

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Tuesday, April 02, 2013

TIME: 10:00 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 Wills

GUESTS: Paul Stark, Legal Counsel, Idaho Education Association (IEA); Phil Homer and Rob Winslow, Idaho Association of School Administrators; Karen Echeverria, Idaho School Boards Association; Karen Pyron, Mackay School District; Luci Willits, Idaho State Department of Education

Chairman DeMordaunt called the meeting to order at 10:03 a.m.

MOTION: **Rep. Kloc** made a motion to approve the minutes of March 21, March 26 and March 27, 2013. **Motion carried by voice vote.**

S 1040aa: **Karen Echeverria**, Executive Director, Idaho School Boards Association, explained that the changes to **S 1040aa** reflect removal of language from the initial version which has been addressed by the Legislature in other bills during this session. For example, administrative leave is addressed through **H 259** and is no longer a necessary component of **S 1040aa**. Subsections under section 33-515, Idaho Code, are now contained in **S 1040aa**.

Ms. Echeverria explained the three subsections affecting annual contract issuance in **S 1040aa**: Subsection (a) addresses a July 1st date for renewable contract teachers. This date is consistent with all other contractual issuance dates and would be the last date to issue a contract. Subsection (b) allows a district to issue a letter of intent to a renewable contract for the following school year. These letters can be issued during May of each school year and provide a level of security to the school's employees, even if the contract sum or contract length is not yet finalized. Subsection (c) is an entirely new subsection. This language contains two "triggers." Ms. Echeverria said the "triggers" are: (1) The 2013-2014 contract length for renewable teachers can be reduced if the parties negotiate and ratify a reduction. (2) Before a school district can reduce the length of the renewable teacher's contract, they must account for, and apply, the funds associated with the 1.67 percent in salary-based apportionment.

In response to questions from the committee, **Ms. Echeverria** said the "trigger" would apply if the teachers were paid more than the State Salary Schedule. She said school budgets are public record and are published on the district's website. She noted, when the teacher's union is not present in a district to negotiate, the school board can make decisions without negotiation. Ms. Echeverria said many districts offer contracts earlier than July 1. She said districts can declare financial emergencies. She added, cities, counties and other public employers have the ability to manage salaries in this way. School districts should be able to do business similarly.

Paul Stark, Legal Counsel, IEA, testified in **opposition** to **S 1040aa**. He said school teachers are significant employees and there is a reason to protect them. He noted that other public employees are "at will" employees, but school teachers are contractual employees. He related the history of the legislation which he reported were pieces from the repealed Proposition 1. He stated the legislation was a sweeping and devastating action for teachers which takes away "all things essential" in a renewal contract. He added, the provisions in **S 1040aa** let the school districts offer whatever salary or condition they want to offer.

In response to questions from the committee, **Mr. Stark** said there is no requirement to show there is a financial emergency before putting the provisions in **S 1040aa** into play. He said the lawmakers are giving school boards a blank check to write in any amount. He noted, although many school board members have integrity, some may be willing to lower salaries and change conditions in teacher contracts, even without a financial emergency.

Rob Winslow, Executive Director, Idaho Association of School Administrators, said his organization **supported S 1040aa**.

Responding to a question from the committee, **Mr. Winslow** said school superintendents meet together and take a vote on proposed legislation. He stated he did not know the exact number of districts that supported **S 1040aa**.

Rep. Ward-Engelking said she had spoken with the superintendent of the Boise School District today and he opposed **S 1040aa**.

Karen Pyron, Superintendent, Mackay School District No.182, spoke in **support of S 1040aa**. She related, **S 1040aa** is critical legislation for Mackay and for many school districts in Idaho. She said Mackay has 197 students, K-12, and 16 teachers. She said Mackay is a 5-star school with a three percent tax base. It has a \$449,000 gap in the school budget largely due to loss of Craig-Wyden funds, and a 20 percent decrease in state funding. She indicated reducing teacher salaries is the last thing her district wants to do. However there is not an alternative. The administration of her district, sat down with the teachers and staff and they all accepted a 5 percent reduction rather than dismiss any certificated or non-certificated staff. She said the amiable bargaining was made possible because of legislation that allows the local school board to act accordingly.

Ms. Echeverria was called upon to close debate. She clarified, the salary cuts found in **S 1040aa** have to be uniformly applied with negotiation. She noted, reduction in force has always been a responsibility of the school boards.

MOTION:

Rep. Ward-Engelking made a motion to **HOLD S 1040aa** in committee.

**SUBSTITUTE
MOTION:**

Rep. Gestrin made a substitute motion to send **S 1040aa** to the floor with a **DO PASS** recommendation.

Reps. Bateman, Horman and VanOrden spoke in **support** of the substitute motion.

Rep. Bateman said the story of Mackay is multiplied in towns across the state. He said it is not only the problem of teachers or education; it is the problem of everyone in town. **Rep. VanOrden** said, as a member of a school board, she found her colleagues work with teachers. **Rep. Horman** said it is not necessary for a district to declare an emergency. If a school district's financial obligations outweigh its income, the district is in an emergency.

Reps. Ward-Engelking and Pence spoke in **opposition** to the substitute motion. Rep. Ward-Engelking said the legislation is not necessary. The legislation in place all ready works with teachers and salaries. She noted, **S 1040aa** guts teachers salaries. It leads them to agree to a contract without the substance of that contract, only to find later, that the conditions agreed to are no longer in existence. She indicated, July 1 is too late in the year to find another job; and, breaking a contact has negative consequences. Rep. Pence explained teachers have a feeling they cannot control their destiny. She said she did not like to do that to teachers.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman DeMordaunt called for a vote on the substitute motion to send **S 1040aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps Pence, Ward-Engelking, Kloc,** and **Agidius** requested to be recorded as voting **NAY.** **Rep. Horman** will sponsor **S 1040aa** on the floor.

Chairman DeMordaunt noted the passing of **Janet Orendorff**, a prominent educator. He also explained the combined Education hearing for **S 1199** on Tuesday, April 3, 2013, at 8:00 a.m., in the Lincoln Auditorium (WW02). In response to a question, he said advance publication of the bill will give Representatives opportunity to study prior to the hearing.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 11:12 a.m.

Representative DeMordaunt
Chair

Jean Vance
Secretary