

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Wednesday, March 20, 2013

**TIME:** 9:00 A.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman DeMordaunt, Vice Chairman Nielsen, Representatives Shepherd, Wills, Bateman, Boyle, Agidius, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, Pence, Kloc, Ward-Engelking

**ABSENT/  
EXCUSED:** Representative Boyle

**GUESTS:** Donna Weast, DHR; Julie Hart, Idaho Press Club; Harold Ott, Idaho Rural Schools Association; Don Drum, PERSI; Dan Goicoechea and Brian Benjamin, State Controller's Office; Matt McCarter and Camille Wells, Idaho State Department of Education; Marilyn Whitney, State Board of Education; Wayne Hoffman, Idaho Freedom Foundation; Monica Hopkins, American Civil Liberties Union (ACLU) of Idaho; Kent Kunz, Idaho State University

**Chairman DeMordaunt** called the meeting to order at 9:04 a.m.

**Chairman DeMordaunt** explained a change in the agenda. He turned the gavel over to **Vice Chairman Nielsen**.

**H 307:** **Vice Chairman Nielsen** explained that incorrect protocol had been used in the handling of **H 307** during the March 19 Meeting. He said it is against the rules to make a motion that legislation "DO PASS" and then directly debate against that motion.

**MOTION:** **Rep. Clow** made a motion to reconsider to send **H 307** to the floor with a **DO PASS** recommendation.

**Rep. Wills** explained the procedure would be to vote on the motion to reconsider the motion, then debate **H 307** for the second time.

**VOTE ON MOTION:** **Vice Chairman Nielsen** called for the vote on the motion to reconsider **H 307**. **Motion carried by voice vote.**

**MOTION:** **Rep. VanOrden** made a motion to send **H 307** to the floor with a **DO PASS** recommendation.

**Rep. Harris** said from a fairness point of view, he had researched the information from the previous day's testimony and found there were lost days and lost positions, but the salary decreases, that had been referred to during previous testimony, did not happen. He wished to change his vote from March 19 to a "yes" vote. **Rep. Wills** said he would be willing to vote "yes" to send the bill to the floor, but could not guarantee a "yes" vote beyond that.

**Vice Chairman Nielsen** explained to persons assembled in the committee room, there would be no additional testimony taken. The debate and vote would take place only within the committee.

**Rep. Ward-Engelking** said that she was bothered by the new information, with no chance for others to testify. **Rep. Kloc** noted the teachers who visited his office, after the March 19 Meeting, were elated that **H 307** had been held in committee.

**Rep. Agidius** said she remains convinced that the control of salary-based apportionment funds should be with local districts. **Rep. Bateman** said he wished to change his vote from March 19 to a "no" vote. **Rep. Pence** argued that local control was working well in her district, and she would vote **in opposition to H 307**.

**Vice Chairman Nielsen** said, from conversations after the meeting, he found that the local districts, and not the State, had made many of the cuts that testifiers objected to in the March 19 Meeting.

**SUBSTITUTE MOTION:**

**Rep. Wills** made a substitute motion to **HOLD H 307** in committee until a time certain. **Motion carried by voice vote.**

**Vice Chairman Nielsen** turned the gavel over to **Chairman DeMordaunt**.

**H 314:**

**Bruce Newcomb**, Boise State University (BSU), presented **H 314**. He explained the legislation provides efficiency and accountability in Idaho higher education, and provides equal status to the four state institutions of higher education. Those institutions are: University of Idaho, Idaho State University, Lewis-Clark State College and Boise State University. He said the bill will provide increased flexibility to the State Board to govern the state college and universities. The legislation also provides that the State Board may allow colleges and universities to utilize state departments for services, when it makes sense to do so. Mr. Newcomb told the committee, all stakeholders had been included in crafting the legislation.

**Stacy Pearson**, Vice President for Finance and Administration, BSU, testified in support of **H 314**. She said the University needed to cut administrative costs and solve some of the challenges to reduce administrative expenditures. She said the intent of the legislation is to include all changes into the auditing account. She added, BSU will work with the State on providing the mail services, at a savings to the University; however, health insurance would be better left with the University.

**Kevin Satterlee**, Vice President and General Counsel, BSU, spoke in support of **H 314**. He said when constructing new buildings, because of BSU's "non-land-grant" status, it can only use the Department of Public Works. He said the legislation would give BSU choice and efficiency in working with State Agencies, and public and/or private industry.

**MOTION:**

**Rep. Wills** made a motion to send **H 314** to the floor with a **DO PASS** recommendation.

**Brian Benjamin**, Assistant Chief Deputy/Counsel, State Controller's Office (SCO) noted that SCO is not taking any position on **H 314**. He said SCO did have concerns about implementation and fiscal impact. He said the proposals in the legislation would be funded by the Statewide Cost Allocation Program monies, and costs will not go down. He indicated, current Idaho Code has direct conflict with the language in the bill, and many sections of code will have to be reexamined. He said items written into the bill which make it more palatable for SCO are: (1) the implementation will be delayed for one year; (2) when a University needs assistance they will petition the Idaho State Board of Education, however, the Board has 18 months to study that petition; and (3) the 2016 sunset clause will give lawmakers and stakeholders a chance to reexamine the effects of the legislation and identify possible conflicts.

In response to questions from the committee, **Mr. Benjamin** explained there are policy decisions to be made. He said **H 314** is a better bill after collaboration. He indicated, changes to the Administrative Rules, plus other considerations, will come before the 2014 Legislative Session as a result of this legislation.

**Marilyn Whitney**, Idaho State Board of Education, said the State Board of Education has met to considered the legislation, and their concerns have been resolved.

**Kent Kunz**, Idaho State University (ISU) spoke in support of **H 314**. He said ISU will continue to work with state agencies for the success of the measure.

**VOTE ON MOTION:**

**Chairman DeMordaunt** called for a vote on the motion to send **H 314** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Horman** will sponsor the bill on the floor.

**S 1133aa:**

**Sen. Hagedorn** presented **S 1133aa** stating the Newtown, Connecticut, school shooting has school officials and law enforcement across the nation reevaluating school security. He explained the intent of the legislation is to bring the complimentary core competencies of the local school boards and local law enforcement together to create, and continuously measure and improve, the effectiveness of the security and safety measures in Idaho's K-12 schools and transportation systems. He said some schools are already organized, but others are not. He indicated there is no statewide understanding; however, **S 1133aa** would get elected officials, such as Idaho County Sheriffs and local school boards working together to measure, to report and to improve school security, across the State.

**Sen. Hagedorn** told the committee the school security plan reports would not be made public and would not be available through the Freedom of Information Act.

Responding to questions from the committee, **Sen. Hagedorn** said local police and first responders would be a part of the local committee, however, sheriffs and school board members were specifically chosen because they are elected by the people and can be held accountable. He said a state metric would measure the competency of a school district's security plan. He indicated that the sheriffs and school board members would have the veto power.

In response to additional questions from the committee, **Sen. Hagedorn**, said the schools with existing comprehensive plans should easily dovetail into the proposed metric. He noted the sheriffs and school boards will work in tandem without either holding veto power over the other. He indicated the Governor's Task Force will depend on the state metric for guidance, and the Governor and **Colonel Jerry Russell**, Director of the Idaho State Police (retired), were involved in creating the language for **S 1133aa**. He said the sheriffs and police departments need to work together. He added public charter schools are included in the bill.

**Julie Hart**, representing the Idaho Press Club, spoke **in opposition to S 1133aa**. She testified, Idaho Code 9-340B covered school safety and security plans. She said additional language is unnecessary. She noted, the Idaho Press Club recognizes the details of school security plans ought to remain secure; however, there should be a general reporting.

In response to a question regarding public disclosure endangering students, **Ms. Hart** said, compliance to the security plans needs to be publicized.

**Matt McCarter**, Director, Idaho State Department of Education, said the State Department is **in support of S 1133aa**. He indicated the Board favors beginning with a threat assessment which includes, not only brick and mortar checks, but assessment of school climate such as incidents of suicide, alcohol abuse, and social unrest. He noted the Idaho Plan follows recommendations from the Texas School Safety Center.

**Wayne Hoffman**, Idaho Freedom Foundation, and **Monica Hopkins**, ACLU of Idaho, spoke **in opposition to S 1133aa**. They objected to the broad exemption the legislation will give to public records. Ms. Hopkins said Idaho's Criminal Justice System does give a report, but not specific names. She said the school security reports need to be examined. Mr. Hoffman said security plan discussions will not take place in open session, leaving no way to question the security plans.

**Sen. Hagedorn** was called upon to close debate. He said openness to the plan can be duplicitous. He said they will publish the State Metric. However, the decision has to be made as to how much information defeats the purpose of security. He said, regarding a threat, the "unknown" is a deterrent, in and of itself.

**MOTION:** **Rep. Bateman** made a motion to send **S 1133aa** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Neilsen** made a substitute motion to **HOLD S 1133aa** in committee. He argued cost of implementation and reporting could be saved if school employees were allowed to carry arms, without disclosure of who does or does not carry.

**AMENDED SUBSTITUTE MOTION:** **Rep. Horman** made an amended substitute motion to send **S 1133aa** to General Orders. She said the public charter schools need to be specifically named.

**Reps. Kloc and Wills** spoke **in support of** the amended substitute motion. Rep. Wills stated the amending order would give opportunity for the inclusion of city and state police personnel, who already have compatible relationships with school districts; and, who will most likely be the first responders to any school security issue.

**Chairman DeMordaunt** called for a vote on the amended substitute motion to send **S 1133aa** to General Orders. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:56 a.m.

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Representative DeMordaunt  
Chair

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Jean Vance  
Secretary