

MINUTES
HOUSE EDUCATION COMMITTEE

- DATE:** Monday, March 10, 2014
- TIME:** 8:30 A.M.
- PLACE:** Room EW41
- MEMBERS:** Chairman DeMordaunt, Vice Chairman Nielsen, Representative(s) Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc, Rubel
- ABSENT/
EXCUSED:** Vice Chairman Nielsen
- GUESTS:** Senator Mortimer; Rob Winslow, IASA; Harold Ott, Rural Schools; Barbara Jorden, ITLA; Matt Compton, IEA; Karen Echeverria, ISBA; Luci Willits, SDE; Marilyn Whitney and Amy Nelms, SBE
- Chairman DeMordaunt** called the meeting to order at 8:31 a.m.
- MOTION:** **Rep. Kloc** made a motion to approve the minutes of the March 4, 2014 meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Kloc** made a motion to approve the minutes of the March 5, 2014 meeting. **Motion carried by voice vote.**
- SCR 139:** **Sen. Mortimer** explained the purpose of **SCR 139** is to request the President Pro Tem of the Senate and the Speaker of the House of Representatives make recommendations to Legislative Council to appoint an Interim Committee to study issues relating to Idaho's Professional Technical Education (PTE) system. The Concurrent Resolution asked that the Interim Committee undertake and complete a study of how to improve and strengthen Idaho's PTE system and that the Committee report its findings and recommended legislation, if any, to next year's Legislature. He indicated the PTE program has a 64 percent "go on" rate, however, dual enrollment is not available in the PTE program.
- MOTION:** **Rep. Bateman** made a motion to send **SCR 139** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bateman** will sponsor the bill on the floor.
- S 1377:** **Sen. Goedde** explained that during the discussion on Idaho Core Standards, it was pointed out Idaho Code was in conflict with practice as well as rule in regard to who is responsible for adoption of curriculum. He said the bill clarifies the responsibility of adoption of curriculum lies at the local school district trustee level.
- MOTION:** **Rep. Gestrin** made a motion to send **S 1377** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.
- S 1232aa:** **Sen. Ward Engelking** presented **S 1232aa** to the committee. She said the intent of the legislation is to make sure that children are safe and to shield a bus driver from civil or criminal liability in the event he or she comes to the aid of a rider who may be in danger.

Matt Compton, Idaho Education Association, spoke in support of **S 1232aa**. He said parents trust school bus drivers are well-trained to drive defensibly and follow all the rules of the road. Parents also expect that the school bus driver will keep their child safe from other physical and emotional harm as they make their way to and from school each day. He said, fortunately, thousands of Idaho children ride the bus to and from school each day without incident. However, situations do occur which cause those in educational circles to pause and consider whether there are adequate protections in place. Prescribed in Idaho statute and rules are directives to keep students safe and protected on the school bus. He explained the board of trustees of each school district is required to establish and adopt a set of written policies governing the student transportation system to ensure safety, efficiency, and economy in the operation of the district's transportation system. Mr. Compton, indicated the local school board is also responsible for defining in writing the duties of bus drivers, but trustees do not have the authority to grant immunity when one of their bus drivers intervenes to protect someone. Only the legislature has that authority. He asked lawmakers to pass **S 1232aa**.

A discussion was held regarding the language of **S 1232aa**, the content of the Senate amendment, the possibility of allowing school bus drivers not to act in the event of an altercation or any other crisis, and the definition of "reasonable." **Senator Ward-Engelking** explained it was the intent to make sure that our children are safe, but that school bus drivers will not face legal penalty. She said it used to be the duty of all to intervene. That has changed. She also explained the reporting or calling of 9-1-1 in an emergency circumstance is to be done within a reasonable time period.

Barbara Jorden, Idaho Trial Lawyers Association, was called upon to answer questions regarding their recommendations in the language of **S 1232aa**. She explained her organization helped the sponsors of the legislation. She said the intent of the language was to encourage intervention where possible, but to be held harmless, if a school bus driver's reasonable decision was "not to act."

To further questions from the committee, **Senator Ward-Engelking** said **S 1232aa** does not mandate that people be involved. She said the Senate Education Committee was concerned that school bus drivers not be mandated to help a pupil who is not riding on the school bus. The Senate also addressed a student's medical needs and the size difference between a smaller driver and a large student when intervening in an altercation.

- MOTION:** **Rep. Boyle** made a motion to send **S 1232aa** to General Orders with the amendment attached to remove the words: "or failing to act" from the bill.
- SUBSTITUTE MOTION:** **Rep. Rubel** made a substitute motion to send **S 1232aa** to the floor with a **DO PASS** recommendation. She said if a student is armed or if a student is larger than the school bus driver, those incidents would be reason enough to "fail to act."
- Reps. Rubel** and **Pence** spoke in favor of the substitution motion. They said the attorneys have vetted the language and if the measure is sent back to the Senate, with the deletion of their added language, it would probably be **HELD** in committee. **Reps. Clow** and **Boyle** debated against the substitute motion. They said the words: "reasonably acting" is sufficient to cover the situations that may develop on a school bus.
- VOTE ON SUBSTITUTE MOTION:** **Chairman DeMordaunt** called for a vote on the substitute motion. **Motion failed by voice vote.**
- VOTE ON THE MOTION:** **Chairman DeMordaunt** called for a vote on the motion to send **S 1232aa** to General Orders with the amendment attached to remove the words: "or failing to act" from the bill. **Motion carried by voice vote. Rep. Boyle** will sponsor the bill on the floor.

H 578:

Rep. Ringo explained, legislation was passed in 2006 to set \$25 million aside to help those poorer school districts wherein buildings were unsafe, but the tax base limited passage of additional bond levies. She said the purpose of **H 578** is to extend the Public School Facilities Cooperative Funding Program (PSFCFP) to include the "Public Schools Facilities Cooperative Fund Loan Program." She said money for the loans would come from PSFCFP. The legislation would extend use of the cooperative funding program to allow school districts with enrollment of 2,000 or lower to borrow up to \$200,000 to address facilities issues related to energy efficiency, school security or safety. The districts would be required to repay the loan in five years or less. Rep. Ringo indicated ability to repay may result from savings related to efficiencies, or management of other resources such as lottery funds. Schools may borrow an amount up to one year's income and revenue without a vote of patrons.

Rep. Ringo explained PSFCFP has been used once by the Plummer-Worley School District and currently by the Salmon School District. She described a dilemma in the Priest River School District where the building needs energy efficient windows which could cost \$150,000 to replace. The school superintendent indicated the savings would be \$50,000 per year, thus repaying the loan within three years. She said the fund would be there for a crisis situation for the rural schools. She indicated the Attorney General's opinion stated the loan could be made without voter approval. Rep. Ringo said legislative analysts told her there is \$16 million balance in PSFCFP, however, the Division of Public Safety said in reality there may be only \$10 million. She said the entire loan program should not require more than one million at any one time.

In response to a question from the committee regarding diluting of the PSFCFP when adding the loan program, **Rep. Ringo** said she saw it more as extending the funding program. She explained that since the PSFCFP was already in place with an oversight panel, the problems of administration were solved. To another question regarding the school districts indebtedness without the approval of the persons living within the district, Rep. Ringo said the loan fund will give school districts a management tool to deal with unforeseen crisis.

Karen Echeverria, Executive Director, Idaho School Boards Association (ISBA), spoke **in opposition** to **H 578** stating the ISBA is against any legislation that has a fiscal note. She said the bill gives preferential treatment to small school districts.

Marilyn Whitney, Chief Communications and Legislative Officer, State Board of Education, said the Board has not taken a formal position. She repeated the findings of the use of PSFCFP and the remaining dollar amounts for that funding program. She said as of January 6, 2014, \$16 million is left in PSFCFP that is not allocated.

In summation, **Rep. Ringo** said the school lawsuit which went on for years, was affecting small districts. She said the recent legislation did not solve the problem. To a question from the committee, she indicated before a school district can seek the loan fund, the ability to payback within five years, must be established.

Rep. Boyle spoke **in favor** of **H 578**. She stated some school districts have excessive public lands with only a three percent tax base. She said those districts are in need of help.

MOTION:

Rep. Boyle made a motion to send **H 578** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ringo** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:36 a.m.

Representative DeMordaunt
Chair

Jean Vance
Secretary