

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, March 18, 2013

TIME: 3:00 P.M.

PLACE: Room 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 Education Committee (Committee) to order at 3:04 p.m., and a silent roll was taken.

MOTION: **Vice Chairman Mortimer** made a motion to approve the Minutes dated March 4, 2013. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator Pearce** made a motion to approve the Minutes dated March 5, 2013. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator Fulcher** made a motion to approve the Minutes dated March 6, 2013. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator Nonini** made a motion to approve the Minutes dated March 7, 2013. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

S 1147 **Chairman Goedde** reminded the Committee that the debate on **S 1147** had been completed. During the debate on March 13, 2013, Karen Echeverria, Idaho School Boards Association (ISBA), had requested that **S 1147** be sent to the 14th Order for amendment.

MOTION: **Vice Chairman Mortimer** made a motion to refer **S 1147** to the 14th Order for amendment. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

S 1148 **Karen Echeverria** reminded the Committee that **S 1148** allows districts to manage salaries and negotiate contracts. She addressed some concerns that had been raised during initial debate on March 13, 2013, including financial emergencies. She also reminded the Committee that the state was not required to declare a financial emergency when they had to reduce salaries and impose furlough days over the last few years when dealing with budget cuts; county commissioners do not have to do so, city councilpersons don't have to, and neither do highway commissioners. Currently, the only elected body that is required to declare a financial emergency are school board members. The ISBA disagrees with this concept.

At the request of Senator Thayn, **Ms. Echeverria** outlined amendments to **S 1148** which refer to the standard teacher contract and indicates that it shall be uniformly applied to all employees based on the district's adopted salary schedule. Additionally, **S 1148** carries a sunset clause for one year. **Ms. Echeverria** also noted some concerns from the Idaho Education Association (IEA) that reduction in force would not be applied uniformly. She explained that in a reduction in force, a program could be cut, resulting in less time for a teacher, or elimination of that teacher due to program dissolution. Therefore, the reduction in force might not be applied uniformly.

MOTION: **Senator Thayn** made a motion to refer **S 1148** to the 14th Order for amendment. **Vice Chairman Mortimer** seconded the motion. In discussion, **Senator Thayn** restated his concern for clarity in language to ensure that reduction of salaries only occur during contraction negotiations and not during the school year.

SUBSTITUTE MOTION: **Senator Durst** made a substitute motion that **S 1148** be held in committee. **Senator Buckner-Webb** seconded the substitute motion. In discussion, **Senator Durst** stated his belief that **S 1148** should not go forward this session because it binds districts to a process that they might not support. He wanted to make sure that the process was as open as possible. **Senator Patrick** argued against the substitute motion, stating that schools would be given a choice to close or to negotiate during tough times. **S 1148** provides an option. Seeing no further discussion, **Chairman Goedde** called for a vote on the substitution motion. The substitute motion failed.

VOTE ON ORIGINAL MOTION: **Chairman Goedde** then called for a vote on the original motion to refer **S 1148** to the 14th Order for amendment. The motion carried by **voice vote**. Senator Patrick will carry the bill on the floor.

H 206 **Chairman Goedde** opened discussion of **H 206** concerning public charter school funding.

MOTION: **Vice Chairman Mortimer** made a motion to refer **H 206** to the 14th Order for amendment. **Senator Fulcher** seconded the motion. In discussion, **Vice Chairman Mortimer** said that he had been working diligently to find a nexus between charter schools and public schools, particularly as it relates to the general fund. He has been working with the sponsors of **H 206** to draft an amendment which would tie charter schools to the bond levy equalization fund, and cap charter schools to an equal proportion of that fund. **Chairman Goedde** stated that he also had concerns with authorizer fees, and the proposed amendments would provide a formula to set those fees on viable expenses of the authorizers. The motion to refer **H 206** to the 14th Order for amendment carried by **voice vote**. Vice Chairman Mortimer will carry the bill on the floor.

H 221 **Chairman Goedde** explained that Vice Chairman Mortimer had been working diligently on amendments with the stakeholders, the Attorney General's office and the State Department of Education. He acknowledged and thanked Vice Chairman Mortimer for his work.

MOTION: **Vice Chairman Mortimer** made a motion to refer **H 221** to the 14th Order for Amendment. **Senator Fulcher** seconded the motion. **Vice Chairman Mortimer** said that one of his objectives was to ensure that charter school hearings took place in the district in which the charter school would reside. **Chairman Goedde** said that concern had been raised over contract law versus statutory law; Jason Hancock, State Department of Education (SDE) is working with the attorney general on appropriate language. **Senator Nonini** hoped that restrictions on 501(c)3 authorizers do not prohibit foundations such as the J.A. and Kathryn Albertson Foundation or Micron. He suggested that non-profit authorizers should be in-state corporations. **Senator Durst** voiced concern that allowing non-profit charter school authorizers could, in practice, circumvent the school district's and charter school commission's control over authorizers. **Chairman Goedde** assured the Committee that several amendments options were being drafted. The motion carried by **voice vote**. **Senator Durst** voted **nay**. Chairman Goedde will carry the bill on the floor.

H 205 **Jason Hancock**, SDE, said that **H 205** would remedy "unimplementable" language which exists concerning the freeze of college credits for educators. **Mr. Hancock** reminded the Committee at the 2010 legislature froze college credits for teachers for the fiscal year (FY) 2011. In the 2011 legislative session, Students Come First legislation repealed that freeze so that FY 2012 teachers became current. The repeal of Students Come First in 2012 then "refroze" the FY 2010 credits. **H 205** would "re-unfreeze" those credits. **Mr. Hancock** stated that new language is need to accomplish the reinstatement of the 2010 college credits. **Chairman Goedde** stated many sunset clauses have been inserted into legislation this session, and that the governor's task force has formed an interim committee to determine if sunset clauses are appropriate. **H 205** would unfreeze college credits now, and the Committee could address it again next year.

MOTION: **Senator Thayn** made a motion to send **H 205** to the Senate floor with a **do pass** recommendation. **Senator Fulcher** seconded the motion.

SUBSTITUTE MOTION: **Vice Chairman Mortimer** made a substitute motion to refer **H 205** to the 14th Order for amendment. **Senator Patrick** seconded the motion. **Senator Thayn** said that since the current code is unenforceable, the original motion would accomplish the goal of unfreezing the 2010 college credits. **Senator Patrick** countered that the only compromise is a one year sunset clause and that he could not support the original motion without a sunset clause and task force recommendations. **Vice Chairman Mortimer** confirmed that a sunset clause would be in the amendment.

ROLL CALL VOTE: **Senator Durst** called for a **roll call vote** on the substitute motion to refer **H 205** to the 14th Order for amendment. **Senators Patrick, Pearce, and Nonini, Vice Chairman Mortimer** and **Chairman Goedde** voted **aye**. **Senators Fulcher, Thayn, Durst** and **Buckner-Webb** voted **nay**. The substitute motion carried. Chairman Goedde will carry the bill on the floor.

ADJOURNED: Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:35 p.m.

Senator Goedde
Chairman

Elaine Leedy
Secretary