood before the committee to present against the legislation. She stated she is a see-it, hear-it and do-it kind of learner and this legislation would do nothing to further her education if she was a student now. She summarized that computers are a tool and have a place, but that place is not in the form of online classes.
- TESTIMONY:** **Roger Madsen**, director of the Idaho department of Labor stood before the committee to present in favor of the legislation. He stated economic growth demands employees be able to fill rolls required of them. He stated DOL strongly supports the SDEs goal, and the Albertson Foundation's Go On Campaign. He stated having the training and skills to access the internet will be critical for Idahoans to achieve success across the world.
- TESTIMONY:** **Kelsey Kits** approached to testify against the legislation. She is one of the co-writers and organizers against future online class requirements. They feel online classes are not the way to gain an education. Online classes do not encourage students to think on their feet or interact with their peers. She stated she is a straight-A student, although she wouldn't be if she didn't have the teachers she does to interact with.

TESTIMONY: **Dan Niccoli** stood before the committee to testify in favor of the legislation. He stated the time for change is now. Rather than focusing on a single component that may be difficult, the state needs to look at the overall plan. A quality professional educator can get teaching done with a few more kids. **Mr. Niccoli** stated he has spoken to numerous people who admit they know a teacher who shouldn't be teaching. Offering merit pay is motivation for schools to focus on quality. Elimination of the safety net will require schools to make responsible decisions.

TESTIMONY: **Wayne Rush** with the Emmett School District stood to present against the legislation. He feels that the provisions in this legislation have ignored the recommendations by the IDLA task force. The IDLA has been the great equalizer of Idaho education – it is now impossible for students to take these courses. He stated this also flies in the face of consolidation of services.

TESTIMONY: **Andy Grover** stood before the committee to testify in favor of the legislation. He stated there are not a lot of areas to cut, but the Melba school district decided to pursue technology when it remodeled the classes. Over the last four years the school district has increased its pass rate tremendously in online courses. He stated Melba has no master contract, and yet the teachers still do a great job.

TESTIMONY: **Tara Reves** stood before the committee to testify in opposition of the legislation. She stated she believes students do already come first, and she is here to share the realities of the impact of this legislation on students. The educational proposal asked to review before the committee will not prepare students to be highly successful in the 21st century. While online learning can be supplemental, it is not a replacement. Districts need to work together with the supporters to put students first; students need to know there are teachers and administrators who support them.

TESTIMONY: **Mandi Huff** stood before the committee to support the legislation. Education needs to be on board with sustainable growth and sustainable development. She stated that yes, parts of the proposal are dismal and grim, but something has to give.

TESTIMONY: **Kaitlyn Heights** and **Max Zagland** stood before the committee to testify against the legislation, and presented about their teacher who is leaving the profession.

TESTIMONY: **Newell Cleaver** stood before the committee to testify in favor of the legislation; he asked the committee to review the testimony of Mr. Taggart. He asked that the committee would look to refrain from damaging the districts and schools that are already running on a tight budget. He cautioned the committee to preserve some cost-saving innovations.

TESTIMONY: **Alex Church** testified against the legislation. He stated he loves the idea of making education better, but that the legislation would prevent the individual attention students deserve. He stated members pay the IEA and other organizations pay dues so teachers can continue to be in the classroom and teach.

TESTIMONY: **Don Schmidt** stood before the committee to testify in favor of the legislation; he feels there is a lack of understanding of online learning. He feels the teachers are the lifeblood of the schools. All of the teachers who are a part of his children's online education are highly qualified and certificated. His children interact with the teachers at face to face events as well as online. He stated they're not missing out, and online learning is not a cheap second-cousin to brick-and-mortar schools.

TESTIMONY: **Logan Brower** is a graduate of Challis High School, and against the legislation. It is his belief that all successful people can look back and see influential teachers. He stated he and his fiancé are looking for work as educators outside of the state. She is a sixth grade teacher, and he holds science and PE endorsements, but the legislation overshadows them possibly teaching within the State. While he loves Idaho, he doesn't know if he can stay.

TESTIMONY: **Becky Mitchell** from the Idaho Virtual Academy testified in support of the legislation. She stated she meets both face to face and virtually with all of her students. She has been an educator for 14 years and an online educator for five. She has co-taught a special education math class online, and watched students close the gap between where they started and where they need to be – this is something she has never seen happen. She has also had a positive experience working with juvenile probation students in a setting where these students would not have otherwise been able to finish their education. That has been a positive experience.

TESTIMONY: **Rochelle Carney** stood before the committee to testify against the legislation. She stated she has a hard enough time seeing her students in the current class time allotted; she can't imagine what would happen if the size increased more. She doesn't know what the incentive would be for teachers to stay.

TESTIMONY: **Leslie Mauldin** stood to testify in favor of the legislation; she feels this legislation will help children, and it will put students first. She stated that her children are doing well in spite of large class sizes and small budgets, and they still have technology.

Senator Andreason asked if there are any ELL students in Ms. Mauldin's district. **Ms. Mauldin** stated yes. **Senator Andreason** asked if any students had problems running computers. She stated sometimes, yes, but that they work through them.

TESTIMONY: **Peggy Hoy** stood before the committee to testify against the legislation. She stated she became a teacher because she believes every child deserves the right to learn. She noted it is the choices we make that determine our greatness. She does not believe this legislation is the answer to problems currently faced in the education system.

TESTIMONY: **Carrie Henager** stood before the committee to testify in favor of the legislation. Her children are all in the IVA, and they all flourish. She acknowledges that her children work hard, and she is fortunate enough to stay home to help them, but they would be unable to do so without the help of the online teachers. She also acknowledged the learning curve, but feels that this is the wave of the future.

TESTIMONY: **MaryJo VanGerpen** stood before the committee to testify against the legislation. She feels teachers deserve our respect and support—she commented on class size, and that though it may not make a difference for the good students, it will for the poor ones. She does not feel that the legislation was reviewed thoroughly. She is not in favor of laying off 770 teachers, and purchasing laptops for students should be pilot-tested.

TESTIMONY: **Ronnie Lowe** from Nampa stood to testify in favor of the legislation. He was enrolled in a charter school; however he did not do well in the brick-and-mortar school. The virtual academy hybrid offered him the opportunity to be able to graduate on time, as well as going through the Army National Guard. The virtual academy hybrid requires him to be at school for at least six hours per week, and whether he is at school or not, he is required to be “at school” 5 hours per day.

TESTIMONY: **Nevada Soule** from Moscow stood to testify against the legislation, specifically against the laptop portion. He stated Moscow High School does not have the infrastructure to support laptops of that magnitude. However, he does feel there are some good issues in the reform, and he thinks it can be “reformed.”

Chairman Goedde asked if Moscow High School was a part of the Idaho Education Network—**Mr. Soule** stated he didn’t know.

TESTIMONY: **Tiana Wyland** stood to testify in favor of the legislation. She stood to rebuff what many have said the virtual academies lack. She stated she has performed many science labs - she is taking literature classes that teachers in her own public high school are not qualified to teach, and being in an online class will help prepare her for college. Through the structure of her school she is able to get on track, stay on track and do this on her own. These are skills she will need to have in college.

- TESTIMONY:** **Tina Hilding** stood to testify against the legislation and the online requirement; she stated that her son took 6 online classes while they lived out of the country and with the exception of one class, he was not challenged and has not contributed to him becoming a successful, critical thinking individual. She feels that being taught by a human being in the classroom is the only way a student learns.
- TESTIMONY:** **Lynn Nylan** stood before the committee to present in favor of the legislation. She stated that her family has been with IDEA for 10 years. She has four children – three of which went to public schools. The three who went to public school did not learn how to use Microsoft Word. She feels it is important to obtain a technological education prior to graduating high school.
- TESTIMONY:** **Jane Walden** stood before the committee to testify against the legislation. She expressed particular distress over the proposed teacher cuts. She feels teacher interaction is the way students learn.
- TESTIMONY:** **Rachael Munsen** stood before the committee to testify in favor of the legislation. She stated she has taken over 60 courses through the online learning academies. She has thoroughly enjoyed it, although she has had peers who have told her they don't think they could handle the courses.
- TESTIMONY:** **Adam Steen** stood before the committee to testify against the legislation. As a student he has seen the pressure of cheating within the classroom; he feels that will be increased with online classes. He stated this bill provides no assistance for students who struggle academically.
- TESTIMONY:** **Rick Munsen** stood before the committee to testify in favor of the legislation. He stated that in his profession he works virtually; he does not meet face to face with most of his clients. He feels online courses are effective and encourages the passage of the legislation.
- TESTIMONY:** **Madei Montez** stood to express concern over S1068. She stated a series of bills like this was passed in Arizona, and the education system there is collapsing. The legislation does not support ELL students, but rather those who are affluent. She feels online education is good, but not suitable for all – low SES is good, but not suitable for all.
- TESTIMONY:** **Lauren Thomas** approached to testify in favor of online learning. She stated that she was bored with traditional classes; however, with online learning, she has had the ability to explore the classes she wants to.

- TESTIMONY:** **Danielle Walker** stood before the committee to testify against the legislation. She stated that although students and teachers are discussed in the legislation, they have not been consulted in the legislation, yet bear the consequences.
- TESTIMONY:** **Olivia Thomas** stood to testify in favor of the legislation. She stated she and her sister have both had very broad educations through virtual classes thus far. She stated she believes that kids should strive to achieve as much as they can. The fact is, everyone is different. She is not saying brick and mortar schools are bad – she has friends who thrive in brick and mortar –but some are easily distracted, or bored.
- TESTIMONY:** **Ms. Hall** stood to testify in favor of the legislation; she stated her daughter took the online classes that she needed to. Without the online courses she could not have taken the AP courses she did.
- TESTIMONY:** **Darcy Williams** stood before the committee to testify in favor of the legislation. She is with IDEA. She stated her relationships with the students and families cannot be denied, nor can be the success. Right now the school size is approximately 80, but it is growing. The teachers meet with students at minimum of 6 hours per week; face to face teaching support is supplied as needed. These are students who have been expelled, have been denied access, and they are given laptops. They don't have a problem with the laptops. She stated no educational movement has been as feared as the advancement of technology.
- TESTIMONY:** **Eady Nunez** stood to testify against the legislation. She stated that as a tool she feels technology would be a good asset, but it should not be in the classroom.
- TESTIMONY:** **Megan Ritchley** stated she is in favor of the legislation. She read the budget for her school district, and is astounded by it. There is taxpayer money that goes straight to union dues, and anyone working over 19.5 hours gets benefits. Online classes will be a reality for her son to get where he needs to be; as a nurse everything she does is online and digital. She stated no one else has a plan but Superintendent Luna.
- TESTIMONY:** **Dennis Coulter** stated this legislation would kill his district by 2013 by default of teacher reduction. The teachers would be cut in 2012, but the computers won't be received until 2013.
- TESTIMONY:** **Ben Flores** expressed that he is very happy with the time and attention his daughter gets as she has ADD; the addition of more students to classes will be detrimental to her education as she already has difficulty paying attention in her current classes. He wonders how a computer would substitute this.

- TESTIMONY:** **Michelle Pato** stated that from the time her oldest child started school, she has always loved school; this was the first year they agreed to let her take classes through Idaho Virtual Academy, but this was a mistake. She was 2.5 weeks late getting started because she was late getting her materials. The normally happy-go-lucky student was no longer happy-go-lucky.
- TESTIMONY:** **Jamie Sisson** stated she has a 13 year old daughter who has ADD. She has been an A and B student. As she is getting older the ADD seems to be getting worse; she has had to be involved with the education of her daughter daily. Unfortunately she doesn't think all parents get involved the way some do. She doesn't believe required online courses will work for her child. She has done online courses—she feels her daughter will do better in a classroom.
- TESTIMONY:** **Christine Jorgensen** stated this is not about charter versus brick and mortar versus online. She stated the educational crisis in Hawaii brought her family out of the state. It was evident that the Lewiston district was dedicated to the students, and it takes a team of people to teach all kids. As a taxpayer she is insulted by the fiscal irresponsibility of the bills.
- TESTIMONY:** **Betsy Deecow** stated she could not appreciate the teachers more. They are the hardest working people she knows; teachers have been the mainstay of her life. She indicated people can learn from a machine, but it is people who actually teach, not machines.
- TESTIMONY:** **Karen Danley** suggested the state not purchase \$50 million in technology.
- TESTIMONY:** **Katharine Gray**, a US Navy officer, stated computer based training has failed the Navy.
- TESTIMONY:** **Day Thomas** stated that with merit pay she will not have another student teacher in her classroom because they will be competing for the money.
- TESTIMONY:** **Mariah Fallow** told the committee her fourth grader has 34 students in his classroom.
- TESTIMONY:** **Barb Hare** stated the online classes would effectively be home-schooling, and not all can home school their children. She has a 5th grade daughter who was assigned to use Apangea, but it was more an exercise in data entry.
- TESTIMONY:** **Rachael Rowley** is opposed because of the increase in class size.
- TESTIMONY:** **Anthony Hasket** stated he feels the areas that will be cut are the arts.
- TESTIMONY:** **Jeannine Rabe** is worried about the increase in class size, and that advanced classes will be cut simply because class size isn't there.

- TESTIMONY:** **John McCrosty** stated students do need exposure to online learning. However learning modules last a lifetime whereas these classes are only a semester long.
- TESTIMONY:** **Dan Cuersted** feels the two bills put together create a “rock and a hard place” for teachers.
- TESTIMONY:** **Mary Dennis** is a school nurse; she is concerned that she would be counted as a teacher and as a result would be cut for lack of class size.
- TESTIMONY:** **Haley Lewis** stated she feels this could be great if students had the opportunity to give feedback on the legislation.
- TESTIMONY:** **Megan Pato** stated she will be thanking teachers, not computers, for her grades because it was teachers who actually taught her.
- TESTIMONY:** **Bob Solomon** feels that the best option is to put these proposals into interim committees.

Senator Goedde
Chairman

Sara Pealy
Secretary

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, February 10, 2011

TIME: 3:00 P.M.

PLACE: WW02 (AUDITORIUM)

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

**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 take a silent roll, and announced the committee would continue with public testimony on **S1068** and **S1069**, legislation relating to reform in the public schools.

TESTIMONY: **Chairman Goedde** welcomed **Paul Alderson**, with the Idaho Education and Technology Association, to the committee. His testimony has been inserted as follows:

Mr. Chairman and members of the committee. Good afternoon. My name is Paul Alderson and I am the Director of Technology Systems for Caldwell School District and the current president of the Idaho Educational Technology Association, otherwise known as IETA. I am speaking today on the behalf of the IETA and its 130+ members. I appreciate the opportunity to speak.

Last night marked the completion of our annual three day conference, in which over 90% of our membership was present. The comments I bring to you today do not represent a unanimous view of our membership, but do represent the majority. These comments are supported by a very united and dedicated board and focus on the technology portions of the Students Come First, Modernization and Reform plan.

Our bylaws clearly state the purpose of the IETA and I quote - "The purpose of the IETA shall be promoting and facilitating the use of technology in Idaho education. The Association shall promote, facilitate and sustain education technology and all its users while enhancing the education of Idaho's students for tomorrow's technology."

The concepts presented in the technology portion of the Students Come First, Modernization and Reform plan align with the purpose and mission of IETA. We believe we can work closely with the State Department of Education to identify and prioritize all implementation and ongoing costs. It will take lots of hard work and a specific partnership with the IT department at the State Department of Education. This partnership, to include a voting position within a committee will be key to the success of the technology plans. We both recognize that we need each other. IETA is dedicated to finding solutions to our questions, not just asking questions. We can develop these concepts into a solid plan that is respectful of taxpayer dollars, empowers teachers in the greatest way possible and provides opportunities for students to develop 21st century skills and higher levels of learning.

During our three days of meeting there were many conversations about what our future will and could look like. Many school districts around the state are already contemplating and investing in components of the plan—such as 1-1 initiatives, other classroom enhancing technologies and district-wide wireless. This legislation would assist such initiatives in moving forward—however, we will need to move forward cautiously working together to find the solutions that work best for our student learning.

In closing I would like to reiterate that the IETA is committed, should the technology portion of the Students Come First, Modernization and Reform plan is implemented, to working with the State Department personnel. It is important to work unitedly, looking at different options to ensure the best for our students in the State of Idaho.

Thank you Mr. Chairman for listening today.

Senator Andreason noted that **Mr. Alderson** stated we should move cautiously and uniformly, and asked him to explain. **Mr. Alderson** stated the association feels it needs time to prioritize and work its way down its list of questions. **Senator Andreason** asked for the list of material—**Mr. Alderson** stated he would get this to the committee, though the list is a work in progress.

TESTIMONY:

Senator Malepeai asked about the cautious remark, and inquired if there was a time line that was foreseen by the IETA. **Mr. Alderson** stated title one, federally provided monies as proposed now would start July 1, which would provide plenty of time for implementation. **Chairman Goedde** welcomed **Jim Schackelford** to the committee. **Mr. Schackelford** stated he is the former executive director of the IEA. He had the privilege of serving as the IEA lobbyist for 21 years, and thanked the chairman for the opportunity to speak to the committee today. He stated one of the things he has been able to do since retiring is look at the history of the IEA. The IEA introduced a proposed negotiations law in 1966, which was shot down.

One of the key public policy questions was, is there a role for negotiation in the employment process for teachers, which is the roll he believes is being confronted in S1068. His observation on how professional negotiations have evolved is that things have evolved into a very sophisticated partnership model.

He stated he fears the provisions of **S1068** would cast the state back to a mid-1960's environment.

TESTIMONY:

Steve Mendive stated he is concerned that the voters have been left out; he is also concerned for the legal ramifications of this legislation. **Chairman Goedde** stated it is his understanding the NCAA comment only applies to collegiate level courses, and would like some clarification. **Mr. Mendive** stated he would check on this. He noted optional is great, but mandatory is unnecessary.

TESTIMONY: **Diane Demarest** stood to testify in favor of the legislation. She stated charter schools allow students to adapt quickly, and flexibility in education. Independent charter schools in Idaho support the spirit of students come first. Without access to any property taxes they have to learn to do more with less, and differently. Many charter students regularly take dual-enrollment classes as well have laptops.

TESTIMONY: **Jack Brown** stood to testify against the legislation. He is a former online teacher. He taught for four and one half years, and although he wants to see online classes continue voluntarily, he does not think they should be mandatory. Only two states in the union require online education, and with that, only one class is required. As an online educator, 60% pass rate is exemplary. Online classes require more time for students, or less rigor so as not to require as much time.

TESTIMONY: **Mark Gottard** stood to testify in favor of the legislation. He stated he was homeschooled – his experience with technology was that technology never replaced teachers but that teachers used technology to enhance his education.

TESTIMONY: **Betty Solomon** stood to testify against the legislation. She stated a well-run business and a well-run school are not run in the same manner. Businesses are run to make money; schools are run to educate students. Under the legislation a teacher could lose their job for fairly assessing a student. She stated too many of the ideas in the bills have been tried and unsuccessful in other states, so why try them again in Idaho. She also suggested tax changes to fund education.

TESTIMONY: **Harold Ott** stood to testify in favor of the legislation. He stated his association agrees with Phil Homer. He also stated change is a process, not an event. His association feels we need effective teachers.

TESTIMONY: **Michael Reineck** stated the testimony from the previous day showed there are districts that passed supplemental, virtual charters, and those that don't pass supplemental – three tiers. This may eventually lead to a rift. He told the committee that while the public voted to put the officials in office, it did not vote for the education reform. He stated we need to call time out, create a new plan that has the best of the plan, and an option that has some revenue increase.

TESTIMONY: **Robert Mayer** stood before the committee to support the legislation. He stated he is of the opinion that the current system is broken; he is all for education, but he is also all for being responsible. Regarding class sizes, if a teacher can't handle large class sizes, they are in the wrong profession.

TESTIMONY: **Laurie Keuster** stood to testify against the legislation. She stated that this is very political; she expressed that she has heard the votes are secured in the house. She asked what the point is to having a public forum if the votes are being had behind closed doors. She asked the committee to stop big mandates.

TESTIMONY: **Renee Sinclair** stood to testify in favor of the legislation. She stated technology needs to be treated as a tool, not a curriculum. The classroom of today does not look like the classroom of yesterday. Students are working on projects with guidance; they are much more reflective of the working world. When teachers use the tools that students become more engaged—we must support teachers as much as possible

Senator Fulcher wanted to be on record as stating he does not know, and he does not know that any of his colleagues know, what the outcome of the vote is.

TESTIMONY: **Caitlin Lang** stood to testify against the legislation. She stated that she needs a teacher who has the resources and time to interact with her in person; the 1:1 ratio is a risk; there will need to be class cuts because money will have to come from somewhere.

TESTIMONY: **Dorcy Wheeler** stated he is in favor of the legislation. He has taught school during his life, and he has owned a business. One of the reasons he quit teaching is tenure and merit pay – as a former teacher he feels tenure should be cut, and merit pay legislation should be passed.

TESTIMONY: **Justin Rueeb** stated he is opposed to the legislation because of the classes it will cut, as these will get him to college, unlike the “useless” classes. He stated he also sees problems regarding the “legality” of the bill.

TESTIMONY: **Dr. Linda Clark** stood to speak in favor of the legislation. She stated she agrees with and supports many elements of the Superintendents plan. She stated though that as the superintendent of Idaho's largest school district, she would be remiss if she didn't address class size. The district has a current enrollment of 34,981 students, and a 96% attendance rate, so funding 33,998 students.

Senator Andreason asked about the most important part of the bill that Dr. Clark agrees with and doesn't – she stated her district agrees with Pay for Performance and strongly increased oversight for districts and trustees; there are only a few items they would suggest changes of percentages and amount of assessment, as well as principal-teacher approvals. The main opposition comes from in freezing class size.

TESTIMONY: **Janet Orndorff** approached to testify against the legislation. She stated she would ask for sections 6, 10 and 11 from S1068. Concerning S1069, she agrees with Tom Taggart's suggestion to continue studying the proposal over the next year.

TESTIMONY: **Stephanie Archauletta** approached to testify against the legislation. She requested that the right to bargain be retained and that the 770 teaching positions be retained.

TESTIMONY: **Kim Farmer** approached to testify against the legislation. She stated standardized tests do not adequately measure teachers. Public school teachers do not have control over the students who walk in the doors.

TESTIMONY: **Tim Sanford** stood to testify against the legislation. He stated a contract allows teachers to better prepare for their classes through the summer as teachers know they will have a job in the fall. He also stated teachers do not have tenure – they have extended contracts. These contracts are about protecting good teachers – if bad ones are protected it is because of poor administrative oversight.

Senator Andreason asked for Mr. Sanford's opinion of the pro's and con's of the bill. Mr. Sanford stated he likes the idea of funding the Math and Science mandates, the idea of middle school reforms, and merit pay opportunities. He stated the worst part of it is the part dealing with negotiation and contract rights – taking away that communication and dialogue rights, you take away the buy-in into the program.

TESTIMONY: **Tracy Boherer** stood before the committee to testify against the legislation. She stated because of specialized, one on one teaching, her autistic daughter has tested out of her IEP classes. She worries that through Superintendent Luna's program others will lose these opportunities.

TESTIMONY: **Beth Dennis** stood before the committee to testify against the legislation. She feels that we will be taking away opportunities by giving a laptop to students instead of one-on-one teaching.

TESTIMONY: **Neify White** stood to testify against the legislation. He feels that this is a plan that teachers are going to be charged with implementing – there are many students who don't fit the “one-size-fits-all” element of the plan. He feels if we want to work at reducing dropout rates we need to provide alternative educational plans.

TESTIMONY: **Emily Castleton** stood before the committee to testify against the legislation. She followed what many say is an idealistic cause. She stated there are many parts in S1068 she does agree with, although she does also feel that Section 1, Subsection 4 will demoralize teachers. She asked how raising a generation of students full of excuses is enabling them.

TESTIMONY: **Julia Whithers** stood to testify against the legislation. She is here to testify against the 50% parent input evaluation. She stated she had students who chose to do a very important assignment, and as a result missed a very important football game. She is afraid if this bill were to pass as written, she could have lost her job over this incident.

TESTIMONY: **Gabriel Smith** stood to testify against the legislation. He stated he sees students struggle with class sizes already, and asked how will larger class sizes help those students? He asked for the legislature to take time to mull other options – he stated he is not against the legislation, but that he wants time. He also feels PFP is unfair to base teacher pay based on a student's desire or lack of to put forth the effort.

TESTIMONY: **Nick Long** stated that as a technology intern, he knows students are irresponsible with their laptops. Also, he has taken online classes, but even though he is a good student, he has struggled with online courses, and does not feel that now is the right time, nor will there ever be a right time, to gamble the future of students.

TESTIMONY: **Catharyn Primrose** stood to testify against the legislation. She stated that online classes are difficult even for the most motivated students – she knows of some students who put off the class work because it is so hard or tedious until they forget it. She is also speaking as a future teacher of Idaho. She feels online classes are helpful, but should not be required.

- TESTIMONY:** **Tony Norris** testified against the legislation. He provided information regarding information from 1998 class sizes, when President Clinton pushed for smaller class sizes. On a personal note he stated in all of his upper level classes he has performed better in smaller classes.
- TESTIMONY:** **Ben Parasini** stood against the legislation. He is a small business owner; he stated he and his wife chose to stretch their means somewhat to ensure their children would attend good schools. He has grown to know the teachers there. He is concerned that the state is more concerned about budget issues than education.
- TESTIMONY:** **Christina Shilling** stood before the committee to testify against the legislation. She stated she likes the idea of pilot programs, and doesn't feel we should ever sign on the dotted line until we know the concrete numbers.
- TESTIMONY:** **Megan Ridley** stood to testify against the legislation. She stated larger classes aren't good, and the proposed legislation is the antithesis of and the result of the politics of misleading words. She asked to go back to the drawing board. Senator Andreason asked Ms. Ridley what the most ideal ratio is. She stated a one on one is invaluable; 5:1 is workable.
- TESTIMONY:** **Anna Lisa Bramdall** stated that for the first time in her career she will stand to gain financially; however, she believes strongly against the legislation, and would be pushed to teach out of State. She has already witnessed teachers leave the state, and fears that the state will be unable to retain quality teachers.
- TESTIMONY:** **Holly Imamovic** stood to testify against the legislation. She stated Idaho's unions are about as strong as a vegetarian cat.
- TESTIMONY:** **Pat Murphy** stood to testify against the legislation. He stated he does not see collaboration in the current proposal. He has issue with the prohibition of bargaining in good faith – he asked that we not punish teachers with this legislation.
- TESTIMONY:** **Alexandria VanSheike** stated she has a learning disability. For her to take an online class would be very difficult; she has experienced large class sizes and done poorly. After moving to Filer her grades improved tremendously, and she feels it would be a shame to lose teachers who have put in the time and effort.
- TESTIMONY:** **Caitlin Lindholm** stated this plan will impact her entire junior high and high school career. She sees the internet as a great tool. Most of the time her parents want her to go play outside, rather than turn on technology.

- TESTIMONY:** **Debbie Lichter** stated we are a data-driven society. She stated that to make a difference with children of poverty, schools are virtually the only way for them to get out. She pointed that there are some advantages of larger class sizes, but there is also research that indicates otherwise.
- TESTIMONY:** **Reiley Freedman** stated she is concerned for a multitude for a number of reasons. The concern lies in class size, online classes, and the goal of firing almost 800 educators in the public school system.
- TESTIMONY:** **Karen Dainley** stated if a teacher's contract is not renewed before she reaches the rule of 90 her retirement is reduced 40%. Nothing in this legislation provides for this.
- TESTIMONY:** **Dr. Tara Penry** is sympathetic with outfitting classrooms with technology; however she would rather have students prepared to understand ethics.
- TESTIMONY:** **Adam Collins** stated he feels Superintendent Luna seeks to destroy master contracts which will not make the education system better. It will destabilize the system, and ruin education for children.
- TESTIMONY:** **Lorraine Hand** stated this is her 23 year of having children in the Idaho school system. She stated the superintendents, the administrators, and the teachers are asked to shoulder a lot every day.
- TESTIMONY:** **Amber Martin** stated she learns best seeing what the teacher is talking about in person; please vote against.
- TESTIMONY:** **Esteena Martin** has decided to pursue her Wyoming teaching certificate since Idaho's budget cuts in FY2010. She stated this takes away a teachers right to due process.
- TESTIMONY:** **Christina Dirk** stated her third grader struggled through first grade; through ELL, he managed to improve and is now reading one grade level up.
- TESTIMONY:** **Marilyn Schuler** stated she is very strongly an advocate for public schools; she feels very strongly that she is willing to pay extra taxes for education.
- TESTIMONY:** **Scott Hill** stated this legislation has a disproportionate effect on schools of his size across the state. The smaller the school, the larger the effect, and he would ask that the legislature would research the effect on the schools.
- TESTIMONY:** **Karen Pfleeger** stated she disagrees with the best practices in education proposals; she stated this is not a solution that makes education better in Idaho. This is a solution that fixes a financial problem. Like Ms. Schuler, she is willing to pay higher taxes if she has to.

- TESTIMONY:** **Ellen Thompson** stated she would like the legislature to slow down and take a deep breath.
- TESTIMONY:** **Kristian Drake** stated she currently has 42 students in her AP calculus class, and that online classes are simply not a substitute for real-life teachers.
- TESTIMONY:** **Rebecca Holland** said she is a kindergarten teacher; she cannot give these students what they need without the support of the government looking at this legislation
- TESTIMONY:** **Lisa Miller** stated teens are impulsive while adults are more calculating. She feels what really puts students first is students in the classroom.
- TESTIMONY:** **Nika Sharp** stated a true education is something that will last; in large and online classes, she doesn't feel she will really be able to retain that education.
- TESTIMONY:** **Misty Sterk** stated she knows what it is like to have 35 students playing with fire; she is a science teacher. She asked if money was not an issue, would the Superintendent bring this bill forward. She stated she thinks yes, because she feels he has a vendetta.
- TESTIMONY:** **Sarah Fraiser** stated teachers are in the business of educating students. She has read the bill and realizes there is nothing in the bill that states the arts will be cut, but there is only so much that can be done creatively before the arts will have to go.
- TESTIMONY:** **Cindy Henderson** stated she does not fear change; she embraces it. She does not believe schools should not be expected to turn a profit with value-added scores. She asks that the legislature would ask Superintendent Luna gather the voices of all the stakeholders.
- TESTIMONY:** **George Harrod** stated he feels the proposal presented is half-baked and foolish; he would like to go back to the beginning, and incorporate everyone who has an interest. He feels that in an effort to repair a financial hole, **Superintendent Luna** has attempted to create an educational hole.
- TESTIMONY:** **Connie Buckley** stated the majority of her students will not achieve advanced or even adequate on the statewide assessments. She feels the pieces proposed in this legislation will be detrimental to the children she teaches.
- Senator Andreason** asked why **Ms. Buckley's** students can't achieve their education on an online program. **Ms. Buckley** stated her students do not have parental support. The things they look at as necessary do not always include education; if you do not have parental support in an online class you often do not achieve success. **Senator Andreason** asked what would happen if they were required to take two courses every year in order to graduate. **Ms. Buckley** stated she is very concerned about this. She stated she thinks the outcome will be a higher dropout rate for these students.

Senator Winder asked how the schools currently handle special education students and graduation requirements. **Ms. Buckley** stated they are held to the same standards; in their IEP they state they can have special accommodations, but they are still held to the same standards. **Senator Winder** asked how growth is measured. **Ms. Buckley** stated there is a progress report attached to the IEP. You can't always look at every student's growth compared to another student, but you need to look at them individually.

ADJOURN: Chairman Goedde adjourned the committee at 6:00 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #2 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Monday, February 14, 2011**

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20301</u>	Legislation to strengthen Idaho's existing anti-bullying laws by ensuring that districts, schools and school personnel have a role in preventing and intervening in bullying should it occur.	Senator Keough
<u>RS20377</u>	Ammending section 33-357 Idaho Code, to provide that information relating to certain contracts shall be included on certain websites.	Superintendent Tom Luna
<u>RS20240</u>	This legislation will require candidates for community college trustee positions to file sunshine reports for their campaigns just like other non-political positions such as city councils.	Senator Goedde
<u>RS20413</u>	<i>Relating to S1068 and S1069</i>	
<u>RS20414</u>	<i>Relating to S1068 and S1069</i>	
<u>RS20415</u>	<i>Relating to S1068 and S1069</i>	
<u>RS20417</u>	<i>Relating to S1068 and S1069</i>	
<u>S1068</u>	Indepth review of legislation	<i>Jason Hancock, SDE</i>
<u>S1069</u>	Indepth review of legislation	<i>Jason Hancock, SDE</i>

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, February 14, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 committee to order and requested the secretary take a silent roll.

Senator Winder asked that **RS20424**, dealing with advertising by school districts and **RS20425** dealing with renewable energy, be added to the agenda. Hearing no objection, Chairman Goedde so noted and added them to the agenda.

RS20301: **Senator Keough** stood to present **RS20301**. She stated the legislation would strengthen Idaho's existing anti-bullying laws by ensuring that districts, schools and school personnel have a role in preventing and intervening in bullying should it occur.

Senator Andreason moved to print **RS20301**; the motion was seconded by **Vice Chairman Mortimer**. It passed by voice-vote.

RS20377: **Jason Hancock** stood to present **RS20377**, relating to school contracting. This legislation would require school districts to at least consult with the state-wide contract when they are intending to purchase something for more than \$5,000.00, and if they are choosing to go with someone other than a statewide vendor, they are required to post this on their website.

Senator Andreason moved to print **RS20377**. **Vice Chairman Mortimer** seconded the motion; it passed by voice-vote.

RS20240: **Chairman Goedde** presented **RS20240**, which would require candidates for community college board of trustees to file sunshine reports just as any other candidate for public office is required to do so.

Senator Pearce asked if this would discourage anyone from running; **Chairman Goedde** stated he didn't think it would discourage anyone from running although it may discourage some from donating more than the \$49.00 limit.

Senator Andreason moved to print **RS24240**; the motion was seconded by **Senator Winder**. It passed by voice-vote.

**RS20413,
RS20414 and
RS20415:**

Superintendent Luna stood to present **RS20413**, **RS20414**, and **RS20415**, which are the amended versions of **S1068** and **S1069**. The minimum teacher salary would be increased; the requirement for online courses would be reduced from six to four; the first year mobile computing devices are deployed school districts will have the ability to determine how they are deployed. A number of the changes that have been made in the legislation have been as a result of the testimony – specifically from superintendents and school board members.

Performance Category A and B contracts were combined under Category B, so there are now just two contracts; performance evaluations must be done before the board can take action.

The pay for performance was also broken into a third piece of legislation, and the superintendent feels the testimony was good, and helpful.

Senator Pearce asked what the real cost was to the state for a new teacher – including benefits, etc. **Jason Hancock** stood to answer. He stated the costs, including FICA and PERSI, include another roughly 18%.

Senator Pearce moved to send **RS20413**, **RS20414** and **RS20415** to print; the motion was seconded by **Senator Mortimer**. It passed by voice-vote.

RS20424: **Senator Winder** presented **RS20424**.

Senator Fulcher moved to print **RS20424**; the motion was seconded by **Vice Chairman Mortimer**. It passed by voice-vote.

RS20425: **Senator Winder** presented **RS20425**.

Senator Fulcher moved to print **RS20425**. The motion was seconded by **Vice Chairman Mortimer**. It passed by voice-vote.

S1069: **Jason Hancock** stood before the committee to present **S1069**.

Section three has new language inserted on page three, lines thirty through thirty four. This is code related to internet-based expenditures. This is the school districts annual budget, and the school districts master agreement.

Section four relates to 33-1004 and language relating to technology distribution. It is a laundry-list of items relating to the public schools budget. This has formulas relating to teacher salaries, pupil transportation – what is being done here is making mention of public-school technology funding. **Chairman Goedde** asked if it would make sense to go to page 45 and look at 33-1002 at this point. This is Section 23. At this point it doesn't actually say a dollar amount, but rather it is based on a value of a support unit. He indicated the plan works since most of the distributions work as a value of a multiplier rather than a hard number. **Chairman Goedde** asked what \$24 million would be per support unit. **Mr. Hancock** stated he would have to get back to the committee with that number. Responding to questioning by **Senator LeFavour**, **Mr. Hancock** stated all that is being done here is calculating the dollar amounts per year for technology. Responding to further questioning, he stated the budget for textbooks was eliminated during the FY2010 budget year.

Senator LeFavour questioned if there was the intent to replace textbooks then; **Mr. Hancock** stated there was no line-item to replace textbooks.

Senator Andreason stated the divisor will not work his district because it will increase the class sizes too much. **Mr. Hancock** stated no one wants to increase class sizes, but he feels there has also been a bit of a disconnect as well. What is not necessarily known is how many of the teachers have a classroom of children, and how many have been pulled out of the classroom and are now a reading coach, etc. As far as the implementation of this, until the mid-nineties, Idaho's class sizes were higher than this, and yet we were still able to have a functional education system.

Senator Andreason asked if either of the large school districts had been consulted with this. **Mr. Hancock** stated no, and that he did not recall what each superintendent's comments were as to what they did and did not like.

Senator Malepeai asked if individuals like speech pathologists, nurses, etc. – those who are certificated but not actual teachers – are included in the student teacher ratios. **Mr. Hancock** stated they are not included in this ratio. **Senator LeFavour** stated there is an essential category of individuals in special education teachers who are included in this ratio. **Mr. Hancock** affirmed this, but also noted that these children are also sometimes double-counted when they are taking classes in non-special populations.

Senator Pearce inquired where the money to fund class sizes comes from. **Mr. Hancock** stated there is a "use it or lose it" provision. He explained if the state were to fund 100 positions in an area, they would have to hire all 100 positions; if they didn't they would lose a portion of the moneys for those positions. However if the local district would like to hire a certificated individual and while having larger class sizes, that is up to the discretion of their local school board. The alternative would be keeping class sizes small while keeping pay lower. **Senator Pearce** asked if it was a fair statement to say many of the class sizes we are seeing today are the result of the local districts. **Mr. Hancock** stated the stated divisors do have an effect on the district sizes. However, to the effect that the class sizes are running larger than the 20 that is being funded is up to the district.

Senator LeFavour stated she doesn't want to trivialize the work of "extra teachers."

For students who complete all of their high school credits by the beginning of their senior year, the district will pay for as many of their dual-credit classes as they are able to take – the cost is limited by this statute.

On page 45, the SDE looked at school districts that did not have supplemental levies at the direction of the math and science requirement task force. The high school sizes were divided. The greatest need found was the need equivalent to one-ninth of a classified staff position. In the smallest group there was very little need; in the next group there was more; etc.

Mr. Hancock stated that starting on Page 5 the ADA table repeats itself as the divisors start to increase.

Chairman Goedde asked where the effective date of section four could be found; **Mr. Hancock** stated it was July 1, 2011; the language can be found at the end of the legislation on page 61.

Section 25 pertains to the mobile computing devices, on page 47. **Mr. Hancock**

stated Subsection 1 is really just a policy statement. Subsection 2 discusses online requirements. Senator Andreason asked if these would be required of special education students; **Mr. Hancock** stated there is language in the legislation to provide for special exemption for students by the State Board of Education. **Senator Andreason** asked why it was decided students would have to go through the SBE to receive the exemption. **Luci Willits** stated that is already how the SDE proceeds, and that through the IEP it is determined which courses students can be exempted from.

In Subsection 3, parents have the right to enroll their students in any online course so long as the course meets specific standards as laid out by the SDE.

Senator Mortimer inquired if, under Subsection 2, a student has the right to determine courses of their choosing, or if it has to be designated courses. **Mr. Hancock** stated it has to be designated courses, but not necessarily from the designated provider.

ADJOURN: **Chairman Goedde** adjourned the committee at 5:00 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, February 15, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Further Presentation of S1068 and S1069	
S1068		Jason Hancock, SDE
S1069		Jason Hancock, SDE

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, February 15, 2011
TIME: 3:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour

**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 committee to order at 3:00 p.m. and requested the secretary take a silent roll.

S1069: **Chairman Goedde** welcomed **Jason Hancock** to the committee to continue discussion of S1069.

Mr. Hancock stated there would be no cut in teacher pay in this legislation; there would in fact be a slight teacher salary increase.

Senator Andreason asked what **Mr. Hancock** expected the salary for a teacher with 20+ years of experience would be making under this plan. **Mr. Hancock** stated he would have to run the numbers, but would get back to the committee.

Vice Chairman Mortimer asked about the percentages and the specific dollar amounts with respect to the race to the top grants. **Mr. Hancock** stated what has had to be flushed out is the road going forward and how this gets funded going forward.

Mr. Hancock pointed to page 39, line 10, which is the student achievement component of the legislation. This is the first subparagraph (i) which talks about growth. This is about 70% of state shares which talks about growth, and some of the things that are being done with the Longitudinal Data System (LDS) that haven't been able to be done in the past. Through the LDS there is much more apples-to-apples based comparison that can be had. Through this system you compare students that have the same level of comprehension.

Chairman Goedde noted that during public testimony there was one district official who didn't have much confidence in the LDS, and asked when the numbers would be going into the system. He also asked what degree of confidence we could expect out of the system. **Mr. Hancock** stated there is already a great deal of data in the system, but the system is human-created.

Senator LeFavour expressed concern over the data system and measurement system concern.

Mr. Hancock stated on the State side of the measurement, it is based on the ISAT, but it is based on the school component. Each school is a team under this model, and is measured as a team. Each instructional staff person at a school for the 1st highest quartile gets 1.00 share; administrative staff gets 2.00 shares; in the

2nd highest quartile gets 0.50 share; administrative staff get 1.00 share, etc. for excellence, the reward is one half of this. This was established because measures of success were not desired to be determined on a single test.

Senator Malepeai asked for a practical, hands-on tutorial of the quartile reward system. **Mr. Hancock** stated that if you look at like-to-like students, and then look at how schools do overall, and rank all the schools in the state based on the figure, the schools in the top 25% of growth receive 1 full share for growth – this includes teachers, counselors, speech-language pathologists, etc. Administrative staff gets double this share amounts. **Senator Malepeai** stated this seems like a complicated system; it has been his experience that there is a core material you want a student to master; when you see where they are at, you can measure where they are at by going back and re-testing them at the end of the third grade rather than stacking more stuff on the top at the end of the fourth grade, trying to find the growth. He also asked if the SDE corrected for any of the factors of special education. **Mr. Hancock** stated there is a small percentage of students who don't take the ISAT, however most do. This being said what the SDE is doing is comparing like-to-like, there are varying degrees of learning disabilities. With this growth measurement, students who do score extremely low will only be compared to those who also scored extremely low the previous year. As far as the timing of when the tests are done, the SDE is not actually making a growth measurement for the year; it is more a test of where the student ended the previous year.

Senator Andreason asked what kind of response has been received from Boise and Meridian regarding Section 20. **Mr. Hancock** stated he has not received any, although this is not to say the SDE hasn't received any. **Senator Andreason** stated these districts represent almost half the teachers and administrators in the State, and he feels the SDE would want them involved in this legislation. **Mr. Hancock** stated the Superintendent of the Meridian School district was involved in the group that put together the legislation for the pay for performance grant. The individuals who were involved in putting it together approved it to go forth as a grant application at least.

Mr. Hancock pointed to subparagraph 4, line 5 on page 40, which includes students whose test results should be excluded – these are students who showed up late, who were sick, or who left early.

Vice Chairman Mortimer asked about teachers who teach the arts and how they would receive merit pay. **Mr. Hancock** stated that beyond developing end-of-course assessments, generic measures (graduation rate, drop-out rate, students who go on to post-secondary, school making AYP, etc.), would all adequately meet these requirements.

Chairman Goedde asked for confirmation that it is trustees who determine the subgroups; **Mr. Hancock** stated yes.

Responding to questioning by **Senator LeFavour**, **Mr. Hancock** stated money's are not received for aids and certificated staff.

Subsection (3), page 41, refers to hard-to-fill position around the state. **Mr. Hancock** stated school districts can designate which positions are hardest to fill in their area. However, the State designates the award for hard-to-fill positions, but it can change them from position-to-position. The individual who is receiving the award has to actually be instructing to receive the award. For an instructor who is teaching more than one subject, the bonus received is relative to the amount of time spent teaching that subject matter. If the board of trustees determines that

even with this they are unlikely to attract an individual, they are allowed to use these funds to train a qualified individual in the area.

Subsection (4) on page 43 contains language dealing with leadership awards. Subsection (b) says that the employee has to work extra time to receive such an award; Subsection c says the employee can receive multiple awards, although an individual can be limited to receiving multiple awards. Subsection (d) says it must be paid in a lump-sum payment.

Senator Andreason asked where the 25% (line 9) came from; **Mr. Hancock** stated this came from a determination in the grant-application. However, there is really complete flexibility up to 35% that can be used in either way. **Senator Malepeai** asked if the leadership awards can be received for only one fiscal year; **Mr. Hancock** stated that was correct.

Senator Malepeai followed by asking if there was any input, or if the SDE thought about allowing local trustees to make determinations beyond what is seen on the legislation. **Mr. Hancock** stated the local trustees were involved and non-judgmental, and the only thing they specifically stated they did not want the money used for was athletic reimbursement. He stated everything was put on the list that was brought forth. **Senator Malepeai** stated he was curious about the process by which the list was brought forth.

Subsection (e) states employees with fewer than three years are not eligible for leadership awards; this is because these teachers need to be focused on their craft; subsection (f) is a provision which states any teacher whom should have been paid their bonus for national board certification but wasn't, will be paid their bonus for their certification. **Mr. Hancock** noted that in subsection (f) this group is estimated at less than 50 teachers.

Subsection 5 will let moneys be shifted between Subsections 3 and 4.

Senator Winder asked **Mr. Hancock** to address the divisor of juvenile detention, summer schools and why that is so different than that of some of the others. **Mr. Hancock** stated there is a larger number of a divisor change because the summer secondary program is not a full year program like a regular secondary program.

Senator Winder asked about the ability to have a quality summer school. **Mr. Hancock** stated he felt it was going to be pretty similar to a regular alternative summer program, and although there would be some kind of an impact, there was going to be an impact in all the programs.

Senator Malepeai asked about detention facilities, class size and safety – **Mr. Hancock** stated his understanding is that the school district is not operating a juvenile detention facility. So, from that standpoint, the safety factor is the responsibility of the county or whomever. What is being determined here is the ability to send a teacher into the facility. **Senator Malepeai** followed by noting someone was going to be sent in to a large class with a variety of offenders.

Section 15 contains language dealing with the experience multiplier.

Senator Andreason asked about Section 14, inquiring if the staff allowance takes into account the fast-growing districts such as Boise and Meridian. **Mr. Hancock** stated they take into account the districts as they report attendance numbers – they fund based on support units.

Mr. Hancock stated there is a series of amendments for 33-1004. This is because there is a gradual unfreezing of the grid. The first unfreezing is on July 1, 2011. Because the grid has been frozen for experience for two years, teachers will get to move two years in FY12 – they will move the year they would normally move, + 12 months (24 months in total).

Senator Mortimer stated this is being described as if each teacher was already on the grid. However in reality each teacher may or may not have been on the grid – rather, this is the funding grid. **Mr. Hancock** stated this is correct.

Chairman Goedde asked what the MTI is worth on the funding grid – **Mr. Hancock** stated it is worth three credits. **Mr. Hancock** also stated the state is paying for the credits as well as paying for the universities to transcript the credits. He stated this is important to note because teachers need to continue to gain transcribed credits to continue their movements. However the state would like to not have to continue to pay the transcription costs so this year the SDE ran a rule that stated the MTI no longer had to be transcribed, but was still accepted for movement along the grid.

Responding to a comment by **Senator LeFavour**, **Mr. Hancock** noted the state will still be paying for the MTI, and although it will not be transcribed, the MTI will still count towards the salary grid. The only affect the nontranscription will have is if the teachers want to take a transcription out of state.

Mr. Hancock stated on lines 33 and 34, page 33, there is a one-year education freeze, but it is then deleted on page 34.

In Section 17, there is no more education freeze, or salary freeze, and as of FY14 the grid will be current.

Section 18 contains amendments to 33-1004E, Idaho Code. **Mr. Hancock** stated when this was originally written this only applied to FY95 and 95, so this has been deleted; the strikeout on lines 13-15 is also related to this same issue. **Senator Andreason** asked if the master teachers program was being eliminated; **Mr. Hancock** stated this was being shifted to the leadership awards allocation.

Section 19 contains language relating to PERSI and FICA. **Vice Chairman Mortimer** asked if merit pay would contribute to a higher retirement. **Mr. Hancock** stated that this was correct; any dollar amounts paid through leadership awards would be applied in PERSI/FICA.

Section 27 contains language regarding the charter/secondary divisor move. This is in a different section of code than that of regular school districts so it has to be pulled in five different times as do traditional schools.

Section 32 allows public postsecondary institutions to operate a public charter high school in high school. Responding to questioning by **Chairman Goedde**, **Mr. Hancock** noted they would have to fall under the charter school cap. Section 34 contains language pertaining to the severability clause.

Section 35 contains language pertaining to the effective dates of the legislation.

S1068:

Mr. Hancock presented S1068.

Senator LeFavour stated there is a lot of latitude in the legislation under section 3, on page 9. She asked if there is latitude within the school year. **Mr. Hancock** stated yes.

Mr. Hancock stated the rest of Subsection (5) is tightening the language up. **Senator Malepeai** directed **Mr. Hancock** to line 10, where reasonable is struck as pertaining to reasonable probationary period, and asked if such a thing as an unreasonable probationary period could be determined. **Mr. Hancock** stated it was removed because the phrase “period lasting at least six weeks” was inserted. **Chairman Goedde** noted that there are certain situations where six weeks is unreasonably long.

Vice Chairman Mortimer suggested the scenario of not renewing a contract under the provision in sub. (5), where an evaluation is done and it is unsatisfactory. He asked how **Mr. Hancock** sees the process happening, and how he sees a teacher enabling things changing. **Mr. Hancock** stated he feels the six weeks is provided to give teachers a reasonable opportunity to change issues. He also noted that in subsection (6) there is a provision for immediate discharge of an educator under the extenuating circumstances.

Senator Pearce asked how we are able to change Subsection (5) as we are, as it was his impression that this a grandfathered renewable right. **Mr. Hancock** stated this minimum six-week probationary period, as well as Subsection (6), have been inserted. Thus, educators still have access to due-process, so it is more technical than substantive changes that are being had. **Senator Pearce** asked if it was up to the prerogative of the board of trustees to renew. **Mr. Hancock** stated this was essentially another piece of due-process. However, if you are going to discharge them during or at the end of their contract they are granted specific rights and procedures, as can be seen on page four, 33-513(4).

Senator Malepeai noted that in light of this discussion, this pointed out how important contractual obligations are for educators. **Senator LeFavour** stated it is her feeling this legislation sets a floor, but no ceiling. **Senator Winder** asked if the school board has the exemption ability to make a RIF if necessary. **Mr. Hancock** stated yes.

Senator Winder noted H0556, which provided emergency exemptions, and asked what the legislation was doing to provide emergencies if necessary and use the powers to balance budgets when necessary. **Mr. Hancock** stated the reason sub. (7), and later in the bill, where there is language that gives the board of trustees to establish the compensation levels in the event that they fail to reach agreements.

Senator LeFavour asked how Subsection (m) on page 5 interacts with the ADA. **Mr. Hancock** stated he would get back to the committee.

Section 5 deals with supplemental duties above and beyond standard duties – coaches duties, etc. Deleted language includes language where coaches (basketball, for example) can demand review in front of the board of trustees for termination of “above and beyond” duties.

Responding to questioning by **Senator Toryanski**, **Mr. Hancock** stated for example this would be an extra duty contract, rather than an extra day contract. **Senator Toryanski** asked how long these “extra duty” contracts would last; **Mr. Hancock** stated they vary; some are 170-day contracts, some are 180-day contracts. Some

are longer days, some are shorter days; but the short answer is, they vary.

Section 6 deals with contract termination and severance stipend. Teachers have to be notified no later than October first, and they are entitled to 10% of the salary, based on the salary grid under subsection (5).

Section 7 contains a technical correction, pulled in for a name-change.

Section 8 is a cross-reference to the ERIP, and a technical change

Section 9 pertains to financial emergencies and a Reduction in Force. This states the RIF shall be made without consideration to seniority or contract status.

Section 10 allows a principal to say no to a potential new hire in a school; this does not allow a principal to remove current staff. **Senator LeFavour** stated she would like to point out the irony that teachers cannot do the same with students in changing the make-up of their classroom.

Section 11 requires districts to make available to employees a list of liability insurance providers

Section 12 applies to the 99% ADA protection clause; this repealed language goes hand-in-hand with the severance stipend language as discussed earlier.

Senator Pearce asked **Mr. Hancock** to address this further. **Mr. Hancock** stated that currently under 99% ADA protection clause, if a school district has 1000, but only 900 show up, the SDE funds as if 990 show up. Essentially what happens is the SDE is funding them twice – once in the district where they move to, and once in the district they moved away from. The reason why this is done is because currently districts are required to sign contracts in May, but they don't know they are going to lose students until the school year starts. However, under the new legislation, districts will be able to reduce staff up to October 1 while providing them with a 10% severance package thereby eliminating the need for the 99% ADA protection clause.

Senator LeFavour stated that for small districts, this is a delicate balancing act of having the right combination of teachers with the right certifications while not interrupting student learning. **Mr. Hancock** stated he is not going to pretend this is not a tough decision. However under current law a small district still has to make the tough decision, they just have to make it at the end of the school year instead of the beginning. **Senator LeFavour** stated that at the end of the school year you can determine which set of teachers you need to meet your needs, rather than at the beginning.

ADJOURN: **Chairman Goedde** adjourned the committee at 5:28 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #2 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
WW02 (Auditorium)
Wednesday, February 16, 2011**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Idaho School Boards Association Day-on-the-Hill	Karen Echeverria
<u>S1066</u>	Relating to the discontinuation of a school under 33-511, Idaho Code, if the division of building safety has determined a school constitutes an imminent public safety hazard.	Senator Goedde
<u>S1068</u>	Review: Labor Relations Legislation	Jason Hancock
<u>S1108</u>	Labor Relations Legislation; <i>Relating to S1068</i>	Jason Hancock
<u>S1110</u>	Pay-for-Performance; <i>Relating to S1069</i>	Jason Hancock
<u>S1113</u>	Public Schools Modernization Legislation; <i>Relating To S1069</i>	Jason Hancock

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, February 16, 2011

TIME: 3:00 P.M.

PLACE: WW02 (Auditorium)

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

**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 committee to order at 3:00 p.m. and requested the secretary take a silent roll.

TESTIMONY: **Karen Echeverria** stood to present on behalf of ISBA. She stated it was her pleasure to introduce **Mr. Dallas Klinger**, president of the ISBA. He stated he is a product of the Idaho school system – he received his bachelor's from ISU and has worked as a CPA for 25 years. He has been on the local school board for 19 years. All 5 of his children have come through the Idaho school system. He introduced the current and past president, as well as the executive board and board of trustees of the ISBA to the committee. The ISBA represents 560 school board trustees, 30 charter school boards and 8 regions. It is a non-profit organization, and **Mr. Klinger** noted the ISBA appreciates the time the committee took in the preceding week to listen to the opinions of the board and its members on the students come first.

He stated that the Labor and Entitlement portion is generally supported by the ISBA. The ISBA believes the trustees should retain the ability to hire, fire and retain staff in a district.

Hind sight tells that questions should have been asked to tie funding to class sizes; only trustees at the local level know that.

The education community has integrated technology for decades; the ISBA has expressed concern that personal computing devices are only implemented after changes have been implemented and analysis has been undertaken.

He stated that as trustees they realize they will have difficult decisions regardless of the vote by the committee. Trustees across the state have dealt with financial emergencies throughout the years; they believe they have handled them well, and whatever decisions are made, they would once again ask that flexibility and local control are maintained at the forefront. He would ask that the committee remember to consider what is best for the children.

Senator Fulcher stated that generally speaking, what the ISBA supports cost money, and asked where that money would come from. Mr. Klinger stated that he doesn't know the answer, but that sometimes answers can be found if enough time is spent deliberating on the question. He wonders if enough time can be found in one session to deliberate. **Chairman Goedde** asked if we took away everything in the legislation except for the labor bill, the state would be looking at cutting between \$55 and \$65 million out of the budget. He asked how **Mr. Klinger's** district handled

this last year. **Mr. Klinger** stated they handled this with furloughs, but that they couldn't handle this again this year. However, he does not feel this could be done again. **Chairman Goedde** stated what is being proposed is an increase in divisors; there is nothing in here that would mandate an increase in furloughs, etc., and it is his feeling this legislation is going to give the ultimate local control. **Mr. Klinger** stated this is correct; however the reduction in funding while mandating an increase in technology funding is still that – a reduction in funding while still mandating an increase in technology funding.

Responding to questioning from **Senator Malepeai, Karen Echeverria** stated there has been an increase in supplemental levies throughout the State.

Senator Andreason asked if **Mr. Klinger** felt his school board association was not involved enough in the development of the legislation. **Mr. Klinger** stated the School Board Association saw the draft copy when it was a single piece of legislation, but that the school board association was not directly involved in the development of the two pieces of legislation.

Senator Winder clarified for the committee and the audience that it was not his intention to insinuate that the damage to the superintendent's property was by a teacher or by the union, and that he felt it inaccurate and misquoted.

S1066:

Senator Broadsword approached to present **S1066**, which is to allow a school district to discontinue the use of a building when it has been declared in imminent danger to public safety. The only way this comes into play is when there are five or more electors who live more than 30 miles apart. She introduced **Ms. Judy Sherrat**, Superintendent for Plummer-Worry School District, to testify.

Ms. Sherrat stated that in their district, she received a notice of imminent hazard for the gymnasium of one of the school buildings in the district. To remedy the situation temporarily, the board shuffled students around, and although it had tried to remedy the situation permanently by bonding for a new gymnasium, they were unable to do this.

They managed to do so otherwise, but they feel the way the legislation currently reads forces unnecessarily costly elections where safety is an issue.

She summarized by saying the local board of trustees has a statutory requirement to provide a safe environment for students to learn in. The current requirement for an election to discontinue a school is an unnecessary, costly and cumbersome requirement.

Section 33-511(3) needs revision to allow the board of trustees to provide a safe environment for students when a building is an imminent hazard to children.

Senator Mortimer moved to send **S1066** to the floor with a do-pass; the motion was seconded by **Senator Winder**. It passed by voice-vote. **Senator Broadsword** will carry this legislation on the floor.

S1068:

Jason Hancock stood to continue presenting **S1068**.

Section 13 contains the repeal of the early retirement section

Changes to Section 14 deals with clean up language.

Senator LeFavor stated she has heard from constituents that keeping the early retirement section would incentivize early retirement for teachers. **Mr. Hancock** stated the theory of early retirement is that if you eliminate this program you would see the index multiplier go up; however when they eliminated this for the administrators, this did not happen, which means they retired any way, even after they did not have the incentive to do so. He stated they have the same multiplier as teachers, so although they have a different base salary, it is the same multiplier.

Senator Pearce asked if there are any anticipated overall savings in this repeal. **Mr. Hancock** stated that in the last couple of years the legislature has cut this down from four to one million annually. Since there is only one million left in the base to pay, this year the state is having to pull three million out of the public schools rainy day fund to make the payment. By repealing it, this means three million will stay in the rainy day fund, and one million will stay in the public school fund.

Chairman Goedde asked what the balance is in PESF at the moment; **Mr. Hancock** stated he didn't know, but he thought \$17 million. **Senator LeFavour** stated it is \$11 million.

Section 15 relates to negating in good faith; also, in Subsection (2), there is language providing for notice of ratification activity..

Senator Andreason asked for a summary of Section 15. **Mr. Hancock** stated it is telling us negotiations are dealing with compensations, organizations/associations have to represent a majority of employees, and that negotiations have to take place in public.

Chairman Goedde asked if there was any indication that organizations don't represent a majority of employees; **Mr. Hancock** stated that there was checking..

Senator Winder asked that if there was any contemplation of a mediation process when there was no meeting of the minds. **Mr. Hancock** said this is something that can certainly be part of the process if the two sides have failed to come to an agreement, but that what is really being gotten at is the elimination of the evergreen clause. This begs the question of, if you eliminate the evergreen clause, what replaces it.

Chairman Goedde asked if **Mr. Hancock** would contrast the new language with what happens right now with the evergreen clause. **Mr. Klinger** stood to present this. He stated that if an agreement is not reached, what is currently in place remains. All of the language from the previous contract, plus steps and lanes, applies.

Senator Winder asked if a mediation process was attempted or a good faith attempt was made, or what. **Mr. Klinger** stated his board has gone to mediation twice; in the last couple of years, the LEA has continued with an evergreen clause that has bound them. **Senator Winder** asked how **Mr. Klinger's** district dealt with the emergency legislation from two years ago. **Mr. Klinger** stated his district used furloughs and attrition. **Ms. Echeverria** noted there is one district in the state that is still working on a contract for the current school year.

Senator Malepeai stated it was his understanding that it is possible that any provision in the evergreen clause can be used for negotiation. **Mr. Klinger** stated this is correct; however the only way to negotiate anything out of it is to buy it out of it. He noted that in the past, teachers have agreed to furlough days to keep teaching staff intact. **Senator Malepeai** stated that under current law, certificated teachers are able to negotiate a variety of things. He stated it seems to him a negotiation process is more of a problem-solving thing than a compensation-negotiation tool. **Mr. Hancock** stated this is correct that the changes made to the legislation do limit what can be done through the negotiation process. He stated that in 1271-1276, they are limited to salary and benefits. There are other things which can be continued to be discussed outside of these limits. When they are enacted, they are enacted as something outside of a master agreement.

Senator Andreason asked what these changes accomplish. **Mr. Hancock** stated they accomplish unbinding school boards from contracts made by boards past.

Section 16 contains language relating to existing agreements and evergreen clauses.

Section 18, This language addition includes designation of Local Education Organization, designation of representatives, and when negotiations can take place under the representation of an organization (majority representation). **Senator Pearce** asked how it works if there is a certain percentage of teachers that do not agree with the organization. **Mr. Hancock** stated that the organization can provide a list to the district of those who wish to be represented if there is contention regarding those who do not wish to be represented versus those who do. **Senator Pearce** asked how the teachers who do not join are handled. **Mr. Hancock** stated that it is still handled as it is now.

Section 19 is the section requiring open negotiation session.

Section 20 relates to a mediator if an agreement is not met by May 10.

Section 21 lines out some of the timelines once some of the sections.

Section 22 has deletions of the provision for fact-finders, and the provision stating master-agreements shall run for one year only. Subsection (2) has language expiring any contracts not expiring on June 30, 2011.

Senator LeFavour stated she doesn't understand why in Section 22 we are eliminating fact-finders. **Mr. Hancock** stated the provision for the mediator there is no time for the mediation and then do the fact-finder as well. These processes take time, which is fine when we have evergreen clauses, but given that the decision has been made to eliminate evergreen clauses, there is just not time to proceed with these.

Senator Andreason asked what was accomplished with the changes in section 22. **Mr. Hancock** stated this streamlines the process of the hard deadlines that did not exist otherwise with the evergreen clauses.

Dawn Fizio stated mediation is when a person comes in and works with groups individually in separate rooms to come to a conclusion; fact-finding involves a person who has been chosen mutually, meets with the group for one day, and then has a month to come to a conclusion. Neither is binding.

Section 24 removes cross references to financial emergency clause, which were removed in this legislation.

Senator Toryanski asked what “current term” on page 12, section 6 was in reference to – Mr. Hancock stated this is in reference to a school term, not an employee’s teaching term. The employee can be informed that they are being terminated, but are being retained until the end of the term; say, December.

Senator Toryanski asked if the October 1 date could be moved to the beginning of the semester or before the semester. Mr. Hancock stated the district does not necessarily have a grasp on how many students are in the district until the year has started. October 1st was selected to give the district some leeway to determine how they want to realign their staff.

Senator Malepeai noted that the October 1st date is problematic to him as it is not only the person who has been affected, it is the students who are being disrupted as well when you consider the continuity of the classes.

Senator LeFavour wanted to ensure she was clear on where the state funding stopped. **Mr. Hancock** stated depending on how you look at it, it stops immediately, or it stops in February. However, regardless, the school doesn’t get the funding for the student. It will be taken out of the next payment.

S1108: Changes to **S1066**, which is now **S1108**, include:

- Line 43 and 44, the 10 day contract return has been returned;
- Page 3, line 45, the superintendent’s designee dealing with evaluations has been added;
- Relating to Category A and B contracts, they will be combined into a single Category A contract; this will change a category C contract to a Category B contract;
- Category A is consistent with the old category B contract;
- Category B is now consistent with Category C contract – two-year rolling contract (formerly Category 2 under original language);
- Clarification: Provided, however...requires performance evaluations;
- Same thing at top of page seven; this pertains to Category C contract teachers;
- Page 6, line 42: in event of RIF, board of trustees may eliminate Category B teachers;
- Page 7, Lines 30-31: language was vague, so replaced by saying no civil action for money damages for failure to perform performance evaluation shall be awarded.

Senator LeFavour asked what a teacher could get if they did get a poor evaluation. **Mr. Hancock** stated they could possibly go to court and get their job back, as the worst thing they could get out of such an evaluation is a loss of their job.

- Page 11, Lines 21-24: Clarification that the usual process of termination does not have to be gone through when you are going through a Reduction in Force – this puts all the employees on a level playing field.
- Page 15: Lines 27-28; 32-38 (Section 10): unless the transfer is being made due to shifting student population levels...in the case of a transfer that is being made due to shifting student population levels, the principal shall be provided with a choice of at least two (2) individuals to be transferred for each position to be filled,

unless there is only one (1) individual whose certificates or endorsements qualify them for the position.

Senator Andreason asked what the philosophy is in the RIF; he proposed that what if a teacher is only a year or two from retirement and is laid off, whereas another teacher who has only been there for a year or two, but isn't. **Mr. Hancock** stated the feeling is that the SDE is trying to give districts the leeway and ability for rational decisions based on what is best for their district and their students rather than based on seniority. **Senator Andreason** stated that his reasoning for asking this question is that one of the things good teachers are looking for is working hard for 25 or 30 years and being ensured a good retirement – if a teacher is not guaranteed that, why would they want to work for a certain district, or in the state of Idaho? **Mr. Hancock** stated the attempt here is to reframe this around what is best for the students and districts.

Responding to **Senator LeFavour**, **Mr. Hancock** stated a senior teacher has the same risk and exposure as junior teachers under the proposed legislation, and while his heart goes out to senior teachers, his heart goes out to junior teachers under the current system as well.

Regarding Section 10, **Senator Toryanski** noted a principal will get the opportunity to pick between two unless the transfer is being made due to shifting student population levels...in the case of a transfer that is being made due to shifting student population levels, the principal shall be provided with a choice of at least two (2) individuals to be transferred for each position to be filled, unless there is only one (1) individual whose certificates or endorsements qualify them for the position and asked if the principal would have the opportunity to block this individual. **Mr. Hancock** stated the principal would have to accept the person.

ADJOURN: **Chairman Goedde** adjourned the meeting at 5:10 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #2 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, February 17, 2011**

SUBJECT	DESCRIPTION	PRESENTER
	STAKEHOLDER CLOSING REMARKS	
	Karen Echeverria <i>Idaho School Boards Association</i>	
	Byron Yankey <i>Idaho Association of School Administrators</i>	
	Sherri Wood <i>Idaho Education Association</i>	
	Laurie Boeckel <i>Idaho Parent-Teacher Association</i>	
	Vince Hannity and Christine Donnell <i>Idaho Business Coalition for Education Excellence</i>	
	Roger Brown <i>Idaho Governor's Office</i>	
	OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION CLOSING REMARKS	
<u>S1110</u>	Pay-for-Performance	Superintendent Tom Luna; Jason Hancock
<u>S1113</u>	Modernization and Reform	Superintendent Tom Luna; Jason Hancock
<u>S1108</u>	Labor Relations	Superintendent Tom Luna; Jason Hancock

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, February 17, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour

**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 3:04. He requested the secretary take a silent roll.

S1108: **Jason Hancock** stood to continue to present **S1108**. These changes are outlined below:

- P. 29, line 1, 6-8 contains language additions.

Chairman Goedde asked **Mr. Hancock** to explain how a district would be compensated for a blended course. **Mr. Hancock** stated a blended course is not really different; these involve in-person learning some days, online instruction other days. The days that there is face to face funding there is full fractional ADA funding.

- P. 37, Line 6 would move the minimum teacher salary up a little bit faster than the minimum base salary

Reponding to questioning by **Senator Mortimer**, **Mr Hancock** stated there was a ratio set up, and the next thing that gets funded is the base and minimum salary gets funded when monies get returned. The legislation says that once the bench mark gets reached and we get back to where we were in FY09, half goes to PFP, half goes to base and minimum salary. **Senator Mortimer** asked what a \$10 million extra for teacher salary would mean; **Mr. Hancock** stated he estimated this would result in an additional 1.6 to 1.8 increase in the minimum teacher salary.

- P. 40 changes the online course requirements to four (4); it also adds "or public charter school" which is a technical correction.

Senator Andreason asked where these four credit requirements leaves the special education students. **Mr. Hancock** pointed to page 41, lines three and four, which provides for the state board of education's special exemptions, by rule. **Senator Andreason** asked if this authority was going out of the state board then; **Mr. Hancock** stated the IEP is not done at the State Board level, it is done at the local board level. **Luci Willits** stated the education of special education students is done by IEP students. That will not change as online classes are added. **Senator Andreason** asked if that was the case, why is it stated that all students have to take online classes. **Ms. Willits** stated that it is the same as all other classes.

Senator Pearce asked if the SDE would be able to track and see which courses are going to have the best success rate. **Mr. Hancock** stated through the LDS this

would be possible. **Senator Pearce** asked how soon this would be available. **Mr. Hancock** stated this would be implemented in FY13, so it would be available in FY14. **Senator Pearce** asked if we would be able to learn from other states so we would be less experimental as a State. **Mr. Hancock** stated the state would be learning a lot between the end of this legislative session and next session; additionally Idaho is the last of the states to implement the LDS so we are definitely learning.

Senator LeFavour asked if the state would be having larger class sizes as a result of having fewer online class requirements. **Mr. Hancock** stated there are no divisor changes from the earlier drafts to this draft. The four online course requirement is a minimum, but districts are welcome to go further if they feel they need to to make their finances work. **Senator LeFavour** stated she is trying to figure out where the students are going if there are only four online requirements.

Chairman Goedde asked if the other class sizes would have been larger or smaller if there had been eight mandated online classes. **Mr. Hancock** stated there is a .25 of a divisor that is not covered by online courses. **Senator LeFavour** stated this means there will be larger class sizes than we were promised at the beginning.

- P. 41, line 16 removes the school district and the public charter school

- P. 41, line 29 has been retooled so that instead of saying the state is giving the mobile computing devices to every ninth grader it will give the mobile computing device to the district, thereby leaving the decision up to the district.

Chairman Goedde asked if this meant the district could opt to give half the mobile computing devices to tenth graders; **Mr. Hancock** indicated yes.

- P. 41, line 31 added language giving high schools that begin in 10th grade flexibility to begin this program then.

Senator Pearce asked **Mr. Hancock** to address the latitude in this change. **Mr. Hancock** stated this legislation reads that in lieu of replacing already existing one-to-one, districts would get equivalent funding. **Senator Pearce** asked about local control and if the state would be sending funds and saying spend as you see fit. **Mr. Hancock** stated there is nothing in the legislation that says the device has to be this, or has to be that.

Senator Andreason referenced the testimony and emails regarding the issues, and stated what it tells him is the school boards and superintendents have real questions about giving 9th and 10th graders laptops, and asked why the state is still pursuing it. **Mr. Hancock** stated proficiency in technology is necessary in the 21st century and would challenge anyone would argue otherwise; that being said, there is nothing in the legislation that says "this is how you have to use this technology." The only restrictions on the use is "this is how you have to protect children."

Senator LeFavour indicated she wants clarification on the code regarding \$24 million and how that will be tied into the schools. **Mr. Hancock** stated there is the WiFi in high schools piece for laptops, but that is a small piece. The savings will cover a hole in the budget; it is helping to unfreeze the salary grid; it is helping to restore M and O funding; it provides funding for the math-science funding on the high-school redesign, and it provides funding for Pay for Performance. **Mr. Hancock** stated that there is some essential funding for technology, but ultimately going forward it is not the largest part of the plan by the long shot.

- P. 42, line 14 includes digital citizenship standards, and the clause mandating the mobile computing devices being given to students has been removed.

Senator Malepeai asked about the replacement of laptops, and who's budget it is in - whether it is the SDE or the school district's budget. On top of that, he asked to whom the vendors will be responsible to - the SDE or the district. **Mr. Hancock** stated through their research, they have been advised to view the device, maintenance and repairs as a contract from one individual.

Senator LeFavour asked if a teacher that might do all the work to earn a sizable bonus in one school might not be able to earn it in another school. **Mr. Hancock** stated that is still essentially the base pay; this has been set up in such a way that teachers within a school don't go head-to-head with each other. The local side of the plan does say it is based on teachers. It is set up as such that it does have to be based on teams.

Senator Malepeai asked if there was any consultation at all with any research base or consultation with firms. **Mr. Hancock** stated he does not recall any himself, but he would go back and check with one of his deputy superintendents to see. He stated he did not consult with any experts, but he has some people in mind that he could consult with and get back to **Senator Malepeai**.

Senator Pearce stated that this was taken from an implemented plan; it was not just pulled from the top of someone's head.

Regarding **Senator LeFavour's** question about the Administrative Procedure Act, **Mr. Hancock** stated he has spoken with the AG's office but has not received an answer.

Dallas Klinger rose to close on behalf of the ISBA; he stated the ISBA is generally in support of the Labor legislation with exception to the 99% clause. The ISBA is concerned with student/teacher ratios; they feel the closer you can get to a 1:1 student/teacher ratio the better. It also has concern with the 1:1 mobile computing devices - about 2/3 of the membership has concerns with it. He stated that on a personal note, there might be a change to Pay for Performance to be renamed "Additional Performance-Based Incentives."

Byron Yankey stood to represent IASA; he stated the IASA is in the Kids and People business. He is currently the part-time interim administrator of the IASA. **Mr. Yankey** stated that districts face fewer options as deficit numbers increase. On behalf of the IASA, he asked that the committee consider these options: establish a % decrease for public education; do not change elements of the funding formula; remove "use it or lose it"; allow districts to determine what to keep and what to lose. The IASA supports advancements in education; however it does not support advancement at the expense of larger class sizes and fewer teachers. It supports modernizing when funding becomes available. It supports mobile technology, when funding becomes available. It asks that the legislature consider suspending PFP until funding is available. School administrators are not against reform - the IASA knows that K-12 legislation must participate in budget reduction. The IASA appreciates the work of the legislature; rather than considering a single solution, it would ask that the legislature provide all districts with the tools they need.

Sherri Wood stood to close on behalf of the IEA. She stated the IEA would ask the committee to consider how the legislation would affect all teachers and students, not just those who pay IEA dues. S1108 would severely damage teacher rights, and push Idaho back to 1960's era teaching when Idaho was a state teachers

avoided. She stated just cause is particularly important in Education, which is something teachers will not be entitled to under this new legislation. The IEA feels the elimination of ERIP would subject the state to legal challenges, and from the beginning the Luna plan has lacked stakeholder involvement. It also feels the legislation before the committee has seen little change, and the IEA urges the committee to vote no.

Senator Malepeai asked if **Ms. Wood** had any thoughts about the PFP or modernization legislation. **Ms. Wood** stated the IEA does not feel increasing class size is the answer, and although the IEA was at the table when the PFP piece was written, it was not consulted when the funding piece was discussed. As such, the IEA is opposed to both pieces.

Chairman Goedde asked what the IEA felt about the removal of the Use it or Lose It Piece. **Ms. Wood** stated if it meant an increase in class sizes, they would not be in favor of it.

Laurie Boeckel with the Idaho PTA stood to close. She indicated the safety-issues regarding technology and increasing class sizes has not been addressed in the legislation class sizes. **Ms. Boeckel** stated Idaho PTA believes in home and school cooperation for children involvement.

Senator Andreason asked how the Idaho PTA would change how the legislation is written now. **Ms. Boeckel** stated the concern is that the IPTA did not have adequate time to weigh in - she does not have a change.

Senator Andreason asked if she was implying that Idaho PTA wanted time to sit in to discuss the legislation. **Ms. Boeckel** stated the goal of Idaho PTA would want all parents to be included, not just IPTA.

Vince Hannity stood to present on behalf of IBCEE. He stated in the future most new jobs will require skilled workers. This is why IBCEE has encouraged all stakeholders to look at meaningful reform of Idaho's education system. IBCEE realizes several elements of the plan are controversial, but ultimately it would ask that all stakeholders keep the desired end in sight: to have the most effective, efficient, education system for Idaho the state can get with the resources it has available.

Christine Donnell, Executive Director of the IBCEE stood. She stated she is stunned by the mostly negative discourse that has been occurring. She believes the education system should and must adjust, change and always look for ways to improve. Changes have been made to the Students Come First plan, and everyone will be asked to make the hard decisions. She stated that she would ask the committee to make the hard decisions, endure the disagreements and the discomfort, but ultimately support the reform.

Senator LeFavour stated she wants to make sure that Ms. Donnell **Ms. Donnell** is Ok with the understanding that there are some unknowns, and yet she is still willing to endorse the legislation. **Ms. Donnell** stated she is not ok with Either/Or, but that she is OK with the 18 months to work out the details. With IBCEE they look at things from 30,000 feet, and they have not looked at things specifically. Senator LeFavour stated there is another legislative session in 12 months, so she is not sure why the 18 months is being thrown out rather than people waiting until next session, after kinks have been worked out. **Ms. Donnell** stated that is not the roll of the IBCEE to take on.

Senator Andreason asked who should be involved in the discussions regarding the details of the last changes being made to the bills in the view of **Ms. Donnell**. **Ms. Donnell** stated she feels everyone should be involved, but that is a rather broad answer. However, she feels that she had a very narrow focus for forty years. After going to work for IBCEE she has begun to see out of her narrow focus. She does have personal opinions, but she is not here to tell her personal opinions.

Senator Malepeai asked if **Ms. Donnell** felt the previous stakeholders were the ones who should have come together to discuss these changes. **Ms. Donnell** stated yes, these are the ones she feels whom should have come together.

Roger Brown, representing the Office of the Governor, stood to close. He stated the world changed - we live in a community connected by technology that will be shaped by technology. The world and the economy demand our children and students be prepared. **Mr. Brown** noted Dr. Lento's statement that if we don't teach students how to use technology properly, we have just purchased a very expensive pencil. He stated there is nothing radical about the three pieces of legislation other than that they are being brought together by the governor, the superintendent, and the committee chairman. Thanks to the committee the public has had the opportunity to comment.

As the governor put together the budget and the superintendent put together his budget, they were keenly aware of other states slashing their budgets. They were aware of their fiscal responsibility to the State. Monies are found through increasing class size – the world economic forum has surveyed, and the United States is in the bottom third. Every country ahead of the United States has larger class sizes, while spending less. The architects of the next generation are not American children - this is why the Governor and the Superintendent have brought forth this package. **Mr. Brown** stated this is the number one priority of the Governor.

Senator LeFavour asked which countries are ahead of the United States. **Mr. Brown** stated the countries could be seen in the slides forwarded from Dr. Lento to the committee. Responding to further questioning he stated that while this committee is not tasked with fixing the system from coast to coast, Idaho would be at the head of the pack if we were to move our system forward. The point is to have a system of education to raise it with the tide. The point is not to have a system with high property tax values or M and O levies every year, but to have students who are on par with others in the country.

Superintendent Luna stated he felt **Mr. Brown's** testimony was compelling. He stated this is historic legislation, and thanked all of those who presented to testify – parents, students, administrators, and stakeholders. He stated he feels some of the most compelling testimony heard was that of Christine Donnell. Superintendent Luna stated over the past two years \$200 million has been cut or shifted from the Public Education budget. Now, this year, at a minimum, the state is facing a \$35 million hole with nowhere to go. There is no money left in the rainy day account, so something different has to be done and there is a likelihood of the funding to be cut by almost \$300 million over the next 3 years. The state cannot cut again and leave the districts holding the bag. The state has to be willing to spend the funding it has but spend it differently to ensure what it has today will not collapse under its own weight. Cannibalizing the current system is not putting children first.

Although there are many who oppose the plan, no one has presented a viable alternative – they have been saying cut us, but don't change us. This is not a plan, and it does not put students first.

Some of the changes from testimony in the last two weeks include changes to online learning as well mobile computing devices; **Superintendent Luna** noted Idaho has a student teacher ratio of five less than Utah, although Utah pays its teachers more. The Idaho constitution is loud and clear: it is up to the responsibility of the legislature to maintain a thorough system of education.

While the State has cut revenue over the last two years, it has not cut Education expenses. The truth is something has to give. We cannot continue to cut funding levels while still continuing to spend where we have, and this is the road map that gets us there. First we stabilize our financial footing. We then invest in our teachers – we raise teacher pay, restore salary grid, add PFP– a total of almost 300 million goes in to salaries over next 3 years. Then we invest in technology for students. We also empower local leaders – school boards will determine how student achievement will affect teacher assessments, when students get laptops, and ultimately will get more control,

This is how we educate more students at a higher level with limited resources. This is how we get out of the financial tail spin we are in – the issue is not about online classes or laptops – the issue is about an education system that cannot be financially sustained.

Senator Andreason asked if it was the opinion of **Superintendent Luna** that we have a finished product or if this would take more work. **Superintendent Luna** stated what he is asking of the committee is to vote yes on the legislation; there are parts of the bill that need to be implemented immediately because of the financial crisis – things that are implemented at the local school board level; there are other parts of the legislation that will be implemented down the road that are not as critical financially. **Senator Andreason** stated his question is really whether or not there is a final product before the committee. **Supt. Luna** stated this is the product that needs to move forward. He stated there is time to work with stakeholders moving forward, but this legislature needs to set a budget this year, and this is the path to get to the financial decision. **Senator Andreason** noted he is trying to change the plan.

Senator LeFavour stated she is trying to understand how **Superintendent Luna** is so pessimistic that he believes Idaho's economy is not going to recover. **Superintendent Luna** stated he doesn't feel he is being pessimistic in proposing a plan to increase teacher pay, to implement PFP, and to place technology in the classroom; he feels it optimistic to propose a plan that will implement all of these things. Mr. Brown stood as budget analyst for DFM, and stated that in terms of economic indicators, the traditional indicators don't work anymore. Housing sales, car sales, stock sales, economic growth – these things don't work as economic indicators any more as there is still 10% employment.

Senator Winder thanked **Superintendent Luna** for coming to a town hall meeting in his district, and asked what happens if none of the three pieces of legislation passes. **Superintendent Luna** stated that if that is the case, the legislature is obligated by law, to set a Public Schools budget. Thus the legislature could cut transportation, remediation education, furlough school days and cut teacher salaries. **Senator Winder** followed by asking what **Superintendent Luna** thought the impact would be on class sizes if use it or lose it was removed. **Superintendent Luna** stated class sizes would explode. **Superintendent Luna** stated one of the things driving timelines is the September 1st date because of school start date; what 18 months gives us is the beginning of the 2012/2013 school year; so, what does the SDE have to do is the procurement and implementation between now and then – Maine did it in four months. The SDE will pull the same people who did the

PFP and Education alliance plan – all the stakeholders will be at the table. The Supt. is confident he can give an accurate roll out by then.

Senator Malepeai commended the Chairman for the hearings as they were held, and the number of people testified. He stated it seems a resounding number of individuals from all walks of life had a problem with some portion or another of the legislation. Speaking from a teacher's point of view, he stated that when you start implementing the legislation is where the rubber meets the road. He would comment the superintendent for starting the discussion, and feels the SDE is 2/3 of the way there. The last 1/3 is involving the individuals who are key players – the teachers, the administrators and the trustees. He does not want Idaho to be an experimental state for the other 49 states. He feels it is work it for Idaho to take a slow approach to the legislation, to take it one phase at a time. This is a lot coming at him as a teacher in a short period of time. He would like to see someone else's plan, and then would like to see what could be done to make it to work. Vertical management does not work – Horizontal management is the way to go.

Senator Malepeai moved to hold **S1110**, **S1108** and **S1113**; the motion was seconded by **Senator LeFavour**.

Senator LeFavour stated she would have to declare a Rule 39 on **S1110**; she feels the legislation has not seen enough light of day.

Senator Pearce moved to send **1110** with a Do Pass recommendation; the motion was seconded by **Vice Chairman Mortimer**. It passed, with a Roll-Call vote. **Senators Adreason, Malepeai and LeFavour** voted Nay.

Senator Pearce passed information out to the committee; he indicated from page one to page four, where pay-for-performance had a change in the school ranking – the PFP is very similar to what is very similar to what is seen in **S1110**. **Senator Pearce** stated he feels pay for performance is very effective and this data shows us what can be accomplished through legislation such as this. He feels the state needs to do something, and this gives us the opportunity to do this.

Senator Toryanski stated the basic Pay for Performance was discussed for nearly 9 months; there was some question about funding, but there was consultation, groundwork and collaboration. This bill rewards growth, and **Senator Toryanski** stated that is what we want. This is about student achievement. In his own school district it was evaluated based on student growth. When something is rewarded in this world, you get growth; he asked that if teachers are willing to do something that others aren't, shouldn't they get rewarded. There are other endeavors that get this kind of reward – additionally, the legislation encourages people to work together, and he supports the legislation.

Senator LeFavour stated the whole situation mystifies her; there is discussion of paying for this by laying off teachers. She feels that if we move forward with this legislation that has a \$38 million price tag and then regret it.

Senator Andreason requested a few days to work with stakeholders on the legislation; he stated his primary reason for being in the senate is for his interest in education.

Senator Fulcher thanked **Chairman Goedde, Superintendent Luna** and the committee for their work. He echoed **Senator Andreason** and **Ms. Donnell** and their comments that these pieces of legislation are not perfect. However, these are things that need to happen. He is thankful for the local control.

Senator Fulcher moved to send **S1113** to the floor with a Do-Pass recommendation; it was seconded by **Senator Pearce**.

Senator Toryanski stated he felt that in contrast to the 9 months of discussion the labor bill saw, this piece of legislation was new. The stakeholders don't believe enough time of study was taken, all courses of action were taken, and he feels that this was evident over the last two weeks. **Senator Toryansk** stated that if a few months could be taken to spend some time researching this, and although the time for reform is at hand, a lot of the technology will not be in the hands anyone for 18 months. As long as we know the general direction we are going, we will make it. However, at this point, at least where his district is concerned, this plan is not quite ripe, so he will be voting no.

Senator Winder stated this committee is not the final say, and therefore there is some time for some changes to occur. He feels it will be a difficult task to get people together to develop some of this technology, but the best decision makers are the local elected decision makers in the districts. However the rest of the plan doesn't hold together of this piece doesn't occur. There is still a chance for rider bills, there is a chance for amendments, and there is a chance for time to the plan to develop over the next six to eight months.

Senator Andreason stated it would only take a few days to make this bill acceptable to his constituents – his constituents represent about half the constituents in the state. There is no doubt in his mind that this could be accomplished in a short period of time.

Vice Chairman Mortimer moved to send **S1108** to the floor with a do-pass recommendation; the motion was seconded by **Senator Fulcher**.

Vice Chairman Mortimer acknowledged there are a lot of people who feel changes need to be made; someone in his district compared this to what a district does when they attempt to change boundaries – it is difficult and painful, and he realizes the process is not over. However, this is the process, and the direction he is in favor of.

Senator LeFavour stated that of all the bills this is the one that saddens her the most. She feels there is a bit of an overdoing of a harsh treatment of the people who teach children. She still doesn't feel there is a clear interpretation of what happens in the Administrative Procedures Act – she stated this bill troubles her, and she is very sad to see the day come where the committee is voting on it in this form.

Senator Malepeai stated this particular bill has nothing to do with student achievement, but rather hits at the spirit and heart of teachers. He stated he has netogiated on behalf of teachers, and stated the system doesn't work. He stated this insulates teachers, trustees, and administrators, against problems that could be litigatous. He stated he feels this will be a restraint against those coming into the state, and the profession, and he will be voting no.

Senator Winder stated he feels this is one of the saddest parts of the debate process, is that because there are proposed changes that they are mean-spirited, because they are not.

Senator Toryanski commented that teacher evaluation is based on student achievement; principals get to exercise quality control which is good; parents are funding the system, and so their having input is a good thing. Now courts will comment rather than review de novo, which will result in fewer litigation costs – also

good for students; there is discretion in RIF of junior teachers which is going to be beneficial when it comes to teachers who are qualified but junior. He pointed that the elements of this legislation put more control in the hands of the elected school board.

Senator LeFavour stated she feels this legislation opens up a Pandora's box of potential cleansing of teachers from schools, and it will.

Senator Pearce stated he is offended at the thought that that this is mean-spirited; you produce or you go looking for another job. With our children's potential at stake, you produce. This bill considers our children first.

The motion passed, with a Roll-Call vote. **Senators Andreason, Toryanski, Malepeai** and **LeFavour** voted Nay

ADJOURN: **Chairman Goedde** adjourned the meeting at 5:30 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Monday, February 21, 2011**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Apangea	Louis Picconi
PRESENTATION	Education Budget	Paul Headlee
<u>S1106</u>	Dealing with contracting in the state of Idaho under 33-357, Idaho Code, that information relating to certain contracts shall be available on the internet when certain contracts are valued at greater than \$5,000.00.	Jason Hancock, SDE
<u>H20</u>	This legislation would grant the State Board of Education the authority to set fees, including tuition fees, for all resident and nonresident students attending the University of Idaho. The purpose of the legislation is not to increase fees, but rather to clarify how funds may be used.	Mark Browning, SBE
<u>H21</u>	Legislation which relates to keeping copies of negotiated agreements at the local level rather than in the Office of the State Board of Education	Mark Browning, SBE

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, February 21, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 committee to order at 3:05. He asked the secretary to take a silent role.

PRESENTATION: **Louis Picconi** stood to present an update on Apangea.

He gave the committee a quick reminder of what Apangea does: it is a tutoring company for upper elementary and middle school students. Apangea works on the "everywhere" formula – instruction, motivation, and access. There have been a total of 38,064 "Everywhere" hours put in.

Feedback from teachers and students has proven the success of the program, and through charity point donations 51% of students have been donating to charity.

Last year's summer math blast saw 11,400 Everywhere hours, 8810 threads completed; there is the Idaho Math Cup which was in the fall this year, (students nearly reached a one-to-one ratio with math in the classroom and out of the classroom). There were regional and individual champions as well, who received pizza parties and individual prizes, respectively.

There is the I-2 Math Challenge – Idaho versus Indiana – and Idaho has a slight lead at the moment.

Apangea pushes teacher recognition; every month sees a teacher of the month, and there is a Teacher of the Year. There has been a lot of good feedback from teachers, students and parents.

Apangea is also involved with the Idaho Math project – last year it sent out messages on its system regarding the Paint the State Project. There has also been a three year price freeze, among other partnership aspects with the state.

Regarding the I-2 Math Challenge **Vice Chairman Mortimer** asked if the population difference between the two states meant that Idaho students received extra points. Mr. Picconi stated that because there is a population difference there is a ratio difference, and Idaho does get more points per student.

Responding to questioning from **Chairman Goedde**, **Mr. Picconi** stated that depending on the tutoring session type, tutoring sessions last in varying length. The format follows the same format as that of Dr. Brandeford at Boise State University.

Chairman Goedde asked how much work is remedial versus more advanced work. **Mr. Picconi** stated this is more based on whether the student is below, at or above grade level – a student could start out in a position where they are struggling, and then advance. **Senator LeFavour** asked how the paper-pencil detail is worked out for a child. **Mr. Picconi** stated this was one of the toughest things to do; he stated the Artificial Intelligence system can work out where the problems arise in keystrokes.

Senator LeFavour asked where the company and tutors are physically based. **Mr. Picconi** stated the company is physically based in Pittsburgh, PA, but the tutors are primarily regionally based, and as the company grows they are growing regionally.

Chairman Goedde asked if tutors are certificated; **Mr. Picconi** stated they are.

PRESENTATION: **Paul Headlee** stood to present the Education Budget.

Mr. Headlee pointed to row one, which contained the action which was taken on Friday – this was general fund only – not just education.

Row two contains the JFAC action taken on February 18, based on 3% revenue growth over FY2011; there was some impact of pending legislation (line 3), as well as impact of partial tax conformity. Row four sees some additional transfers in of dollars – \$22 million of non-endowment funds included – for a net revenue and transfer of \$2.511 billion. Expenditures minus the omnibus reductions to balance the budget (\$91.7 million) see a total estimated expenditure of \$2.511 billion, for an estimated FY2012 ending balance of \$221,900.

Based on that scenario, to balance the Governor's original recommendation a 2.21% omnibus reduction of \$27.313 million is required, which would result in the \$1.208 billion JFAC scenario.

In response to questioning by **Senator Fulcher**, **Mr. Headlee** stated that under both of the scenarios, the \$27 million is general funds. The \$35 million is one time dedicated funds. So, under the reform plan there would still be a \$27 million general fund reduction required.

Mr. Headlee stated that under this scenario, the omnibus reduction is applied after the maintenance and line items are added to the budget. In the end it amounts to an increase because the line items are still added.

Chairman Goedde asked where the \$688,000 came from. **Mr. Headlee** stated that is the difference between the \$7.2 million and the \$6.55 million

Senator LeFavour asked that if we have already eliminated 770 teaching positions under the Superintendent's plan, where else do we have to go for money. **Mr. Headlee** stated there are two areas – salaries and benefits, and discretionary funds. These are the two large pots of money that could be looked at to begin getting the \$1.235 billion down to a \$1.208 billion. There are things such as the IDLA – which is currently funded at \$5 million but is slated to be increased to \$8.33 million – that could possibly not see any funding increase.

Senator LeFavour stated we have two scenarios – one, we look at the original appropriation if the legislation doesn't pass, or two, there is looking at the reduction in benefits such as on line six of page 3. She asked if eliminating the 770 teachers incorporates the elimination of the benefits. **Mr. Headlee** stated that is proportional. He stated the state does not provide health benefits; however, that is probably the number one item paid for besides utilities.

Senator LeFavour asked if **Mr. Headlee** would walk the committee through what this would look like if the legislature would cut the governor's proposal. **Mr. Headlee** stated he has not run the specific numbers in cutting the governor's proposal. As such, other than doing a quick base reduction, he has not gone through those exercises yet.

Senator LeFavour asked for a last clarification – that any further reduction is on top of the \$128 million cut last year. **Mr. Headlee** stated not necessarily. He said some of it is being funded in growth. Some of the cuts are ongoing, some are made in discretionary funding, some are in textbooks and supplies, some were not necessarily cut but rather moved to discretionary funding.

Senator LeFavour asked if that was a 7.5% cut last time, and we had an increase in 1.8%, it is still a 5% cut. **Mr. Headlee** stated the general funds would increase by 1.8%, and the total funds would increase by almost 1%.

Senator Winder said it was his understanding that the FY2012 would not be a loss of 770 teachers, but approximately ½ of that, and asked if it was a full loss of that. He stated one of the reasons he asks is that he is trying to figure out how to match these numbers up. **Mr. Headlee** stated over the first year it would be about a 563 reduction in positions. That is the net of a lot of different actions – that is increasing the divisor of positions. There would also be growth coming into the equation, increasing the minimum salary, and adding the additional funding. You have to look at all the actions netting the positives and negatives.

Senator Winder followed by asking if there would be 863 positions lost, and out of that 563 would be teachers. He asked what happens in the second year. **Mr. Headlee** said he would follow up with the committee on that information.

Mr. Headlee directed the committee to his second handout, which contained language regarding legislation action required to address FY2010 Public Schools Budget Request and Governors recommendations. He pointed to item 7. He stated these are not typical actions JFAC takes, but they are actions JFAC took, and asked if they were items the committee wanted JFAC to continue to address or would like the committee to look back over. These are actions that would need to be taken by either JFAC or the germane committee.

Senator Malepeai asked how many districts declared ad financial emergency in FY2010. **Mr. Headlee** stated he did not remember the exact number, but it was approximately 1/5 in the fall, so it was at least 20%. **Karen Echeverria** stated there was a statewide financial emergency declared last year, but there were only about 8 or 9 who didn't.

Senator Winder asked **Mr. Headlee** to bring back accounting numbers on costs that he sees are not included in Superintendent Luna's plan.

H0020:

Marty Peterson stood to present **H20**.

He stated the University of Idaho is prohibited from charging tuition. In November SJR 101 was passed which removed this prohibition. **H20** brings Idaho's constitution into code. This legislation also contains an emergency clause that allows the SBE to set fees this spring for this fall.

Vice Chairman Mortimer moved to send **H20** to the floor with a do-pass recommendation. The motion was seconded by **Senator Andreason**. The motion passed with a voice-vote.

H0021: **Mark Browning** stood to present **H21**.

He stated this was brought in an effort to take part in the governor's zero-based budgeting. In **H21**, code requires excess copies of agreements be kept on file at the State Board of Education as well as at the local school district level.

Vice Chairman Mortimer asked that in the last few years, has the State Board of Education has ever received a request for this kind of information. **Mr. Browning** stated not in the four years he has been with the OSBE.

Senator Andreason moved to send **H21** to the floor with a do-pass recommendation; the motion was seconded by **Vice Chairman Mortimer**. It passed with a voice vote.

ADJOURN: Having no further business, **Chairman Goedde** adjourned the committee at 4:00 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, February 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Libraries Linking Idaho	Shirley Biladeau and Gina Persichini
<u>S1106</u>	Amends Existing law relating to education to provide that information relating to certain contracts shall be rincluded on certain internet websites.	Jason Hancock, SDE
<u>S1111</u>	Relating to the promulgation of rules regarding advertizing space on buses.	Senator Winder

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, February 22, 2011
TIME: 3:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour

**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 committee to order at 3:00 p.m., and requested the secretary take a silent roll.

S1106: **Luci Willits** stood to present **S1106**

She stated this legislation was written in an attempt to help districts save taxpayer moneys. If a contract is in excess of \$5000, you have to consult the statewide contract, and if the contract exceeds a comparable contract it has to be posted online.

Senator Toryanski moved to send **S1106** to the floor with a do-pass; the motion was seconded by **Senator Mortimer**. It passed by voice-vote.

PRESENTATION: **Ann Joslin**, State Librarian, stood before the committee to present the LiLi Program. Her comments are inserted below.

It was July 2009 when the Commission for Libraries moved out from the umbrella of the State Board of Education and became a self-governing agency. I want to assure you that we are still an "education-agency."

We are continuing the highly effective read to me early literacy program for public libraries and their community partners. We supported a record-breaking SRP in 2010. There were 69,000 kids registered for library programs designed to help them maintain or increase their reading skills over the summer. We've hired our first staff member to work on school library development, and we've convened a unique and collaborative group of school, public and academic librarians and Department of Education staff to develop the information and communication technology standards that the State Board of Education approved and that went into effect last month.

We're here today to talk about the Commission's newest initiative, online at your library, a Broadband Technology Opportunity Program grant the Commission was awarded by the US Department of Commerce. BTOP is the acronym for the federal grant program; online @ your library is the Idaho project.

You have a 4-page overview in your meeting material.

I want to begin by saying that: The commission would not have been able to qualify for this grant without significant support and a grant from the Bill & Melinda Gates Foundation to supply matching funds, or without the technical assistance support of the Idaho Regional Optical Network (IRON) to plan and prepare the extensive

application.

As you see on the first page of the overview, the Commission was granted over \$1.9 million by the US Department of Commerce. That is being matched with \$615,000 from the Gates Foundation, and more than \$327,000 from the Commission and our key partners. The diagram “What ‘online @ your library’ Looks Like” describes our partners in the project, and the content that will be delivered. Our key partners in providing training, public information, and service delivery include: Director Roger Madsen and his workforce Development and Communications staff at the Department of Labor; Ann Stephens and the Adult Basic Education/GED arm of the Division of Professional Technical Education; and Peter Morrill and the Staff at Idaho Public Television. I hope you have seen the Public Service Announcement for online @ your library that has been running on Idaho Public Television. More are on the drawing board, and will reach their extensive audience. We are reaching out to the community colleges now, and will be working more with Department of Education staff as we get further into implementation.

The second page of the overview describes the project objectives and what the grant funds cover. Under this two-year project, at least 55 Idaho public libraries (40%) will improve their Internet connections for their users and expand the benefits of broadband to their communities. This higher capacity is important because 69% of our public libraries report they are the only source of free internet access in their communities. The higher connectivity and additional computers in public libraries will provide better access to the resources that support informal learning already available for elementary, secondary and adult students through the Commission’s Libraries Linking Idaho Portal at www.lili.org.

Because of the BTOP funds, all libraries in the State, including academic and school, now have access to significant new online resources through the LiLI portal that support workforce development, education at all levels, and access to e-government services. Those resources are described in more detail in the flier, and Gina will take you on a brief tour of them now.

PRESENTATION: Gina Perschini provided a demo for the committee – her comments are inserted below:

You may already be familiar with the LiLI Portal at www.lili.org. The LiLI program has been a staple for Idahoans since 1998 providing access to full text magazine and journal articles for students and researchers.

With the “online @ your library” project funded through the Broadband Technologies Opportunities Program, the LiLI Portal has welcomed some new additions.

Apangea and Plato have been linked from the “online @ your library” widget to provide easier access to students when they aren’t in school. As a supplement to what they’ve learned in the classroom, these tools allow students further practice. They are already used in schools. So, we have partnered with the State Department of Education to expand access to these tutoring tools through public libraries. This means that students can keep up their studies even when schools aren’t in session.

Also new in the online @ your library widget is Learning Express Library. I’ll spend the next few minutes talking about this tool. The Commission has heard from organizations like Adult Basic Education, Department of Labor, and Idaho’s Community Colleges that this is a valuable tool for their users, but it’s a tool they could not afford to provide on their own.

LearningExpress Library provides instant access to the most comprehensive

collection of test preparation tools, skill-building materials, and career resources available. It helps users of all ages prepare for life by meeting their education and career planning needs.

The Learning Centers you see in the column on the left break down the resources by skill level and purpose.

By selecting the learning center for elementary, middle or high school; the user is presented with tools to improve skills in topics covered in those educational periods.

For example, High School users can work to improve their skills in a variety of math, science, and language arts areas.

In the classroom, teachers can use the tools to reinforce skills. Outside the classroom, students use it as a supplement when private tutors aren't affordable.

For a 15 year old boy with Asperger's Syndrome in rural Idaho; Learning Express is a means to achievement. His mother sent a message to us by way of her local public librarian. Her son enjoys using Learning Express and she is looking at it as a way to help him through school.

With practice quizzes reflecting classroom topics, he can get in extra practice time.

Quiz scores showing correct answers and explanations provide the interactive experience and reinforcement he needs to learn new skills. Individuals preparing for the GED will find a Learning Center in the database for just that purpose. It includes courses and practice exams for all the pieces of the GED. And, it includes preparation materials in Spanish for those that need it.

The Commission for Libraries is partnering with the Professional Technical Education's Adult Basic Education Program to make these tools more readily available to the individuals they work with. We're training staff at libraries and at ABE so individuals seeking to improve their basic skills or complete their GED can get connected with the agency's resources and the online tools that will help them be successful in their endeavors.

For those choosing to advance their education in college, students can access study guides and practice tests to prepare for the ACT, SAT, and other exams as they prepare for their next steps.

Librarians have long struggled to keep enough copies of SAT, ASVAB, CIVIL SERVICE, and other test preparation guides in the library for all the users that need them.

With Learning Express, a copy is always available and users can practice the tests in the same format they are delivered – on the computer. For those already in college or those thinking of an advanced degree, the Learning Center for college students includes higher-level skill building courses and practice materials for graduate school entrance exams.

But LearningExpress isn't just for the traditional student. It's also for the out-of-work or recently downsized employee seeking skills to fit into a new career.

It's for the individual that seeks career opportunities in the health sciences.

It's for the person that hasn't had to revise their resume for 10 or 15 years.

And it's for those that want to study to become U.S. Citizens.

We're working closely with the Idaho Department of Labor to so the clients they work with can have access to both the career information service they offer and the Learning Express Library resources to help ready them for new career paths. Clients learning about the resources through Department of Labor, whether to seek unemployment benefits, career guidance or both, will learn that they can access all the online tools at Department of Labor outlets or at the public library.

The Computer Skills Learning Center provides online training on the tools used in most workplaces today. These are valuable whether someone is looking for a job, looking to move up in their current position, or just seeking to become more comfortable with current technology tools.

Employees are using LearningExpress to learn how to use office productivity software. Users can take courses to learn how to use tools like Adobe Photoshop and Illustrator. They can learn PowerPoint to create presentations,

And even learn Excel for spreadsheets. In one Idaho city, budget restrictions have limited the staff training available to introduce new software to employees. That city they'll taking advantage of the Microsoft Office Word 2007 course available through LearningExpress for their staff training needs.

Learning Express also has a variety of Occupation Practice Tests.

Individuals studying to become law enforcement officers, commercial truck drivers, or real estate agents can use the study guides and practice tests available through LearningExpress. A variety of vocations are represented for Idahoans seeking employment or seeking to refresh their skills. One of our community colleges has noted how valuable these tools are for students working on technical certifications. LearningExpress even has a Learning Center with Spanish-language materials.

For Spanish speakers wanting to improve their English language skills, their math skills, or even prepare to the take the GED; they'll find a number of tools to help with the process.

Learning Express Library is featured in the online @ your library widget on the LiLI Portal at www.lili.org. The online @ your library resources are possible now thanks to the Broadband Technology Opportunities Program & funding through ARRA. And, as part of the program, we'll soon be adding more resources.

In partnership with Idaho Public Television, Idahoans will have access to SCOUT, an online, searchable digital collection accessible by topic and grade level.

SCOUT is an extension of Teacher's Domain created by WGBH in Boston which contains over 1,000 media resources. With SCOUT, the focus is on the student as the user – in the public library or at home.

Students will have ready access to local and national content to enhance their learning and support their research. SCOUT is a thoroughly indexed video encyclopedia that covers all subject areas... social studies, language arts, the arts, and... math and science In addition to the vast array of science media assets from public television partners, SCOUT contains built in access to the National Science Digital Library, the Nation's online library for education and research in Science, Technology, Engineering and Mathematics.

With Scout, students can access national content from recognized sources like Nova, the American Experience, and Nature. Idaho specific content will include video segments from productions like Dialogue, information about Idaho's natural landscape, and cover topics relevant to Idaho students and families from the early years of Idaho to the recent renovation of the capital.

Here is an example of a resource a student might access: The Power of Lift is a video segment from the popular science program ZOOM. Each asset has an overview of the content, and there are background essays to give additional information on the topic, and questions to help stimulate further understanding.

LiLi has been connecting Idahoans with credible resources since 1998.

With 21st Century Skills more important than ever for Idahoans in school and in the workplace, the LiLi Portal has an expanded group of resources to meet those needs. Learning Express, SCOUT, and other "online @ your library" resources funded by BTOP are just some of the tools offered by Idaho Commission for Libraries as part of our mission to build the capacity of libraries to better serve Idahoans.

Ann Joslin closed by stating Idaho's public libraries form a natural distribution chain for resources that support all levels of education: pre-school, K-12, higher-education, and life-long learning. We're very enthusiastic about bringing these resources to the state, and collaborating with our fellow state agencies to extend the reach of their services by working with public libraries.

Senator LeFavour asked if there are laptops for checkout inside library facilities, or if there are just tethered workstations. **Ms. Joslin** stated there are some that do check out laptops, but there are also some that provide laptops as the workspace rather than desktops as these take up less space. Additionally, the libraries are providing space for people to bring their own laptops in.

Senator Andreason noted there is a brand new library in his neighborhood, and asked why the doors aren't open before 10:00 AM. **Ms. Joslin** stated that decision is up to the Boise Public Library Board, but her assumption is that the funding is not there. **Senator Andreason** followed by asking if the libraries are being run by one crew rather than two crews. **Ms. Joslin** stated it is her belief the Boise Public Library has hours six days per week, possibly seven during the school year. However, there are more people staffed than for just a forty-hour week.

Senator Mortimer asked if LiLi is iPad app friendly – **Ms. Joslin** stated that if you can get on the internet you can get to LiLi. **Chairman Goedde** asked if there is a cost involved for someone to access the internet. **Ms. Joslin** stated the BTOP grant is covering a two year subscription to the Learning Express Library, making it free to any Idahoan. She noted the libraries will be collecting data and making a determination as to whether this needs an alternative source of funding.

Senator Malepeai asked about the outreach efforts and how the number was reached – he asked if the libraries are working with schools, teachers, or what. **Ms. Joslin** stated that the participation of the summer reading program has been on a steady incline over the last ten years. In 2004 there was a concerted effort in working with the schools – but this was where the early reading programs, particularly "Read to Me" was overlapped. This has been a great opportunity for the public libraries to reach out to families. She stated the libraries have continued

these types of outreach services and daycare centers and the local libraries have gotten much more adept at their outreach.

S1111:

Senator Winder stood to present **S1111**.

He stated the purpose of this legislation was to allow the state board of education to promulgate rules to allow local boards of trustees to sell advertising space on school buses. These changes can be seen in 33-1511, Idaho Code, with the addition of subsection (8) which states: "The state board of education shall promulgate rules authorizing local boards of trustees to sell advertising space on school buses. Such rules shall provide for the safe placement of such advertising and shall provide for reasonable restrictions on advertising content."

Eric Exline, Public Information Officer for Meridian School District (MSD #2), stood to present. He stated the market value of the bonds in the district has dropped 15%-25% in the last year. Therefore as a school district they have been looking at ways to not only reduce expenditures but to increase revenues. This is the first of two ideas that will be heard by the legislature. He stated there are six other states that he found that are doing this, and that there are three things he has come across that are worth talking about. He noted there are OSBE rules that preclude this now, so these would need to be changed.

He stated the idea would not be to make them look like anything other than a bus with advertising. He stated that the OSBE would need to promulgate rules for what is appropriate for what goes on the bus, for things from food products to textbooks to nutritional and health standards. The last thing he would add is that he can show a business model for his district.

Senator Malepeai asked for clarification that current rules under OSBE do not allow advertising on a bus. **Mr. Exline** stated the OSBE very narrowly defines what can be put on a bus. **Senator Malepeai** asked if he had asked why. **Mr. Exline** stated this has been because of appropriate warning labels and safety rules. He believes the only reason there has been no advertising because no one has thought to approach it this way.

Senator Malepeai asked if **Mr. Exline** already had a plan for this, and if one business would have one bus, or multiple busses. **Mr. Exline** stated he doesn't see there being one single advertiser, although there would be nothing precluding that. That said, there may be certain advertisers who have certain routes.

Senator Pearce asked if there was an approximate figure – **Mr. Exline** stated there would be a net of approximately \$400,000 after paying the salesman. **Senator Pearce** asked why we don't start selling advertising on other school properties. **Mr. Exline** stated there is legislation precluding this from transportation, but not from other school property.

Senator Toryanski asked if there are any states in the country that are doing this. **Mr. Exline** stated there are six districts in the country.

Senator LeFavour asked how much the reduction in state support to the district has been. **Mr. Exline** stated it is in the neighborhood of \$19 million.

Mike Viouttiney stood to testify in favor of the legislation. He stated this is a supersized fundraiser. This has the ability to generate funds upwards of \$1 million over the next ten years; the school board has given this a lot of thought, but feels this is a revenue enhancement bill that will help solve the problem. Not only will this help solve the problem in the Meridian School District, but this will help solve the

problem in districts across the state.

Senator Winder stated he understands there are some concerns, but that the Meridian School District has come forth with a creative way to deal with financial concerns.

Senator Fulcher moved to send **S1111** to the floor with a do-pass; it was seconded by **Senator Andreason**. The motion carried by voice vote.

ADJOURN: Having no further business, **Chairman Goedde** adjourned the committee at 3:50 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Wednesday, February 23, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H51</u>	Relating to Sick Leave and Proof of Illness	Mark Browning, OSBE
<u>H78</u>	Relating to the MAPP program	Representative Steven Thayn
<u>S1107</u>	Relating to Community College Trustees and Sunshine Laws	Senator Goedde
<u>S1105</u>	Relating to Anti-Bullying Legislation	Senator Keough

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, February 23, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 3:05. He requested the secretary take a silent roll.

H0051: **Mark Browning** stood to testify regarding **H51**. He stated lines 14 through 16 will be struck from Idaho State Code to remove the provision for the State Board of Education to establish school district proof of illness regulations.

Vice Chairman Mortimer moved to send **H51** to the floor with a do-pass recommendation. **Senator Fulcher** seconded the motion. The motion passed by voice vote. **Vice Chairman Mortimer** will carry the legislation on the floor.

S1107: **Chairman Goedde** stood to present **S1107**. He stated there have been some contentious elections for Community College Trustees over the last few years, and as a result there has been the suggestion that sunshine reports be made for trustees of Community Colleges to alleviate some of these issues.

Vice Chairman Mortimer asked how extensive and how hard the form is to file. **Chairman Goedde** stated that he has not filed the form with the county, but it is his understanding it is similar to that of legislators.

Senator Andreason indicated it is his recollection city councilmen only have to do that during elections. He asked what response other community colleges have given; the trustees at North Idaho College were split, and he doesn't recall receiving specific support from the College of Southern Idaho one way or another.

Senator LeFavour moved to send **S1107** to the floor with a do-pass recommendation. The motion was seconded by **Senator Andreason**. The motion passed with a voice-vote. **Chairman Goedde** will carry the legislation on the floor.

S1105: **Senator Keough** stood to present **S1105**. She stated this was developed to try to enhance the anti-bullying statute in Idaho code. It is also meant to clarify what constitutes harassment, intimidation, and bullying, as well as provide ongoing professional development for staff members, teachers and students to recognize and appropriately intervene should any type of bullying occur.

Senator LeFavour noted bullying is a constant issue, and giving schools more tools is necessary.

Senator Toryanski asked for clarification that there has been a rise in bullying in Idaho since the passage of the anti bullying legislation in 2006. **Senator Keough**

stated there has been a rise in bullying nation-wide, however, that rise has not just been specific to Idaho.

Senator Toryanski stated this seems to broaden the range of people to whom this applies, and asked if “youth of school age” is defined anywhere. **Senator LeFavour** stated it is a term that has been used in Health and Welfare code. She indicated it was her feeling the State Department of Education and Health and Welfare could probably help the committee to define the age.

Senator Winder asked what age group this would be applying to. **Senator Keough** stated it was her understanding this would be K-12; **Senator LeFavour** indicated specifically this was within the K-12 code.

Senator Fulcher asked for an explanation about the fiscal note. **Senator Keough** stated there are training materials available through the SDE that can be utilized; also, there are timely training topics that can be applied throughout in-service days so new days are not being created so the cost would be minimal, if not zero, to the general fund.

Senator LeFavour stated in other states they are very careful to make sure no child is left out. This is meant to be sure all children are protected. **Chairman Goedde** noted he doesn't care if it is a child with the most common characteristic in the class – he doesn't think any child should be bullied for any reason.

TESTIMONY:

Fairy Hitchcock stood to testify against the legislation. **Ms. Hitchcock** stated she had a child who was bullied to the point that they pulled her out of school and homeschooled her. Overall however, she feels that this legislation troubles her because if the child is removed from the home the parents are responsible for the cost of incarceration until the child is 18 – however, the state is trying to change the cost to 21. She testified that her daughter, who was bullied, doesn't feel that being bullied is a cause for having a misdemeanor follow them around.

Senator Andreason stated he is trying to figure out what language in this bill is a problem. **Ms. Hitchcock** stated it is the language on line 31, “perceived,” that she feels is unnecessary.

TESTIMONY:

Dax Chizum with the Idaho Human Rights Education Center stood to testify in favor of the legislation. His testimony has been inserted as follows:

Mr. Chairman, members of the committee. My name is Dax Chizum, I'm from Boise, and I am here testifying on behalf of the Idaho Human Rights Education Center in support of Senate Bill 1105. The Center is the nonprofit organization that built the Idaho Anne Frank Human Rights Memorial. Our mission is to promote respect for human dignity and diversity through education and to foster individual responsibility to work for justice and peace. We achieve our mission through educational programs to Idaho's K-12 teachers and students to increase human rights learning and civic leadership. We feel the current state statute related to student harassment, intimidation and bullying fails to protect all students and we urge your support of SB 1105 to strengthen the law for all youth and provide district training to support implementation.

The Center works closely with teachers and students all across Idaho and has heard first hand the damaging effects of bullying and harassment on students, educators and communities. We know how hard it is for teachers to find the much needed tools to address bullying and how teachers in Idaho's rural communities can feel isolated when trying to address this issue. We appreciate SB 1105 and its clear language that school districts and charter schools will work towards annually

making information on harassment, intimidation and student bullying available to all school personnel, parents and students as well as the expectation set for school personnel to intervene when they see bullying or harassment. We strongly support the implementation of professional development for educators to give them the needed tools and skills to create systemic change in our schools and stop bullying. We at the Center have seen amazing results through our own statewide educator professional development series on creating a culture and climate of human rights in the school. I would like to take a moment to recognize a few school districts in Idaho that offer strong language in protecting all students in their districts from bullying and harassment making schools safe:

The Coeur d'Alene School District defines harassment as "Harassment, intimidation, and/or bullying is defined to include verbal, written, graphic, or physical conduct relating to an individual's sex or sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, or disability that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the district's programs that: 1) Has the purpose or effect of creating an intimidating or hostile environment; 2) Unreasonably interferes with an individual's educational performance; or 3) Otherwise adversely affects an individual's educational opportunities

In Idaho Falls School District 91, bullying means a student or groups of students repeatedly use their personal power with the clear intention to hurt another student or group of students. Bullying often occurs without apparent provocation. Bullying is not playful teasing between relatively equal individuals. Harassment involves any conduct by a student—whether verbal, written, graphic, or physical—relating to another student's race, national origin, religion, sexual orientation, color, disability, or sex that is sufficiently severe, pervasive, or persistent as to: 1) Interfere with or limit the ability of a student to participate in the or benefit from the district's programs or activities; 2) Create an intimidating, threatening, or abusive educational environment; 3) Substantially or unreasonably interfere with a student's academic performance; or 4) Otherwise adversely affect a student's educational opportunities.

Mr. Chairman, members of the committee I ask you to support our Idaho school districts by amending and strengthening current bullying law. This is a step in the right direction for all Idaho students so please vote yes on SB 1105.

Thank you

TESTIMONY: **Krista Perry** stood to testify in favor of the legislation. Her testimony has been inserted as follows:

Mr. Chairman and Members of the committee, My name is Krista Perry and I'm in favor of this bill. I was born and raised in Boise, the youngest of four children. I graduated from Boise High School in 2002 and went on to play Division I collegiate basketball at Dartmouth College in New Hampshire, graduating in 2006. I moved back to Boise over 3 years ago and am happy to call this beautiful state home again. However my friends and even my siblings were worried about how I, being an out, active and visible lesbian, would co-exist with the political climate in Idaho. Although their advice struck a chord, I was not deterred. John Wooden, a Basketball coach to hundreds, an inspiration to many, and a legend to me, said, "do not let what you cannot do interfere with what you can do." I'm here today to represent a minority community that needs your help and to hopefully encourage you to join us in standing up for the state we love.

Since settling back in Boise, I immediately began focusing my free time and energy towards promoting the Lesbian, gay, bisexual and transgender (LGBT)

community. I have been the co-chair of the Idaho Safe Schools Coalition for almost 3 years. The Coalition is an all-volunteer grassroots partnership of community organizations, local businesses, churches, parents, educators, and youth. Our mission is to make schools safe regardless of sexual orientation and gender identity. Combating bullying and harassment is our crux; however, that mission is accomplished in a variety of ways. We provide resources, training and education to students, educators and those working with youth about the issues facing the LGBT community and how they can help us provide safe spaces. We help build, support and maintain student-led clubs focused on addressing LGBT issues and promoting diversity and respect in their schools. The beauty of our work is that it transcends one issue and brings together a community. Through this work, we have had the opportunity to create relationships with youth and parents, allowing them to share their stories and experiences. It is in these relationships that I have come to understand really how valuable our work is; individuals and families need our help.

I know first-hand, but to give you an idea of the issues we face, I'll share some of the statistics. We are collecting data on the climate in Idaho and with the data we have so far, I know that about 90% of all students in Idaho witness some type of bullying or harassment at school. Over 50% of all students in Idaho witness bullying or harassment due to LGBT issues directly. Only 30% of all students in Idaho agree that their school was safe for LGBT students and staff. Lastly, compared to their heterosexual counterparts, LGBT students feel more isolated and overwhelmingly less likely to know where to find resources and support. The time is now to help our students. Our students need to feel safe in schools, our educators need to be comfortable addressing these issues, and our community needs to feel responsible for our youth.

Although the coalition feels strongly that enumerating specific classes in the anti-bullying bill would be ideal to adequately and effectively address bullying, this bill in front of you is a crucial first step in the process. We have the chance to do something for our youth and remind ourselves why Idaho is the place we love to call home.

Senator LeFavour asked if **Ms. Perry** would share instances of bullying in her line of work. **Ms. Perry** stated there are instances of either a parent being gay and the student being bullied, or a child working through their own personal life and being bullied as a result.

TESTIMONY: **Kim Kane** stood to testify on behalf of SPAN (Suicide Prevention Action Network) – Idaho. Her testimony has been inserted as follows:

My name is Kim Kane. I am the Executive Director of the Suicide Prevention Action Network of Idaho, or SPAN Idaho. SPAN Idaho is a statewide non-profit organization that has provided leadership and grassroots action for suicide prevention in Idaho for the last ten years. SPAN Idaho comprises almost entirely volunteers who are committed to eliminating suicide in our state.

I am here today to voice our support for Senate Bill 1105.

While suicide is the third leading cause of death for our nation's youth, in Idaho it is the second leading cause of death. One in seven Idaho high school students has seriously considered suicide; one in eight has made a suicide plan; one in 14 has actually made a suicide attempt. In the last five years Idaho has lost 74 school-aged children to suicide; 19 of those children who took their own lives were age 14 or younger.

I want to be clear that bullying alone does not cause suicide. However, research

shows that bullying is unquestionably a major contributing factor to suicide risk and that there is a clear path from bullying to depression and other psychiatric problems to suicide ideation and behaviors.

As stated by Kumpulainen in the International Journal of Adolescent Mental Health (2008), “rarely does any single behavior predict future [psychiatric] problems as clearly as bullying does.”

Depending on which study you use, victims of bullying are 1½ to 5½ times more likely to attempt suicide than their non-bullied peers. In January, the American Association of Suicidology (AAS) presented a webinar on bullying and suicide. The issue has become so critical and ubiquitous that the President of the Association for Suicide Prevention and Executive Director of AAS himself, Dr. Lanny Berman, presented the webinar. In it he emphasized the significance of addressing bullying to help prevent suicide.

Dr. Berman and other national and world experts also very clearly stress the importance of recognizing those with preexisting vulnerabilities to bullying.

His list of those most vulnerable includes:

- Special education/learning disabled students
- Depressed youth
- Socially awkward youth; autism-spectrum youth
- Developmentally delayed or naïve youth
- LGBTQ youth
- Obese youth
- Youth who give off messages about being desperate for friends and/or who will use poor judgment to get friends
- Youth with preexisting heightened risk for suicide and suicidal behaviors

The American Foundation for Suicide Prevention has made bullying a public policy priority stating, “Research shows that persistent bullying in youth contributes to feelings of loneliness and isolation, and can have serious mental health consequences, including depression, anxiety, suicidal ideation and suicide attempts – in youth who are bullied and also in those who bully others.”

We know from decades of research that three factors are in place for anyone who seriously attempts or completes suicides, and that the absence of any one of the three saves lives. The three are: failed belongingness, perceived burdensomeness and the capability for self-harm. The last of these three is difficult to overcome and so we concentrate prevention efforts on the first two.

Research tells us that little affects a sense of failed belongingness as much as bullying does.

No matter what we may think of the idea, schools’ staffs are suicide prevention gatekeepers. They spend more time with our children than any other professionals and often more than their own parents. School staff MUST have the training in suicide, which includes the essential elements of ensuring students belongingness. This is impossible to ensure where bullying exists.

SB1105 is a significant step in helping to ensure that school personnel have a role, which we view as essential, in preventing and intervening in bullying situations.

On behalf of SPAN Idaho’s statewide network of volunteers, suicide survivors, parents and other concerned citizens, I urge you to send S1105 to the floor with a

do-pass recommendation.

Senator Mortimer asked what SPAN-Idaho is looking for from this legislation. **Ms. Kane** stated SPAN-Idaho most supports the tools that this legislation will give to the schools for suicide prevention.

TESTIMONY: **Robin Nettinga** stood to testify on behalf of the IEA. Her testimony has been inserted as follows:

On behalf of the nearly 13,000 members of the IEA, we urge you to support SB 1105. Bullied students that go it alone because they don't know who to turn to are far more likely to fall behind in their studies, get sick and/or depressed, miss school, and drop out. And in the most tragic cases, the bullied student can turn to more desperate measures such as suicide. But research tells us that one caring adult can make all the difference in a bullied student's life.

And as one of the world's foremost anti-bullying experts, Psychology Professor Don Olweus, notes: "It boils down to a matter of will and involvement on the part of adults in deciding how much bullying will take place in our schools." Our Association has been focused on helping members become more aware of the dangers of bullying and their role in helping to create a safe and welcoming environment for students for a number of years. Because of the concern about this issue, the IEA has developed the "Bully Free: It Starts With Me Campaign," which includes training for teachers and education support professionals employed in our public schools.

This free bullying and sexual harassment prevention and intervention training is built on a research-based curriculum. The training raises awareness of sexual harassment, bullying, cyber-bullying and sexting behaviors. It spells out concrete steps educators can take to prevent bullying and lays the groundwork for implementing school-wide engagement in bullying prevention. The IEA has a group of Idaho teachers who have been trained and, when invited, can deliver provide professional development.

When it comes to bullying in our schools, the adults can stop it, fix it, and prevent it from happening again. We believe that the requirements to annually disseminate information about the prevention of bullying to all employees, parents and students coupled with ongoing professional development outlined in SB 1105 will help bully-proof our public schools.

We encourage you to support SB 1105.

Senator Fulcher asked what this would do to change the training efforts of **Ms. Nettinga** and the IEA. **Ms. Nettinga** stated the cadre is available, but they don't get much in the way of requests for professional development. However, this legislation would require School Districts offer information and training every year.

Senator Winder asked at what age bullying shows up in school. **Ms. Nettinga** stated she has seen it as young as kindergarten or first grade. **Senator Winder** stated he is trying to figure out if this would really apply to a kindergartener or if that is just misbehavior—he noted that the way the wording is that makes it difficult.

Senator LeFavour stated there are two distinct parts to the legislation: one that deals with the punitive part, one that deals with the prevention part. The existing criminal section of code is very much at the discretion of the court, and although there are many instances of bullying in Idaho currently, there are very few instances that result in visits to the court.

Senator Winder pointed out that a lot of bullying occurs off campus, and asked how, or if, this does help that situation. **Senator LeFavour** stated there is a section that requires notification of parents as to what constitutes bullying.

TESTIMONY:

Justin Baxter stood to testify in favor of the legislation. His testimony has been inserted as follows:

I am here to talk to you today because for every one person that chooses to speak out against the bullying and harassment endured in our school system, there are many others that are afraid to. Afraid of being kicked out of their home, losing their friends and family, and basically everything they know.

I am here to share my story with you all, not to dwell on the negatives but to show that this does happen here in Idaho and we need to work together to prevent it happening to other students.

I've experienced harassment and bullying in school for a while, starting in elementary school being harassed because of my skin color. I knew I was different, and growing up in Northern Idaho demonstrated that to me. It didn't get worse until starting my freshman year of high school. It's difficult already for most teenagers entering high school.

Figuring out where you belong, what classes to take, who to hang out with and then dealing with all the things that come with being a teenager. To add fear of bullying and harassment to that is pretty difficult.

My freshman year at Sandpoint High School was difficult. I was bullied on a regular basis, being threatened for my life between classes, being pushed around in the hallways, being screamed at from down the hall that I needed to watch my back. It was hard, my parents tried as much as they could. Contacting the administration asking for something to be done about it, but in the end it just made things worse. It didn't stop, it may have for a day or so, or a week if I was lucky but it would resume shortly thereafter.

The specific experience I wanted to share today was the day the relentless bullying and harassment landed me in the emergency room.

I was being pushed around, called names and overall being emotionally tortured by the same couple of kids that grew accustomed to bullying me around.

I got aggravated, screamed at them to stop and walked away. As I left the high school I took the shortcut back home by going behind the middle school next door. To deal with everything that was happening I put my headphones in and continued to walk and ignore the world around me. The next thing I remember was hearing someone yelling my name behind me and then that's it. It all went black.

The next thing I remember was waking up to some of my old middle school teachers around me, holding a bloody rag on my face, asking me if I knew what happened or where I was. It was hazy and I remember going in and out and then being loaded into the ambulance, vaguely seeing those same kids that were bullying me from before being loaded into a police car.

Through eyewitness testimonies from some of the teachers that saw it happen and a parent waiting for her child I learned that the kids came up behind me, hit me over the head with a glass bottle, and as my body crashed into the pavement they continued to kick me until the teachers were able to make it outside and stop it. I was told that all the blood on my face was from my nose – it was broken on impact

with the pavement. Everything else seemed ok other than some basic bruising. I was lucky – luckier than some that don't get woken up, that didn't have people around them to stop it.

I wanted to share this with you all today to hopefully prevent other students to have to endure such bullying and harassment. This does happen here and I hope that we can agree that students have the right to the same educational access as their peers and not have to endure bullying that makes them choose from succeeding in school or surviving in school.

TESTIMONY: **Julie Lynde** stood to testify on behalf of CornerStone Family Council. Her testimony is inserted as follows:

My name is Julie Lynde and I am the Executive Director of Cornerstone Family Council. We are Idaho's multi-issue family policy council dedicated to protecting and strengthening the traditional family.

I would like to thank the sponsors for their work and concern to stop the tragedy of student bullying.

One of the more wonderful things about being an Idaho citizen is the inherent decency of Idahoans. When we see that someone who is vulnerable is a target, it doesn't matter the reason, it matters that they are helped.

We agree with the sponsors in seeking a remedy to the problem of bullying. S1105 is not the remedy.

Sadly, I must testify in opposition to S1105. This proposed legislation is highly problematic and does nothing to strengthen the anti-bullying policy.

I'd like to address two broad-based concerns: the inherent subjective determination of motive which logically evolves into the "thought police component" and the enhanced criminal charges levied on a student.

Lines 30-33 expand the definition of "harassment, intimidation or bullying," to include "incidents perpetrated against a student because of any actual or perceived differentiating characteristics or by association with a person who has or is perceived to have one (1) or more of these characteristics." This language is extremely vague and provides no objective guidance for finding or preventing bullying.

"Differentiating characteristics" is not a defined term and is subject to subjective and /or abusive discretion in enforcement that some "differentiating characteristic" could be identified in virtually every case of alleged bullying.

This language introduces a "motive" component, which will require a subjective and invasive investigation and inquire of the accused to find out "what they were thinking," what "prejudices" they have, what groups they belong to, what books they read, etc. to build a direct or circumstantial case. Such a standard can easily infringe upon the rights and protections of the accused without reasonably furthering the goals of this statute.

S1105 creates a new "thought police" element which invites law enforcement to investigate motives on part of the accused. Whatever "differentiating characteristic" is "perceived" to be acted upon, law enforcement may start inquiring about religious beliefs of the accused, how they "feel" about the perceived differentiating characteristic, what their parents think, etc. It could turn this into an unbridled witch

hunt.

This statute/bill provides no protection for legitimate First Amendment activity.

Under this bill, a person who is found guilty of “harassment, intimidation or bullying” faces enhanced criminal charges.

Arguably, most charges will originate in schools, and yet enforcement must occur through the courts or juvenile justice system, tying up both educational and judicial resources.

The subjective nature of the definition of bullying could conceivably lead to grammar school criminals. Because this bill adds enhanced criminal penalties for a third offence, the accused will have a greater incentive to defend themselves against a first or second offense, thus adding an increased burden on the judicial system.

This bill/statute only applies to students or youth of school age. Neither a “student” nor “youth of school age” is defined. Does this include college students? Arguably, a 19 year old non-student can harass a 17 year old student and not be prosecuted under this statute.

While this is about students, the application of this statute is not limited to schools. Any student that “bullies” another student – regardless of where the alleged bullying takes place – is subject to being charged under this bill. A reasonable scenario where this could be applied is between two siblings at home where one allegedly “bullies” the other. If one makes a police report, then this statute arguably applies to the activities that take place within the home.

While none of us condones or supports bullying, S1105 is not the answer to the problem. “Bullying” can be adequately addressed without adding this troublesome language.

We urge your “no” vote, and to hold S1105 in committee. Thank you.

Senator LeFavour pointed to line 30 where it says “but not limited to,” and asked where the indicated” thought police,” comes from. **Ms. Lynde** stated it is the perception of CSFC. She stated the challenge is that perception is very fluid and subjective. **Senator LeFavour** stated all this is doing is ensuring nothing is left out.

TESTIMONY:

Hannah Brass with the ACLU stood to express support for S1105. Her testimony has been inserted as follows:

Mr. Chairman, Members of the Committee, good afternoon. My name is Hannah Brass; I am the Public Policy Director and Counsel for the American Civil Liberties Union of Idaho, an organization with over 2,000 active members and supporters statewide. I am here today to express our support for SB1105.

I'd like to start by telling you about Seth Walsh. Seth was in the 5th grade when students started calling him “gay.” As he got older, the verbal abuse and taunts were more frequent and severe and by the 7th grade, things had become unbearable. He was afraid to use the restroom or be in the boy’s locker room before gym class. One student reported that a teacher called Seth “fruity” in front of the entire class. Seth’s mother says that her pleas for help to the school were often brushed aside. Seth’s grades eventually dropped from A’s and B’s to failing as the harassment continued. His friends say that he became depressed and withdrawn. After enduring years of relentless bullying and verbal abuse at school, on September 19, 2010, Seth Walsh hanged himself from a plum tree in the family’s backyard. He was on life support for

nine days before he died on September 28. He was only 13 years old.

Unfortunately, Seth's story is all too common. Discrimination and harassment, even physical abuse, are often a part of vulnerable students' daily lives. The US Department of Education has listed the effects of harassment in school as including lower academic achievement and aspirations; increased anxiety; loss of self-esteem and confidence; depression and post-traumatic stress; general deterioration of physical health; self-harm and suicidal thinking; feelings of alienation in the school environment, such as fear of other children; and absenteeism from school.

We must do a better job of protecting all students and ensuring their rights to an education free of discrimination and harassment. SB 1105 is an improvement to the state's current anti-bullying law because it ensures that teachers and staff receive training to prevent, identify, and respond to harassment, intimidation and bullying and affirms that school personnel are expected to intervene on behalf of students facing such treatment. However, SB 1105 could go further to protect our students.

We believe that offering maximum protection to students requires enumerated laws – laws that explicitly delineate protected characteristics. Enumerated policies don't provide the loopholes that more general policies do, which may allow teachers and staff who don't see certain bullying as a bad thing to remain passive. For example, a teacher who doesn't believe the bullying of a student because of their religion is a problem may not intervene. Including specific language prohibiting bullying based on religion, in this example, would make it clear that such behavior cannot and will not be tolerated.

All students have the right to be safe and supported at school for being exactly who they are. Parents deserve to know that their kids are going to school in a respectful environment where they are nurtured to reach their full potential. SB 1105 is a step in the right direction and will add much needed protections for Idaho students. We urge you to support SB 1105 and send it to the floor with a do pass recommendation. Thank you.

Senator Winder asked if **Ms. Brass** had knowledge of federal laws regarding violations of civil rights laws – **Ms. Brass** stated there are federal laws. Lines 30-33 would help, but not all students would be covered under the federal legislation currently. **Senator Pearce** asked if teachers are trained now regarding anti-bullying. **Ms. Brass** stated under current law teachers do not have the authority to intervene one way or another on a controversial issue, while this would authorize them to do so. It is her belief this would provide more guidance.

TESTIMONY: **Kelly Garber** stood to testify in favor of the legislation.

TESTIMONY: **Nancy Gedney** stood to testify in favor of the legislation. She stated it will strengthen the current anti-bullying laws. She stated that in bullying there are several people involved other than just the bully and the bullied. There are bystanders including teachers, other students, and parents. One of the points she wanted to make was how important it is to train teachers – she doesn't believe any teacher would ever want to see a student treated this way. She stated students who are being bullied are less likely to come forward to those who can help them. Thus it becomes incumbent upon the legislators to pass legislation to protect the students. She stated she feels often a teacher looks at a bullying situation and doesn't know what to do.

TESTIMONY: **Victoria Brown** stood to testify in favor of the legislation. She stated she feels we are about one incident away from something bad happening. She feels the conversation has begun, and we need to support our teachers.

TESTIMONY: **Diane Anderson** stood to testify, and stated she feels this is a very vignette proposal to address bullying. She feels we have a culture of “cowboy up survival,” and we need to strengthen a teacher’s ability to intervene without fear of liability. She stated children’s and adult’s lives are being decimated because of the cultures of imposing fear on people. She does feel there needs to be education, but there doesn’t need to be penalty for it. She stated she was the subject of intimidation from the legal and clergy system, and as a result her children couldn’t get any help and encouragement. She stated she feels the legislation is too ambiguous and subject to abuse at all levels. **Ms. Anderson** proposed alternative options to change the focus to prevent bullying from punishment to something more wholesome.

TESTIMONY: **Representative Christy Perry** stood to testify in favor of the legislation. She stated her daughter was bullied, and after calling the school she felt she was brushed off by the principal and teacher. To finally solve the problem **Representative Perry** stated her husband instructed their son to “deck” the individual who was causing the issues. This solved the problem, although because he did it in front of the principal there were some repercussions.

DISCUSSION: **Senator Pearce** stated he is bothered by the fact that the committee keeps hearing teachers aren’t enforcing at the school level. **Mr. McCarter** stated it is his impression there is inconsistent implementation of what is on the books at the school level. He does respond to a wide range of concerned parental phone calls – some districts do well with responding to parental concerns, some don’t do so well. One challenge the SDE has is that it has a difficult time tracking data surrounding these incidences.

Senator Andreason stated it seems to him the SDE could be more assertive in providing schools with the tools to act on bullying situations. **Mr. McCarter** stated he would agree, and is eager to hear **Senator Andreason’s** ideas. **Senator Andreason** stated there is the capability – there are officers, guidance counselors, and feels that we need to be more assertive – making things “available” is not the way to go. **Mr. McCarter** stated he agrees, however, he does not have the tools; the SDE cannot force a district to adopt a policy. **Senator Andreason** stated a law can be built – **Mr. McCarter** stated there is area for more specificity; currently it is very vague.

Senator Malepeai noted that “may” has been pulled out of the legislation, and asked if this changes the enforcement legislation. **Mr. McCarter** stated that it does, and noted the implication of the “may” combined with the third-offense misdemeanor did cause concern with the State Superintendent.

Senator LeFavour asked if mandating training for school districts would assist the SDE; **Mr. McCarter** stated it would – what would come next is what would the consequence be for not adhering to the legislation. **Senator LeFavour** asked if that would be incorporated in IDAPA – **Mr. McCarter** indicated it could be.

Senator Pearce asked why we need an IDAPA rule to govern behavior. **Mr. McCarter** stated that in his experience the vast majority of educators are true advocates of the youth – however, there are some who look the other way, we hear the stories, and that is where these IDAPA rules come into play. Although there has been a decline from 2008/2009 to 2009/2010 in bullying, the instances are still too high.

TESTIMONY: **Suzie Fisher**, an art teacher at Eagle High and a safe schools teachers, stood to address, stated her observations of bullying are wide-ranging. Usually it is repetitive, there is an element of viciousness, an element of power – as teachers at Eagle High School, there is no training other than the normal be-nice training, so she feels it necessary to provide for teachers training, particularly in areas of sexuality and the like.

DISCUSSION: **Senator Keough** stood and thanked the committee. She acknowledged the concerns of committee members of the vagueness as well as the misdemeanor language. However, she addressed the teacher and staff training, and stated that is the most important part of the legislation to her.

Senator Andreason moved to send **S1105** to the floor with a do-pass recommendation. The motion was seconded by **Senator Malepeai**.

Senator Toryanski made a substitute motion to send **S1105** to the 14th Order. The motion was seconded by **Senator Winder**.

Senator Toryanski stated he feels disseminating information about bullying to parents and students is a good idea; he also likes the part that provides professional development for professional staff so they can intervene. He feels section two is good; section one, however, he feels, is flawed. Speaking as one who has prosecuted criminally, when it comes to ambiguity, a “tie” goes to one who is criminally accused. He pointed to line 13. He also pointed to sub 1 versus sub 2, where there is internal conflict.

He noted the terms "perceived" and "differentiating" and stated at this point the legislation is attempting to get into the mind of the offender. As the statute stands now it applies to all students, offering one complicated wordy example. It doesn't strengthen the statute at all. He also noted that at the moment the statute is not a criminal penalty; a misdemeanor, however, becomes a criminal penalty. This legislation spans 12 years – **Senator Toryanski** stated that once a citizen gets caught in the criminal justice system, it is hard to get out, and it is his belief that is the opposite when students start getting charged. He noted that there are penalties already for assault and battery – perhaps this should be disseminated.

Senator Malepeai stated there are lots of kids who come through the school system who are very fragile. What this legislation does is send a message to the schools that this is not acceptable. It also tells the superintendents that we have a guideline that we can do something about. By taking “may” out we now have more teeth to move this forward. **Senator Malepeai** feels that this is a deterrent.

Senator Toryanski withdrew his substitute motion with the consent of the second.

Senator LeFavour indicated she is most-wedded to Section 2. She stated it may be true we can use assault statutes. She feels if there are not the votes to send to the floor, she would be amicable to sending this to the 14th Order.

Senator Fulcher stated he is concerned with the actual versus perceived, and that there is vague language in the bill. **Senator Fulcher** made a substitute motion to hold **S1105** in committee . The motion was seconded by **Vice Chairman Mortimer**.

Senator LeFavour stated that she doesn't have the same skepticism of the amending order. She believes the senate can come to a set of amendments, which may mean the elimination of section one, if that is amenable to the co-sponsors. Senator LeFavour indicated the "actual or perceived" was a compromise, and that many other states enumerate categories in this way. If she were to have some certainty that no kids would be excluded from these statutes or what is created, then she is fine with removing it.

Senator LeFavour made an amended substitute motion to send **S1105** to the 14th Order, which was seconded by **Senator Malepeai**. Senators Goedde, Winder, Toryanski, Malepeai and LeFavour voted in favor of the motion to send S1105 to

the 14th ORder. Senators Andreason., Pearce, Fulcher and Mortimer voted against the motion.

Having no further business of the committee, **Chairman Goedde** adjourned at 5:15 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, February 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Boise State University Update	President Bob Kustra
PRESENTATION	Ten Elements of High Quality Digital Learning	Tom Vander Ark
S1113	<i>For Discussion Only</i>	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, February 24, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour

**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 3:40. He requested the secretary take a silent roll, and welcomed **Dr. Bob Kustra**, President of Boise State University, to the committee.

PRESENTATION: **President Kustra** welcomed **Courtney Kirshner**, **Frank Xzhang**, and former Speaker of the House **Bruce Newcomb**, who were in attendance with him.

He stated BSU's numbers are increasing regularly – the application numbers are up 32%, acceptance numbers are up 15%. The only issue is accommodation. Thanks to CWI, there has been a 27% increase in transfer students. There is the highest full-time graduate student graduation rate in Idaho.

Regarding decreased funding from the State, BSU has increased tuition – the change has been somewhere in the neighborhood of \$28 million over the last two years. Boise State is underfunded an estimated \$10.8 million. In the mean time the University is doing everything it can in the area of cost controls and gained efficiencies. There have been section decreases, section size increases, some positions have been eliminated, and full time adjunct positions have been doubled in the past two years. He stated he feels the University is doing pretty well, but there are still some problems which are tied to funding.

He doesn't feel public higher education will be where it was in the early 20th Century, so it is time to reexamine this education. Boise State has started a leadership academy which will examine how the institution has done business its entire life.

President Kustra pointed the committee toward his handout titled "Boise State University Learning Outcomes." He also pointed that Boise State is now requiring 120 credit hours for graduation rather than 128 as was once required by the state.

Boise State University is also offering an increased number of learning opportunities including online courses, evenings and weekends, and summer and intersession courses. **President Kustra** stated students are coming technologically wired – students are expecting the instructors to understand how students learn. The University has a Masters in Educational technology offered online, and will go to the State Board of Education in May to apply for a PhD in this program.

Concurrent enrollment has been growing, which has enrolled over 1,700 students at BSU. Over 60% of these students are enrolled in STEM courses – program

contributions include over \$100,000 in textbook and lab support to partnering high schools, and Boise State is sponsoring scholarships to 5 high school teachers to complete Master's degrees.

The percent of freshmen requiring remediation for FY2010 is available to BSU – that data can be split by high school, by state, and is available to the OSBE. He stated the university has been steadily and regularly increasing its enrollment numbers.

Regarding bonding liabilities, since 2002, BSU has added over \$260 million worth of building related assets. The current outstanding debt is \$237 million for the entire University.

Debt service has increased from 11% to 19% in the same time period; however, Boise State University's debt is not a legal obligation of the State of Idaho.

The per-student funding figures show a move from \$3,134 to \$2,422 for students from FY01 to FY10. The weighted number is \$2,422 at Boise State, whereas the highest weighted student number in 2- and 4-year institutions in Idaho is \$3,598. **President Kustra** stated the money simply isn't getting to the students – either there needs to be more money or it needs to be reallocated. He stated we cannot continue on a trajectory that is headed downward while others are doing well with fewer students.

Senator Winder stated that there was some testimony about the NCAA not allowing online classes and asked for the president to address this. **President Kustra** stated the NCAA was concerned about some football programs that were using online courses excessively to move students through, but those were college courses. However, he has not heard of them raising issue about high school courses. The question to really ask is whether or not the courses are accredited.

Senator Fulcher asked the president to profile the change in the BSU student in the last 5 to 10 years regarding majors, etc. **President Kustra** stated the profile is changing. There are about 14% out of state students – these students are high-ability. Out of state tuition will be increased as well. Regarding students from outside of the Treasure Valley, there is no question that the most dramatic increase is in the students from the North. He stated in the last 5 years, there has been a significant increase in the percentage of students who's GPA has risen and there has been a dramatic increase in test scores. **Senator Fulcher** asked if there had been a trend towards or away from any specific major – **President Kustra** stated there has been a 35% increase in STEM majors. He informed the committee the College of Engineering has grown tremendously.

PRESENTATION: Tom Vander Ark stood to present the Ten Elements of High Quality Digital Learning. He stated he is a former business man who ended up becoming a school superintendent in Washington in the early 1990's. In 1995 he had all of his schools using laptops in a program – in 1999 he helped the Gates' start the Bill and Melinda Gates Foundation. He is the chair of the International Association of Online Learning, and for the first time in history students in Idaho have the opportunity to utilize online learning. He pointed towards the shift from traditional learning to digital, online learning, and indicated that the number of students learning at home will double, but plateau, at 8-9%. Most students will end up in a blended classroom, where for at least a portion of the day the students will learn in an online classroom.

Mr. Vander Ark provided some examples of such blended options – rather than offering one or two AP courses, students would be able to pick from 30+ online, AP courses. Similarly, students could work in a block of courses with two master teachers and two new teachers, so not only would the students be learning, but

in the new teachers would be learning as well. He stated the “School of One” in New York City is a Math Learning school that determines for students the exact level and assignment for students based on assessments taken the previous day. He pointed towards the power of blended learning, which has already transformed higher learning and has the potential to transform K-12 learning.

Senator Winder asked about the “School for One,” whose mission is to re-imagine the traditional model; he asked how this is really working. **Mr. Vander Ark** stated this incorporates about five different modalities, depending on the day and the assessment. Each day is finished by taking an assessment that determines what was learned that day – when teachers arrive in the morning, they can make a professional decision regarding how students are to be grouped. He stated this is a picture of the future – that every student in the future will have these powerful learning platforms. Feedback and assessment are built into the experiences.

Senator LeFavour stated she was intrigued in the statement regarding investing and wanted to know what that meant – **Mr. Vander Ark** stated he was somewhat disillusioned when he left the Fortune 500 companies. He decided when he left was what was needed was more public/private Research and Development investments – this is why he launched LearnCapital when he left. He develops new schools in tough areas in Newark, slum-schools in Nairobi. He stated it is an exciting portfolio. **Senator LeFavour** asked if states adopting online programs would be fiscally beneficial to **Mr. Vander Ark’s** program. **Mr. Vander Ark** stated no – that his tie is more to reaching children who don’t have access to education. To him, cheap tablets provide a way to quality education. **Senator LeFavour** asked if **Mr. Vander Ark** had invested in any of the entities Idaho would consider investing in – **Mr. Vander Ark** stated no.

Senator Mortimer asked **Mr. Vander Ark** what he thought Idaho should be doing over the next three to five years – **Mr. Vander Ark** pointed **Senator Mortimer** to the book “The Ten Elements of High Quality Digital Learning.” In short, every student is a digital learner, and every state should be prepared for this.

Senator Toryanski asked how American school children are comparing in the world, and asked what we are doing wrong. **Mr. Vander Ark** stated the answer is cultural and academic – the support globally, though not typically in America, is academic. About 2/3 of children don’t get the support they need in America; we as American’s need to make our schools more engaging – he stated he wants to double the amount of time children in Boise spend learning.

Senator LeFavour asked if **Mr. Vander Ark** thought increasing class sizes would make them less boring. **Mr. Vander Ark** stated it was his opinion that completely rethinking teaching would make classes less boring. He stated there are win/win/win solutions that can be had – he does know how hard it is to be a teacher, but if they are equipped with the necessary tools, it will work.

Having no further business of the committee, **Chairman Goedde** moved discussion of **S1113** to the following week, and adjourned the committee at 4:40.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, March 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
H0078	Legislation relating to the Mastery Advancement Pilot Program, by eliminating the location and size requirements thereby allowing all schools and districts that applied to participate in the Pilot.	Representative Steven Thayn
S1113	<i>Continued discussion relating to S1113</i>	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, March 01, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour

**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 committee to order at 3:05; he asked the secretary to take a silent roll.

H0078: **Representative Thayn** stood before the committee to present **H0078**. He stated the legislation would strike language to allow more schools into the Mastery Advancement Pilot Program, as there are some who are unable to participate due to size; it also strikes time period language on lines one and two of page two.

Senator Mortimer stated one of his concerns is that he wonders if there will be a skew of results of the pilot project. He wants to make sure that each of the different sizes of schools can participate.

Representative Thayn pointed the committee to the letter in the packet with the different school sizes throughout the state that are represented.

Senator Mortimer asked if these are the 15 that are signed up, and that changing the size requirements we will get an addition 6 to sign up – **Representative Thayn** stated that is his understanding.

Senator Pearce moved to send **H0078** to the floor with a do-pass recommendation; the motion was seconded by **Senator Mortimer**. **Senator Toryanski** voted nay. The motion passed by **voice-vote**.

**DISCUSSION
OF**

S1113:

Chairman Goedde opened the committee for discussion on **S1113**.

Senator Mortimer stated he feels it important to acknowledge the voices of the parties that were heard on this legislation. He feels the concern over the technology and class size piece is, of course, important. In order to address some of those concerns there have been some general discussions regarding alternative solutions if there were to be another bill brought forward. He doesn't believe it has been discussed that technology has been funded in the past number of years. It was indicated that \$10.4 million was spent in one year – technology has been tried to be funded between \$9 and 10 million for multiple years. Trying to get technology into the classroom, teachers and students has been a priority.

Senator Mortimer indicated that another part of the discussions was funding going into teacher training for the technology. Perhaps funding should be pushed off for students, but funding for teacher training should be started sooner. He stated the funding of technology in the classroom has been for clickers and whiteboards, and other similar technology pieces. If the teacher piece was rolled out the first year,

that would give the state two to three years to get the instructional staff online and then roll out the student piece over a two to three year period rather than a four year period.

Chairman Goedde indicated back to Dr. Lento's remark that we cannot let this technology become just an expensive pencil.

Senator LeFavour stated that resolving some of the issues of things that are going to be cut from the budget such as textbooks, supplies and the like is necessary.

Chairman Goedde noted there was some concern about the 2/3 fractional ADA, however a school district will never be required to pay more than the 2/3 ADA unless they have chosen otherwise; if there is alternative billing, that will be billed to the family.

Currently students are being double-funded, so at some point there will have to be some differentiation. Whether the 2/3 is the right differentiation may not be the answer, but for the time being, this may be it.

Senator LeFavour stated there would need to be clarification as to who would be supervising the online classes – if there is an online class within the school, that teacher will need to be funded, but if the student is taking the class at home, that is more of a home-schooling type course.

Chairman Goedde noted that in Notus the district has installed a computer lab where there is an aide; however, the students are all taking a different class –

Senator LeFavour noted that in some of the larger schools you are more likely to have a larger number of students than in a school of the size of Notus.

Chairman Goedde stated that if we pushed the laptop purchase back another year the districts would have 30 months to develop that plan.

Senator Mortimer noted the committee and legislature would have a hard time working out all the details on its own, and this would be something that the districts would have to end up working out.

Chairman Goedde stated the Idaho Education Network (IEN) would have to work on some of the technological issues. Responding to questioning by **Senator LeFavour**, **Chairman Goedde** indicated **S1113** appears to need some work, and is probably not going to move forward. As such there may be an RS rewrite that moves forward as new legislation down the road.

Senator LeFavour asked if the senate would then be withdrawing S1108 and S1110 – **Chairman Goedde** stated they were past the point of senate withdrawal, and they are mutually exclusive pieces of legislation.

Senator Mortimer stated one of the questions that needed to be asked was what would have to happen if **S1113** was withdrawn and rewritten. He stated if you leave class size the way it is, there are no savings in the funding formula. Ultimately, what he is hearing, the individual district has to be given the flexibility to implement the budget cuts at their discretion. There are only really two other areas that can be adjusted – discretionary spending, and salaries and benefits.

If salaries and benefits are not cut, discretionary spending automatically has to be cut, at which point you have to ask, how to I get my budget to balance with those additional cuts. If the flexibility in the use it or lose it clause were adjusted, that

would give districts the flexibility they need to balance their budget.

Senator Mortimer stated the message he has heard loud and clear is that each district wants the flexibility to do it on their own through adjustments in the use-it-or-lose-it clause. He asked whether, as a committee, it was better to recommend making adjustments in salaries and benefits, or cuts in discretionary funding. **Chairman Goedde** stated the 5% flexibility for use it or lose it was only for online classes.

Senator LeFavour stated it was her opinion that the set of choices laid out by **Senator Mortimer** was not a full set of recommendations.

Senator Goedde asked **Robin Nettinga** to address use-it-or-lose-it. She stated her organization did not support moving that clause up any higher last year, and she believes her organization would stand in the same place this year – that this would result in larger class sizes. **Senator Winder** asked if **Ms. Nettinga's** organization has analyzed what would happen if the legislature doesn't do anything.

Senator Mortimer asked if **Ms. Nettinga** or her association would like to see any part of **S1113** come back. **Ms. Nettinga** stated there are some aspects, and as long as they can be at the table, that's what they want. **Senator Mortimer** stated these are tough times, that are tough for everybody.

Senator LeFavour asked if every district in the state would be able to pass a supplemental levy. **Ms. Nettinga** stated she didn't think every district in the state would be able to pass a supplemental, nor would they be inclined to ask.

Karen Echeverria stated expansion of use it or lose it was conditional for 24% of those surveyed to online instructors.

Harold Ott gave a brief history of S1560. He stated while he supports control for all at the local level, he does have concern of uniformity – he feels the rural districts would want more release on use it or lose it. However as an individual who taught personal finance, he feels education will be less uniform for young people.

Whatever is done he hopes will be a stop-gap, short term measure. He stated it is probably time to change the plan, but it is not something that can necessarily be done in a week or two at the legislature. **Chairman Goedde** asked if he was correct in his understanding that, in a letter from Region One administrators, endorsed by Region Five, the legislature pull all strings off the use-it-or-lose-it. **Mr. Ott** stated from Region One, that is correct; his understanding from Region Five, he is unsure about.

Responding to **Senator Pearce**, **Mr. Ott** stated districts want local control, and the only way to do that is to give it to stakeholders in the districts. However, in seeing what has happened with local taxpayer levies, etc., the whole formula needs to be reworked. Some districts will change class size significantly, some wont; the uniformity will vary tremendously.

Chairman Goedde noted there are education models that allow for differentiating learning in classrooms already so that will have to be addressed accordingly.

Senator Mortimer asked what the percentage or recommendation would be by **Mr. Ott** for the loosening of the use-it-or-lose-it. **Mr. Ott** stated he is not sure what that number would be, and that is the truth – however, it should be more than five or even 15%.

Senator LeFavour asked about how school funding is changed and allowing a district by district choice in change. **Mr. Ott** stated any time a tax base can be broader; it has more stability, generally speaking.

Senator Mortimer opened discussion on budget implications on **S1113**. He stated one of the things that has been lost in the discussion is that there is a \$35 million hole right up front that has been lost that is in one time funding that no one is talking about.

JFAC talks about a \$27 million hole, but it is not really addressing the other \$35 million hole; if he were to talk about the education hole, he would be talking about the \$62 million hole without addressing potential new revenues, and feels it important to discuss the \$35 million + \$27 million, not just one or another. If there is no additional revenue, how do we, as a state, make that as palatable as possible for our districts – and he feels that we as a committee need to discuss that. He also pointed to **Senator LeFavour's** comments about discussing lack of funding for things such as textbooks, and how do we decide to fund those, if we do, raising salaries, etc. He stated these are just some of the quick basics to open the discussion.

Senator LeFavour stated it is her feeling the people of Idaho have spoken to not increase class sizes. She indicated \$200 million has been eliminated out of the public school budget, and where we sit right now is in a deep hole – she asked if we want to send the public schools into a deeper hole.

Having no business other than the discussion of **S1113**, **Chairman Goedde** adjourned committee at 4:00.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Wednesday, March 02, 2011**

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20430</u>	Provisions relating to unanticipated charter school closures	Senator Winder
<u>RS20431</u>	Amendment on restrictions relating to employment of children under the age of 14 in public schools	Senator Winder
<u>H0157</u>	Repeal of 33-3008, Idaho Code, which was to establish a training school model at Idaho State University	Traci Bent, OSBE
PRESENTATION	Public School Funding	Tim Hill, State Department of Education

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, March 02, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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. He asked the secretary to take a silent roll, and stated the committee would be hearing **H0157** first, and then working through the presentation from **Mr. Hill**, after which **Senator Winder** would have the opportunity to present his RS's.

H0157: **Tracie Bent** stood to present **H0157**. She stated this legislation would repeal a model school at Idaho State University – the Office of the State Board of Education has found that the best practice for teaching teachers is actually having them in the schools rather than in a “model” school.

Senator Fulcher asked for clarification as to what exactly was being repealed. **Ms. Bent** stated that 33-3008, Idaho Code, outlines a model training school for student teachers. Now, rather than doing that, student teachers are sent out into districts for teaching in full classrooms. **Senator Fulcher** asked if there was any opposition – **Ms. Bent** stated there have been no model school classes at ISU since the mid-1970's.

Senator Toryanski asked what the reasoning for elimination of this was. Ms. Bent stated this came about because the state has been going through a zero-based budgeting, and this was something that was done through cleaning up language.

Senator Fulcher moved to send **H0157** to the floor with a do-pass recommendation; the motion was seconded by **Vice Chairman Mortimer**. The motion passed with a **voice-vote**. **Senator Fulcher** will carry the bill on the floor.

PRESENTATION: **Tim Hill** stood to discuss Public School Funding. He presented ten questions for the committee to consider:

1. Where do public school funds come from?
2. How are public school funds distributed?
3. How is ADA calculated?
4. What is a support unit, and how is it calculated?
5. What is salary-based apportionment and how is it calculated?
6. How much is a support unit worth?
7. What is a distribution factor and how is it calculated?
8. What is the payment distribution schedule?
9. How is a school district's charter schools foundation payment calculated?
10. What are the three main reasons that revenues per ADA vary?

Mr. Hill pointed to the second slide, and stated that the School for the Deaf and the

Blind has not been included. The total appropriated (\$2.383 billion) is slightly less than the total estimated appropriated (approximately \$2.4 billion). He stated there is a total of approximately \$2-2.1 billion going through the SDE annually.

Public schools received 50.9% of the general fund appropriations. Although they received less in terms of hard numbers, the percentage cut when compared to other agencies has been smaller. **Senator Mortimer** asked for an explanation of the shift from property tax to the sales tax to public schools; to him it seems like a relatively small shift overall.

Mr. Hill stated if the committee looked at the numbers from FY2007, there was a fairly significant jump. That was the first year the tax policy change took place; if the committee looked at this in terms of dollars rather than percentages, it would become more evident. Regarding ADA, he provided the IDAPA rule governing administration, specifically Rule 250, which is the Pupil Accounting and Required Instructional Time. Under the new ICEE program, districts and charters are submitting this data on a monthly basis rather than the three times per year that they were doing. However, the single calculation of ADA is still what determines salary and benefits. Additionally, the State does not fund on enrollment, it funds based on attendance. **Mr. Hill** stated that for the purposes of calculating ADA, what does affect the average is when students don't show up, not whether there is school on a day or not. Therefore, as a trustee you want to take into account the days that will affect attendance – fair, hunting, harvest, etc. – and consider this when setting the calendar.

Pointing to 33-1002(6), Idaho Code, **Mr. Hill** described the ADA support units for the benefit of the committee.

Mr. Hill stated the minimum may play a role in one category or another; he indicated if there is less than one hundred ADA, a school would get a minimum of 8 support units.

Senator Winder asked how this code was developed. **Mr. Hill** stated this was a development of S1560, which was before his time.

Senator LeFavour clarified that the 18.2 is a class-size number, not an ADA number. She inquired if certificated individuals are included in the ratio – **Mr. Hill** stated no. She asked for clarification if a teacher was certified but not teaching, would they be included. **Mr. Hill** informed her that if the teacher is doing split duty they are asked to split their billing accordingly. He stated if a teacher, such as a special education teacher, is being coded as a teacher, the school gets support as such.

Senator Andreason asked how the November 9 date was arrived at. **Mr. Hill** stated this was in statute when he came in; however he told the committee that his predecessor indicated he would need to change his reporting period at some point.

Mr. Hill stated 6% of kindergarten and elementary is shifted down into the “exceptional support units” category; preschool special education wherein hours are measured here, as are and those districts with a county juvenile detention center.

Vice Chairman Mortimer asked if this divisor also included alternative high schools – **Mr. Hill** stated no, but that was the next category.

Senator Andreason asked how schools with computer labs are computed. **Mr. Hill** indicated that as long as the student is being monitored by a teacher, the school

is getting funded for the teacher. **Senator Andreason** asked if this would change under the new plan. **Mr. Hill** stated it was not his belief that the policy plan would be doing anything different; **Mr. Hill** stated the alternative secondary schools are measured on a four hour basis, with no minimum. The state wants another option for students who are considered “at-risk.” The alternative secondary divisor is 12 regardless of what the SDE divisor is. This allows for smaller class sizes. On the next slide, **Mr. Hill** presented the breakdown of ADA support unit per grade; in the graph the kindergarten had a higher divisor than any other.

Mr. Hill presented the Attendance/Enrollment System for the Kuna school district. He stated this is evidence the state is sending out additional money for “exceptional” education, and although on paper everything is supposed to be rounded to the 100th, in statute it has to be rounded to the 10th.

Section 33-1004(A) Idaho Code shows the Experience and Education Multiplier. **Senator LeFavour** asked if a unique average is calculated per district based on their staff, etc. **Mr. Hill** stated yes, keeping in mind that is based on the general fund positions, which is typically done in the fall. The payment is made in February; however, this year is the exception.

Senator LeFavour asked if a district could choose to lay off their most experienced teacher prior to this calculation in the fall – **Mr. Hill** stated yes, however he pointed to his example in the Kuna Joint School District. **Mr. Hill** stated that regardless of who is hired, if someone with a higher index is hired, the district will receive more money.

Responding to questioning from **Senator Toryanski**, **Mr. Hill** stated that someone coming from a business background, or military background, would not have that experience considered unless it was in education. However, he stated he would want to verify that before stating it for fact.

Senator LeFavour commented that she has been teaching since 1987 in various capacities, but only a little in the public school – as such she would only be limited to the experience in the public schools, even though she does have a great deal of experience.

Mr. Hill pointed to his example of how much money a charter generates. If you start on the instructional line, and then look at the statewide index, you generate what you need to calculate what the state needs to send to the district or charter. One support unit gets 1.1 teacher funding, but only 1/3 of an administrator. By design, the state is sending out less or more depending on size, who is hired, and who is taught.

Senator Andreason asked what a kindergarten teacher under the current system with 13+ years and a master’s degree would make. **Mr. Hill** stated that teacher would make just shy of \$40,000. **Senator Andreason** asked what in the new legislation would change this. **Mr. Hill** stated he cannot think of anything in the new plan that would change this other than restoring the pay matrix. **Chairman Goedde** reiterated the restoration of the two years of pay on the grid, as well as the education pay on the grid, which would allow teachers to advance on the grid. He also noted the opportunity of \$8,000 in bonuses.

Mr. Hill provided a funding example for the average, and explained that the state sends out money by design based on demand – he stated charters and districts get more or less based on the funding formula. If he were to increase the instructional staff in a district, the support unit value would jump. If the program right next door

had a smaller instructional staff, that would reduce the support unit value. He summarized by saying there is no benefit in targeting a higher or lower index.

Mr. Hill pointed to other state school support program distribution schedule – 33-1009, Idaho Code. In the current fiscal year the first three payments are considered “advanced payments.” In these payments, 80% of the state appropriations are sent out without any data, leaving a smaller margin for error when it comes time to true things up. He indicated this year he sent out a February payment based on last year’s financial distribution and attendance, which is something that has not happened before.

Roughly 90% of the money distributed is based on what happens with ADA, and how many times a student shows up to school

Responding to questioning by **Senator Andreason**, **Mr. Hill** stated the “Special Distributions” funds are based on shares and whether a district has anyone applying for those shares.

On the last slide, **Mr. Hill** stated there are two unit calculations that are used to independently calculate two different things, that are somewhat related. On line 20 is the ratio of state monies that are sent out – of all the state monies that the state receives.

Mr. Hill pointed to the State Revenues Per ADA – he stated that in looking at the handout and based on the discussion had today, it should make sense that some of the largest schools in the state have the lowest total revenues per ADA. He stated what it comes down to is how big or small are you, who you hired, etc.

The second handout sorts highest to lowest based on total state revenues, on the far right of the spreadsheet. **Mr. Hill** indicated that through this you can look at any school, charter, or district in the state on the handout and determine why they got the funding they did.

Vice Chairman Mortimer asked for clarification that charter schools get more funding because their number of pupils is smaller, or some other factor as such – **Mr. Hill** stated that is generally correct; charters get what they get because of their size, who they hire, or what they teach. That being said, charters are also spread throughout the report.

**RS20430 and
RS20431**

Senator Fulcher presented **RS20430** and **RS20431** on behalf of **Senator Winder**. He stated the hope is that there would be a unanimous consent to send these RS’s to State Affairs for possible print. Hearing no objection, unanimous consent was granted.

Having no further business of the committee, **Chairman Goedde** adjourned at 4:40 PM.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Monday, March 07, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H0158</u>	Changes to 33-107B regarding unfunded liabilities, Optional Retirement Plans, and PERSI	Mark Browning, OSBE
<u>H0159</u>	Changes to 33-102A, Idaho Code, to allow the Board Office to borrow employees for short to medium term projects from its governed institutions without the employee losing any earned tenure with their institution.	Mark Browning, OSBE

Minutes Approval

January 19, 2011 - *Senator Toryanski*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, March 07, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 3:10. He asked the secretary to take a silent roll.

H0158: **Mark Browning**, with the Office of the State Board of Education (OSBE), stood to present **H0158**, which deals with the Optional Retirement Program (ORP), the Public Employees Retirement System of Idaho (PERSI), Eastern Idaho Technical College (EITC), and other Community Colleges around the State of Idaho. He stated that on July 1, 2011, the unfunded liability provision will sunset – the legislation will redirect the 3.83% to the ORP.

Senator Toryanski asked if EITC was for this – **Mr. Browning** stated yes; that they had come to the board with this. **Senator Toryanski** asked if this was a defined benefit plan. **Mr. Browning** stated yes.

Vice Chairman Mortimer asked if there was a difference in cost either to the state or to the college. **Mr. Browning** stated there was just a difference in the direction of the funds. He stated the unfunded liability will be redirected to the ORP account.

Vice Chairman Mortimer asked if PERSI no longer had to recognize any unfunded retirement liabilities for employees – **Tracie Bent** stated that when EITC moved non-classified staff away from ORP programs, there were a number of employees who had already retired. What was done is they amortized the amount in a way similar to social security. PERSI worked out an amount they thought would cover already retired employees.

Vice Chairman Mortimer asked for clarification that the only obligations coming into the PERSI account are to stabilize the account for the already retired. This was affirmed.

Vice Chairman Mortimer moved to send **H0158** to the floor with a do-pass recommendation; the motion was seconded by **Senator Winder**. The motion carried by **voice-vote**. **Vice Chairman Mortimer** will carry **H0158** on the floor.

H0159:

Mr. Browning stood to present H0159. He stated this legislation is a "helper bill". Currently if the OSBE borrows an individual for longer than 6 months, the individual loses tenure from their institution. What this legislation would do would give the executive director the ability to recruit on a case by case basis while allowing individuals to retain their tenure.

Vice Chairman Mortimer noted there are no times here; he asked how someone who worked for the OSBE for 5 to 6 years would be treated under this circumstance. **Mr. Browning** noted that in this situation an individual would need to be looked at as more than an on-loan employee; however the OSBE only has 20 employees.

Vice Chairman Mortimer asked if there was anything specifically that would put in question an individual's status at an institution. **Mr. Browning** stated it is his understanding that it is 6 months – **Vice Chairman Mortimer** stated that then it is his understanding that after 6 months this individual would lose their status at the institution. **Mr. Browning** clarified that if they are on loan from an institution, they are still an employee and will retain their position.

Chairman Goedde asked if an individual would be guaranteed return to an institution if they were on loan from an institution; **Mr. Browning** stated he would hope so.

Senator Andreason asked if it was the intent of the OSBE to borrow individuals for a long period of time; **Mr. Browning** stated it was the intent of the OSBE to borrow individuals for as long as necessary, and then move on. He indicated the OSBE would like to utilize the opportunity to share employees. **Senator Andreason** stated he can't imagine an agency having individuals on a payroll without working for longer than 6 months.

Chairman Goedde indicated it was his vision that there would be three parties to this agreement: the individual, the OSBE, and the institution. **Mr. Browning** affirmed.

Senator Toryanski noted he would be more comfortable having a time-certain within the legislation. **Chairman Goedde** stated there would be an opportunity to send this to the amending order. **Mr. Browning** clarified the OSBE is worried it cannot get done what it needs to get done because it does not have enough bodies. With that in mind, it does not have the intention of taking people out of the classroom – the OSBE is not interested in taking someone out of the biology classroom to help administer classroom affairs. **Senator Andreason** stated he is still concerned an institution wouldn't need someone for longer than 6 months. **Ms. Bent** stated institutions expect a strong service component out of their staff. Thus, this is not quite the same as in a government agency where someone would be brought in to fill the position for six months. The individual would do research, and then go back to the institution. Additionally, the research would benefit the institution.

Senator Andreason asked approximately how many people would be borrowed – **Ms. Bent** stated there was not a specific number in mind, however the OSBE would like to remove the prohibition for the future. **Senator Goedde** asked if the language that says no longer than six months was changed to no longer than twelve months would be reasonable. **Ms. Bent** stated that having spoken with the Attorney General, one year would be better than six months, for sure.

Senator Andreason stated it was his understanding that a sabbatical was for one year. **Ms. Bent** stated that a sabbatical length depends on the institution, the type of sabbatical and whether they would be getting paid.

Vice Chairman Mortimer asked if the OSBE could hire up to the FTE cap for specific needs. **Ms. Bent** stated that was true; however, what has been found is that there are often talented and capable people at institutions that, if they could be borrowed, make it more worthwhile both monetarily and time-wise. **Vice Chairman Mortimer** asked that it wasn't the permanent employee issue, but that the OSBE is looking to use this statute to work with temporary employees. **Ms. Bent** stated this prohibition forbade the OSBE from hiring talented individuals at institutions. She also stated this language has nothing to do with the State Executive Officer (SEO), and that the language has been misplaced. She stated this language could apply to the SEO if they were going to contract for this position, but it could apply to any position they were going to contract for any position. **Senator Toryanski** noted the "inappropriate" term (SEO) still exists twice within the legislation. He also noted he would be more comfortable with the 12 month limit – more than one year is a change of a position. If an employee is needed for more than one year, they should move.

Senator LeFavour asked if and to where this should be moved. **Ms. Bent** stated she didn't know the exact section, but she believes it's within the 100's. **Chairman Goedde** stated it was his feeling that this legislation should be sent to the amending order, that the language stricken be reinserted elsewhere, and the 6 months be rewritten to 12 months.

Vice Chairman Mortimer stated he felt clarification was needed for the language regarding the SEO position.

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

Chairman Goedde moved to send **H0159** to the **14th Order**. The motion was seconded by **Senator Fulcher**. **Vice Chairman Mortimer** asked if a second clause could be added; it was affirmed. The motion passed by **voice-vote**.

**MINUTES
APPROVAL:**

Senator Toryanski moved to approve the minutes from January 19, 2011. The motion was seconded by **Vice Chairman Mortimer**. The motion passed by **voice-vote**.

Having no further business of the committee, **Chairman Goedde** adjourned at 3:40.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, March 08, 2011**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Youth Challenge Briefing	General Sayler
DISCUSSION	JFAC Funding Reduction Recommendation	

Minutes Approval

January 27, 2011 - *Senator Pearce*

February 3, 2011 - *Senator Mortimer*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde

Vice Chair Mortimer

Sen Andreason

Sen Pearce

Sen Fulcher

Sen Winder

Sen Toryanski

Sen Malepeai

Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy

Room: WW39

Phone: (208) 332-1321

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, March 08, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour

**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 committee to order at 3:05. He requested the secretary take a silent roll.

PRESENTATION: **General Saylor**, with the National Guard, stood to brief the committee on the National Guard Youth ChalleNGe program. He stated the program has a two week pre-challenge program, followed by a 20-week challenge program, and a 12-month mentoring program, totaling a 17-month program for the youth.

He stated the youth eligible must be dropouts between ages of 16 and 18; they need to be unemployed, drug free, not on parole or probation other than juvenile offense status, and not indicted or charged – they must be free of any felony convictions.

The need stems from a reduction in wages for high school dropouts, as well as a reduction in life expectancy, an increase in arrests, and it is estimated that dropouts from the class of 2008 alone will cost the state of Idaho over \$1.5 billion in lost wages over their lifetime.

The planning timeline stretches from 2010 to 2012 – through the Department of Commerce the National Guard has found a school in Pierce, ID which closed. The target opening date is July 2012.

Program costs are shared between the federal and state government; nationally it costs \$16,100 to send a youth through the Youth ChalleNGe program. The program is in line with or slightly above what some of the schools spend; however, because the federal government pays approximately 75% of these costs, it will really cost the state considerably less.

The National Guard has partnered with District 171 – the Orofino district – to submit alternative school funding requests to the state, which will qualify the program for ADA funding. Thus, the estimated average Daily Attendance funding for Youth ChalleNGe will cover approximately 80% of the cost.

Over 100,000 students have graduated from the program from 1993-2010, donating 6.6 million hours of community service, improving by the equivalent of 1.5 grade levels in reading and 2.2 grade levels in math, based on the Test for Adult Basic Education (TABE). 95% of those coming out of the program achieve full-time placement whether it be employment, continuing education or military service. This program would also create 50-54 new jobs in an economically strained part of central Idaho.

General Saylor stated he does not feel Idaho will have a second chance for the next six to eight years if this opportunity is passed up now. This program has been rated as one of the most cost efficient and effective programs for at-risk youth in the nation, and this will provide Idaho dropouts a second chance.

Senator Mortimer asked about the mechanics of the school itself. He asked how many teachers and administrators this would take in relation to the 54 jobs. **General Saylor** stated they would contract with the district for the teachers, and would most likely try to contract with the district for counselors as well. There would be food service costs, marketing, cadre staff, etc. He stated these children are never left unsupervised throughout the day – every place the kids go there will be someone with them. There will also be medical personnel, whether they are contracted out or hired.

Senator Andreason asked for clarification about the students that drop out, and whether students with one-time offenses can be included. **General Saylor** stated this has been considered, but this is a guideline set out by the federal government. He stated that in other states the judge has given an extension for youth facing felonies while they attend the program. However, admitting someone with a long history could potentially be detrimental to other students.

Chairman Goedde asked for clarification that this would be an alternative high school within the school district – **General Saylor** stated yes. He indicated that the school feels this would be a better match in providing students a high school diploma. There would also be the opportunity for students to use the facilities at other schools.

Chairman Goedde asked how long the 75% funding commitment would last. **General Saylor** stated as long both sides are providing moneys.

Senator Andreason asked if the National Guard kept records as to why students drop out. **General Saylor** stated the school doesn't; however, he does have some stories of students that really stick with him. He spoke with one student whose mother blamed her for her parent's divorce; another's complexion caused students to make so much fun of him he quit school; a third dropped out of high school three times, ended up enrolling in the Youth Challenge program, and has been a surgeon for five years.

Senator Andreason asked for the statistics of men to women in the program. **General Saylor** stated it is about 2/3 men, 1/3 women.

Senator Toryanski pointed at the organizational chart, and asked about the required credentials for the director position. He also asked what the commandant position requirement would be. **General Saylor** stated the teacher requirements would be the same as those of any teacher or nurse in the state. The program director would be charged with overseeing the whole program, including at the legislature. Regarding the commandant, such a person would be charged with overseeing the non-educational aspect of student involvement.

Chairman Goedde asked that any dropout in Idaho would be eligible for the program regardless of their location. **General Saylor** affirmed this.

Senator Mortimer asked about the start-up costs; **General Saylor** stated the monies would come from federal grant money, and that it was estimated it would cost around \$1.2 million. Of this \$2-\$300,000 would be state money. He indicated

Idaho could cover a portion of this through the donation of the building.

Chairman Goedde asked whether Idaho would still be responsible for 25% of the Maintenance and Operations costs. **General Saylor** indicated this was correct, and that the states share would be about \$990 thousand. He indicated the Air National Guard has already donated a portion that would cover a guaranteed four, possibly five years, and they have discussed the possibility of extending that for a longer period of time depending on the success of the program.

Senator Malepeai asked if **General Saylor** had an action plan and a goal for getting there. **General Saylor** stated the school would like to start with a minimum of 100 students – the only limitation initially will be the housing piece. **Senator Malepeai** asked if the National Guard would possibly be looking at post secondary institutions around the state; **General Saylor** stated this could be a possibility; however, initially for these students would be a bad thing because this is what they are trying to get rid of.

Senator LeFavour stated she believes that fiscally this makes a lot of sense, and that there may be some real utility in this legislation.

Senator Andreason stated it was his understanding that JFAC was waiting for an endorsement from the Education committee – **Senator LeFavour** indicated that would certainly help, but it was not completely necessary.

**JFAC
BUDGET
DISCUSSION:**

Senator Mortimer pointed to the public schools Original General Fund appropriations number (\$1.214 billion), and then the FY2010 General Fund Recommendation (\$1.235 billion), which is the number being worked with by JFAC at the moment. The second handout presented was a revised, sample budget prepared for Senator Mortimer to present as an example for the committee.

Senator LeFavour stated the budget is still lacking because there are still new students that have not been funded for. **Chairman Goedde** stated this committee's position is to make recommendations on how to deal with the cuts as they come up. **Senator LeFavour** asked if the committee could make recommendations to the Revenue and Taxation committee as well – **Chairman Goedde** stated JFAC has asked for recommendations, however, Revenue and Taxation has not asked for such a letter.

Senator Mortimer stated he feels it is important for the committee to recognize the FY2012 number is the number to be worked with as a target number. The difference in the dedicated fund is \$22,507,400. Given that, there are additional federal funds that come in and are appropriated out by JFAC, such as Title 8 funds and stimulus dollars. This year, 54,383,000 came in; half was appropriated last year, and the other half will be appropriated this year. Some districts agreed to spend all of their title 8 stimulus funds in FY2011, some chose to hold onto these funds, so there will be varying degrees of pain across the board.

Chairman Goedde asked for clarification as to who has spent what money – whether it was Title 8 money or if it was federal jobs fund moneys. **Paul Headlee** stated the number regarding the Federal jobs Fund Moneys is a rough estimate; **Senator Andreason** asked whose estimate this is. **Mr. Headlee** indicated it is the estimate of the Governor's Office and DFM.

Senator Mortimer pointed the committee to the second page, line four, FY2012 Original Appropriations. Total fund dollars receives a 2.3% decrease; he stated there will end up being a larger decrease per support unit because support units are being increased. He stated that which falls under the "Program Distributions" category is formula-driven for FY2012; the Early Retirement Program category will

be zero, based on proposed legislation. **Mr. Headlee** affirmed this, noting this is by Average Daily Attendance. The number plugged in for IDLA was based on 19,000 online courses administered; the number for Safe and Drug Free schools was inserted from the year prior. Regarding math and science requirements, that number has been inserted as a line item, although it could be inserted as discretionary; regardless it will have to be put in.

Line items 14 and 15 are for Deaf and Blind; **Mr. Headlee** stated most of the funding for these areas comes from general fund dollars, with only a small amount coming from dedicated federal funds.

In other years, distributions for technology has ranged between \$9 and \$10 million in previous budgets. It was placed back into a line-item in this budget, whereas it was in discretionary funds in previous versions. LEP, Math and Reading Initiatives, and Federal Funds for local School Districts were all granted line items. **Chairman Goedde** asked what the growth and support units number was. **Tim Hill** stated that number was approximately 176; **Senator Mortimer** budgeted for an estimated 170.

Senator LeFavour stated it was her observation some of the line items were going to create some issues for districts, who have been asking for fewer line items and more funding in discretionary funding. **Chairman Goedde** noted that if any version of **S1113** were to be resurrected, some additional line items would be inserted into this budget to account for the necessary funding.

Chairman Goedde asked **Senator Mortimer** if this was not what we would be looking at if there was nothing more done in a reform bill. **Senator Mortimer** stated this was a combination – it is what he feels like would be necessary with the additional math and science requirement, where you can add it as an additional line item, or you can add it into discretionary. The same goes for technology, contract severance payout, and the Math Initiative, Reading Initiative, and remediation.

Senator LeFavour asked if the state would have to cut more than the 19% to ensure the line-items. **Mr. Headlee** stated the funds have been drawn out of the discretionary pot of money to hit the line-items. **Senator LeFavour** asked if the 19% is the amount the state is generally short to hit the target line-item. **Mr. Headlee** stated that is a combination – the decrease in percentage of support unit funding would be a smaller percentage if there were fewer line-items.

Senator Mortimer stated one of the important things to remember is that if some things are dropped into the discretionary pot, that would change the percentage, but it wouldn't change the amount the school receives. **Senator LeFavour** asked if that wouldn't change how the school could spend the money. **Senator Mortimer** stated yes, but that is why the committee is having this discussion. **Senator LeFavour** asked how the schools would deal with a reduction in support unit by almost 20% in the discretionary funds. **Mr. Headlee** stated that is a good question, where there is not a great deal of information on. **Phil Homer** noted that those who saved some of their ARRA funds are going to do a little better than those who didn't.

Senator LeFavour stated she wants to be clear in that the school districts wanted more flexibility in their spending of discretionary funds, both last year and this year, and if the state has not fully funded class size and growth.

Chairman Goedde stated it is his understanding that JFAC wants to know what the Senate Education committee thinks – are the line-item silos to be funded, are there more silos to be created and funded, or would the committee recommend filling the discretionary fund and allow districts to work from those moneys.

Senator Mortimer noted the state does not know how many students are already being counted in today's districts, and how to count these support units.

Chairman Goedde stated one scenario is to follow the recommendation of those Superintendents and Administrators in regions one and five, as inserted here:

Standard reductions to 2011/2012 Public Schools Budget

- Through the legislative budget process established the amount that needs to be cut from public education
- Proportionally reduce the salary based apportionment; State Paid employee benefits; and discretionary unit funding to total the amount of the reduction
- Do not change any elements of the funding formula
- Remove the "use it or lose it" provision of 33-1004, Idaho Code

Senator Mortimer asked if there were any recommendations regarding the use-it-or-lose-it clause – Chairman Goedde noted the fourth bullet, which just says "remove the use-it-or-lose-it."

Chairman Goedde asked for any thoughts on silos versus discretionary funding – he pointed to **Senator Mortimer's** budget, where silos would be created but would reduce discretionary funds. He asked if it was the will of the committee to recommend these silos, or if it was the will of the committee to recommend a larger discretionary fund, but no silos?

Senator Mortimer stated that last year the funding for IDLA was held back – it was his feeling if the funding had been there, there would have been 18,000+ courses online. Students, particularly those in the rural areas, would have been greatly advantaged, and as such he would recommend increasing that number, even at the expense of the discretionary fund. His thought on the Drug free schools is to keep that at a minimum. He doesn't have enough information on the Math and Science Requirements to make a recommendation as to whether it should be a line-item or discretionary funds. In the technology piece, the committee needs to make a decision there; the LEP piece was a priority last year in spite of the cuts, and he would look to the Governor's Office and stakeholders again this year.

Senator LeFavour stated that she just doesn't feel additional money can be pulled out in this budget crisis for line-items.

Chairman Goedde opened the committee to discussion of each line item individually. He feels that districts are going to be forced to send students to IDLA, and as such a line item for IDLA funding would be necessary. He also pointed out spring enrollment numbers are down about 12%, likely as a result of poor publicity. **Senator LeFavour** stated it was her feeling last year's number was inadequate.

Senator Mortimer indicated it was his understanding that it was a financial cap, not a physical cap, that was placed on IDLA, because it was unsure whether it would be able to serve the students. He stated he would hope IDLA would be able to take care of the students and the districts.

Senator LeFavour noted that \$3 million is 60 teachers.

Senator Malepeai stated he felt it would be good for the members of the committee to take the budget numbers to their district and decide what is best for their district. **Senator Mortimer** followed by stating it would behoove each member to take the budget and work it over and understand it thoroughly, and make recommendations

to the Chairman.

Chairman Goedde stated he did not have an issue with this so long as everyone understands there needs to be discussion as to whether there will be silos or discretionary funds recommended.

Senator Goedde
Chairman

Sara Pealy
Secretary

AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Wednesday, March 09, 2011

SUBJECT	DESCRIPTION	PRESENTER
	GUBERNATORIAL APPOINTMENT <i>Alan Reed to the Public Charter Schools Commission</i>	
PRESENTATION	Public Charter Schools Commission Update	Chairman Goesling
PRESENTATION	Higher Education Funding	Matt Freeman and Dr. Mike Rush, OSBE
	Minutes Approval January 26, 2011 - <i>Senator Malepeai</i> January 27, 2011 - <i>Senator Pearce</i> February 3, 2011 - <i>Senator Mortimer</i>	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, March 09, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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: **Senator Goedde** called the meeting to order at 3:10 p.m. He asked the secretary to take a silent roll.

PRESENTATION: **Tamara Baysinger** stood to present the Public Charter Schools Commission (PCSC) update to the committee. She stated the PCSC was created in 2004 after the legislature realized the need for a statewide authorizer for both virtuals, and those who could not get authorization through their district.

She stated the PCSC is similar to that of authorizers nationwide. It oversees charter-school authorizing; the number of district authorized schools has remained stable, whereas the number of PCSC authorized schools has increased since 2009. Virtually all the growth has been seen in commission authorized schools.

State support in charter schools has increased approximately 35% since FY2008; she noted that public charter schools can't levy or bond so their costs are paid for directly out of ADA moneys.

One of the major points of charter schools is choices, including diverse virtual options, specific academic focuses, proven educational models, and innovative educational models. There are over 9,300 Idaho students on the Charter school waiting list.

Brick and mortar charter schools show high achievement; in 2009 public charter schools were shown to consistently outperform public schools. In 2010 however, it was seen that virtual charter schools consistently performed lower. It has been determined that this is likely because virtual schools have a lot more turnover, as well as the fact that virtual schools are often last-resort schools.

Public charter schools exchange increased autonomy for increased accountability – this is the authorizer's role. Idaho's PCSC accountability system looks as such: there is ongoing oversight, including founder and governing board guidance, annual visits and reports, additional reports as necessary, and continuous communications with stakeholders. The PCSC intervenes as necessary through established legislative action. The process starts with a notice of defect; schools are then directed to take a corrective action plan; if this is not successful, they are sent a notice of intent to revoke; the final step in the process is a charter revocation.

Looking ahead, the PCSC is exploring virtual and hybrid school models. She indicated that one of the legislative intents of charter schools was for the new options

to be explored and then disseminated as appropriate. Training opportunities, fiscal sustainability, and facility options are all needs that must continue to be explored. She stated the PCSC is always looking to improve its own oversight.

The PCSC has 1.5 FTE, versus the nationwide average of 1:5 schools – given that Idaho has 30+ schools, it should have 6 FTE's.

Vice Chairman Mortimer stated he has heard that the charter schools are very concerned about future cuts, and asked **Ms. Baysinger** what she feels charter schools can do to offset these cuts. **Ms. Baysinger** stated that while a cut would hurt the schools, they would be happy to finally know what is going to happen. In the mean time, the schools are scaling back on salaries; there are school amendments to increase class sizes.

Chairman Goedde asked where the International Baccalaureate charter is located. **Ms. Baysinger** stated it is in Boise.

Senator Winder stated he was approached by a charter school regarding financing, bonding and the like, and asked about loans and interest rates on the schools. **Mr. Goesling** stated the PCSC cannot get involved in that, but that one of the challenges is that the schools need to come to the PCSC before applying for that funding. **Senator Winder** followed by stating the Meridian School District – Joint School District No. 2 – had approached him about a piece of legislation regarding the unanticipated closing of a charter school, and wanted to ensure the PCSC had a chance to look it over.

Responding to questioning by **Senator LeFavour**, **Ms. Baysinger** indicated there is a virtual charter that is designed to serve the needs of the Hispanic community.

Responding to **Vice Chairman Mortimer**, **Ms. Baysinger** stated the PCSC often sees schools that cap class sizes, however when that becomes unaffordable the schools may amend their statutes to allow for larger class sizes.

Chairman Goedde asked if **Mr. Goesling** had any feelings regarding the piece in Superintendent Luna's legislation allowing institutions of higher learning to charter a charter school. **Mr. Goesling** stated he feels that what the PCSC has now is working well, and does not need changing.

**GUB.
APPOINTMENT:**

Alan Reed stood for his Gubernatorial Appointment. He stated he sat on the District 91 school board for many years; this will be his second Public Charter School Commission appointment if he is reappointed.

Vice Chairman Mortimer asked **Mr. Reed** to discuss some of his experiences on the commission. **Mr. Reed** stated he has been impressed by the maturing process of the commission and the schools; he has enjoyed watching the schools grow and mature. Some of the challenges facing the commission are the staffing, or lack thereof.

Senator Fulcher asked about the schools and how they respond regarding reporting and the like. **Mr. Reed** stated there are some schools that have everything in order and are doing all the right things; in the same vein of thought, there are some schools that don't quite have an understanding of how to handle things, and how to make it work. He feels the charter school needs to focus more on the quality of the PCSC rather than the quantity.

Senator Andreason asked if **Mr. Reed** felt the PCSC knew what schools were going to be more successful over others. **Mr. Reed** stated he feels the successful

ones have good parent support; they have good foundations with a good, solid board with good values and goals to allow students to be successful. Problems come when there are boards that allow their own egos that get involved. **Senator Andreason** stated it is his understanding that **Mr. Reed** feels good parental involvement and a strong board is necessary – **Mr. Reed** affirmed.

Senator Pearce asked if the Commission board was giving enough direction from the start, or does he feel they could give more. **Mr. Reed** stated he feels this is something he has considered – the PCSC does not have the ability to interview and give a yea or nay as to who serves on the board. **Senator Pearce** inquired if it wasn't time for the PCSC to put the kind of direction together given as so many charter schools have been started. **Mr. Reed** stated there would.

PRESENTATION: **Dr. Mike Rush** stood to open the presentation on Higher Education Funding. He stated support for higher education has dropped 26% in the last five years. That doesn't tell the whole story, because enrollment has also increased. Idaho's FTE funding is at its lowest in 25 years, whereas it's tuition is at its highest in 25 years.

Matt Freeman stated that when he refers to higher education, he is only referring to four-year colleges. These moneys are appropriated in one lump-sum amount; it is then the job of the OSBE to allocate that money across the four institutions on a base-plus method; that is, the base appropriations plus any new funding made available. He stated that if you look at funding equity, around early 2000, institutions raised concerns about funding inequity. Around 2001 this issue was reviewed, both privately and by an OSBE task force. The board task force determined there was an internal inequity, and recommended a reallocation of funds.

In the FY2006 appropriation there was intent language that directed the board to move towards funding equity with existing funds – 194,000 was directed from University of Idaho to Boise State University and Idaho State University in an attempt to repair this inequity. In FY05/06 the then University of Idaho President suggested a funding equity settlement. The JFAC co-chairs negotiated with the presidents. It was the understood intent of the task force agreement was that it addressed all prior inequity claims.

Even now, tuition and fees do not cover the full cost of each student; prior to Enrollment Workload Adjustment (EWA), any additional costs were funded through budget line-items. EWA is a complex formula. It is based on a three year rolling average of increasing credit hours, as well as discipline. The three year rolling average evens out the peaks and valleys – right now it funds two-thirds of the growth. Since the agreement was signed, the EWA has only been signed once; currently there is \$8.6 million in unfunded EWA on the books; just for FY12, the institutions have requested \$8.5 million, placing more than \$17 million on the books going into FY13.

Senator Fulcher asked if there was an estimate as to where the \$17 million in EWA money would go if the money was available. **Mr. Freeman** stated there are a number of programs that would be funded by this money at every university. **Senator Fulcher** indicated he is trying to specifically figure out where the dollars and large inequity would go.

Senator Andreason asked if the explanation presented explains the apparent underfunding of BSU. **Mr. Freeman** stated it is not as much an issue of inadequate funding as not enough funding. When the EWA isn't funded, funding for FTE will be driven down.

Senator Andreason asked why the board would continue to do that – **Mr. Freeman**

stated this has nothing to do with the board, but if there is no additional funding available, the money cannot come from anywhere.

Vice Chairman Mortimer asked if there was something that established why the board does not have a line-item for enrollment growth. **Mr. Freeman** stated the moneys seen are primarily for the cost of instruction. **Vice Chairman Mortimer** stated he knows what **Mr. Freeman** is saying; however if one university has more growth, the pressures are greater on that university, and asked if the board had a written policy saying “yes, this much is being funded for the base allocation, and this much for growth”? **Mr. Freeman** stated the Board’s policy is based on appropriations, after which money is distributed. He indicated the enrollment workload formula is in policy. **Vice Chairman Mortimer** asked if the base formula was a written or unwritten policy. **Mr. Freeman** stated it was a board policy, in writing.

Senator LeFavour asked if there are things we are missing as a result of our classes being cheaper than those of neighboring states. **Dr. Rush** stated each institution has made significant changes in the way programs are run to attempt to maintain the classes. He indicated institutions have become extremely efficient at sharing money and classes. **Dr. Rush** indicated if enrollment were to remain flat, the economy were to maintain, etc., then this status quo would be ok; however, from the OSBE standpoint, efficiencies in the system need to be maintained – even if the money were there, the mechanisms to get the students through the system need to be there.

Senator Fulcher stated what he is hearing is two things: 1) we have no money; and 2) there is a problem with the formula. His question is, is OSBE looking at the formula, is there a problem, and how is OSBE addressing it. **Dr. Rush** propositioned the committee with the question of, where do we go from here. There is no enrollment-driven formula; it has always been a base-plus formula. The challenge for the OSBE is how do you make the existing pie feed twice as many people? Other states are moving away from this; they are having to move backwards – look at what it wants out of the back and then move to the funding piece with the students.

He stated that a performance-driven formula will reallocate moneys based on what is wanted out of the universities, and feels this is necessary for higher education to succeed.

Dr. Rush indicated the legislature would be seeing this proposition this time next year.

**MINUTES
APPROVAL:**

Senator Malepeai moved to approve the minutes from **January 26, 2011**; the motion was second by **Vice Chairman Mortimer**. It passed by voice-vote. .

**MINUTES
APPROVAL:**

Vice Chairman Mortimer moved to approve the minutes from **February 3, 2011**; the motion was second by **Senator Winder**. It passed by voice-vote. Having no further business of the committee, **Chairman Goedde** adjourned at 4:45 p.m

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, March 10, 2011**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	I Do Teach Initiative	Barbara Morgan
<u>S1149</u>	Addition of 33-1021 to provide provisions relating to unanticipated public charter school closures and to provide for certain funding	Senator Winder

DISCUSSION JFAC Budget Recommendations

GUBERNATORIAL APPOINTMENT APPROVAL

Alan Reed

Minutes Approval

January 27, 2011 - *Senator Pearce*

February 1, 2011 - *Senator Andreason*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde

Vice Chair Mortimer

Sen Andreason

Sen Pearce

Sen Fulcher

Sen Winder

Sen Toryanski

Sen Malepeai

Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy

Room: WW39

Phone: (208) 332-1321

email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, March 10, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, LeFavour

ABSENT/ EXCUSED: Vice Chairman Mortimer

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: **Senator Goedde** called the meeting to order at 3:05; he requested the secretary take a silent roll.

PRESENTATION: **Barbara Morgan** and **Dr. Laurie Cavey** with the IDoTeach program from Boise State University stood to present.

Ms. Morgan stated that the IDoTeach program is modeled after the UTeach program, to substantially increase the number of high quality science and mathematics teachers produced by the school. Nationally, the program is part of a national initiative called the Science Math Teacher initiative, by the APLU (Association of Public and Land-Grant Universities). She stated the recommendation has been to create 10,000 new science and math teachers across the country.

In responding to that need there was a group of people at BSU who put together a survey of hiring needs in the next five years – the total numbers of math teachers needed will be 540, and science teachers will be 430. This is consistent with the requirement of needing 10,000 teachers nationwide annually.

Adoption of the UTeach model is seen as vital to ensuring students are drawn to the programs. Ms. Morgan stated the numbers are not being met as closely as they would like.

UTeach is a highly successful teacher preparation program – it was started at University of Texas-Austin in 1997. Nationally 20% of high school students are taking math classes from teachers without a math focus; that number regarding science classes is higher. STEM-focused teachers are necessary.

The first two courses in the UTeach program are offered to students for free if they successfully complete them. The curriculum design integrates practical design as well as contextual teaching.

Degree programs are compact, and they will allow students to graduate with a BS and teaching certificate in four years.

At all 22 UTeach universities, there have been tremendous increases in STEM graduates; the first replications began in 2007 – in the first four years, the replication increased tremendously. Since 2001 over 540 have graduated from UTeach Austin. UTeach-Austin sees a 70% retention rate from course 1 to course 2. **Ms. Morgan**

stated there is a large percentage of UTeach graduate (80%) that stay in the field after 5 years.

UTeach Idaho partners with community colleges – it is strengthening pipelines and collaborations between community colleges and universities, and provides additional pathways to recruit high quality students to become STEM teachers.

Chairman Goedde asked about the APLU slide. **Ms. Morgan** stated the red dots represent a separate collaborative intended to set a leadership collaborative.

Senator Andreason asked what **Ms. Morgan** would do to encourage more people to do to go into teaching math and science teaching. **Ms. Morgan** stated that rather than “traditional learning,” more non-traditional learning would be the way to go.

Senator Fulcher asked why teacher retention was higher in this program. **Ms. Morgan** stated UTeach doesn’t have the data now, but that her gut reaction now is that the students are coming out to this with a very strong tie to the school and community they love, as well as being committed.

Senator Toryanski asked if **Ms. Morgan** became an employee of NASA, or if she was still an employee of the school district – the first time she was an employee of the district, the second time, she was a contract employee.

Senator Malepeai asked if **Ms. Morgan** knew whether mentoring was a component in the 80% teacher retention. **Ms. Morgan** stated yes, she does believe this.

Chairman Goedde asked how important differential pay is for those who have a higher aptitude for STEM capabilities. **Ms. Morgan** stated she didn’t know – it is her belief that teachers who are in the profession are there because they want to, however she can see both sides.

Senator LeFavour asked if there was input if teachers had adequate supplies and the like; **Ms. Morgan** indicated they don't specifically; however through the extreme generosity of industry partners, teachers are receiving equipment.

Dr. Cavey stated she and her research partner just received the Ok to go into the classroom and research the needs of various classrooms.

S1149:

Senator Winder stood to present **S1149**. He stated this legislation deals with unanticipated charter school closures – this bill would allow districts that receive students from this type of closure to receive the funding for these students from these students to support them. He noted this doesn’t cure all the problems – it doesn’t pay the teachers that were working at the schools – but it does allow the moneys from the charter school to follow the students.

Senator LeFavour asked about the finances of this. **Eric Exline** stood to answer the questions of **Senator LeFavour**. He stated if you are past the November 1 date, somewhere in the 85% of the funding would still follow them. This bill does not purport to address the funding issue prior to the closure; all it is doing is saying that the district would receive a prorated payment for the number of students based on the remainder of the year.

Mr. Exline stated there are other more complicated ways of doing this if you wanted to try to address the previous funding, but this is the most straightforward way of doing so. He stated this bill would not attempt to account for the assets the corporation (the charter) held. The money paid out previously is not being attempted to be addressed.

Senator LeFavour asked if this is new funding that goes to the district, or if it is an attempt to recover funding – **Mr. Exline** stated it is not an attempt to transfer funds.

Chairman Goedde asked what was going to be captured if no money was coming out of the general fund. **Mr. Exline** stated that it was his feeling that it was.

Senator LeFavour stated she would be more comfortable having time to read the legislation, and moved to hold **S1149** until Monday; the motion was seconded by **Senator Fulcher**. It carried by voice-vote.

GUB.

APPOINTMENT:

Senator Fulcher moved to send the appointment of **Alan Reed** to the Public Charter School Commission to the floor with the recommendation that it be confirmed by the Senate. The motion was seconded by **Senator Pearce**. It carried by **voice-vote**. **Senator Mortimer** will carry the appointment on the floor.

JFAC

BUDGET

DISCUSSION:

Senator Malepeai stated that he surveyed a number of districts on this issue; he stated he was trying to get a combination of school districts, both large and small. He pointed to the first question: Do you support dedicated money through these “line items” to technology, IDLA and to fund new math and science requirements, or would you prefer to see that money delivered in discretionary funding instead? He stated that overall, the response was that districts want money delivered in the form of discretionary funding. He stated he felt that was the response he was probably going to get, and if, as a committee, they could give those moneys in that form, that would be his recommendation.

Chairman Goedde noted the variety of responses he received as well – he paraphrased an administrator who said, “give us the money, but we need to be cognizant of the fact that there are some who will use the money inappropriately.”

Senator Toryanski asked if any of the districts had indicated where they were going to be spending the discretionary funding. **Senator Malepeai** indicated that was all over the board – they just wanted the discretion to decide where the money needs to be spent the most.

Senator Andreason stated his superintendents have told him time and again that they are doing increasingly well with computer labs, and they have within the districts enough computers already. They want the discretion regarding how the money is spent. **Chairman Goedde** asked if his administrators told him where it would be spent; **Senator Andreason** stated the areas it would be needed most.

Senator LeFavour pointed to the various places that discretionary funding is being spent – from heat to text books.

Senator Fulcher stated that teachers are often leaving the profession because they can make more money elsewhere. He stated that technology is not a stand-alone answer; it plays a role. However there is an advantage to be had in leveraging it. He indicated his approach would be to line-item out a technology number and then allow districts to decide how they want to implement it – this money could then be used to leverage for teachers that leave.

Chairman Goedde reminded the committee that in **S1113** there was a provision allowing trustees to utilize technology funds if they already have a 1:1 computer ratio.

Senator Winder stated there may be a bit of a difficulty in how the grandson of **S1113** may be worded, but as much discretion as possible needs to be given to the districts. He feels money needs to go to the classroom whether it is a line-item

or not. He noted that each district will be distinct; some have good computer technology today, some don't. **Senator Winder** also reminded the committee that Superintendent Luna proposed a task force to be made up of stakeholders. **Senator LeFavour** indicated the line-items are Ok in a year when there are enough funds to keep lights on, but currently the state of Idaho does not have enough money for 176 classrooms of teachers.

Chairman Goedde indicated no-consensus of the committee; he also indicated he will inform JFAC of the committee's desires to direct as much as the state can into discretionary funds; however, doing so will sacrifice some programs that the legislature deemed near and dear. He reminded the committee that it had a specific line-item from Tuesday – the Youth ChalleNGe Program – but that it was his understanding this was an issue of reallocation of units. **Senator Malepeai** asked if it was a general consensus that members want to see more district flexibility – **Chairman Goedde** stated this was not necessarily the case given the feedback he has heard from members. He indicated he would allow the education committee members to see his recommendation prior to his presentation to JFAC.

Senator LeFavour presented her potential House Revenue and Taxation Letter.

**MINUTES
APPROVAL:**

Senator Pearce moved to approve the minutes from **January 27, 2011**; the motion was seconded by **Senator Malepeai**. It passed by **voice-vote**.

**MINUTES
APPROVAL:**

Senator Andreason moved to approve the minutes from **February 1, 2011**; the motion was seconded by **Senator Winder**. It passed by **voice-vote**.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, March 15, 2011**

SUBJECT	DESCRIPTION	PRESENTER
<u>S1149</u>	For Vote: Legislation to create provisions for salary-based apportionments to follow students in the event of an unanticipated public charter school closure.	Senator Winder
<u>H0204</u>	This legislation would amend section 33-2409, Idaho Code, for the purposes of specifying specific enforcement options in relation to the registration of postsecondary institutions and proprietary schools.	Mark Browning
DISCUSSION	JFAC Budget Recommendation Letter Minutes Approval March 2, 2011 - <i>Vice Chairman Mortimer</i> March 8, 2011 - <i>Vice Chairman Mortimer</i> March 9, 2011 - <i>Senator Pearce</i> March 10, 2011 - <i>Senator Winder</i>	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, March 15, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 committee to order at 3:05 p.m.

S1149: **Senator Winder** presented **S1149** for a vote. He indicated the fiscal note has been changed to reflect the fiscal impact in the event of a school closure. **Eric Exline** was present to answer questions. **Chairman Goedde** asked how the fiscal difference would be made up, as charter schools are front-loaded. **Mr. Exline** stated it is his understanding it would be the first in line creditor, but that this is a question beyond his line of answer.

Senator LeFavour moved to send **S1149** to the floor with a do-pass recommendation; **Senator Winder** seconded the motion. The motion passed with a voice-vote. **Senator Winder** will carry the legislation on the floor.

Vice Chairman Mortimer asked if the Office of the State Board of Education or the State Department of Education had the ability to issue deficiency warrants on behalf of charter schools. **Mr. Hancock** stated if the provisions are triggered this would be funded from the public schools budget.

H0204: **Mark Browning** stood to present **H204**, which is legislation regarding the registration of proprietary schools. He stated this also clarifies language regarding the people in the arena of private education. **Mr. Browning** told the committee this legislation would help to improve and distance Idaho from the negative monikers that have been attached. He pointed out technical, definition changes, exemptions, and clarifications of what is false or misleading. There is also language in the legislation regarding surety bonding in the event of a school's failure, and criminal penalties regarding enforcement.

Senator LeFavour asked how this addresses access to books of schools that operate in multiple states. **Mr. Browning** stated this legislation concentrates solely on the operations that are performed within the state. The surety bonding, for example, would not be assessed against the entire operation, but only the classes within the State. **Senator LeFavour** asked about online education. **Harvey Lyter** stated an online only school that has no physical presence in Idaho has currently no registration requirements here – there is no online regulation.

Senator Toryanski asked if this covered the non-profit institutions as well. **Mr. Browning** stated they do.

Kris Ellis, representing the Northwest Career Colleges Association (NWCCA), stood to testify in favor of the legislation. She stated that previously Idaho had been

ranked 49th out of 50 in terms of “diploma mills,” and this legislation will help to change that. She indicated “misleading or unfair” was removed from the legislation as it may be difficult for schools to realize what “misleading or unfair” is.

Senator Pearce asked if there was anything in the bill that was being seen as onerous or stood in the way of private industry. **Ms. Ellis** stated NWCCA is still working with the board on various issues, so as such, no.

Senator Malepeai asked about “reasonable notice” as written on page 6 – **Ms. Ellis** asked to defer that question, as she wasn’t qualified to answer that question. **Shane Reeder**, regional director for Stevens-Henneger College in Idaho stated “reasonable” depends on the circumstance. If it is something that is acute, the window shortens; if it is not so acute, and does not necessarily threaten large amounts of student moneys, then it may be larger. He stated he has seen “reasonable notice” as short as three days, and as long as thirty.

Senator LeFavour asked about the false or misleading representation, and asked if the financials would be included within this. **Mr. Browning** indicated yes.

Mr. Reeder stood to testify. He stated that prior to 2007 his institution was not required to register in the state. However, they chose to submit themselves to registration to identify themselves as above-board players. What this legislation has done is eliminate what is feloniously unfair and means rea. This also allows a student to bring a private right of action against a school for intentionally failing to register. He stated his college is in support of these changes.

Senator Pearce moved to send **H204** to the floor with a do-pass recommendation; **Vice Chairman Mortimer** seconded the motion. The motion passed with a voice-vote. **Senator Pearce** will carry the legislation on the floor.

**JFAC
LETTER
DISCUSSION:**

Senator Fulcher stated he agrees with **Chairman Goedde’s** analysis of the technology aspect, particularly as the great equalizer. With that said, he asked if increasing support for IDLA would disadvantage other providers in their provision of those types of courses. **Chairman Goedde** stated the first two pieces of financing of IDLA are in the area of \$1,000,000. The third piece is a support per class, and he is more comfortable with the support per class as being fair to competition. However, he does see the argument that can be made where we are supporting our state’s virtual academies over private for-profit competitors.

Senator LeFavour pointed to the second paragraph, and indicated she is a little hesitant to say that for large districts that is what she would say for them. **Chairman Goedde** stated that in small districts, many times online classes are the only way that type of class is offered versus large districts, where they are used in conjunction with electives. He stated he would be happy to change “will find” to “may find” if that would make her comfortable.

Responding to questioning by **Senator LeFavour**, **Chairman Goedde** stated the \$8 million is his level – he is not recommending going over it; the \$5 million was the funding recommendation of the governor. He indicated what he may say is that he supports the superintendent’s funding recommendation of the IDLA.

Senator LeFavour commented she is uncomfortable knowing any line-item is competing with any teacher.

Senator Fulcher noted he feels the chair has done well with the letter.

Senator Malepeai indicated he would like to review the letter more, and he may offer a minority opinion as well.

**MINUTES
APPROVAL:**

Vice Chairman Mortimer moved to approve the minutes from **March 2 and 8, 2011**; the motion was seconded by **Senator Winder**. It passed with a voice-vote.

**MINUTES
APPROVAL:**

Senator Pearce moved to approve the minutes from **March 9, 2011**; the motion was seconded by **Vice Chairman Mortimer**. It passed with a voice-vote.

**MINUTES
APPROVAL:**

Senator Winder moved to approve the minutes from **March 10, 2011**; the motion was seconded by **Senator Malepeai**. It passed with a voice-vote.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Thursday, March 17, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Office of the State Board of Education Update	Dr. Mike Rush, OSBE
PRESENTATION	Sex Offender and Gang Law Update	Steve Bywater, Molly Huskey and Jim Tibbs
<u>H0236</u>	Changes to 33-317A, Idaho Code, to allow construction on authorized projects to commence as funds are collected as opposed to waiting until after funds have been collected.	Representative Nonini

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, March 17, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

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

**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 committee to order at 3:00. He requested the secretary take a silent roll, and welcomed Dr. Mike Rush with the Office of the State Board of Education to present the OSBE update.

PRESENTATION: Dr. Rush's testimony has been inserted as follows:

Higher Ed has been on auto pilot in this country. We have had the best system for the past century and it has allowed us to become the economic and military power in the world. A number of recent events suggest that we can no longer assume that our position in the world is secure nor that higher education will automatically continue to meet the needs of our students and our society.

People increasingly recognize that a college education is necessary for a person to be successful in today's work world. The percentage agreeing to that viewpoint has grown from 31 to 55% over the past 9 years. However, the percentage who think that college is within reach has shrunk from 45 to 28% over that same time period.

The public perception that college is necessary is an accurate one. According to the recently released report from the Center on Education and the Workforce by Anthony Carnevale, 61% of Idaho's population is projected to require some sort of Postsecondary education by 2018.

It is important to remember that providing an attractive, highly educated workforce as an economic strategy is a long term commitment. It isn't something we can gin up in a year or too when the economy gets better or we find some great companies we want to develop or recruit.

Poverty is also a significant barrier. If you look at completion rates by income, it shows a stark reality. Young people from high income families complete college at a 60% rate. Those from low income families complete at a 7% rate.

In order to address Idaho's need for a competitive workforce as well as Idaho's need to provide an opportunity for its citizens to live productive lives, the board has set the goal of 60% by 2020. You're asking 60% of what? Our goal is 60% of all Idahoans between the ages 25-34 will hold some sort of degree, whether it is a Professional Technical Credential, 2 year, 4 year, or Advanced-Graduate degree.

To this end, the State Board of Education has worked on a number of strategies to improve Idaho's college success rate. Many of these initiatives are just now being

implemented. SBOE's Strategic Plan, for example, has several objectives focused on this, including: Improved access, better instruction, better use of educational resources, and increasing the educational attainment of all Idahoans.

In order to accomplish these strategic goals at the higher education level and to help us meet our goal of 60%, a key partnership has been made with Complete College America. This partnership has resulted in Complete College Idaho. There are 4 components of Complete College Idaho we will talk about today.

The first component is Remediation, providing help for students who are not yet ready for college. The fact is: remediation as it is most commonly implemented simply doesn't work. Students who require significant remediation are almost guaranteed to fail. As part of Idaho's participation in Complete College America, Idaho will be focusing on remediation in three key areas: Assessment and Placement, Instructional Delivery, Accountability and Continuous Improvement through Data and Reporting.

The first area is Assessment and Placement: In order to create consistency, control costs or directly improved results, OSBE will be working with the institutions to evaluate Board policies regulating assessment, placement and delivery of remedial instruction. Additionally, OSBE and SDE are working together as the Common Core Standards are established and implemented.

The second area is Instructional Delivery: A one size fits all approach to remedial instruction where students must enroll in one, two or more semesters of remedial instruction has not proven to be effective. Research from the Community College Research Center has found that most students who require remedial education do not complete their remedial education sequence within one year. Many do not even enroll in a single remedial course. Idaho institutions have already begun to experiment with different models for remediation such as putting the student in the regular course and wrapping services around that student to help them succeed.

The third area is Accountability & Continuous Improvement through Data and Reporting: A majority of states, 36, collect and track performance data on students taking remedial and developmental courses. Currently, Idaho collects remediation participation information only. We are looking for ways to collect and report comprehensive and relevant data on remedial services.

The second component is articulation. There are essentially four areas to these efforts: common core that is consistent among institutions and transferable, credit requirements for time to degree, a transparent system for students/parents to analyze the ability of credits to transfer, and data collection and reporting.

Idaho does have Board specified minimum common core and requires the transfer of that core in its entirety. The Board also mandates that any credit offered by a public institution in Idaho is transferable. There is still work to be done to improve transparency and streamline the transfer process. Our office is working with the institutions to evaluate policies and update the Board required core to ensure there is consistency and alignment between the Board core and institutions' core.

The Board has also reduced the minimum credit requirements for a bachelor's degree from 128 to 120. In that vein they are also evaluating their Academic Core to ensure all classes and programs have essential learning outcomes with appropriate assessments. This reduction in credit hours reduces time to degree and required institutions to evaluate their degree programs and eliminate courses to expedite the time to degree.

The third Complete College Component is advanced opportunities: Dual Credit, Advanced Placement & International Bachelorette programs, and PTE. Using funds provided by the federal College Access Challenge Grant (CACG), the State Board of Education has been able to award scholarships to low-income high school students taking dual credit courses. In this, the third year of CACG, scholarship awards have increased to \$232,000 in total dollars spent on scholarships from \$45,000 in year one. Scholarship dollars have been used in dual credit programs coordinated by each of the Board's four-year institutions and community colleges as well as Northwest Nazarene University. In 2011, approximately 1,050 Idaho high schools students received scholarship awards from CACG.

Advanced opportunities do improve college going rates and college success. Tech Prep is a good example. It has also been working the longest and has demonstrated that early opportunities do make a difference. Students who complete a Professional-Technical program in high school, for example, go on to college at a rate of 63%.

The fourth component is student advising. The College Access Challenge Grant (CACG) is planning on partnering with the Southern Region Educational Board (SREB) to integrate Idaho-specific information on counseling for the rollout of an online training program entitled the Comprehensive Counselor Training Initiative, or CCTI, specifically focused on college access and success. The goal of this training is to help counselors to work with students to overcome the obstacles to postsecondary education.

An initial training on the modules will take place, at the Idaho College Access Summit sponsored by GEAR UP and CACG to take place at Boise State University June 28-29, 2011.

We think these initiatives will improve both the availability and effectiveness of higher education for years to come. In addition to these complete college initiatives, the State Board is also working with the institutions to significantly enhance Idaho's ability to enhance its higher education research capability. The goal is to increase the research dollars coming to Idaho as well as stimulating Idaho businesses tied to research initiatives. A good example of this initiative and the benefits that can be generated is the Center for Advanced Energy Studies or CAES.

CAES is a research and education partnership between Boise State University, Idaho National Laboratory, Idaho State University and University of Idaho.

Research is focused on nuclear science and engineering, advanced materials, carbon management, bioenergy, energy policy, energy efficiency and modeling and simulation. The state invested \$1.6 million to support faculty and staff at the three Idaho universities. In return, CAES researchers won approximately \$8.2 million in research, infrastructure, and other funding through competitive processes. This money is expended, returning revenues to the state.

In October 2010, the Governor's Office announced the launching of a new institute entitled Energy Efficiency Research through CAES aimed at making buildings, homes and industrial systems more energy efficient. The Institute includes the CAES partners as well as Idaho Power, the J.R. Simplot Co., Micron Technology, and other Idaho-based companies; the Boise Metro Chamber of Commerce, the National Resources Defense Council, and the Idaho Office of Energy Resources.

In addition, the State Board repurposed some of the research dollars appropriated

by the legislature each year to expressly stimulate efforts toward tech transfer – in other words, enhancing the ability of university researchers to commercialize that research.

This “gap fund” is called the Idaho Incubation Fund. Last month, the Board awarded 7 grants to our research institutions for moving research initiatives toward economic viability. We partnered with the Idaho Technology Council to evaluate the proposals, visit with the researchers and select the winning projects. This provided several unique advantages. First, it brought some of the best research commercialization minds in the state together to evaluate project potential. Second, it helped create a connection between the business sector which has the resources and expertise to take these ideas to the next level with the institutions who are creating the intellectual capital. Finally, it enhanced an ongoing partnership between business and higher education.

We are extremely thankful for the willingness of the Technology Council for their generous donation of expertise. One example of a project that was funded was to Idaho State University.

The project focused on a newly synthesized compound that, in initial studies, is effective against pancreatic cancer cells and is non toxic.” Pancreatic cancer has received attention as of late with the diagnosis of Apple CEO Steve Jobs. As Alok Bhushan, an ISU pharmacy professor, points out “Pancreatic cancer has low survival rates - about 4 to 6 percent after five years - and there are no good drugs for its treatment.

Idaho higher education system is one of our real gems. It has an immediate and significant impact on the economy and even more importantly holds the key to whether Idaho thrives or limps along in the future. The decisions we make today will determine which future we get.

Think of the impact that a higher education has: both on society and on the economy. You all have heard the statistics of earning potential and how it correlates to the level of education obtained. However, there is also significant overall economic impact. As I have shared before, Idaho’s system of higher education brings in 100 million more dollars every year in cash than we spend in state general account dollars. In addition, Idaho’s institutions contribute millions of dollars in economic benefit. In a recent study, the University of Idaho alone is estimated at just under \$1 billion dollars. Boise State estimated their direct and induced economic output from purchasing, constructing, and employee spending alone at \$325 million annually. Their graduates contribute almost a billion dollars annually to the economy. Higher Education is the 9th largest industry sector in Idaho.

This impact is further illustrated by comparing education levels and the standard of living for every Idaho citizen. This chart compares the average income per capita of the 50 states with the average education levels. Although these data just focus on the education levels of 25 to 34 year olds there is a strong correlation between the average income of a state’s population and the amount of education they have.

In a middle of all the work we are doing, we have received national recognition for our innovative communication. We were named in February 28, 2011 as one of the Washington Post’s Top Political/Governmental practitioners of social media. Source: The Fix/Washington Post Idaho is a unique and wonderful place to live, work and raise a family. It takes all kinds of backgrounds, abilities and ideas- those ideas come through people; people whose minds have been trained to think critically to challenge us to be more than we are now.

Education can and does literally change lives. We realize that what happens both here and at the State Board of Education has an impact on how the quality and availability of education will proceed in Idaho in the near and long term future.

Thank you—Thank you for your time here today, thank you for the opportunity to stand before you—and thank you for your efforts, your dedication and commitment to Education and to Idaho. And with that, I am happy to stand for any questions you may have.

Senator Toryanski stated that to him it seems there is a group of people that is graduating from high school, lacking the skill-set to meet a post-secondary education, and inquired if maybe they should be doing something else, or if there is a system that is failing them. **Dr. Rush** indicated that expectations are much higher than they used to be, and that we, as a nation, are expecting more out of our students. One of the keys to this transition is that we need to become more precise in our administration of this remediation. He also indicated the state is working very hard at the secondary and middle school level so that students know in middle and high school where they stand and what information they are, or are not, getting.

Chairman Goedde inquired about the counselor initiative, and asked if these were high school counselors – **Dr. Rush** indicated yes.

PRESENTATION: **Director Brent Reinke** stood to present on sex-offender legislation and gang law update.

Director Reinke stated there are some significant changes in the proposed legislation; the Idaho Criminal Justice Commission is 25-members strong.

Steve Bywater, with the Office of the Attorney General, presented the problem of sex offenders and sex offender management within the state. He indicated the ICJC has been looking at this since 2005, and since 2006 has had a subcommittee to prepare remarks for the governor. Since this development the federal government has developed the Adam Walsh Act, and the subcommittee has worked to meet these federal guidelines.

Mr. Bywater indicated the legislation moving through is a step forward in advancing these goals. He explained how S1154A would change the current Idaho Sex Offender management law, which would include creating a violent sexual predator designation, creating a board charged with implementing best practices in sex offender management in Idaho, and adding accountability for sex offenders under the current registration system which comply with national registration standards. Mr. Bywater noted the sex offender registry is not intended to be a punitive tool, but it is intended to be used as tracking device, among other things. This legislation will put the state on board for future improvements.

Senator Fulcher stated the legislature is being asked to consider one, and possibly two, pieces of legislation that deal with pornography. He asked if there was anything that Mr. Bywater could share that could support, or not support, the claims that pornography goes hand in hand with VSP's. Mr. Bywater stated there are studies that indicate a high degree of correlation between child pornography and child molestation; however regarding adult pornography, there are some studies that say yes, and some that say no.

Jim Tibbs stood to present on H235, legislation relating to Gang Suppression. He indicated the effort started approximately two years ago when it came to the attention of the ICJC that the existing gang law just wasn't working well.

Sections 18-8502 and 18-8503, Idaho Code are strengthened under this legislation; injury by graffiti, crimes committed behind bars, and the inclusion of certain sex offenses, have all been included under the changes in H235. The bar for the penalty enhancement has also been increased; the committee has recommended to change the minimum from two to five years, which will hopefully be a great improvement to the gang enforcement act.

Ellie Somoza stated she has been prosecuting gang cases in Canyon County since 2005; this has assisted in taking out gang leadership. The enhancement portion has not been widely utilized, as it is viewed as a lot of work for not a lot of payoff for a lot of work. The judge would still retain discretion under the enhancement portion. Regarding false identification of gang members, this is all tied back to patterns of gang activity; merely dressing as a gang member would not identify someone as a gang member and result in them being prosecuted. **Ms. Somoza** stated the issue of gangs have started to spread out among the state.

Senator Fulcher asked about gang activity in relation to immigration population or economic activity. **Ms. Somoza** stated that while the gangs are predominately Hispanic, the gang members are not themselves typically illegal immigrants. They tend to be first or second generation immigrants. In terms of the economic situation, generally there has been an increase in property crimes. **Mr. Tibbs** noted in one of his positions he visited the city of Fruitland, where he asked the Fruitland law enforcement what the Drugs mean to them as far as law enforcement. The sheriff stated it is typically 80-90% drug crime offenders that are in the jails in those areas.

Detective Donohue stood to present a brief update on the “Black Magic” takedown this week. He stated there was a very intertwined network; although the leadership was incarcerated in IDOC, the directives were still coming out. After a year to 18 months, they were able to build a case under RICO and federal racketeering charges, after which point they could go out and arrest on Tuesday. Approximately ½ of the 30 arrested were already incarcerated. He stated what the subcommittee is referring to is the importance of putting these people where they belong for a longer period of time.

Senator Andreason asked **Director Reinke** and **Mr. Tibbs** about H222; **Director Reinke** stated he felt unable to respond to the question. **Mr. Tibbs** stated that he has not read the legislation, but what concerns him is that there are people who are carrying weapons who do not know how to use them, and he feels there are issues that need to be flushed out.

H0236

Chairman Goedde passed the gavel to **Vice Chairman Mortimer** and stood to present H0236. He stated this legislation would allow building construction to commence as funds are collected for cooperative service agencies rather than waiting until all funds are collected. In an effort to satisfy concerns of some members of the House of Representatives, on page two, starting with line 29, there are some conditions that a contractor would have to accept.

Dean Haagenson from Coeur d'Alene, representing KTEC, stood to testify in favor of the legislation. He stated KTEC was entirely an initiative of the private sector. The land is purchased, and the levies have been passed, but because KTEC has to have all the funds in hand prior to starting construction, they will be unable to open in Fall 2012 as anticipated. He stated the facility has been needed for a long time, which is the reason for the hurry – he stated a contractor would bid on this because they will stand by the building of this.

Mark Cottner from COSSA stood to testify in favor of the legislation. He told the committee that the regional technology centers have a positive impact on students;

COSSA serves approximately 400 secondary students from the 5 districts, and, among other things, is maintaining a 96% placement rate. Currently it has more jobs than it can turn out students for. He stated he is familiar with the original piece – 33-317, and 33-317A, which is being utilized in North Idaho.

Hazel Bauman, Superintendent of Schools in Coeur d'Alene, stood in favor of the legislation. She stated over 100 of the students in the Coeur d'Alene district will drop out this year, and in talking with many of these students, this is just the ticket to get them back. Coeur d'Alene has run 6 successful SPFL's; in every one of them they have started construction prior to collecting all the funds, so this shouldn't be an issue.

Chairman Goedde stated the only other thing he would point out is that the climate for school construction is probably the best it has been in the past 10 years, so passing this legislation would allow them to take advantage of it.

Senator Winder moved to send H236 to the floor with a do-pass; the motion was seconded by Senator Andreason. It passed with a voice-vote. **Senator Goedde** will carry this on the floor.

Having no further business of the committee, **Chairman Goedde** adjourned at **4:15 p.m.**

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Monday, March 21, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20648</u>	Legislation which makes technical corrections to 33-1004I to allow the fiscal note of S1110 to be more accurate	Chairman Goedde
<u>H0201</u>	Legislation amending 33-1208, 33-1209, 33-1210 and 33-1211, Idaho Code, to make it easier for Idaho to reject certification for teachers and administrators who have negative conditions attached to their certificates, or who are under investigation for ethical violations to their state's professional conduct code.	Representative Nonini

MINUTES APPROVAL

February 24, 2011 - *Senator LeFavour*

March 7, 2011 - *Senator Toryanski*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, March 21, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, McWilliam(Malepeai), LeFavour

**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 3:05 p.m. He requested the secretary take a silent roll.

JLOC DISCUSSION: **Chairman Goedde** opened the committee with discussion of the JLOC recommendations. **Senator Mortimer** indicated it was his feeling that the discussion of the funding formula of higher education might be a good area to study. He feels that some independent research would keep from putting the OSBE and institutions in a tough spot. He also feels that the communications, from the state board all the way through to the university. He presented two examples: one, how does communication get from students to the state board. Another example may be communication from faculty senates to the state board - exploring these two examples would be his two examples.

Senator LeFavour stated that off the top of her head she feels that she would like to see a study as to the constitutionality of the funding of the school system, and if there needs to be funding changes to our current system. **Chairman Goedde** noted it was his understanding that two years ago such a study was done; **Senator LeFavour** indicated her feeling that this was a prime time then after the policy changes to review this funding.

Senator Winder stated that the Rolling Hills Charter School has a population in excess of 20% special needs students, so possibly looking at how they are funded for these students; he also indicated the bonds and bond ratings for these schools are something which could be looked at; he asked if looking at the real attrition in the public school system in Idaho is something that could be looked at. Also, the school system in Idaho is still growing, and asked how future needs can be projected – there will be a need for teachers in the future, so this would be a good question to ask. **Senator Winder** stated one of the other things that has come out of the whole debate is that there are so many who get treated as professionals – how do teachers get treated as “professionals”? –whether it is through payment, treatment, etc.

Chairman Goedde noted that attrition and projected needs are certainly good areas to look at; attrition varies through districts, and there are people who are of retirement age, but because of the dipping of retirement accounts, these baby-boomers have not yet retired.

Senator LeFavour stated retention of teachers has been put on her list, and what sort of factors play into this as well; she pointed out this would play well into the

attrition question.

Senator Toryanski offered the questions of what it would take to get talented individuals into the classroom as teachers.

Senator LeFavour stated she might like to see the impact of class sizes in small versus large districts, and the impact on student achievement. **Chairman Goedde** noted that without the longitudinal data system in place, it would be difficult to gather any data for Idaho specifically.

Senator Pearce stated he has wondered about the effectiveness of teachers; he wonders if there is something to be studied about the effectiveness of superintendents. **Chairman Goedde** indicated he is not sure what can be brought to the level of Idaho, but he feels it does merit discussion. **Senator Andreason** stated it is the people at the local level who make this decision.

Senator Mortimer posed the question of parental involvement, and asked how this can be encouraged, what are success stories, what are failures, would a parental report card be helpful – would something like this be helpful? He asked, if parents are weighing in on teachers, is it time for teachers to weigh in on parents?

Chairman Goedde stated he is going to flesh out the ideas, send a ballot to the committee, and tally the recommendations for a JLOC recommendation letter.

**MINUTES
APPROVAL:**

Senator Toryanski moved to approve the minutes from **March 7, 2011**; the motion was seconded by **Senator Mortimer**. The motion passed by voice vote.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Tuesday, March 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>S1184</u>	Legislation relating to public schools modernization and reform	Roger Brown <i>(Office of the Governor)</i>

STAKEHOLDER TESTIMONY

Karen Echeverria

Idaho School Boards Association

Phil Homer

Idaho Association of School Administrators

Sherri Wood

Idaho Education Association

Laurie Boeckel

Idaho Parent-Teacher Association

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde

Vice Chair Mortimer

Sen Andreason

Sen Pearce

Sen Fulcher

Sen Winder

Sen Toryanski

Sen Malepeai

Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, March 22, 2011

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, McWilliam(Malepeai), and LeFavour

**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 3:05 p.m. He requested the secretary take a silent roll.

S1184: **Roger Brown**, Representing the Office of the Governor, stood to present **S1184**, legislation relating to reform and modernization in Idaho's classrooms. His testimony has been inserted below:

Good afternoon Mr. Chairman and members of the committee. Thank you for allowing the Office of the Governor to present S 1184, legislation crafted to reform and modernize Idaho's classrooms, supply more tools to our teachers, and to meet the demands of the modern workforce and better prepare our students for higher education.

Governor Otter has been proud to tout the progress made by Idaho students in recent years. While we celebrate the performance of our students and teachers it is important that today's achievement not be compared to past performance, but linked to the ultimate goal. We need to look at how we are preparing our students to compete with the rest of the world and develop strategies to foster excellence.

The Organization for Economic Cooperation and Development 2009 Program for International Student Assessment (PISA) report tested 15 year olds in 65 countries. According to this study American students are woefully mediocre in reading and far behind their counterparts in science and math. It is beyond our scope to address systemic problems across our nation relative to the great strides being made abroad, but we can work to ensure that Idaho students are well equipped to compete in the global market.

The uncomfortable truth behind the PISA report is that the countries outperforming the United States do so in larger classes and with less per pupil funding.

There is room to carefully rethink some of the notions that have governed Idaho education policy.

Good policy does not happen by accident. Anecdotally, the Idaho business community, expressed elegantly in the Idaho Business Coalition for Education Excellence and their Education Alliance transformative agenda, cites a need to improve from here in our own backyard. The foundation of their organization is rooted in the acknowledgement that there is "a disparity between workforce and societal needs and the supply of qualified people graduating from public education

in Idaho.”

Looking at just one measure among states, the Editorial Projects in Education (EPE) Research Center ranks Idaho eleventh in “use of technology,” measuring whether state student standards include technology, test students on technology, have a virtual school, or offer computer-based assessments. That’s the good news.

The troubling grade for Idaho comes in our school’s capacity to use technology, measuring state standards that include technology for teachers and administrators and their use of technology in professional development. In this capacity Idaho grades an F and ranks fourth from the bottom. We simply must do better by our teachers and administrators. We believe this legislation delivers on that count and provides tools our teachers need to maximize their abilities.

The legislation before you today is significantly changed from the previous bill passed by this committee in February. The principles behind the previous legislation, chief among them the urgency to build upon our successes in our public schools while recognizing the constraints of a flat, unpredictable revenue stream, are intact. As Superintendent Tom Luna has said on many occasions over the last several months, our current system for funding education has been cannibalized, reduced to bare bones over the last three years as state revenues have decreased. Simply cutting more does no favors for our students and our districts. The Governor has been clear that taxing working Idahoans more will not solve our fiscal woes.

We are left to determine a better way of doing things with the funding available. Statewide this has meant doing more with less. To date the average state agency has shed almost twenty percent of its budget over the last three years, a time during which policy makers have worked to hold public schools harmless from holdbacks and implement as minimal an amount of reductions in support as possible.

No one in this building was satisfied with the reduction the Public Schools budget received last year, though it is important to point out that the Public Schools budget currently represents fifty one percent of the General Fund, its largest share of state spending since 1989. That fact may be of no comfort to many people, but it highlights the commitment this legislature and this Governor made to support spending for schools while hacking away at all other state expenditures to a far greater degree.

So here we are faced with another year of cuts, telling ourselves that if we just trim around the edges, tap those last hidden pockets of one-time funds, squeeze just a bit more out every other state agency, hold our breath a bit longer, maybe we won’t have to make the tough decisions we know circumstances demand.

The Governor would submit that the choice is not to maintain or cut, but to cut or change.

The question then is whether we can do more with less. There was a time when that would seem like a silly question. Less is not more. Less is less. More is more. But if we look across every sector of our lives today we do indeed do more with less thanks to the efficiency of technology. When our grandmothers were little girls horse power was a term defined by the power of an actual horse. Today, we measure the thrust of the engines that lift the Space Shuttle into space by a horsepower so gaudy that it is meaningless to equestrians – 37 million horsepower.

We carry whole libraries of music, movies, and literature in our pockets. Could we reach back in time and pluck our great-grandparents out of their buggies and drop

them into our modern workplaces, our university technology labs, or in front of our flat televisions with 500 high definition channels they would be hysterical. Familiar to them, however, would be far too many Idaho classrooms.

It is and has been a simple equation. Classroom. Teacher. Students. Nothing being proposed here today alters that formula. We do propose to make it more robust through the use of technology and the courage to make some systemic changes. The Governor believes it is possible to live within the confines of state revenue while enhancing the classroom, empowering teachers, and providing cutting edge tools for Idaho students to enhance achievement, provide equal opportunity, and to make kids more college and workforce ready.

As in previous versions of this legislation there remains an emphasis on professional development for teachers, increased technology in the classroom, and ultimately the provision of mobile computing devices at a 1:1 ratio in all Idaho high schools. The super-structure is the same, but the changes in how we get there reflects the tremendous amount of input from the public, educators, members of this committee, and members of the legislature.

The original bill dealt with savings generated by increasing the average daily attendance divisor slightly increasing class size. The bill before you today still reallocates dollars from within the public schools budget, but in response to testimony heard in this committee and work with stakeholders the new bill allows districts to manage their funding by giving them flexibility in the “use it or lose it” portion of salary based apportionment. Districts will be authorized to keep the positions and funding associated with salary based apportionment if not fully utilized, up to 6% in FY 12, 8% in FY 2013, and 10% in 2014.

The statutory requirement to include online courses for graduation has been removed. In its place there is language directing the State Board of Education to create digital citizenship standards and to consider adding an online course graduation requirement for the class of 2016. Committee members may recall the original proposal included an on-line requirement of eight credits to graduate.

While significant concern about the original requirement was raised, and we hope that reducing that requirement to zero and deferring to the State Board on these matters will show how seriously we take this process, it cannot be understated that our students must be prepared for life in an online world. Numerous businesses and institutions of higher learning have fully embraced online learning for education and training purposes. Dr. Kustra from Boise State University recently testified before this committee that fully ten percent of his students are online students and that many will never see Idaho.

The Governor looks forward to the on-going discussion regarding on-line learning in Idaho and hopes that our state policy will keep pace with our colleges, universities, and employers.

The new legislation before you expands and further defines the role of a stakeholders task force to include a minimum of twenty-seven members, including superintendents, principals, teachers, education technology experts, business leaders, and legislators. The importance of this task force cannot be understated, particularly as other changes in this legislation are counted.

Generally speaking this legislation pushes back the aggressive but doable implementation of classroom and individual technology devices from the prior bill. This both allows the task force more time to do its work and for teachers

and administrators to become familiar and comfortable with the technology to be implemented. This also allows more time for districts to develop their own terms of use. Professional development and teacher comfort with technology is absolutely vital and we propose an unprecedented investment in training and implementation of best practices to give Idaho teachers more tools than ever.

High school teachers would receive mobile computing devices beginning the fall of 2012. The following year, the 2013-2014 school year, high school students would begin to receive devices for use in their studies with all high school students utilizing devices by the 2015-2016 school year. Districts with one-to-one device to student ratios in place will be allocated discretionary funds to be used as they see fit. No good actors will be punished.

The new legislation invests \$10 million a year in instructional technology for Idaho classrooms, including wireless internet, electronic white boards, clickers, and other tools for the room. An additional \$3 million investment in professional development for teachers is also included. While this investment of \$13 million represents a significant leap forward for classroom technology and professional development for teachers, the initial investment targeted by prior versions of this bill topped \$24 million.

This approach embraces the idea that technology has empowered people to greater excellence and efficiency in virtually every aspect of our society. Our teachers deserve the same tools be incorporated into their place of work. Our teachers deserve the training and access to the best practices in using technology, not replace, but expand and supplement their abilities to teach our children.

From surveys of districts around the nation and the world we know what teachers empowered by technology may accomplish. With greater efficiency they can differentiate instruction based on student performance. They can plan, schedule, and track standards, align instruction, gain access to exemplary and tested lesson plans and resources, and analyze student progress with item analysis and trend reports. This is very exciting.

This legislation includes adjustments to the fractional ADA and Idaho Digital Learning Academy funding provisions, adding a provision that registration for online courses be done through the normal district registration process. A funding floor is established for IDLA of \$3.5 million in FY 2013 and 2014.

In paring down the previous versions of this bill we have removed a number of significant expenditures. One of the most important to note is that the restoration of facility maintenance dollars is no longer included in this package.

We are pleased to be able to restore automatic movement on the salary grid for FY 2012 and to restore one year of frozen education credits. As with previous versions of this bill the minimum salary for a new Idaho teacher is increased to \$30,000 per year.

Funding formulas found in this legislation create the opportunity for the Legislature to fund increased dual credit opportunities for eligible students, incentivizing our best and most ambitious students to attain college credit while still in high school. This legislation also provides resources for increased rigor in mathematics and science. This is not some experiment that may or may not yield results, this is a profound investment in exactly the kind of education that will enable Idaho's students to compete globally.

Provisions of good government and transparency found in the previous bill remain in this legislation. The State Department of Education will be required to post a fiscal report card for each school district and each district will be required to post its budget and master labor agreement online. Language permitting public post-secondary institutions to operate charter schools also remains in the new legislation.

In an effort to demonstrate sustainability the Office of the Governor has distributed a five year outlook measuring the fiscal impact of this bill. Passage of this legislation by no means suggest an end to the discussion about how we manage scarce resources, only that we express policy priorities in how to best equip our students and teachers. That fiscal outlook reflects the certainty a plan can bring. But to be clear, the Governor has long said that when state revenue growth materializes education will be the first state priority to benefit from increased funding support.

Mister Chairman, we present this legislation following now three months of vigorous debate and generally civil discourse here in this building and around the state.

There have been some wonderful discussions, some real philosophical disagreements, and more than a few half-truths exercised around this reform package. One nugget, surely delivered solely to rile up parents, suggested The Governor and Superintendent want to replace teachers with computers.

A teacher who uses technology, is trained and skilled to do so, can accomplish more as surely as the coachman on one horse powered wagon could only marvel at the 37 million horses that can vault a ship into space.

Last week the Governor signed the two other major pieces of this education reform package and he was criticized by some stakeholders for doing so quietly and without fanfare. In doing so the Governor had one message to deliver. Though the strides taken in those pieces of legislation were significant, our job was not done. Our job would not be done until we delivered meaningful reform into the classrooms. Technology for teachers, sustainable funding support for classroom and student technology, and a framework within which we may build the next generation of educational excellence.

More broadly speaking, our job does not end with the passage of this legislation. There are years of work ahead to implement these programs the correct way. As one education technology expert stated before this committee during the week long hearings on this package, if we don't implement technology correctly we've simply bought expensive pencils. This cannot happen. The Governor, and I will speak on behalf of Superintendent Luna as well, are committed to the correct implementation of these programs to foster the very best, most efficient education system in the nation. We believe this bill facilitates the work that is to come.

In the future, the near future, we will see students using interactive gateways to new courses via the Idaho Education Network, students learning at their own pace on a modern "electronic textbook" in a classroom without walls, and specialized and excellent teachers sharing their gifts not only with the students in their classrooms, but with those in small and remote districts.

This legislation makes that future a reality in short order and with uniformity for our many districts around Idaho. Whether a child lives in Boise or in Blackfoot should not determine whether that student has access to the most modern, rigorous, and cutting edge tools in their education. Again, on behalf of the Office of the Governor thank you for allowing me to present this legislation. The Governor is excited by

the possibilities represented in this reform and modernization package. For our teachers, for our students, and for the future of Idaho. Excellence for our schools is the only goal.

Senator LeFavour stated she was intrigued that there are three places in the bill where money is taken away from teachers and put into technology; she asked who would replace the teachers. **Mr. Brown** noted to start that the online class requirement has been removed; he indicated the reality is that the revenue is not there to fund our current system the way it is currently operating, and changing the system merits consideration. However, there is no desire to be overly prescriptive in telling districts how to spend their money.

Senator LeFavour stated she fails to see where and how the legislation is not prescriptive. **Mr. Brown** stated the bill is consistent with Idaho Code that sets 99% of Idaho's education budget; 85% is the portion that is found in teacher salaries and benefits. Approximately 1600 teachers per year turn over. The previous legislation re-appropriated funding for 770 of those positions over 2 years – 770 out of 3200. The previous legislation had a cost of 60 million over the first two years; this has a cost of 20 million over 2 years.

Senator LeFavour stated that if the legislature had chosen to go with other projections rather than the Governor's projections, which were 6% versus 3% growth, there would have been the ability to fund more. **Mr. Brown** stated the Governor has tended to be a little more conservative over the last few years. However, the legislation before the committee will allow the state to spend the money in hand in a better way.

Senator Winder stated there seems to be concern about the \$13 million going into technology and asked what the standard line item has been. **Mr. Brown** stated in the past it has been \$10 million, which has gone into a myriad of support structures. What is currently being discussed is \$10 million for the classroom, and \$3 million for teacher development.

Senator Winder asked why the development for teachers before students. **Mr. Brown** indicated there are 15,000 districts that already have a 1:1 ratio in the country. The important part of the implementation is that teachers are comfortable and familiar with their technology.

Senator Winder asked how the money is distributed if the teacher already has a PC. **Mr. Brown** stated the funds would be distributed as discretionary funds.

Senator Andreason asked how the changes compare to the original bill. **Mr. Brown** indicated the compromises and changes are significant to the original bill. Senator Andreason asked if there was a great deal of thought put into the original bill. **Mr. Brown** told the committee there had been.

Senator Toryanski asked if the \$10 million was the standard line-item for the last 10 years or so. Jason Hancock stated it was as high as \$12 million at one point, but it has been around \$10 million for a while.

Senator Toryanski asked for a reminder of what PISA stands for, and where the US stands in the rankings. **Mr. Brown** stated PISA is the Program for International Student Assessment, and that he would provide the committee with the study upon adjournment. Senator Toryanski asked about the "F" grade the United States received. **Mr. Brown** stated the study was released by the EPE Research Center. Idaho places 11th in the nation in "provides technology;" however, when the state is

measured in “how to utilize technology,” it ranks fourth from the bottom, where it receives an “F.”

Senator McWilliam asked if there is baseline data on how many teachers are not trained in technology, do not have computers and/or do not have whiteboards in their classrooms. **Ms. Willits** stated the technology test **Senator McWilliam** referred to was removed as the content was outdated; however, that type of information is also included in the Colleges of Education. **Ms. Willits** also stated the legislation provides latitude for teachers to purchase different types of technology. **Senator McWilliam** asked who would be providing the training for the teachers. **Ms. Willits** indicated that would be left up to the districts.

Senator McWilliam asked where the funding for the task force would come from. **Ms. Willits** stated that was included in the legislation before the committee.

Senator Pearce asked how Pay for Performance would be included in the legislation. **Mr. Brown** stated the funding issues are embedded in the legislation. The Pay for Performance signed into last week is now a statutory requirement, and as such sets it as a priority. The Governor’s office has worked very hard to fund Pay for Performance under this new legislation. **Senator Pearce** noted this money would not be funded for 18 months, and as such would not impact the current FY budget.

Senator LeFavour noted it appears to her if the committee were to balance out the fiscal notes of all three pieces of legislation, there is actually a negative fiscal note. She also noted that the costs of Pay for Performance is \$57.8 million, and that if it weren’t for the passage of that legislation, there would not be any deficit during those years. **Mr. Brown** stated that what has been presented is something that invests in all of the right places, rewarding teachers for a job well done, and an investment that will move the system forward. He stated the investments on the top half of the sheet far outweigh the costs on the bottom half. **Senator LeFavour** noted it is her feeling that eliminating line eleven would eliminate the deficit.

Senator McWilliams asked if the base changes in Section 9 are cumulative, or percentage reduced. **Jason Hancock** stated there is no mechanism for a base or anything carried over from year to year. The public schools budget is essentially broken down to zero and rebuilt every year, so the changes are made annually.

Senator Toryanski asked **Mr. Brown** to address the rationale for seeking the goal of providing access to a mobile computing device. **Mr. Brown** stated there are a variety of issues. First is the belief that students are graduating unprepared for higher education; there is a high rate of remediation necessary. The discussion of how can we spend what we have in a better way has created great efficiencies in many workplaces. It is the desire of the state and the governor to provide students access to the best classes possible.

Senator McWilliam asked what repercussions there are if a student chooses to not partake in a class. **Mr. Brown** stated the legislation before the committee is very specific in that the student must be registered through the appropriate pipeline; the concerns expressed will not be addressed in the legislation.

Senator LeFavour stated she feels **Senator McWilliam’s** concern is very valid when it comes to the inclusion of dual credit and students completing their senior project. **Mr. Brown** stated that if a student wants to remain on campus and take college level courses, the state feels it justified in paying for these courses. If such a high-achieving student chooses to enroll, and then fail, he supposes there could

be a provision for getting those funds back.

Mr. Hancock stated this is a funding issue: just as is the case with a school district, students fail all the time in a district class, but the district still receives funding. Senator LeFavour asked what the failure rate of one versus the other was; **Chairman Goedde** noted the only number he has heard has been from IDLA and the pass rate has been high.

Senator McWilliam asked about the mathematics remediation rate; **Mr. Brown** stated he doesn't believe there is any change in this legislation to the remediation issue.

Senator LeFavour questioned how can the state ensure valuable, experienced teachers are retained, and how are the "best" teachers protected. **Mr. Brown** stated that not using things like seniority as a factor during reduction in force does, in fact, protect good teachers; there are financial rewards in the Pay for Performance legislation that was passed into law; etc. **Jason Hancock** added that the 1.5 factor simply states that as a matter of policy, when money is available for increases in the base in minimum salary, the base would increase 1.5% for every 1% increase. It is the feeling of the SDE that getting the starting salary up now is vital as the baby-boomer generation will be retiring in the next 10-15 years.

Senator LeFavour noted those are brand new teachers on the starting salary generally, and asked how the older teachers will be protected. Additionally, what kind of assurance will there be that districts will not be forced to lay off teachers because they are no longer funded for senior teachers.

Mr. Brown informed the committee that districts are funded for teachers regardless of their experience – if they hire a more experienced teacher, they will be funded for that teacher. He stated the Pay for Performance plan is on top of the reimbursement that teachers already receive; while a teacher can be measured on achievement in math or science, it is difficult to measure influence of an art or PE teacher. Hence, merit pay will be rewarded to groups of teachers, rather than individual teachers.

Senator LeFavour stated some of the complexities are not being reflected, and some of the concerns are not being addressed.

Mr. Hancock pointed to 33-1004(a), Idaho Code, and stated that when a district chooses to let a more senior teacher go, they lose that funding. Therefore, if 10 senior teachers are eliminated, that will have an impact on the district, and depress the index.

Senator LeFavour stated the Reduction in Force decisions made after the districts have received their salary based apportionment will have no bearing on the apportionments.

Senator McWilliams asked when the districts get their final funding – **Mr. Hancock** stated the first Friday in November. Any changes after that are not accounted for in further funding for the district for that year.

TESTIMONY: **Karen Echeverria** stood to present the ISBA's stance on this legislation. Her comments have been inserted as follows:

Chairman Goedde, members of the Committee. as the executive director for the Idaho School Boards Association, I want to thank you for allowing me to testify today on behalf of the 560 school board members in Idaho and the school districts they represent as well as 30 charter schools a who are affiliated members of our Association.

Timing did not allow us to survey our member on this bill as we did with S1108 and S1110. We did, however, ask our members to contact their region chairs to express their views on this final piece of the Students Come First legislation package. We believe we were able to get a good representation of the opinions from districts of all sizes and all areas of the state.

As with previous legislation, we got some positive and some negative responses, as well as some responses that were a mixed bag. I know that over the last few days most, if not all of you, have heard from trustees who fully support this bill, and from trustees who absolutely oppose this bill, and probably a lot that were in between. Just as occurs with the legislature and your debates, so it occurs with the members of ISBA. It is virtually impossible to get 560 plus members to fully agree, especially on legislation of this magnitude.

As we all know, there are parts of this legislation that are already in place in many school districts in Idaho. We know that technology is being used as well as pay for performance. ISBA and our school districts support expanded use of technology and the ability to reward teachers for the good work that they do.

However, prior to implementing those portions of the legislation, we think that a survey of the technology already being used in our schools along with actual costs of implementation and maintenance would give us all information on what is really needed and the cost to prepare our students for the future. In addition, we would like to take to review the pay for performance plans that are already in place in some school districts in Idaho so we can replicate those around the state.

Members of the Committee, if nothing else, ISBA has been consistent in their message to you these past few weeks. And, that message is one of flexibility. As I have indicated before, school districts have been through very tough financial times for the last two years. We believe that we have proven to you that we can handle the responsibility that was given to us through the financial emergency statute. Each school district handled it differently but did what was best for each of their individual school districts.

Unfortunately we believe that this legislation as written takes some of that flexibility away from school districts by putting some of the funding into line items over which the school district will have very little say, and may not be needed due to technology and resources already in place.

We fully understand and acknowledge that we are facing a serious funding issue and are more than willing to take the necessary cuts in the FY12 appropriation. However, to place into law a forced reduction in funding over a five year period without knowing what revenues will be available over the few years is, to my knowledge, an unprecedented move, and one that we simply cannot support.

What we can support is to form a committee that contains trustees that will represent the divergent needs of our rural and suburban districts and also represent every corner of the state. Rather than implementing these changes this year, that

committee would be tasked with formulating a funding plan and that committee would bring that information and plan back to you next legislative session. The EAI has already begun this work and we are ready now to start putting the exact pieces of what that looks like into the plan. We are also confident that it will contain many pieces of this legislation including technology and pay for performance

Mr. Chairman and members of the committee, ISBA wants to take a moment and thank each of you personally for your time. We want you to know that as elected officials, the members of ISBA will stand side by side with you to solve these funding problems and to work on a plan for implementation of a 21st century learning environment for all our schools and students. We do understand that this is a difficult issue and that you are doing your very best to do what is right for our children – who will very soon become our adult citizens, parents and leaders.

With that Mr. Chairman, I would be glad to stand for any question.

Chairman Goedde asked if **Ms. Echeverria** saw any conflict between the ISBA's original stance on line items versus now wanting the money as discretionary. She stated she feels the districts would have much less discretion with passage of **S1108**.

TESTIMONY: **Phil Homer** stood to present the IASA's position on S1184. His testimony has been inserted as follows:

Mr. Chairman and Members of the Senate Education Committee, my name is Phil Homer. I represent the Idaho Association of School Administrators.

Thank you for the opportunity to comment on S1184. Our members do understand the financial constraints in which we find ourselves. Without question, we are willing to deal with those cuts. That is why both Harold Ott and I have stated in this committee and also to the House Education Committee that our Superintendents are nearly unanimous in stating that they will deal with the necessary cuts at the local level.

After careful review of S1184 in the short time it has been available, the following is a synopsis of the voices we have heard:

My association appreciates the relaxation of the "use it or lose it" piece which gives school districts some additional flexibility. We would suggest that even more flexibility could be gained if the "use it or lose it" piece could be totally set aside for a period determined by the legislature.

My association is willing to make the cuts necessary at the local level caused by a downturn in the economy and for the holes left in the 2011 budget by the disappearance of one-time money. However, we strongly disagree with the funding mechanism found in the "Three Pillars Financial Table," which funds the public school reform from funds out of salary-based apportionment. As you might understand, our association was quite surprised that salary-based apportionment was cut for five years and beyond to fund the Student First program I am not sure that any superintendent or business manager understands fully the concept of "fractional ADA," and how they will build a budget for this concept. One superintendent commented as follows: "will the sum of the parts equal the whole or exceed the whole?" I do not have an answer for that question. If this bill becomes law, I am sure Jason will have his work cut out for him as he educates school personnel on this matter.

Senator Fulcher asked where to tap into if not salary based apportionment. **Mr. Homer** stated he did not have the answer, which is why he would ask for a chance for dialogue.

Senator Andreason noted that **Mr. Brown** had indicated a great deal of thought and work had gone into the first bill, and yet there are many changes in the second bill. He asked why – **Mr. Homer** stated he didn't know why. **Senator Andreason** followed by asking if **Mr. Homer** felt **S1184** would give the students coming out of college more or less incentive to become teachers. **Mr. Homer** indicated it was his feeling that if the state can make the Pay for Performance component work, that will offer incentives to enter the teaching profession.

Senator LeFavour asked how recruitment will work at schools that are struggling. **Mr. Homer** stated he didn't know, but that small schools would struggle regardless. **Senator LeFavour** followed by asking if **Mr. Homer** envisioned Pay for Performance funds coming out of teacher salaries; **Mr. Homer** stated he did not.

Senator Pearce stated that if this is not the plan, he would like to hear a different plan given the situation we are in and the money, or lack thereof, that we have. **Mr. Homer** stated that is why they are willing to work with what they are given this year and sit down and work through things.

TESTIMONY: **Sherri Wood** stood to present on behalf of the IEA. Her testimony has been inserted as follows:

Senator Goedde and members of the Senate Education Committee:

Thank you for the opportunity to comment on Senate Bill 1184.

We all know that more than anything, Idaho needs jobs. Senate Bill 1184 will mean hundreds and perhaps thousands of lost jobs for Idaho. By imposing technology mandates and a new pay-for-performance scheme, by eliminating the 99 percent funding floor, and by chipping away at "Use it Or Lose It" funding, the Luna plan means districts will have little choice but to increase class sizes, cut pay, reduce staff, or continue furlough days – perhaps all of the above. The gimmicks in the Luna plan are better hidden now, but they're still there.

Before I speak more about our detailed concerns, let me say one more time that by expressing our misgivings about this legislation, the IEA is not defending the status quo. As we've pointed out, the IEA is not opposed to change. That's why we played a pivotal role in helping write Idaho's charter school law. It's why we assisted in creation of the Idaho Reading Initiative and helped develop content standards, the emergency financial language, and Idaho's teacher evaluation system.

Idaho educators embrace technology. We already use it to reinforce lessons and expand our students' educational opportunities. Every Idaho teacher has had training in how to use technology to enhance learning experiences. However, we know technology is a tool that can only supplement – not replace – the guidance of a caring, competent adult in the room.

That is why Senate Bill 1184 is so insidious. I call your attention to subsection 4 of section 9, because it clearly illustrates what we've known all along: This legislation trades teachers for technology. Let's be clear: Senate Bill 1184 creates a permanent line item for computers while reducing the amount of direct teacher time for every student. What does that say about our priorities?

Section 7 of the legislation further chips away at “Use It or Lose It” funding for teacher salaries. The only reason to loosen up this funding mandate is to allow districts to hire fewer teachers and spend the money in other ways. In fact, between the combination of mandating 15 percent for virtual education coursework and raising the “Use It Or Lose It” portion to 10 percent by 2014, Idaho could lose up to a quarter of its current teaching jobs. Think about what that will do to class sizes. How is this going to attract teachers to Idaho? How is this going to help our economy recover? Worst of all, what will it mean for Idaho’s children?

The bill also continues to push online class mandates; it just changes the way this goal will be attained. As the state decreases support for the Idaho Digital Learning Academy, will districts be forced to trade the IDLA’s Idaho-designed, public domain curriculum for proprietary, licensed curriculum sold by out-of-state, for-profit online vendors?

In Section 15, it appears that any school that already has a 1:1 ratio of computers to students will receive its share of the “laptop” money as unrestricted funds. Since Idaho’s virtual charter schools already receive an allocation for 100 percent of their students as “transportation support” under Idaho Code, would this funding in Section 15 represent a double-funding for technology for virtual schools?

The bill’s estimated cost of \$5.5 million for FY 2012 is supposedly paid for through savings from two provisions in Senate Bill 1108: the elimination of the Early Retirement Incentive Program and the 99 percent funding floor. Backers say this new bill would annually save between \$21 and \$35 million in the following five years.

But realistically, where are these savings going to come from? One thing is certain: the savings will not flow from giving every Idaho teacher and student a mobile computing device.

Idaho schools have struggled these past two years with \$200 million in cuts. Backers of this bill say that without it, we’ll see more furlough days, pay cuts, and perhaps even layoffs. But it’s clear that with its funding formula changes and technology and bonus pay mandates, Senate Bill 1184 means the very same thing.

Passing SB 1184 while we are attempting to dig our way out of an economic hole is a mistake. Which of us in this room would commit ourselves to new expenses at a time we are unable to afford the bills we already have? Who among us would accept these mandates from the federal government?

The sponsor of this bill claims that it provides flexibility and local control to districts, but that’s a false claim. While it is true that school districts will have a choice on how to spend the money they’re allocated, funding to districts will be cut so significantly that they’ll have to decide between cutting teachers, reducing pay, or increasing class sizes. Some districts may have to resort to all three strategies. Senate Bill 1184 will bring nothing but further losses in Idaho jobs and larger class sizes for our children. We urge you to vote no on Senate Bill 1184.

Senator Winder asked where the money would be coming from if it weren’t for the legislation. **Ms. Wood** stated if she could do away with the three pieces of legislation and send to the districts their cuts, they would be much happier. She also indicated it seems unwise to invest in new programs when the state is facing cuts. **Senator Winder** asked what **Ms. Wood** thinks really happens with the cuts if the legislation wasn’t passed. **Ms. Wood** stated no one would be happy; districts are continuing to pass levy’s, but no one is happy with the two bills that have passed.

TESTIMONY: **Laurie Boeckel** stood to present on behalf of the Idaho PTA.

She stated education prepares students to contribute as adults. Ms. Boeckel indicated the PTA opposes unfunded state mandates, mandates imposed by the state board of education – IPTA seeks to participate in the process. She stated PTA also objects to additional mandates outlined in the legislation.

Senator Winder commented that one of the things heard throughout the process has been parental involvement, and the legislature would like to be involved.

CLOSING: **Mr. Brown** stood to close.

He indicated the legislation before the committee represents a lot of commentary, a lot of work, a lot of public input, and a lot of legislative input. He noted that the only part of the public schools budget that has a use it or lose it flexibility is in salary based apportionment. He stated he appreciates the sentiment that there are some cuts that could be made which would be appreciated; however, those are not before the committee today. Regardless, the circumstances today dictate that the state try to do more with less.

Although the state of Idaho has shown improvement over the last few years, it still falls short – higher education has told us this, employers have told us this, and comparison to other countries have shown us this.

Senator LeFavour stated the fiscal impact of this is \$5 million additional to the state general fund, so she is having a hard time understanding how this will save the schools money, and save the state cuts to education.

Senator Winder noted this has been a long and difficult process, and the realization that comes to him is, if we do nothing, we are still faced with the same problems: we are faced with less money. Unless we get the political will to raise revenue, which no one wants to do, we will still have less money. One of the reasons we are showing a 5 million impact in the first year is that we have listened, versus not, and he feels that it is an appropriate effort for the appropriations process to move forward to find these funds. He stated he is not exceptionally pleased with the proposed 5-year time frame, and hopes as revenue comes available they would be able to change things, but he understands this is necessary at the moment. The belief that we will have more money next year is not necessarily the case, and it is his intention to support the bill.

Vice Chairman Mortimer moved to send **S1184** to the floor with a do-pass recommendation; the motion was seconded by **Senator Fulcher**.

Vice Chairman Mortimer noted he had not asked a lot of questions, but feels there are a few things that do need to be brought out. He feels that because of the budget circumstance there is no way that there won't be cuts to education. However, the cut will not be to the total amount spent on education – the amount spent on education will be the amount spent on education. The legislature wants to spend as much as it can on salary based apportionment, as much as it can on discretionary funding, and as much as it can on other programs. Those amounts will be set by JFAC, not the Senate Education Committee. How that money is spent will be discussed in the germane committee, and that has been discussed through the proposed legislation. Preservation of flexibility is important, as is the importance of thorough and uniform education. He feels the complete flexibility that has been asked for with such reservation is because the state knows over so many years how hard it is to preserve teachers with experience.

Vice Chairman Mortimer stated history has taught us this, and these are things we need to preserve. He indicated one of the things discussed has also been parental involvement. If as many people were showing up to school board meetings as have been showing up to committee meetings, the educational system would be drastically different.

People are saying wait on the technology piece – technology is less than 1% of the budget. He noted that it is important enough to maintain technology to support it for the 1% - the 10 million or the 13 million back into the system. He stated the small districts need flexibility and technology to support students and deliver quality education.

As a business owner, **Vice Chairman Mortimer** has indicated his businesses basically don't exist because of the economy and the cuts he has had to make. He doesn't feel the state can live one more year.

The legislation that is proposed, that has passed, and that will pass, will require constant moulding, and it is his belief that teachers, parents and districts will rise to the task.

Senator Andreason stated his primary reason for being in the senate is a quality education system. His constituents are telling him this legislation is not meeting their needs – superintendents, teachers, parents and students are all telling him the same thing.

Senator LeFavour stated there are thousands who have told us to wait on the technology – those weighing in are not people who are unfamiliar with the education system. She feels the things that we will be facing as a nation we will need teachers to educate our students. While this could be a wonderful piece of equipment, this is at the expense of quality teachers; she feels this bill is a very far-reaching piece of legislation. **Senator LeFavour** stated it assumes a certain financial situation 5 years out; she feels this commitment will hurt students more than it helps.

Senator Toryanski stated that when **S1113** was before the committee, he voted no for a myriad of reasons, including the increase in divisor, the laptops given to students. Since the legislation was pulled back, there have been many meetings where many of his concerns and many of those of his constituents were addressed. The divisor is not increased, mobile computing devices are no longer required to be issued to students, and students are not required to take online classes. In addition to these, he was concerned at the speed of the process – it is his finding that this new bill requires the state to slow down, study, and develop a process and plan for analyzing education modernization and reform.

He stated he also finds this bill is good for kids, it is good for parents, and it is good for teachers. He indicated this legislation ensures all Idaho students have access to technology, as well as ensures a fiscal report card for a school and a district be posted online for review.

Senator Toryanski noted there has been a lot of communication, and he feels the major concerns have been addressed. There is a guarantee of the people's continued input, and as such, he feels this is legislation he can support.

Having no further debate on the bill, **Chairman Goedde** indicated a vote on the motion before the committee was in order. It passed by voice-vote, with **Senators Andreason, McWilliam and LeFavour** voting Nay. **Chairman Goedde** will carry the legislation on the floor.

Having no further business of the committee, **Chairman Goedde** adjourned the committee at 3:00 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
3:00 P.M.
Room WW55
Wednesday, March 23, 2011

SUBJECT	DESCRIPTION	PRESENTER
H0205	Legislation is to provide that public libraries shall develop and post for public notification an internet use policy which, among other provisions, provides for a technology protection measure that protects against access to visual depictions that are obscene, pornographic, or harmful to minors	Representative Shirley

*Testimony may be limited at the discretion
of the Chairman*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, March 23, 2011
TIME: 3:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, Malepeai, and LeFavour
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 committee to order at 3:05 p.m.; he requested the secretary take a silent roll.
H205: **Chairman Goedde** welcomed **Representative Mack Shirley** to the committee to present **H205**.

Representative Shirley stated in 2005 congress enacted CIPA which disallows internet access unless libraries have internet filters. 25 states now have enacted legislation in addition to CIPA requiring internet use policies in public libraries.

Representative Shirley stated **H205** does the following: it puts an internet use policy for libraries in state code – he stated there is a void in state policy in this respect – the bill would require “an internet safety policy for minors including the operation of a technology protection measure with respect to any publicly accessible computer;” this bill allows for policy to be developed by local boards of trustees; such policies have to be posted for review by the public; and in Subsection 7, definitions as seen in CIPA are outline.

It was ruled that CIPA does not violate first amendment rights of American citizens, and the legislation in **H205** was ruled constitutionally sound and defensible by the State Attorney General. **Representative Shirley** noted that as a result of the hearing this legislation had in the house, one of the first and frequently mentioned deterrent in this legislation is cost – he pointed that most libraries do have filters, so this cost would be of no great consequence. For those who don't have such filters, a program such as OpenDNS is free. A second objection has been this diminishes local control. **Representative Shirley** stated this legislation would leave the development, writing and implementation of policy up to the local board, therefore it would not be removing local control. He noted that this is just adding to a section of library policy, which is done often. The next argument is first amendment infringement, and he stated the Supreme Court feels otherwise. The final argument is that this is unnecessary legislation, that most libraries have the necessary filters in place. **Representative Shirley** also indicated there are a number of libraries that do not have these filters, and they would benefit from the legislation.

Senator Toryanski asked about page 2, line 2, which indicates to bona fide research and asked for the difference between bona fide and non bona fide research. **Representative Shirley** stated that under bona fide research, a specific agreement would have to be reached regarding the use of the unblocked computer. **Senator Toryanski** asked if whether the computer would be unlocked would be left

up to the discretion of the librarian. **Representative Shirley** indicated yes.

Senator Toryanski asked about the definitions such as “obscene,” and asked if these are consistent with the definitions in Idaho State Code. **Representative Shirley** stated he was not sure, but that these definitions were included on the recommendation of the Attorney General’s office. The definitions that have since been included were taken directly from CIPA.

Senator Andreason indicated the Boise Library Board of Trustees has sent him a letter regarding their stance, as well as one from the Meridian Library; both of these library systems have indicated this legislation does not fully do what it indicates. **Representative Shirley** commented that both of these library systems have good internet use policies in place; however, he feels the statement that the filters provide a false sense of security is an unfair blanket statement.

Senator LeFavour stated there needs to be a way to define these things without restricting access to important issues of scientific matters, etc. **Representative Shirley** pointed to local control, and indicated libraries are word smiths, of sorts. He presented “obscene” as an example, as something that is “sexually offensive,” as opposed to something that is the standard to the community. **Senator LeFavour** indicated she is worried the state is going to get a bit wide in its reach with this policy with these definitions, and feels we all differ on these definitions.

Senator McWilliam asked how many libraries do not have policies and do not receive federal funds. **Representative Shirley** stated he does not know, but he has received letters from districts that have made the conscious decision to not filter, and feels they are limiting their patrons.

Senator McWilliam asked if there is another overseeing body to ensure this legislation is followed. **Representative Shirley** stated the local library boards of trustees will be overseeing the legislative implementation. However, if libraries choose not to comply, there may be some ramifications down the road that they have to deal with. **Senator McWilliam** asked why we need this legislation then, if most libraries are already doing this and will be self-regulated. **Representative Shirley** stated this is because there are some that do not do this now.

TESTIMONY: **Senator Goedde** welcomed **Geoff Schroeder** to the committee to testify against the legislation. **Mr. Schroeder** stated internet filtering is something he is very familiar with, as well as the impact it will have on the cities. The legislation refers to “Shall,” – any software that is purchased will not be purchased by the state but the city, meaning the city will eat the cost. He also indicated the bill goes against the Republican party platform in reduced government

TESTIMONY: **Jared Smith** stood to testify in favor of the legislation. He stated when he was 14 he was exposed to pornography at a summer job at a library; although he was raised to know better than look at pornography, he feels that his addiction to internet pornography has distorted his view of what women, normal relationships, and other social aspects of life. He is slowly regaining these parts of his life.

TESTIMONY: **Brad Smith** stood to testify against the legislation. **Mr. Smith** works for Boise Public Library. He indicated web filtering works as a third party blocker between two sites. He also indicated it is not uncommon to see sites blocked incorrectly. Most libraries use some type of device where the internet has to travel through (firewall, etc); as well as DNS services, which also block websites. Software installed on each computer is a possibility, although maintaining that software on several hundred computers is expensive.

TESTIMONY: **RhonnaLee Linsenmen** stood to represent the Idaho Federation of Republican Women; she stated there was unanimous support among the IFRW. She stated as a taxpayer she is personally grateful to hear there is this kind of filter available for free, as well as that there will be posted library policy. Senator LeFavour asked if there is any feeling that this does not go far enough; **Ms. Linsenmen** stated she feels this is a good start; there are some that feel that this does not go far enough, and there are certainly some who will say that this is not the “real world,” however, this is a good start.

TESTIMONY: **Eric Sousenou** with the Pocatello Library stood to testify against the legislation. He stated they have looked long and hard at this legislation. He stated he feels a balance of civil liberties and civil rights is necessary in legislation. A concern is of false promises. There are also other non-technological approaches that can be considered. Additionally, minors need to be separated from adults; second, school libraries do act in a different setting than public libraries. Finally, there is the consideration **Senator Toryanski** brought up which is leaving “bona fide research” definition up to the discretion of the librarian. **Senator Winder** asked if minors are separated from adults. **Mr. Sousenou** stated that is the case, and there is no integrated computer use. **Senator Winder** asked how the Pocatello library deals with child pornography; **Mr. Sousenou** stated anything that anyone is doing illegal, the police are called, no questions asked.

TESTIMONY: **Genie Haseman**, from Salem, ID, stood to testify in favor of legislation. **Ms. Haseman** stated her husband had become addicted to pornography as a young man; she had no idea he was addicted until he began to change as a person – she stated the addiction he had moved him to the point of violence, and the only way he kept from hurting anyone was by taking his own life.

TESTIMONY: **Kevin Booe** stood to testify against the legislation – he stated the Boise Public Library currently prohibits the viewing of pornography at libraries; it also feels the decision is best left up to the board of trustees. **Mr. Booe** indicated the decision of what is bona fide research is not a decision that should be left up to the library; additionally this will require a change in Boise Public Library policy which is not the best use of a librarians time. He stated free filters are not “free” as promised, and the funding will be left up to the local districts; he also asked how the legislation will be enforced. He stated he feels the language in the legislation should be amended.

Senator LeFavour pointed to page 2, and asked how a library would address a situation where a parent would want their 17 year old to access information about safe sex practices or the like; is this an issue that has been addressed so far. **Mr. Booe** stated the way he reads the bill the library does not have that ability; however, currently Boise Public Library does have that ability.

Senator Andreason asked how this bill would affect the Boise Public Library operations currently. **Mr. Booe** stated staff members would have to intervene on-demand per-session rather than individuals being able to declare ahead of time their preferences.

Vice Chairman Mortimer stated it appears every parent has access to their child’s internet filtering, and questioned if every parent follows a student in. **Mr. Booe** stated a parent, adult or guardian has to sign for the library card and internet access. He stated a parent would have to be with the child to register for the card.

TESTIMONY: **Julie Lyndie** stood to testify in support of **H205**. She stated Cornerstone Family Council feels this is a good piece of legislation. She indicated parents and guardians want children to be able to use the library for what it was intended, without having to worry about what their children are going to see.

Senator LeFavour asked if **Ms. Lyndie** had an estimate as to what percentage of families had access to unfiltered computers at home. **Ms. Lyndie** stated she didn't know.

TESTIMONY: **Sherie Reynler** stood to testify against the legislation. She stated her library has filters in place already; she indicated some of her concerns lie in that the purpose of the library is to provide access to all aspects of culture, and if the libraries are blocking this online but not in the shelves, how is that complete access. She also doesn't understand the definition of "legitimate access" for adults versus students who need it for educational reasons.

TESTIMONY: **Craig Cobia** stood to testify in favor of the legislation. He stated he would be focusing on the "bona fide research" aspect of the legislation. He indicated through research, exposure to pornography causes shrinkage of the brain. He stated this is not an attempt to limit freedom of speech or first amendment rights of adults, but rather to limit exposure of children. He stated this is a very imperfect solution, but it is a start, and a filter is the best thing that the state has.

Senator Andreason asked about the problems created for the Boise library in the way it is worded; **Mr. Cobia** stated he feels it is very clear it is about local control in the legislation.

Senator Toryanski asked if there are any changes in the brain from auditory input, or in through sexually explicit writing, or if this is only through pictures. **Mr. Cobia** stated scientific evidence points to internet addictions tend to lie in images more than the others.

TESTIMONY: **Patricia Younger**, Director of the Meridian Library District, stood to testify against the legislation. She stated their library is a place where children and teens are welcome and safe; only about 15% of those who come in everyday use the computer labs. Most are working on job-finding, educational issues, and the like. Idaho Code 18-4105 already prohibits pornographic images in front of children; **H205** takes local control away from elected library officials. She stated the cheap and free software available corrupts operating systems.

TESTIMONY: **Mr. Moss** stated he served as the Bingham County Prosecuting Attorney and was at one point appointed to the house. He served in 2000, and shortly after served as the US Attorney for the State of Idaho, where he served on the US Attorney General's Advisory committee. **Mr. Moss** stated there are many ways to prevent pornography in the house, which he feels ultimately does no good if a child can walk down the road and look at a computer in the library. He indicated intelligent adults don't commit crimes on their own computers as they don't want to get caught.

Senator Andreason asked if it was possible to word the legislation in such a way so as to not trounce on the Boise Public Library system. **Mr. Moss** stated fault with the legislation if you look at the wording of it; it is his opinion, however, that this bill is as good as it would get.

TESTIMONY: **Natalie Nation** stood to testify against the legislation. **Ms. Nation** stated it is not just the Boise Public Library that offers unfiltered access for adults. She stated the local control would only allow libraries to be more strict. One thing that was found was that when the Meridian Library system was testing its filters, it could not go to the four most popular internet pornography counseling websites. The best policy is to allow parents to sign off on access for students, rather than restricting access all together.

TESTIMONY: **Tim Brady**, with the Boise Police Department, stood in support of the legislation. He indicated this issue is a real issue – he stated that he arrested a young man who was eventually charged with 12 juvenile rapes of young women. Recently, an individual contacted a young woman in the mid-west and convinced her to send nude photographs to him at a library computer. **Mr. Brady** stated if something can be done to help one child, it's probably worth the inconvenience and cost.

TESTIMONY: **Gina Persichini** stood to testify against the legislation. She stated if **H205** is signed into law, she will be the staffer assigned to answering questions. In preparation for answering these questions, she stated she researched the Citizen's for Decency websites' recommendations, and respectfully disagrees with them. She stated that the "free" offerings are not truly free. She provided five possible "free" categories for these.

Vice Chairman Mortimer asked if **Ms. Persichini** is working with the LSTA grants; she indicated yes. **Vice Chairman Mortimer** asked if the administration of these grants falls under the CIPA regulations. She stated that was her belief. **Vice Chairman Mortimer** asked how many of the libraries are in compliance with the CIPA regulation. **Ms. Persichini** stated it was her understanding that 100% of the libraries would be in compliance with these – however, she could not verify for the committee.

Senator Winder asked what obligation the public has to provide a computer in a public library. **Ms. Persichini** stated she doesn't know that there is any legislation, however, personally she feels that if behooves the library to meet the need of the taxpayer if this is the will of the taxpayer. **Senator Winder** followed by asking why there is resistance from the libraries to provide quality filtering if this is the case. **Ms. Persichini** stated she doesn't believe libraries are opposed to filtering; however, it is a difficulty in accepting the bill as written.

Senator Winder stated it seems to him that there is a real disconnect that there are former US attorneys and police officers testifying in favor of the legislation, and yet the libraries are testifying against it. **Ms. Persichini** stated she is unsure where the disconnect comes from. As she understands it, the libraries would have to implement this by July 1, which is the middle of a fiscal year where budgets are barely surviving; she also indicated she is having a difficult time getting past the "effective" portion of the implementation of this legislation.

Responding to **Senator Pearce**, **Ms. Persichini** stated that having read the bill, she doesn't know how she is going to help her customers. Senator Pearce stated he wants to know one way or another that this is more or less important – a black and white answer. **Ms. Persichini** stated there is a problem out there, but there are also a lot of smart teenagers out there who will circumvent the issue. She feels libraries have done a good job, and is a bit insulted that she is being told otherwise.

TESTIMONY: **Ann Joslin** stood to testify in favor of the legislation. She addressed some questions the committee for Ms. Persichini. She indicated she didn't believe she would be able to get **Vice Chairman Mortimer** the list he had requested – if libraries have not purchased public access computers with public access funds, they are not required to comply with CIPA.

Ms. Joslin also clarified that filtering software will not filter what is going out, only what is coming in. Emails, instant messages and the like are not filtered.

Senator Winder asked if there are library boards that are elected in the state. **Ms. Joslin** stated there are two types of library jurisdictions – boards that are appointed, and boards that are true “districts,” which are independently taxed and thus funded. -Read to me early literacy program, and summer reading programs in local public programs are seen as beneficial for the library communities at large. This means the amount of LSTA money available to libraries at large has gone down.

ADJOURN: **Chairman Goedde** announced the committee would take up H205 again on Thursday, March 24, and adjourned at 5:30 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
2:00 P.M.
Room WW55
Thursday, March 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H205</u>	<u>For Further Discussion:</u> Legislation to provide that public libraries shall develop and post for public notification an internet use policy	Representative Shirley
<u>H159</u>	Changes to 33-102A, Idaho Code, to allow the Office of the State Board of Education to borrow employees for short to medium term projects from its governed institutions without the employee losing any earned tenure with their institution.	Mark Browning, OSBE
<u>H201</u>	Legislation to better protect Idaho's students and school districts from certificated school employees with a history of poor job performance or violating their professional code of ethics.	Representatives Nonini and Wood

*Please note the time change. Additionally, the committee will be meeting for **ONE** hour.*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

Sara Pealy
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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, March 24, 2011

TIME: 2:00 P.M.

PLACE: Room WW55

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

**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 2:10 p.m. He requested the secretary take a silent roll.

H0205: **Chairman Goedde** indicated there would be further discussion of H205, legislation relating to filters on library computers, and welcomed **Representative Mack Shirley** to the committee.

Representative Shirley stated he feels the most important issue he is concerned with is protecting the youth. He indicated that when the meeting adjourned the day before, there was discussion about the legislation and whether it could be worked in such a way that the libraries could work within the bill. **Representative Shirley** stated that through a few minor wording changes this could be accomplished. **Representative Shirley** walked the committee through the tentative changes which the stakeholders had come up with:

It was proposed that everything remain intact in B1 through B12; the "shall" on B1 will be changed to "which may" – so the librarian is not obligated to take out the filter. Rather than the bona fide research, the filter may be removed for any legal viewing purposes.

Representative Shirley indicated the "shall" on line six of page 2 would be removed, and replaced with "may." The effective date of this legislation would be August 1, 2012, to allow libraries time to make these changes.

John Watts stood to support the changes proposed by **Representative Shirley**. He indicated he believes there was one "may" forgotten in the discussion, on line 30, page 1.

Mr. Watts stated the libraries still feel this is an unfunded mandate, but this being said they do appreciate the October 1, 2012 effective date.

Vice Chairman Mortimer moved to send H205 to the 14th Order; the motion was seconded by **Senator Andreason**. The motion passed with a voice-vote. **Vice Chairman Mortimer** will carry the legislation on the floor.

H0159: **Dr. Mike Rush** with the Office of the State Board of Education stood to present **H159**. He stated this legislation was identified during the zero-based budgeting process as unnecessary and potentially harmful. There are many instances where the same individual would want to take another position; it would not allow the state board office to create temporary positions, nor would it allow it to create FTE positions, among other concerns.

Vice Chairman Mortimer moved to send **H159** to the floor with a do-pass recommendation; the motion was seconded by **Senator Andreason**. The motion passed with a voice-vote. **Vice Chairman Mortimer** will carry the legislation on the floor.

H0201: **Representative Nonini stated** this legislation is to better protect Idaho students and employees from certificated employees who may have a black mark on their record in their past. The sponsors feel it is necessary for teachers and students to have all the pertinent information when hiring a teacher. In many cases when a certificated teacher is let go, a confidential agreement is signed that states a teacher will leave if the district does not disclose the reason for termination.

Representative Wood informed the committee this legislation has been drafted to aid school districts in their hiring practices as well as help the professional standards commission. This legislation makes changes to sections 33-1208, 33-1209, 33-1210 and 33-1211. **Representative Wood** walked the committee through the changes in these pieces of code. She stated that as files are kept for teachers, so are files kept for administrators.

Representative Wood stated they have tried to place protection for teachers regarding unsubstantiated claims, as seen on pages 7 and 8, and stated there is provision in the older law that allows them to take issue with anything in the new legislation if they so choose. This is based on legislation in Arizona, as well as an opinion from the Attorney General's Office.

Senator McWilliam asked about out of state transfers, and noted that there are school districts that would not release their personnel files. Representative Wood stated if an individual is coming from these states, they have to use their best judgment in hiring this person. If they sign the letter releasing their records, they are fine.

Bert Marley stood to testify against this legislation; he stated the Idaho Education Association is in complete agreement with sections 1 and 2. However, there are four or five things in section three that concern the IEA and as such it would urge a No vote. First is that there is a concern about the release of employee files; it also is seen as a duplication of efforts, as well as requires a signature of release. This legislation would mandate only school district employers write letters of recommendation.

Mr. Marley noted that on page 7, lines 34-35, this legislation prohibits a school district from expungement of information from a personnel file unsubstantiated allegations not related to those outlined in section 3.

Senator Toryanski asked if other state employee personnel records would be available to other departments. **Mr. Marley** stated he didn't know.

Senator Winder asked if there wasn't a way or a need to protect children from predatory situations. **Mr. Marley** stated in this situation the teacher has no recourse over what is in the file – in the past personnel files have been considered personal and private things.

Chairman Goedde asked about the discussion of things which are expugnable versus not. **Mr. Marley** stated there are things listed on page 7 that fall under the "unsubstantiated" category that can be expunged; however, the things which are not listed cannot be expunged.

Chairman Goedde asked how things are put in a personnel file. **Mr. Marley** stated things are placed there by a principal, evaluations and other letters. A teacher may or may not be notified that this has happened. **Chairman Goedde** asked if there was a positive requirement for an administrator to inform a teacher that something is going into a file. **Robin Nettinga** stated there is an Idaho Law that requires it.

Senator LeFavour asked if things that go above and beyond teaching performance are expugnable, and if personal conflict letters between teachers and/or administrators can be included in these files. **Mr. Marley** stated this was possible. **Senator LeFavour** asked that just to be clear, in previous sections, these things had to be substantiated. **Mr. Marley** stated that substantiated things should be in the file; however, unsubstantiated claims should be able to be removed. At the moment this is not a critical issue, but if these files are going to be opened to prospective employers, it does become an issue.

Senator Winder asked if the committee were to send this to the floor with a do-pass recommendation, could a trailer bill be crafted during the next session. **Mr. Marley** stated yes.

Karen Echeverria stated the ISBA supports the legislation. The ISBA does not want an employee with a bad work history to be moving from school district to school district. The goal is to have the best and brightest in school districts – there may be school district policies that are in conflict, and the ISBA is willing to work with these districts on their policies.

Senator LeFavour asked for clarification on what is in the files, and asked if there was any possibility that there would be only negative things. **Ms. Echeverria** stated with two evaluations every year, there is probably a mix of both.

Christina Linder with the Office of the State Board of Education provided two separate separation agreements with two egregious violations; however, the Board had not heard about them because of the severance agreements. She noted this does not happen often, but the agreements that suppress information do not work.

Senator LeFavour asked if a district would be free to hire someone based on the information they received. **Ms. Linder** stated that the big picture is that the district has the option to look at the file if they want it.

Representative Wood stated the most important thing is, the sponsors want administrators treated the same as teachers.

Representative Nonini addressed **Senator Toryanski's** question of personnel files, and stated that other state agencies have the opportunity to review files.

Senator Winder moved to send H201 to the floor with a do-pass recommendation; the motion was seconded by Senator Pearce. The motion passed by voice-vote. **Vice Chairman Mortimer** will carry the legislation on the floor.

Senator Goedde
Chairman

Sara Pealy
Secretary

AGENDA
SENATE EDUCATION COMMITTEE
2:00 PM
Room WW55
Monday, April 04, 2011

PLEASE NOTE CHANGE IN MEETING TIME

SUBJECT	DESCRIPTION	PRESENTER
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S1208	Legislation relating to the creation of the Idaho Youth Challenge Program	Senator Brackett
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MINUTES APPROVAL:

February 8, 2011 - *Senator Mortimer*
February 23, 2011 - *Senator LeFavour*
February 24, 2011 - *Senator Fulcher*
March 7, 2011 - *Senator Toryanski*
March 17, 2011 - *Senator Andreason*
March 21, 2011 - *Senator Andreason*

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde	Sen Winder
Vice Chair Mortimer	Sen Toryanski
Sen Andreason	Sen Malepeai
Sen Pearce	Sen LeFavour
Sen Fulcher	

COMMITTEE SECRETARY

Sara Pealy
Room: WW39
Phone: (208) 332-1321
email: spealy@senate.idaho.gov

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, April 04, 2011
TIME: 2:00 PM
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Winder, Toryanski, Malepeai, and LeFavour
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 committee to order at 2:10 p.m. He requested the secretary take a silent roll.
S1208: **Chairman Goedde** welcomed **General Saylor** to the committee to discuss S1208, legislation relating to the Idaho Youth Challenge Program.

General Saylor stated funding for this program would come from existing money which could be made available from the Department of Commerce. The money would be used along with a federal match to begin the startup of the youth challenge program. It would largely be used for capital improvements and recruiting youth.

The Governor has already stated he doesn't want to use general fund money to support the program; as such the program has already secured a grant from the Albertson's Foundation. Although the SOP states there will be no use of federal money, indicating there would be all state money, if the state can secure private contributions or grant money, this would be adequate. If there is not enough funding, the program will close.

So far, it has been indicated that if Idaho is not ready for the program, the funding money would go to another state. It is unclear as to whether Idaho would remain at the top of the list or if it would be bumped down to the bottom.

Chairman Goedde welcomed **Senator Brackett** to the committee to present the legislation.

Senator Brackett stated the legislation authorizes the establishment of this program which would target high school dropouts. This would be accomplished through military based discipline combined with educational instruction and live-skills education.

The amendment to Idaho Code is to the military code in the State of Idaho, which would provide the establishment of the program. It is a 22 week resident based program, followed by a 12-month mentoring segment. The participants will not actually receive a high school diploma or GED, but the program will help enable students to pursue this later in life.

The program will be funded through grants and/or private contributions in addition to the federal funding available, which will be administered by the state Adjutant General of the National Guard. The sunset on the legislation is July 1, 2014, at

which point the whole program will be reevaluated – it can either continue on at that point, be terminated or be restructured.

There is also a contingency that if there is not adequate funding from any source, the program can and will be terminated, which limits the exposure to the state from the program. **Senator Toryanski** asked if the Department of Commerce had already committed to providing the funds for FY2012. Senator Brackett stated from the perspective of the Department of Commerce, they are supportive of the creation of commerce and jobs.

Idaho Department of Commerce **Director Don Dietrich** stood and informed the committee that this legislation would create 50 new jobs in the city of Pierce. The program has a great management tier, and the job creation is something which the state could not otherwise do. The Department of Commerce is very comfortable with the overseeing by the Guard, and **Director Dietrich** stated that if the committee were to look one step further, this prevents these individuals from ending up in the penal system or worse. He stated he is concerned that if the state does not take advantage of this opportunity now, it will lose it. From the standpoint of the Department of Commerce, it will be funded out of two separate Department of Commerce funds. He stated this is a company – a program – that is ready to go.

The sources of funding are one-time sources in an effort to get this program off the ground, and from a commerce standpoint, the DOC is fully behind the program.

Senator Toryanski stated this is a redistribution of funds rather than a provision of seed money for a private business to get it off the ground. He asked if the Department of Commerce has a preference as to what kind of business is to be funded. **Director Dietrich** stated the Department of Commerce prefers to assist companies that will increase GDP, but the DOC has looked at this as an opportunity to do good not only for the City of Pierce, but also for the State of Idaho. This will not only create jobs, but it will have a trickle-down effect on the private sector.

Senator LeFavour asked if the Department of Commerce had discussed with the Idaho Department of Corrections Director Reinke or others regarding the potential financial savings. **Director Dietrich** stated while he hasn't had those discussions, one can pretty well make a judgment as to the positive impact of this program.

Senator Nuxoll stated this program would provide a high school education for the youth in the school. She feels this would also provide these youth with role-models, and she feels this is a great opportunity to help these individuals.

Chairman Goedde invited **General Saylor** to answer more questions.

Senator Andreason asked about the salary structure of the program; **General Saylor** stated the jobs are assigned a GS-Rating. The low end job is a GS-7, and the upper level job is a GS-13 to GS-14, depending upon the size of the school. He noted that there would be only a couple of GS-13's or GS-14's.

Senator Malepeai asked about the criteria for eligibility of individuals in the armed forces. **General Saylor** stated these vary depending on the branch of service, but a diploma preferred.

Chairman Goedde asked **General Saylor** to discuss the mix of employees of the school. **General Saylor** stated they are anticipating contracting as many of the positions as they can, particularly those who have certifications that need to be maintained. Additionally, food services and medical services are anticipated to be

contract. As for the other positions, they are not sure, but that will depend on what makes the most sense for the school and the City of Pierce. **General Saylor** stated that when the concept was moved from a high school diploma to a GED focused program, it enabled the Guard to look at what makes the most sense financially, whether it is a contracted certificated employee, or another better fit. If the budget can afford state-certified teachers, the guard would prefer that.

Chairman Goedde asked who would be paying contracted employees if they are hired through the district. **General Saylor** stated they would be paid through the school.

Chairman Goedde asked about the liability of the program. **General Saylor** stated when the students enter the program, they become GS-2 employees and therefore have the same rights and requirements of any other federal employee.

Senator Toryanski asked why the change in program focus. **General Saylor** told the committee that as a high school diploma focused school, that made the school eligible for ADA money which would potentially have an impact on the state General Fund. Nationally the schools of the program are split about 50-50; some are high-school focused and some are GED focused.

Senator LeFavour asked if at the time that this legislation sunsets, if the focus of the program would be allowed to change. **General Saylor** stated he sees no reason the change couldn't occur.

Vice Chairman Mortimer commented that there are 36 sites in the nation that are doing this program, and the equipment and facilities of the Guard could be used to assist the program. He noted that less than 20% of the youth in the program actually enter the military, so this is not a military recruitment program; additionally, the youth of this program have donated an estimated 5 million hours of volunteer work.

Senator Toryanski moved to send **S1208** to the floor with a do-pass recommendation; **Vice Chairman Mortimer** seconded the motion. The motion carried with a voice vote.

MINUTES APPROVAL: **Vice Chairman Mortimer** moved to approve the minutes from February 8, 2011. **Senator LeFavour** seconded the motion. It carried by voice-vote.

MINUTES APPROVAL: **Senator LeFavour** moved to approve the minutes from February 23, 2011. **Vice Chairman Mortimer** seconded the motion. It carried by voice-vote.

MINUTES APPROVAL: **Senator Fulcher** moved to approve the minutes from February 24, 2011. **Vice Chairman Mortimer** seconded the motion. It carried by voice-vote.

MINUTES APPROVAL: **Senator Toryanski** moved to approve the minutes from March 7, 2011. **Senator Fulcher** seconded the motion. It carried by voice-vote.

MINUTES APPROVAL: **Senator Andreason** moved to approve the minutes from March 17, 2011 and March 21, 2011. **Vice Chairman Mortimer** seconded the motion. It carried by voice-vote.

PAGE GRADUATION: **Chairman Goedde** announced that **Adam Olson**, the page for the second half of the session, would be graduating. **Mr. Olson** stated he had a great time as a page. He indicated he turns 19 on July 12, and was hoping he could go on a Mission.

Senator LeFavour asked **Mr. Olson** what he learned. He stated he discovered that Senators are actually people.

Vice Chairman Mortimer asked what college **Mr. Olson** was hoping to attend, and what field of study he wanted to pursue. **Mr. Olson** stated he like both Boise State University and Utah State, and enjoys the field of psychology.

ADJOURN: Having no further business of the committee, **Chairman Goedde** adjourned at 2:45 p.m.

Senator Goedde
Chairman

Sara Pealy
Secretary

**AMENDED #1 AGENDA
SENATE EDUCATION COMMITTEE
2:00 P.M.
Room WW55
Wednesday, April 06, 2011**

SUBJECT	DESCRIPTION	PRESENTER
<u>H335</u>	Trailer bill for S1108	Senator Goedde; Representative Nonini
<u>H336</u>	Trailer bill for S1110	Senator Goedde; Representative Nonini
<u>H344</u>	Relating to fiscal matters of school districts	Senator Goedde; Representative Nonini
<u>H345</u>	Trailer bill for S1184	Senator Goedde; Representative Nonini
<u>H315</u>	Trailer bill for S1108 (97% ADA)	Representative Roberts
<u>H104</u>	Legislation to ensure that school district trustees only compensate professional personnel for the duties associated with the positions for which they are employed	Representative DeMourant

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Goedde
Vice Chair Mortimer
Sen Andreason
Sen Pearce
Sen Fulcher

Sen Winder
Sen Toryanski
Sen Malepeai
Sen LeFavour

COMMITTEE SECRETARY

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MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, April 06, 2011
TIME: 2:00 P.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Fulcher, Winder, Toryanski, Malepeai, and LeFavour
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 2:00 p.m. He requested the secretary take a silent roll.
H0335: **Chairman Goedde** welcomed **Jason Hancock** to the committee to present **H335**.

Mr. Hancock stated H335 is the trailer to S1108; there are a number of changes in this legislation which reflect conversations with various stakeholders after S1108 was reported out of the committee.

On page two, there is clarifying language added relating to the issue of when salary funds should be withheld if a teacher doesn't hold a valid teaching certificate.

On page four there is additional language at the bottom which provides that the board of trustees needs to ratify any decision to put an employee on a leave of absence within 21 days.

Page six has language stricken and added which provides for invalidating conflicting provisions in Idaho Code relating to continuing teacher contracts.

Senator LeFavour asked why the language relating to salary funds on page 2, line 6 was necessary. **Chairman Goedde** stated this language was intended for the loss of funds to go forward from the date of determination that the certificate was not valid, rather than having to pay back funds.

Senator Malepeai asked if that same thing was not being stated on line 31 of page two. **Mr. Hancock** stated the first part of the language in Subsection (A) talks about how the board of trustees is to withhold funds. This protects the school district from a wage claim if a teacher were to go back and get a certification after not having one. The new language reads so as to disallow the SDE from distributing salary funds to teachers who do not hold a valid teaching certificate.

Senator Malepeai asked why a board would give up authority. **Mr. Hancock** stated the granting of a leave of absence is not necessarily related to a disciplinary issue – it may be for a variety of other reasons – and the reason this language is included in the legislation is because in some of the large school districts, that could be something that doesn't necessarily rise to the level of the school board. This would prevent the need for emergency meetings should a teacher need to go on leave on short notice. **Senator Malepeai** asked if an individual would have to wait 21 days for an approval. **Mr. Hancock** stated under this legislation an administrator has the

right to grant a leave of absence, and then allows the school board to ratify or nullify a leave of absence.

Senator Malepeai stated to him it seems natural that based on the wording of the legislation, it seems to him that it would be natural for a district to delegate another individual, and asked if there was someone in mind. **Mr. Hancock** stated it depends on the district. **Senator Malepeai** stated that it sounds to him that it could be anyone, whether it be from the community or otherwise, and is leaving it wide open for anyone. **Mr. Hancock** affirmed that it would be whomever the district appointed.

Senator LeFavour asked what is different in the new language which has been inserted in the legislation, as it appears to her the language is identical. **Chairman Goedde** indicated the old language would apply to the entire master contract whereas the new language allows for the nullification of a provision which conflicts with a section of Idaho Code rather than the complete agreement. This is written to nullify any master agreement that conflicts with Idaho Code. **Senator LeFavour** asked why this was changed. **Mr. Hancock** stated school districts raised a concern with S1108 that there wasn't a provision to expire the sections of master contract that conflict with Code as they felt they were in a Catch-22.

The new language on Page 7 allows a supplemental contract to enjoy the same rights as a master contract which an individual holds.

The next set of changes, contained on the top of page 8, relate to the 99% ADA reimbursement. This language had to be re-written in relation to the emergency clause as included at the end of the legislation.

In response to questioning by **Senator LeFavour**, **Mr. Hancock** stated the language added on page 7 does allow property rights to be attached to an extra-day contract if there are property rights attached to the underlying contract held by an individual.

Mr. Hancock stated the 99% language is a different way of saying the same thing S1108 says – the 99% will continue through the end of the year and then be terminated. There was concern as to how the language on page 10 was written in the initial legislation. It first appeared to include “administrative” employees; this clarifies that administrative employees are not to be counted towards the 50% threshold. **Mr. Hancock** stated the addition of this language will make it easier to get over the 50% threshold.

At the bottom of page 10 and top of page 11, this struck language relates to the provisions of S1108 requiring an organization to certify twice. One of those two requirements has been struck – this only has to be demonstrated once.

On page 12, lines 7-9, there is new language that specifies if, in the event a board and association are unable to reach an agreement, if compensation is provided it has to reflect the last best good-faith offer. This will prevent a board from coming in and establishing terms for compensation that doesn't look anything like what was discussed in the negotiation offer.

Senator Malepeai asked for a definition of “good-faith.” **Mr. Hancock** stated this is an issue that has been heavily litigated and is not in a position to define it.

Responding to questioning by **Senator LeFavour**, **Mr. Hancock** stated the proposal process may be able to be litigated, but his assumption is this is something that will have to be presented as a written offer.

Mr. Hancock stated the rest of the changes reflect prior changes in the legislation; in section 10 there is language relating to an emergency, **Senator LeFavour** asked what the reason for an emergency in Section 10 would be. **Mr. Hancock** stated this is not defined.

Senator LeFavour stated it appears to her that the emergency appears to her to be an attempt to thwart the democratic process.

Phil Homer stood to represent the Idaho Association of School Administrators. He indicated the IASA supports the changes in H335.

Jessica Harrison stood to represent the ISBA. She stated the ISBA is in support of the changes in H335, and that the changes on page 6 are imperative in the process of moving forward.

Bert Marley stood to represent the Idaho Education Association. He stated the IEA likes three things about this bill: that the supplemental contracts have been given property rights; that there is only a requirement to prove majority once per year; and that there is the added language for the last best good-faith offer. He provided a couple of caveats to this however. The IEA would have been more comfortable with the word “reasonable” inserted on page 6, and the IEA is opposed to the emergency enactment clause. As a result it is opposed to the legislation.

Senator Winder stated the committee has heard through the process the good and bad things with the legislation. He feels if there is not an opportunity to enact this legislation the good things will be lost as well as the bad, and that this is not a sinister attempt to undermine the referendum process. **Mr. Marley** stated the IEA has only a few qualms with this legislation, and has also been operating under the assumption that this legislation would go into effect.

Senator Winder moved to send **H335** to the floor with a do-pass recommendation. **Vice Chairman Mortimer** seconded the motion. It passed with a voice vote, with **Senators Malepeai** and **LeFavour** voting Nay.

H0336:

Mr. Hancock stated H336 would change some of the multipliers for the Pay for Performance to ensure the fiscal note for S1110 remain accurate. This legislation was crafted in conjunction with S1113, which has since been replaced by S1184. Because of the replacement of S1113 and the budget as set by JFAC, there needed to be changes to the legislation to keep it financially sound.

Senator LeFavour stated she feels there are moneys that can be appropriated for Pay for Performance, or the legislation can reduce salaries, and she wants to be clear as to what is going on in this legislation. **Mr. Hancock** stated the basic mechanics haven't changed, however based on the JFAC budget which has been set these factors needed to change.

Responding to **Senator LeFavour**, **Mr. Hancock** stated that as the economy improves, it will concurrently drive more money to Pay for Performance. **Senator LeFavour** indicated her feeling that reducing that number has a more sinister effect. **Mr. Hancock** noted he doesn't see how adding to the Pay for Performance is a sinister action. He noted that JFAC controls the value of a support unit. When there is more money available in the fund, JFAC will provide more money into each support unit – when more money is put into the other factors, it will drive the Pay for Performance up.

Mr. Homer stated the IASA supports the changes.

Ms. Harrison stated the ISBA supports the bill and appreciates the flexibility it provides. **Senator LeFavour** asked if the ISBA was concerned about the emergency clause as it was initially opposed to S1110. **Ms. Harrison** stated her organization is trying to deal with the legislation as it comes; it is uncertain as to the future, but it is trying to deal with what is before them now.

Mr. Marley stated this is a mixed bag for the IEA. It appreciates the addressing of the concerns by the stakeholders, but it is also concerned with the effect on the salary multiplier. As such, the IEA does not support the legislation.

Vice Chairman Mortimer moved to send H336 to the floor with a do-pass recommendation; **Senator Andreason** seconded the motion. It passed with a voice vote, with **Senators Malepeai** and **LeFavour** voting Nay.

H0344: **Mr. Hancock** stood to present H344, which deals with items to provide districts with additional tools and flexibilities in dealing with tight budgets in FY2012. He stated this would provide districts with relief from obligations to provide local Maintenance Match monies when they are under fiscal constraints. The relief provided here is the same as has been seen in previous years, but the dates have been changed. Additionally, this allows districts to roll plant facilities levies into Maintenance and Operation's levies as the voters may chose.

Senator LeFavour indicated it was her understanding JFAC had taken care of the Maintenance and Operations levy issue. **Mr. Hancock** stated yes, however the state has nothing to do with the Local Match Money, which is the language seen in Section 1.

Mr. Homer stated the IASA appreciates the flexibility granted, and supports **H344**.

Ms. Harrison stated the ISBA echo's Mr. Homer's comments, and supports **H344**.

Senator Winder moved to send **H334** to the floor with a do-pass recommendation. The motion was seconded by **Vice Chairman Mortimer**; it passed with a voice-vote.

H0345: **Mr. Hancock** stated **H345** is the trailer bill to S1184, with only a few changes. On page four there are changes to the percentages as granted in S1184. Those numbers have been bumped up slightly. The reason for the changes is that when S1184 was written the budget had not been set yet. This allows for more precise calculations based on that budget. He stated this provision is about providing the school districts with a full array of tools without dictating how funds are used. If the district can save money in various areas, it allows them to do so. The one exception to this is that there is no flexibility on teacher and staff salaries except through this legislation.

Mr. Hancock noted the struck language on page 9, which will allow higher-education institutions to petition the Office of the State Board of Education, rather than the Public Charter School Commission, if it wants to operate a charter school.

Mr. Homer stated the IASA is in favor of this legislation.

Ms. Harrison stated the ISBA echos the IASA and is in favor of this legislation.

Robin Nettinga stood to represent the IEA. She stated the IEA is disappointed that there are changes to the use-it or lose-it as well as of the Emergency Enactment Clause, and is opposed to the legislation.

Senator Winder moved to send **H345** to the floor with a do-pass recommendation. **Senator Mortimer** seconded the motion. The motion passed with a voice-vote, with **Senator's Andreason, Malepeai** and **LeFavour** voting nay.

H0315:

Representative Roberts stood to present **H315**. He stated the legislation would do two things: changes on page one deal with the ADA special applications. It would have the districts make a commitment to teachers who are let go if the ADA is not adequate to fund them. It will also allow for a one year provision of 97% ADA funding for districts that have experienced a 3% decline or more in ADA.

Senator Andreason asked why the legislation is allowing this for only one year. **Representative Roberts** stated there are some individuals who want to go back to the 99% provision. The feeling is that for the districts who are large, and experiencing the biggest decline, this will provide them the funding for one year.

Responding to **Senator LeFavour**, he stated the provisions of this would allow for a supplemental fund next year. **Senator LeFavour** clarified that teachers would receive funding for one full year even if let go. **Representative Roberts** stated this was the case. The state feels school boards are good gauges of their communities, and can estimate decreases and increases in the community.

Mr. Homer stated the IASA is in support of the legislation.

Ms. Harrison stated the IASA echo's the sentiments of the IASA, and is in support of the legislation.

Mr. Marley stated the IEA does have concerns about the legislation, but is pleased to see the repeal of section 33-515(b); it recognizes districts will wait until the end of the hiring "season" to hire. However, the IEA does not support the bill.

Vice Chairman Mortimer moved to send **H315** to the floor with a do-pass recommendation. The motion was seconded by **Senator Winder**.

Senator LeFavour stated she recognizes the 99% is the most difficult for rural districts, but she is relieved to see even a short-term change. However, she worries about what will happen to these districts.

The motion passed with a voice-vote.

H0104:

Chairman Goedde welcomed **Representative DeMordaunt** to present **H104**. **Representative DeMordaunt** stated this legislation would ensure school district trustees would only compensate professional personnel for duties associated with the position for which they are employed. As a result, the districts may end up paying a teacher to operate as a union member. If the school board wants a teacher to perform other activities, that can be included in the contract. There has been concern that districts may be overcharging unions.

He stated this legislation is about transparency and ensuring moneys are allocated and used in the appropriate areas. He feels it is a straight forward situation and would encourage support.

Senator Toryanski asked if there were any other positions besides association presidents where this may be used. **Representative DeMordaunt** stated he has heard about this anecdotally, however, the situation primarily being addressed is the union issue. **Senator Toryanski** asked about situations of "train the trainer," where teachers are hired to train other teachers, and asked if this would be a legitimate

use of funds. **Representative DeMordaunt** stated this legislation does not discuss professional development. The only activities which are specifically banned are union activities.

Senator Andreason stated it was his hope that this would not encompass a coach, librarian or other instructing school-related activities. **Representative DeMordaunt** reiterated the answer he gave to Senator Toryanski.

Senator LeFavour asked if this wouldn't interfere with the Pay for Performance legislation. **Representative DeMordaunt** stated the Pay for Performance duties could be written into a contract. Senator LeFavour indicated she feels the bill would have to be written differently to address that. **Representative DeMordaunt** stated there could potentially be an "other duties as assigned" section of the contract – the only thing exempt in the legislation is labor activities.

Chairman Goedde stated he is concerned that the trustees could prevent employees from performing other duties such as working a second job. **Representative DeMordaunt** stated the only thing this limits is what is expected of a teacher during the hours of employment.

Chairman Goedde asked about the possibility of a teacher who belongs to a specific association associated with their course of teaching attending their meetings. **Representative DeMordaunt** stated this came up initially, and as such the legislation was amended to reflect this, and the word "labor" was added.

Andrew Rath, president of the Boise Education Association stated the BEA would urge a no vote on this legislation.

ADJOURN:

Chairman Goedde indicated the committee would adjourn so the Senate could go on the floor at 3:30 p.m. He stated that if the committee had another meeting, **H104** would be the first legislation on the agenda.

Senator Goedde
Chairman

Sara Pealy
Secretary