

MINUTES  
**HOUSE EDUCATION COMMITTEE**

- DATE:** Tuesday, January 28, 2014
- TIME:** 9:00 A.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman DeMordaunt, Vice Chairman Nielsen, Representatives Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc, Rubel
- ABSENT/  
EXCUSED:** None
- GUESTS:** Robin Nettinga and Matt Compton, IEA; Mike Rush, Marilyn Whitney, Amy Nelms, Tracie Bent and Tamara Baysinger, SBOE; Tyler Mallard, Risch-Pisca; Harold Ott, Rural Schools; Tony Smith, Northwest Career Colleges Federation; Rob Winslow and Phil Homer, IASA; Jessica Harrison, ISBA
- Chairman DeMordaunt** called the meeting to order at 9:02 a.m.
- MOTION:** **Rep. Kloc** made a motion to approve the Harris subcommittee minutes of January 13, 2014. **Motion carried by voice vote.**
- MOTION:** **Rep. Kloc** made a motion to approve the minutes of January 16, 20 and 21, 2014. **Motion carried by voice vote.**
- RS 22538:** **Rep. Gibbs** presented **RS 22538**. He said he represented six counties and nine school districts. He was trying to solve a problem that exists in smaller school districts of the state. He said the proposed legislation revised the authority of school district trustees and public charter school directors, regarding employment of a spouse. It also provides additional grounds for a Category 1 contract issuance.
- In response to questions from the committee, **Rep. Gibbs** said he did not see it as an ethics problem. He told the committee of instances where a pianist for choir and a drama person were working in a small district, but who were unable to be compensated because those persons were spouses to contracted teachers or trustees of the school board. He said the qualified pool of applicants could also be limited in small districts. To another question regarding other entities, such as cities, falling under the change in statute, Rep. Gibbs said he did not know if that were the case.
- Responding to an additional question, **Rep. Gibbs** said the State Department of Education (SDE) helped in drafting the bill. **Jason Hancock**, Deputy Chief of Staff, SDE, drafted the language for "small school" definition and the size unit of 1200.
- MOTION:** **Rep. Wills** made a motion to introduce **RS 22538**. **Motion carried by voice vote.**
- RS 22572:** **Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education presented **RS 22572**. She said the section of Idaho Code specifies the residency requirement for any public institution of higher education in Idaho for the purposes of determining tuition rate. She said two sections of the Code were in alignment at one time, however, that changed over the years. The proposed change in statute would make the same categories applicable at community colleges and four year institutions. Ms. Whitney told the committee the proposed legislation would also remove the list of tribes whose "traditional and customary boundaries" were within the State of Idaho and whose members were considered residents for tuition purposes. Instead, any member of any tribe who resides within the State of Idaho can make application without fear of not being on "the list."

**MOTION:** **Rep. VanOrden** made a motion to introduce **RS 22572**. **Motion carried by voice vote.**

**H 385:** **Marilyn Whitney**, SBE presented **H 385**. She said the mechanism has been used only twice, once in the Plummer-Worley School District and currently in the Salmon School District. She said the change in statute allowed flexibility for the panel to modify a project should a building situation pose an "imminent danger." And in addition, the school district could not pass a bond levy to remedy that danger at the local level. She said the legislation would also designate the State Fire Marshal to sign off that unsafe conditions have been abated.

In response to a question, **Ms. Whitney** said the fire marshal works in concert with the panel members: the executive director of the State Board of Education, the administrator of the Division of Building Safety and the director of the Department of Public Work. She also said the accrediting agencies are very strict in their requirements for accreditation.

**MOTION:** **Rep. Gestrin** made a motion to send **H 385** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel** will sponsor the bill on the floor.

**H 361:** **Marilyn Whitney**, Chief Communications and Legislative Officer, SBE, presented **H 361**. She explained that in the State of Idaho, a proprietary school must obtain a surety bond in order to register to do business in the state. Changes were made during the 2013 Legislature to allow proprietary schools to use alternate financial instruments, as approved by the Board's Executive Director, to satisfy this requirement. She added that the Department of Finance asked for the amendment which would correct a technical error in the language. Ms. Whitney stated the legislation would also remove the bond requirement for proprietary schools that are degree-granting institutions. She also explained if a proprietary school is accredited by a body recognized by the State Board of Education, it has met requirements for financial soundness.

In response to a question, **Ms. Whitney** said the accrediting agencies are very strict in their requirements for accreditation.

**Tony Smith**, Benton, Ellis and Associate, testified that the Northwest Career Colleges were in favor of **H 361**.

**MOTION:** **Rep. Harris** made a motion to send **H 361** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Harris** will carry the bill on the floor.

**H 362:** **Marilyn Whitney**, SBE, presented **H 362**. She said this legislation revises Idaho Code with respect to the disbursement of liquor funds to the community colleges, and gives that authority to the State Board of Education instead of the Liquor Division. This actually reverses legislation passed in 2012 that moved authorization from the Board to the Liquor Division. However, the Controller's office and the Legislative Services Office pointed out that the funds are appropriated to the State Board of Education and thus payment should be authorized by the State Board of Education. She indicated the distribution of funds is formula based and there is no discretion on the part of the board.

In response to questions, **Ms. Whitney** said the funds are actually authorized to the State Department of Education and there is no action of collecting the funds. The formula mandates the amount sent to the department for higher education; it was a designer move to keep the disbursement within the agency.

**MOTION:** **Rep. Kloc** made a motion to sent **H 362** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McDonald** will carry the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:45 a.m.

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Representative DeMordaunt  
Chair

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Jean Vance  
Secretary