

MINUTES  
**SENATE EDUCATION COMMITTEE**

- DATE:** Wednesday, March 07, 2012
- TIME:** 3:00 P.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Andreason, Pearce, Fulcher, Winder, Toryanski, and LeFavour
- ABSENT/ EXCUSED:** Senator Malepeai
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Goedde** said that **Senator Malepeai** has an excused absence. He then reordered the agenda moving **HCR 389** to the top, next **H 579**, **H 426**, and finish with **HJM 8**.
- HCR 389** **Chairman Goedde** welcomed **Representative Shirley** to the committee to present **HCR 389**.
- Representative Shirley** told the committee that the month of March is art month for the state of Idaho. There have been musical performances in the capital and artwork on the fourth floor. He is bringing forth this resolution to coincide with those activities. He told of a grant that was given to the state from the National Endowment of the Arts. A leadership team was sent to Chicago for a week long institution regarding the importance of arts education in the public schools. A variety of community members representing different entities went on the trip.
- The resolution drafted by **Representative Buckner-Webb** and **Representative Shirley** is an outgrowth of that seminar and one of the ways they chose to continue to encourage the promotion of preservation of the arts in the public schools of Idaho. He continued by saying there has been a corrosion of the arts in school curriculums necessitated by the economy and budget cuts. Some patrons in the state have reported that there has been a complete loss of art in their schools: that is a tragedy. Research shows that art develops various thought capacities. Business leaders, educators, and parents want the schools to provide those to children, as they are being prepared for the demands of today's marketplace.
- This resolution encourages the utilization of innovative techniques and methods of delivering the arts where otherwise there is a shortage. Collaborative use of community expertise can make a significant contribution to preservation to the arts curriculum in public schools. He yielded the podium to his co-sponsor **Representative Buckner-Webb**.
- TESTIMONY:** **Representative Buckner-Webb** thanked the committee for their consideration in hearing **HCR 389**. She said she sat on the Idaho Commission of the Arts Board and has a long-term love for the arts. Arts provide a vehicle for creativity, critical thinking, collaboration, and many other learning skills. Arts open the flood gates to new ways of doing things and providing inspiration for future endeavors. She continued to laud the importance of arts to the students in Idaho.
- TESTIMONY:** **Michael Faison**, Executive Director of the Idaho Commission of the Arts, spoke in strong support of **HCR 389**. The Commission is a long term partner of the Department of Education and helps children in Idaho to have a good full education which includes arts instruction. Art works on the creative side of the brain helping future leaders to develop new ideas to solve problems.

- MOTION:** **Senator Winder** moved, seconded by **Senator Fulcher**, to send **HCR 389** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Vice Chairman Mortimer** will carry the bill on the floor.
- H 579** **Representative Bedke** presented **H 579** to the committee. This bill originally had a five year sunset clause and that five years expired this year. This new bill eliminates the sunset provision. The House had the options to have a new sunset, but due to the success of this program and the flexibility it allows school districts opted to eliminate any sunset clause. This legislation is to rehire the retired if the three provisions are there: 1. The person did not participate in the early retirement program; 2. The teacher reached the rule of 90; and 3. They must be 62 years of age or older. There is no actuarial consequence to employing these people. He asked for the committee's support.
- QUESTION:** **Senator Toryanski** said from his understanding of this legislation if a teacher avails themselves to early retirement, under this law they cannot be hired back. What is the rationale from prohibiting the early retiree from returning to work. **Representative Bedke** said it is the IRS laws that do not allow early retirees to return. They also had the Attorney General's office review the IRS rules, and they too concluded the safest procedure for the retirement fund system should be not to rehire early retirees. **Director Drum** from Public Employee Retirement System of Idaho (PERSI) said yes, the issue with the IRS is maintaining the retirement plan to be qualified. As an agency, he said, they work on the conservative side of the law.
- Chairman Goedde** asked if **Representative Bedke** knew how many retired teachers and administrators have used this program. **Representative Bedke** said that he didn't have the break down. The latest figures he had were about 62 people have used this program over the last five years. It is not overly used, but it is very useful for districts. **Chairman Goedde** said that he has had one email from a young constituent, who is a young teacher, saying this program is denying her employment. Please address that issue? **Representative Bedke** said the school system is for kids and he thinks that those that are rehired are the most effective teachers that have been in the system. To the extent that it deprives a young teacher of a job, he does not think that statement is entirely true. There are some openings around the state.
- TESTIMONY:** **Phil Homer** of the Idaho Association of School Administrators (ISA), said this bill has been one of their legislative priorities of the session. He said the ISA supports **H 579** and supports districts to be able to rehire retired, eligible teachers.
- TESTIMONY:** **Karen Echeverria** of the Idaho School Board Association (ISBA) said her association is in favor of **H 579**. There are currently 23 teachers and six administrators that are taking advantage of the current bill. She said this has been a success, it is a cost saving measure for districts when they hire a teacher or an administrator at less than full-time and without having to pay benefits to the employee. That saves dollars in the school district that can be used in other areas. She asked the sunset clause be removed.
- MOTION:** **Senator Andreason** moved, seconded by **Vice Chairman Mortimer**, to send **H 579** to the floor with a do pass recommendation.
- DISCUSSION:** **Senator Winder** asked **Jason Hancock** of the State Department of Education, if the department is okay with this legislation. **Mr. Hancock** said they weren't concerned about this bill. **Senator Winder** said he would like to know if this bill conflicts with last year's reform bills. **Mr. Hancock** said no this does not conflict. What was removed last year was the early retirement bonus.
- VOTE:** The motion carried by **voice vote**. **Senator Andreason** will carry the bill on the floor.

**H 426:** **Representative Thayne** was welcomed to the committee to present **H 426**. He refreshed the committee on the bill saying it allows students to take overload classes to finish school faster. He asked **Mr. Hancock** to review the amendments.

**Chairman Goedde** welcomed **Mr. Hancock** to the committee. **Mr. Hancock** instructed the committee members to review the highlighted document in front of them to make reviewing more streamline. He explained the yellow highlighted areas. These are the important parts in the bill. The intent of this is to send the bill to the amending order.

**QUESTIONS:** **Chairman Goedde** said the Boise School District has only six periods, how does a zero hour work with the students. **Mr. Hancock** said zero hour is within the scope of the seven periods and is not considered an overload class.

**Vice Chairman Mortimer** said he has heard concerns from area school districts and one of the comments was this legislation may hinder rather than facilitate the development of college readiness for some students. **Mr. Hancock** asked how are they thinking this bill hinders college readiness? **Vice Chairman Mortimer** said this legislation does not allow for advance placement classes, dual credit, or concurring enrollment courses to be covered under this program. The implication then is there is no readiness for college. **Mr. Hancock** replied there is still ample opportunity even under this legislation for a student to take a dual credit course. Those courses would just be taken in context of their regular school day.

**Vice Chairman Mortimer** asked what was the reason that the "8 in 6" program doesn't cover these courses? **Mr. Hancock** said this is put into place as a mechanism to move regular students through the regular requirements more quickly. There is currently a program called dual credit for early completers. That program is the reward for the students who move through more quickly. This new program is to help students find a way to get the requirements out of the way so they can qualify for the dual credit program. **Vice Chairman Mortimer** said he sees a void. He restated **Mr. Hancock's** comment and asked if during the process of getting their high school diploma they wanted to take part of those courses from concurrent or dual enrollment, under this program that would not be allowed. **Mr. Hancock** said the students have at least seven periods a day to take concurrent credit classes. This is not the only path for the extra courses the students would take in either the evenings or summer on their own time. There is ample opportunity for students to manage the "8 in 6" in their seven periods.

**Vice Chairman Mortimer** asked **Mr. Hancock** to address what are the districts' resources to monitor and track student progress. What is the State Department's requirement and what are the district's requirements. **Mr. Hancock** said there will need to be some reporting of this program. The student record data that districts are required to upload information to the IT data system will need to have a check box or something similar to be added that would designate the student being in this program.

**Vice Chairman Mortimer** said one of the districts that he visited with said the IT system is too rigid to facilitate the type of adjustments necessary to efficiently track the data. What is the responsibility of the Department to promote this program. **Mr. Hancock** said to promote this program the SDE will develop brochures, websites, and other media type things to inform districts and for them to hand out to their students and parents. School counselors will be the number one promoter of this program. In the case of the rigidity of the IT system, he said he is not an expert on data systems or computers, but believes that it will be simple to add the necessary components. **Vice Chairman Mortimer** asked if someone from the Idaho Association of School Administrators could respond to the question, what is the district's responsibility with this legislation.

**Rob Winslow**, Executive Director of Idaho Association of School Administrators (IASA), responded the membership envisions they would have the responsibilities of for implementation of this bill. They will most likely work with the SDE to get the information needed to implement this program. This issue that IASA has with this bill is the ten percent cap. They want to make sure that enough kids have access to the program. However, if too many in one building wanted the program and there were not enough students in another school of the same district, could the district, as a whole get up to that ten percent cap. If this does become law, IASA will work with its members to get it implemented. **Vice Chairman Mortimer** asked is this legislation something the IASA is wanting? **Mr. Winslow** replied this hasn't been fully vented, but right now the bigger issue is with IDLA being fully funded. In the limited conversations this could be implemented easily.

**Senator Toryanski** stated as the law stand right now, can a student graduate with enough credits after six years of secondary school to have gone through two years of college. Can they take some overload classes, can they take classes in the summer and end up with enough college credits to do the "8 in 6." **Mr. Winslow** said it is his understanding that they can do that now. **Senator Toryanski** asked is there any restriction in the law or the rules that would prevent administrators in a school from putting together a guide to hand out to parents when the child is in middle school indicating how to go about an eight in six year model. Is there any law that would not let a school do that? **Mr. Winslow** said no, there is not. **Senator Toryanski** asked how much would a student pays out of pocket to take with the IDLA right now? **Mr. Winslow** replied the price is \$75.00 and that is the price set and some districts pay that for students.

**CLOSING  
REMARKS:**

**Representative Thayne** said **Mr. Hancock** has done an excellent job explaining the bill and the amendments to go forward. He has spent a great deal of time helping his children get through high school faster and with college credits. He realizes that there is nothing that is prohibiting students from going through school faster, it is just that they do not know how to schedule classes to make it possible. He is putting this program together so that it will be easier for future students. He is trying to help reduce costs to families.

**Vice Chairman Mortimer** thanked **Representative Thayne** and **Mr. Hancock** for the work and the thorough explanations they have done on this bill. He also apologized for his slowness is comprehending this bill. He sees this bill as a way to bring more emphasis to the students advancing. There currently is this ability in the system, but nothing to promote it or brings it to the attention to someone. The implementation is still unclear. The SDE has a major roll to publicize "8 in 6." This puts added monetary and personnel burden on the districts and administrators.

**MOTION:** **Vice Chairman Mortimer** moved, seconded by **Senator Winder**, to send **H 426** to the amending order for amendment and corrections.

**DISCUSSION:** **Senator Pearce** said this bill should help parents get involved with their child's education place. He thinks it is a positive plan.

**Vice Chairman Mortimer** said this doesn't address completely the overload issue. There are students taking overload for make-up credits, and to get ahead. The committee is going to have to address that issue next year. His hope is when it is in the amending order they recognize that and they take more time with the bill to make sure the districts and SDE are involved in the promotion of this legislation.

**VOTE:** The motion carried by **voice vote**. **Vice Chairman Mortimer** will carry the bill on the amending order.

**Chairman Goedde** thanked **Representative Thayne** and **Mr. Hancock** for all the work they have done on this bill.

**HJM 8** **Representative Bateman** introduced **HJM 8** and said it calls for the repeal of "No Child Left Behind" legislation passed by Congress in 2001. This is a vehicle to express our dissatisfaction with unpopular federal policies. This is one of the most unpopular federal policies ever conceived by the mind and purpose of man. He continued to talk about his experiences as a teacher trying to work with this program. He urged the committee to send this bill to the floor with a do pass recommendation.

**MOTION:** **Senator Winder** moved, seconded by **Senator Fulcher** to send **HJM 8** to the floor with a do pass recommendation. **Chairman Goedde** said he will refrain from voting as he is a member of the National Conference of State Legislatures and their position is they have urged amendments to ESEA and he believes that conflicts with repeal. He is fine with moving this forward.

**VOTE:** The motion carries with a **voice vote**. **Senator Andreason** would like the record to reflect he voted nay. **Senator Winder** will carry the bill on the floor.

**ADJOURN:** Having no more business, **Chairman Goedde** adjourned the committee at 4:15 P.M.

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Senator Goedde  
Chairman

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LeAnn South  
Secretary