

MINUTES
HOUSE EDUCATION COMMITTEE

- DATE:** Thursday, March 21, 2013
- TIME:** 8:30 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 Wills
- GUESTS:** Harold Ott, Idaho Rural Schools Association; Karen Echeverria, Idaho School Boards Association; Rob Winslow and Phil Homer, Idaho Association of School Administrators; Bryce Gestrin, Meridian Schools; Marilyn Whitney and Camille Wells, Idaho State Department of Education; Dr. Linda Clark, Joint School District No. 2; Robin Nettinga, Idaho Education Association
- Chairman DeMordaunt** called the meeting to order at 8:33 a.m.
- H 307:** **Chairman DeMordaunt** told the committee he had made a decision to **HOLD H 307** in committee. He explained that he would be presenting new legislation to replace **H 307** with the recommendation for the RS to be sent to the Second Reading Calendar. This action would allow the proposed legislation "hearing" status, thus allowing for testimony and debate on the RS.
- Chairman DeMordaunt** turned the gavel over to **Vice Chairman Nielsen**.
- RS 22318:** **Rep. DeMordaunt** presented **RS 22318**. He explained the deductions in state funding for salary-based apportionment (SBA) during the FY10-FY12 period caused school districts to reduce the number of certificated instructional positions, reduce the number of contract days, or a combination of the two. He said the proposed legislation contains a change from **H 307**, which resulted from concerns of those in the committee and those who testified before the committee. **RS 22318** restores the instructional positions and contract days that school districts have made since FY11, as in **H 307**. However, after those requirements have been achieved, the remainder of the 1.67 percent will go into SBA funds and will be distributed appropriately by the local districts.
- In response to questions from the committee, **Rep. DeMordaunt** confirmed that a district must restore furlough days and number of certified teachers before the SBA monies can be used as discretionary funds. He said the shortened work week, where employees work longer days, would not be adversely affected. To another question, Rep. DeMordaunt said the SBA funds could be spent for teacher development days for implementation of the Common Core; or, to indirectly pay back supplemental levies. He noted the proposed legislation would not take additional reporting. He said all actions would be compared against the 2011 level.
- Karen Echeverria**, Executive Director, Idaho School Boards Association, said she **supported** the change in **RS 22318**.
- In response to a question regarding **RS 22318** contradicting the "Use It or Loose It" legislation, **Ms. Echeverria** said the school districts will use both measures.
- Rob Winslow**, Executive Director, Idaho Association of School Administrators, said he was supportive of the new option within the proposed legislation. He noted the proposal adds flexibility.

Responding to a question from the committee, **Mr. Winslow** said districts would buy back furloughed days and teachers, then put money into salary-based apportionment.

Robin Nettinga, Executive Director, Idaho Education Association (IEA), spoke **in opposition to RS 22318**. She said the years of frozen steps, and nonpayment for education credits, cannot be fixed by the proposed legislation. She described the master contracts in many districts across the state. She added, in some districts, the state teacher salaries were reduced, not only as a result of furlough days, but also due to changes in the salary schedule. She provided negotiations' settlement information, and gave examples of salary schedules where the minimum salary is the "fixed" salary for several years of teaching. (See attached.)

In response to a question from the committee, **Ms. Nettinga** said the examples were not representative of all school districts, only those responding to the IEA Survey.

Dr. Linda Clark, Superintendent, Joint School District No. 2, spoke **in support of RS 22318**. She told the committee, Joint School District No. 2 has lost 30 teachers and 19 administrators. She said they had restored nine instructional days, however, not all of the furloughed days have been restored. She said the proposed legislation will allow a reversal in her district.

Rep. DeMorduaut was called upon to close debate. He said the committee, through its efforts, has helped to bring a better bill which addresses all contingencies. He noted **H 205** has already unfrozen the educational credits. He said, our kids have paid the price for the downturn in the economy. This proposed legislation will rollback some of the shutdowns.

Rep. Ward-Engelking said she was concerned that the proposed legislation did not do enough to keep talented beginning teachers in the classroom.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 22318**, and recommend it be sent to the Second Reading Calendar.

Reps. Clow and **Nielsen** spoke **in favor** of the motion. Rep. Clow said the proposed legislation gives back days and teachers, with surplus funds going to discretionary spending.

Reps. Pence and **Kloc** spoke **in opposition** to the motion. Rep. Pence said her district wants local control and she wants the fate of the 1.67 percent to be decided by local school boards. Rep. Kloc. said he was in agreement with Rep. Pence; however, his opposition included no testimonies from teachers in the RS hearing.

Vice Chairman Nielsen called for a vote on the motion to introduce **RS 22318**, and recommend it be sent to the Second Reading Calendar.

ROLL CALL VOTE: **Rep. Ward-Engelking** requested a roll call vote on **RS 22318**. **Motion carried by a vote of 11 AYE, 4 NAY, 1 Absent/ Excused. Voting in favor** of the motion: **Reps. Nielsen, Shepherd, Boyle, Agidius, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, and DeMordaunt. Voting in opposition** to the motion: **Reps. Batemen, Pence, Kloc and Ward-Engelking. Rep. Wills was absent/excused. Rep. DeMordaunt** will sponsor the bill on the floor.

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

H 324: **Sen. Brackett** presented **H 324**. He said the purpose of the legislation is to have Idaho join the Interstate Compact on Educational Opportunity for Military Children. He said the compact provides various mechanisms so that military children are not unfairly disadvantaged because of school attendance in multiple states or countries. He noted 44 other states have joined the compact, and it is a priority for the Mountain Home Air Force Base.

To a question regarding waivers for children, **Sen. Brackett** said the legislation is not asking for preference; it is concerned with helping individual children in individual situations. To an additional question regarding the advisory board, he said the legislation outlines the board as: the State Superintendent of Public Instruction, the superintendent of the school district with the largest concentration of military children, a representative from the military installation, a representative from the legislative branch, and a representative of the executive branch.

MOTION: **Rep. Nielsen** made a motion to send **H 324** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

S 1146: **Robin Nettinga**, Executive Director, Idaho Education Association (IEA), presented **S 1146** to the committee, relating the genealogy of the legislation. She explained, in the past four years, Idaho's Financial Emergency statute has provided school districts with a tool to deal with funding shortfalls. She said **S 1146** makes several modifications to the current statute. Those changes are: (1) reduction from 5 percent to 1.5 percent, the bar a district would be required to meet in order to reduce personnel costs, and (2) a school district could declare a financial emergency if the amount of property tax revenue is reduced from the prior fiscal year, and represents more than 1.5 percent of the district's general fund budget; or, if the school district's general fund has decreased by at least 1.5 percent from the previous year's level due to a decrease in funding or national disaster.

In response to questions from the committee, **Ms. Nettinga** said **S 1148** would not be parallel to **S 1146** because it has no triggers. She stated, in the case where a district may lose its supplemental levy, the legislation would make it possible to receive emergency funds. Ms. Nettinga said there is a safety net for the State in the district's declaration of 1.5 percent. Since the Idaho State Department of Education receives a budget from every school district, every year, for approval, transparency is established. So, a district can have no more than 5.5 percent in its rainy day fund before it can lower salaries.

MOTION: **Rep. VanOrden** made a motion to send **S 1146** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Pence** will sponsor the bill on the floor.

H 317: **Nick Smith**, Deputy Superintendent, Idaho State Department of Education, presented **H 317**, clarifying that all certificated employees must receive at least one written performance evaluation each year; and, in the case of instructional staff, the evaluation must include at least two documented observations.

In response to a question from the committee, **Mr. Smith** explained the State standards for evaluation are basic minimum standards, leaving room for local expansion and/or development of a district evaluation plan built upon the State framework.

MOTION: **Rep. Kloc** made a motion to send **H 317** to the floor with a **DO PASS** recommendation.

Responding to further questions, **Mr. Smith** said, with the November 2012 repeal of "Students Come First," Idaho was put out of compliance with the US Department of Education. Idaho must establish a statewide evaluation criteria to reestablish compliance.

VOTE ON MOTION: **Chairman DeMordaunt** called for a vote on the motion to send **H 317** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kloc** will sponsor the bill on the floor.

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

RS 22314: **Rep. DeMordaunt** presented **RS 22314**, stating the proposal is a concurrent resolution requesting the President Pro Tem of the Senate and the Speaker of the House of Representatives appoint an Interim Committee to study issues relating to Idaho's K-12 education system. He explained that much of the 2013 Legislation from the House Education Committee contains a sunset clause, requiring stakeholders to study the effects of the legislation. That task will fall to the Interim Committee, among others. He added the Interim Committee will also complete a study of how to improve and strengthen Idaho's K-12 system, report findings and recommend legislation for the 2014 Legislative Session.

In response to questions, **Rep. DeMordaunt** said the Minority and Majority Parties would be represented on the Interim Committee. He said they would not be working jointly with the Governor's Task Force; the committee's tasks would be policy-focused.

MOTION: **Rep. Bateman** made a motion to introduce **RS 22314** and recommend it be sent to the Second Reading Calendar. **Motion carried by voice vote. Rep. DeMordaunt** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:07 a.m.

Representative DeMordaunt
Chair

Jean Vance
Secretary