

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, January 28, 2013

**TIME:** 3:00 P.M.

**PLACE:** WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Durst and Buckner-Webb

**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.

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

**MOTION:** **Vice Chairman Mortimer** moved to approve the minutes of January 10, 2013. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Durst** moved to approve the minutes of January 14, 2013. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION:** **Chairman Goedde** recognized Karen Echeverria, Executive Director, Idaho School Boards Association (ISBA), who took the podium to present four RSs to the committee.

**Ms. Echeverria** provided background information addressing various pieces of collective bargaining and teacher contract issues. At its annual convention this past November, ISBA membership voted by a margin of three-to-one to bring these measures before the legislature for review, discussion and potential approval. She said the ISBA believes that as elected officials of their local school districts, they are responsible for the long-term prudent fiscal management their patrons expect, and they need the ability and the tools to effectively run their districts.

**Ms. Echeverria** said the membership of ISBA heard the concerns expressed by the Idaho Education Association (IEA) during the recent campaign, which were twofold: (1) the union's ability to negotiate more than just salaries and benefits, and (2) the protection of their tenure or continuing contracts. To the ISBA's knowledge, no other concerns were expressed on collective bargaining and contract matters and, as such, the ISBA will not bring any legislation on those two issues.

**RS 21815** **RS 21815** specifies that any master agreement reached between a school board and local union would be in effect for only one year beginning on July 1 and ending on June 30. **Ms. Echeverria** said that in order for school boards to set an annual budget in a timely manner based on the dollars available for the upcoming fiscal year, ISBA's members believe that master agreements cannot be open-ended and must have a one-year term. There is no fiscal impact to the state.

**Senator Durst** asked if school districts would be allowed to have multiyear contracts if they so chose and, if not, why not. **Ms. Echeverria** said that option would not be part of this legislation because the ISBA believes it is in the best interests of the school districts to manage on a yearly budget. When pressed, **Ms. Echeverria** stated that three-quarters of the school boards voted in favor of the single year contract, and the ISBA was here to represent the majority.

**MOTION:** **Vice Chairman Mortimer** moved to print **RS 21815**. **Senator Patrick** seconded the motion. **Senator Durst** requested a substitute motion.

**SUBSTITUTE MOTION:** **Senator Durst** moved to return **RS 21815** to the sponsor. **Senator Buckner-Webb** seconded the motion. The substitute motion **failed**. **Senators Durst** and **Buckner-Webb** voted **aye**.

**ORIGINAL MOTION:** **Chairman Goedde** called for a vote on the original motion by **Vice Chairman Mortimer** to print **RS 21815**. **Senator Durst** requested a **roll call vote**. **Senators Fulcher, Nonini, Thayn, Patrick, Vice Chairman Mortimer** and **Chairman Goedde** voted **aye**. **Senators Durst** and **Buckner-Webb** voted **nay**. The motion **carried**.

**RS 21809** **Ms. Echeverria** explained that **RS 21809** contains two elements that deal with collective bargaining. The first would require the local union to provide proof that they represent 50 percent plus one of the certificated employees in the local district in order to negotiate on their behalf. They would need to provide this annually. The second element of this bill would require both the local union and the local school board to provide proof that their respective memberships have ratified the agreement that has been negotiated by their appointed negotiators. **Ms. Echeverria** asked that the committee print **RS 21809**.

**MOTION:** **Senator Patrick** moved to print **RS 20809**. **Senator Fulcher** seconded the motion. **Senator Durst** requested a **roll call vote**. **Senators Fulcher, Nonini, Thayn, Patrick, Vice Chairman Mortimer** and **Chairman Goedde** voted **aye**. **Senators Durst** and **Buckner-Webb** voted **nay**. The motion **carried**.

**RS 21812** **Ms. Echeverria** stated that **RS 21812** again contains two elements. The first element would allow the local board of trustees to raise or lower certificated salaries or lengthen or shorten the term of certificated employee contracts. The second element would allow the local district to place an employee on unpaid administrative leave when that employee has a criminal court order that prevents them from complying with the terms of their contract. Currently, there is no provision that allows an employee to be placed on unpaid leave. The ISBA membership does not believe that the school district, and ultimately the taxpayers in their district, should be responsible for paying the salary of any employee who is unable to perform their duties in addition to the salary of a substitute.

**Senator Thayn** asked why there would be a need to reduce teacher salaries from time to time. **Ms. Echeverria** replied that this legislation is about long-term fiscal management as a counter to potential future difficult times, such as was experienced recently. If a supplemental district levy failed, for example, the district may not actually have enough money to pay the teachers on the grid they had at the local school district level. **Senator Durst** said a recent study by the Office of Performance Evaluation (OPE) reported teacher morale to be low and asked how this legislation might further affect such morale. **Ms. Echeverria** said that teacher morale is a management issue for the school districts and this legislation should have no effect.

**MOTION:** **Vice Chairman Mortimer** moved to print **RS 21812**. **Senator Thayn** seconded the motion. **Senator Durst** requested a **roll call vote**. **Senators Fulcher, Nonini, Thayn, Patrick, Vice Chairman Mortimer** and **Chairman Goedde** voted **aye**. **Senators Durst** and **Buckner-Webb** voted **nay**. The motion **carried**.

**RS 21793**

**Ms. Echeverria** stated that **RS 21793** addresses the issue of terminations and non-renewal hearings of certificated employees that are appealed to the district court. This legislation would establish the parameters of those appeals and restricts the courts ability to either affirm the decision or to set it aside and remand it back to the school district. Under current law when a grievance is appealed to the district court, it is as if nothing happened during the grievance procedure. A completely new trial begins and there is no deference given to the school board record or the school board decision.

**Senator Durst** asked how many school board members have practiced law or have law degrees enabling them to provide adjudication in such an appeal. **Ms. Echeverria** said the hearing officer would make a recommendation to the board and the board would make the decision. She added that she believed this was the case with any appeal – so that county commissioners, city councils, state employees, etc., all receive the same kind of hearings that the this legislation would grant to teachers.

**MOTION:**

**Senator Fulcher** moved to print **RS 21793**. Vice Chairman Mortimer seconded the motion. **Senator Durst** requested a **roll call vote**. **Senators Fulcher, Nonini, Thayn, Patrick, Vice Chairman Mortimer** and **Chairman Goedde** voted **aye**. **Senators Durst** and **Buckner-Webb** voted **nay**. The motion **carried**.

**Chairman Goedde** thanked Ms. Echeverria for her presentation. He briefed the committee on the process and time line set up with House Education Committee Chairman DeMorduant. Both have committed to meet with the stakeholders. Thus far, one meeting has been set up to go through the bills, line by line, in an effort to find common ground and work from there, as with any other bill. A second meeting will be forthcoming.

**ADJOURNED:**

There being no further business to come before the committee, **Chairman Goedde** adjourned the meeting at 3:17 p.m.

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John Goedde  
Chairman

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Elaine Leedy  
Secretary

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Jeanne' Clayton  
Senate Majority Staff