

MINUTES
SENATE EDUCATION COMMITTEE

- DATE:** Tuesday, February 04, 2014
- TIME:** 3:00 P.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Buckner-Webb and Ward-Engelking
- ABSENT/ EXCUSED:** None
- 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 Senate Education Committee (Committee) to order at 3:05 p.m., and a silent roll was taken.
- PRESENTATION:** **Stephen G. Loosli**, President and CEO of LabStats, introduced the Committee to EduTrends software which tracks the use of applications, computers and devices for schools. It can track school-issued devices in the classroom, in computer labs, and those issued directly to students, even when they take them home. LabStats is committed to privacy and security. EduTrends can report when, and for how long, students are interacting with classroom technology to help school leaders make decisions. EduTrends answers two basic questions: (1) Are students using the digital assets the school has provided them? (2) Are the students benefitting from those digital assets? All of this is meant to answer the ultimate question: was a particular investment in educational technology worth the dollars spent, and does it continue to do so? **Mr. Loosli** then reviewed actual reports from a school district to demonstrate how the software works and showed how usage was tracked throughout the school day. **Vice Chairman Mortimer** asked about after school usage. **Mr. Loosli** replied that the first hour after school was the lowest part of the day, and then usage increased up to approximately 7:00 p.m. **Vice Chairman Mortimer** asked about cost. **Mr. Loosli** replied that in small schools, the cost was approximately \$6 per device. In large schools, the cost was approximately \$3 per device. In a school with 550 devices, the cost is approximately \$1500 per year.
- RS 22694** **Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education (Board) said that this is a new RS dealing with the timing of Board members appointments. The previous RS did not contain a provision to allow Board members to continue to serve after their terms have expired. The proposed legislation would change the timing of Board member appointments from March 1 to July 1. This new timing will avoid the breaks in service of Board members that are reappointed or appointed to vacant seats on the Board. It also proposes that Board members could assume their duties upon appointment, which would still be subject to Senate confirmation, to avoid prolonged vacancies. January 1 was considered, but with holidays and preparations for the legislative session, it was decided that moving it outside the holiday and legislative session was a better option.
- MOTION:** **Senator Patrick** made a motion to **print RS 22694**. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

S 1264

Ms. Whitney said that this legislation would amend Idaho Code with respect to the relationship between the Public Charter Commission and the Executive Director of the State Board of Education. The Executive Director of the Board of Education is specified in code to act at the direction of the Commission to administer and enforce the provisions of the Charter School statute. The proposed change would add the words "or his designee" so that the Executive Director has some separation in his or her duties in the event the State Board of Education must hear an appeal from a school authorized by the Commission. This change will help eliminate a possible conflict of interest in the event the State Board of Education must hear an appeal from a charter school authorized by the Commission. Additional changes clarify that the Board has oversight of Charter Commission rule making and general oversight of public charter schools.

MOTION:

Vice Chairman Mortimer made a motion to send **S 1264** to the Senate floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. The motion carried by **voice vote**. **Vice Chairman Mortimer** will carry the bill on the floor

S 1229

Ms. Whitney said that the proposed changes in **S 1229** will provide a clear definition in Code of dual credit that allows for secondary students to take dual credit courses. The proposed legislation strikes references to specific grade levels. In this case, 11th and 12th grade students are being replaced by a reference to a secondary pupil. The references to grade levels have caused confusion for the districts and are not consistent with some of the new dual credit programs such as the "8 in 6" and the Early Completers programs. Additional changes provide consistency. These changes are being proposed to help eliminate barriers to students taking dual credit courses. The repeal of Section 7 would eliminate the requirement that each individual school district have a Memorandum of Understanding (MOU) with the governing Board of each institution from which students take courses. The institutions do have agreements with the districts with respect to who can teach dual credit, the materials and curriculum used, and other quality requirements. These are specific between institutions and districts or schools and not with the governing boards. These agreements are driven by the institutions' accreditation requirements.

Chairman Goedde asked if the bill included a definition of counseling services. **Tracie L. Bent**, Chief Policy Planning Officer, State Board of Education, replied that counseling services was not defined. However, the bill includes a list of items which must be included in counseling services, including financial aid. **Chairman Goedde** and **Vice Chairman Mortimer** questioned the definition of secondary schools, noting that some secondary schools begins with 9th grade, and others begin with 8th grade. Ms. Bent replied that secondary schools are defined as 7th through 12th grades. **Vice Chairman Mortimer** suggested that academic counseling be added to the list of services to be included in counseling.

MOTION:

Senator Thayne made a motion to send **S 1229** to the Senate floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

S 1232

Matt Compton, Director of Public Policy, Idaho Education Association (IEA) stated that **S 1232** amends Idaho Code § 33-1509 to ensure that if a school bus driver comes to the aid of a rider who may be in danger, the driver will be immune from civil or criminal liability. The board of trustees of each school district is required to establish and adopt a set of written policies governing the student transportation system, consistent with laws and regulations, to ensure safety, efficiency, and economy in the operation of the district's transportation system. The local school board is also responsible for defining, in writing, the duties of bus drivers. However, trustees do not have the authority to grant immunity when one of their bus drivers intervenes to protect someone. Idaho's School Bus Driver Training Classroom Curriculum Manual, published by the Idaho State Department of Education, states that the school bus driver has complete responsibility for the operation of his bus and care of his passengers. Section 10 of that manual focuses on student management. However, a review of that ten-page lesson shows that there is no specific training for serious situations where children may be in harm. Mr. Compton detailed four situations that occurred in other states which required swift intervention by the bus driver. Fortunately, no such situation has yet arisen in Idaho. However, when cases occur that make national news, the IEA receives questions from their members who drive school buses. This legislation would help to ensure the safety of children and also ensure that bus drivers will not face legal penalties if they intervene to protect their students.

Senator Nonini asked if the legislation protects drivers who do intervene as well as those who do not. **Mr. Compton** replied that the bill was designed to make bus drivers feel comfortable and confident that if they did intervene, they would not be held criminally responsible. **Senator Nonini** offered a hypothetical example wherein two boys assault a girl and the bus driver intervenes; he asked if the parents of the boys had any rights under the bill. **Mr. Compton** replied that intent would be the guiding principle, either negligible malice or good intentions. **Senator Nonini** further inquired about the origin of this bill. **Mr. Compton** stated that this legislation was brought by the IEA's general counsel who reviewed the events in other states. **Vice Chairman Mortimer** asked several clarifying questions to determine that this legislation covers bus drivers who are on duty and on the bus. He felt that the legislation, as written, was vague. **Robin Nettinga**, Executive Director, IEA agreed that the legislation was intended to protect bus drivers in service on their bus. **Chairman Goedde** concurred that the language was vague. **Vice Chairman Mortimer** stressed that the language did not state whether the driver protected under this bill has aided someone in the bus or out of the bus. **Ms. Nettinga** offered to clarify the legislation. **Senator Patrick** also questioned whether bus drivers had been sued for not intervening. **Ms. Nettinga** said that in the examples cited by Mr. Compton, the bus driver did not intervene because he believed he was not allowed under school policy. **Chairman Goedde** stated that the Committee would hold the bill, pending further clarification.

S 1233

Senator Thayn explained that **S 1233** contains three sections. Section I deals with the Mastery Advancement Program (MAP), and provides that students of public charter schools, as well as those of public school districts, are eligible to participate in the mastery advancement scholarship program. This section also provides for the scholarship program, regardless of whether or not the public charter school or public school district participates in the MAP programs, and the student has met all of his graduation requirements. In order for the school to participate in the scholarship program, the school must participate in the MAP program.

Section II changes the language to add advanced placement or other college credit-bearing or professional certificate examinations. Section II also provides a new funding opportunity for grades 11 and 12, in the amount of 75 percent, not to exceed \$200 and \$400, respectively, to help defray the cost of dual credit courses, advanced placement tests, or professional-technical certifications, provided that the student is not participating in the MAP scholarship. The State Department of Education will distribute such funds from the monies appropriated to the educational support program.

Subsection 4 deals with the issue of community colleges and counties paying dual credit courses for high school students. **Senator Thayn** explained that this issue has never been discussed in the legislature, and this subsection does not intend to set any new policy. The subsection states that the payments made shall not duplicate payments made by any other governmental or charitable program, *except* that payments made by the counties to the community colleges, shall be reduced by a like amount. The Department shall make the rules and establish reporting.

Section III, the "8 in 6 Program" (8/6 program) says that the State shall pay the lesser of the actual cost or \$225 dollars per credit for summer online courses. A significant change occurs in subsection 6 which defines "full course load". In grades 7 and 8, a full course load shall be no fewer than 12 credits. In grades 9-12, a full course load shall be no fewer than 14 credits. These definitions of full course load relate to eligibility requirements for state payments for summer school online courses as prescribed in the 8/6 program.

Vice Chairman Mortimer and **Senator Nonini** asked several clarifying questions concerning Section II, subsection 4. **Senator Thayn** provided examples: if a student is enrolled in dual credit for Early Completer's program, then the \$200 or \$400 amount would not apply. Rowdy's Truck Stop offers scholarship funds for dual credit courses, and therefore, the \$200 or \$400 would not apply to those scholarship recipients. However, when county funds (liquor funds) are involved with an out-of-district student, an exception applies. If an out-of-district student is taking a dual credit class that typically costs \$195, this bill would pay approximately \$146 of that amount, and the county likely would pay the remainder. The funding under this bill, from the general education fund, would replace 75 percent of the cost to counties for out-of-district students. **Senators Fulcher** asked what assumptions were used to estimate the fiscal impact of \$3 million. **Senator Thayn** responded that 63,000 credits are being earned by high school students, and he felt that \$3 million would fund most of those. **Chairman Goedde** added that the Governor had suggested that this legislation be zero funded and paid for through the public education stabilization fund. **Chairman Goedde** suggested that the \$3 million might not be realistic. **Senator Ward-Engelking** asked clarifying questions concerning the 8/6 program. **Jason Hancock**, Deputy Chief of Staff, State Department of Education, stated that the State will pay for online summer school courses provided that students in the 8/6 program carry a full load in the regular school year. If a student does not complete the 8/6 program and graduate early, that student is not required to repay the State.

TESTIMONY:

Seth Grigg, Idaho Association of Counties, said that counties do not often get involved with education legislation, but do when it concerns community colleges. Counties do receive liquor funds from the State. When liquor money is received by the State, one-half stays with the State, and the other half goes to local governments. Sixty percent of local funds go to the general fund of the cities. Forty percent of the funds go to the county, which is required by Idaho law to spend up to 50 percent of those funds in the payment of out-of-district tuition expenses. In Idaho five counties reside within a community college district: Kootenai, Ada, Canyon, Jerome, and Twin Falls counties. They are able to use the liquor funds as they choose because the community colleges are receiving property taxes in those counties. In the event a county has exhausted their liquor funds, they then must levy property taxes to pay for out-of-district tuition, and this occurs at an increasing rate at the county level. As more students are enrolling in community colleges and in dual credit courses, more counties are levying property taxes because the liquor funds are no longer sufficient to pay for these credits. While the Idaho Association of Counties does not have a position on this bill per se, **Mr. Grigg** said that while provisions of subsection 4 will relieve some of the obligation of counties to pay, counties are still required to pay up to \$500 per semester. The counties are concerned that their out-of-district costs may increase as more and more high school students take dual credit course. **Mr. Grigg** suggested that the Legislature might benefit from considering the community college structure and the dual credit structure, since the current structure was developed long before the internet and dual credit classes.

Jessica Harrison, Policy and Government Affairs Director, Idaho School Boards Association (ISBA's), on behalf of the Idaho Association of School Administrators and the Idaho Education Association (organizations), stated that in general all three organizations support advantage opportunity as recommended by the Governor's Task Force. However, they have concerns about the fiscal note for this bill. The funding for this bill would need to be approved by the Joint Finance and Appropriations Committee (JFAC), but at this time, the organizations are uncertain as to the source of these funds. They also have concerns about the data available on the usage for these funds for programs currently in place. Additionally, the associations understand that the Governor has not recommend this funding in his budget. The ISBA's Government Affairs Committee has reviewed this issue and they would like confirmation of the number of students currently utilizing these opportunities before appropriating additional dollars. The organizations could support this bill with the assurance that funding would be "new dollars" that are not part of discretionary funding. The organizations might also support funding this program out of the Public Education Stabilization Fund (PESF) until such time when accurate data on use of these funds is available. All three of the organizations have identified restoration of discretionary funds as a main priority and fear that this bill may conflict with that goal.

Greg Woods, Superintendent, Notus School District (NSD) said that 10 percent of its 7th through 12th grade student population have enrolled in the 8/6 program. Eight staff members out of 13 are dual credit certified, teaching 73 dual credit classes. NSD uses award money to help pay for those classes, however those funds will expire. With a 67 percent poverty rate in its student population, the \$200 or \$400 proposed in this bill would greatly benefit NSD's students.

Ryan Kerby, Superintendent, New Plymouth School District (NPHS) said that in 2013, one of NPHS's patrons offered to pay for dual credit as long as what he gave would not come before other available funds. In just one year, his \$55,000 check raised the number of dual credit courses taken from 440 to nearly 1,050. Students increased the number of dual credit course they were taking, and additional students joined in. On average, graduating seniors had 12 dual credits last year. As a result, 65 percent of NPHS students went to college, and the retention rate was 80 percent. These students were low income students. **Mr. Kerby** emphasized that students will work harder if they will earn college credit for their efforts. They are better prepared for the rigors of college, and also save money earning college credits. They report that their freshman year is more interesting because they can begin to take courses in their majors right away. Westside School District and Notus School district report similar results. **Mr. Kerby** said that 83 percent of New Plymouth graduates have taken some dual credit courses, versus 27 percent statewide in Idaho. **Mr. Kerby** supports this bill and stated that it is the best way to reach the State Board of Education's 60 percent goal.

Senator Nonini confirmed with Senator Thayn that the addition of professional certificate language in Section II pertains to community colleges and does not add Eastern Idaho Professional Technical College to the liquor fund distribution.

Senator Ward-Engelking asked if the money for **S 1233** would come from the general fund rather than from operational funds. **Senator Thayn** agreed that the bill proposes new money as an investment in the very successful dual credit program. **Chairman Goedde** commented that Ms. Harrison also asked for the assurance of new money. **Chairman Goedde** added that while the funding is outside the purview of the Committee, the Committee can make recommendations to JFAC.

MOTION: **Vice Chairman Mortimer** made a motion to send **S 1233** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. **Chairman Goedde** asked Senator Thayn to address the adequacy of \$3 million and refine that figure. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Goedde passed the gavel to Vice Chairman Mortimer who called for **S 1257**.

S 1257 **Chairman Goedde** said that **S 1257** changes the description of the color for school buses to comply with the actual color name being used. When sold, all school buses shall have markings obliterated.

MOTION: **Senator Fulcher** made a motion to send **S 1229** to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Mortimer returned the gavel to Chairman Goedde.

ADJOURNED: Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:47 p.m.

Senator Goedde
Chair

Elaine Leedy
Secretary