

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, January 07, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Introductory remarks	Chairman Goedde
	Discussion of education thoughts among committee members, and of bills that might be forthcoming	Committee Members
	Assignment of Rules Review to 3-person teams	Vice Chairman Mortimer

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini(Nonini)

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, January 07, 2014  
**TIME:** 3:00 P.M.  
**PLACE:** Room WW55  
**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini(Nonini), Thayn, Buckner-Webb, and Ward-Engelking  
**ABSENT/ EXCUSED:** Senator Patrick  
**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 3:01 p.m., and a silent roll was taken.

**Chairman Goedde** announced that the purpose of this introductory meeting was to briefly discuss anticipated legislation and presentations before the Committee, and to assign rules for review to 3-person teams.

**Chairman Goedde** began by suggesting that the major focus would likely be devoted to reviewing all twenty recommendations from the Governor's Task Force for Improving Education (Task Force), which held hearings throughout 2013, and the report from the K-12 Educational System Interim Committee which held hearings during Fall 2013.

**Chairman Goedde** announced that he would be bringing forth legislation to address concerns with data security issues in Idaho Core Standards (ICS), and would have drafts available shortly. He further anticipates that several sessions of the Committee's work would review all 20 of the recommendations made by the Task Force. SchoolNet and Idaho System for Educational Excellence (ISEE) would need to be reviewed again. **Chairman Goedde** advised that Senator Mortimer has been in touch with a company that tracks usage by students. One concern in deployment of SchoolNet and ISEE has been inappropriate usage, with the thought that monitoring could produce less inappropriate usage.

**The Chairman** added that Senator Patrick has information on a secondary agricultural education program which will be introduced in legislation. **The Chairman** expects reports on the 2013 technology grants and what progress and successes came from those grants. He further expects reports on the money which was allocated to develop differential pay at the local level.

**Chairman Goedde** advised that Chairman DeMourant is coordinating a joint session of the House and Senate Education Committees to address Idaho Core Standards, and will create a pro/con panel discussion to flesh out truth from fiction. Another joint session will address the Smarter Balanced Assessments to address concerns expressed by various school superintendents. Further discussions will address concerns expressed by the community colleges on how professional-technical standards are adopted and funded by the State Board of Education.

**Chairman Goedde** then invited members of the Committee to continue with a discussion of their goals and interests. **Vice Chairman Mortimer** expressed interest in studying professional-technical opportunities in light of Idaho's goal of reaching 60% of adults achieving some level of post-secondary education, with emphasis on the job placement rate and how Idaho can best use its professional-technical resources. He is also interested in redefining "discretionary" to "operational" spending, particularly in relation to health care costs. He further wishes to address the need for more school counselors in order to get young people headed in the right directions. **Vice Chairman Mortimer** expressed concern that improved transferrability of general education requirement credits has not yet occurred and believes that we may need to define general education requirements in statute.

**Senator Fulcher** was pleased with many of the ideas already expressed, especially the pro/con panel discussion of Idaho Core Standards. He also would like an update on the Idaho Education Network, whether it is working or not and what hurdles exist. **Chairman Goedde** added that the wireless deployment might also be included in that discussion.

**Senator Thayn** agreed with Senator Mortimer's concern over the portability of general education requirements, the "one-half attendance rule," and mastery requirements. He indicated that legislation is being drafted to address those concerns. **Senator Thayn** also advised that legislation would be forthcoming to fund dual credits for junior and senior high school students.

**Senator Pearce** elaborated on Senator Thayn's interest in dual credits and felt that it was an area in which great progress could be made, as it allows students to accelerate at their own speed. He expressed that the goal of having 60% of students graduate with 30 college credits – the equivalent of their first year of college – was very important. **Senator Pearce** looked forward to discussions on the Idaho Core Standards, and suggested that perhaps the standards could even be higher, as in Massachusetts.

**Senator (Nonini) Nonini** said that her primary goal was to get the "real" Senator Nonini back to the Senate.

**Senator Buckner-Webb** expressed interest in the discretionary spending budget, having spent time with nine schools who were concerned about the timetable. Smarter Balanced Assessments was another issue, and she wished for greater clarification of dual college credits for high school students.

**Senator Ward-Engelking** was encouraged that the various bills being drafted to implement recommendations from the Task Force have left great room for collaboration. She is also looking at a pre-school pilot program.

**PASSED THE  
GAVEL:**

Chairman Goedde then turned the meeting over to Vice Chairman Mortimer to discuss rules review. **Vice Chairman Mortimer** advised that three days were planned for rules review, and that 3-person teams had been assigned. While all senators were expected to review all rules, he asked that the assigned team members "delve into the weeds" and be prepared to make the motions. The goal was to finish rules review by next Tuesday.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer returned the meeting to Chairman Goedde.

**ADJOURNED:** There being no further questions or business before the Committee, **Chairman Goedde** adjourned the meeting at 3:18 p.m.

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Senator Goedde  
Chairman

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, January 09, 2014**

SUBJECT	DESCRIPTION	PRESENTER
<b>DOCKET NO.</b>		
<a href="#"><u>08-0105-1301</u></a>	Idaho Promise Scholarship Program (Chapter Repeal)	Tracie L. Bent, Policy Planning/HR Officer, State Board of Education
<a href="#"><u>08-0106-1301</u></a>	Leveraging Education Assistance Partnership Program (Chapter Repeal)	Tracie L. Bent
<a href="#"><u>08-0109-1301</u></a>	Rules Governing the GEAR UP Idaho Scholarship Program: Clarifies definition of Educational Costs, student application timelines, and removes unnecessary language regarding funds	Tracie L. Bent
<a href="#"><u>08-0112-1301</u></a>	Idaho Minority and "At-Risk" Student Scholarship Program (Chapter Repeal)	Tracie L. Bent
<a href="#"><u>08-0113-1301</u></a>	Rules Governing the Opportunity Scholarship Program: Removes redundant language in Idaho Code, clarifying residency for tuition purposes, student eligibility, academic eligibility and streamlining renewal application process.	Tracie L. Bent
<a href="#"><u>08-0201-1302</u></a>	Rules Governing Administration: Sets out requirements for students who have not completed high school to take the GED Assessment	Tracie L. Bent
<a href="#"><u>08-0201-1301</u></a>	Rules Governing Administration: Repeals language under Students Come First (SCF) regarding collective bargaining and negotiations	Luci B. Willits, Chief of Staff, State Department of Education
<a href="#"><u>08-0202-1301</u></a>	Rules Governing Uniformity: Repeals language under SCF and aligns teacher and principal evaluation standards to comply with ESEA waiver	Luci B. Willits
<a href="#"><u>08-0202-1302</u></a>	Rules Governing Uniformity: Assures proper accounting for all students through accreditation and 5-Star Rating system	Luci B. Willits

[08-0202-1303](#)

Rules Governing Uniformity: Removes barriers in Board approval of teachers Luci B. Willits

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini(Nonini)

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, January 09, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Nonini(Nonini), Thayn, Patrick, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Senators Pearce and Fulcher

**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 3:01 p.m., and a silent role was taken.

**Chairman Goedde** announced that the Committee would start with rules review. But first, he introduced Anna Pietz, the new Senate Page, who would be working with the Committee for the first half of the session.

**Anna Pietz** stated that she is a senior at Capitol High School in Boise, and that after high school she would like to go into politics or work in government. Being a Senate Page is a perfect place for her because it is hands-on which she feels is the best way to learn.

**PASSED THE GAVEL:** Chairman Goedde then turned the meeting over to Vice Chairman Mortimer for rules review.

**Luci B. Willits**, Chief of Staff, Idaho Department of Education (Department) began by summarizing the rule-making process. The Department, or Mr. Tom Luna, Superintendent of Public Instruction, cannot make a rule on its own. Instead, there is a process that allows the Department to go through the Board of Education (Board), which is the rule-making body. The Board holds public meetings under open meeting laws, materials are placed online, and public comments may be received. Once that process is complete, the Board notifies the Department that it may proceed and the Department then conducts its own public comment period. Thus, by the time a rule comes before the Legislature, it has been quite thoroughly vetted, although some small errors sometimes occur.

**DOCKET NO. 08-0201-1301** **Ms. Willits** explained that this rule follows the temporary rule that was enacted in 2013, and repeals language regarding collective bargaining and negotiations under Students Come First (SCF). Since SCF was overturned by referendum in November 2012, this language is no longer applicable. If adopted, this rule will become permanent.

**Vice Chairman Mortimer** asked if the open meeting portion was put into another section. **Ms. Willits** replied that the open meeting section is not reflected in this rule because the open meeting rule has been placed in statute.

**MOTION:** **Senator Patrick** made a motion to adopt **Docket No. 08-0201-1301**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**Ms. Willits** stated that the purpose of this rule is two-fold: (1) to revise teacher evaluation standards with regard to student achievement and professional practice; and (2) to create principal evaluations standards. By way of background, **Ms. Willits** explained that in 2008, the Legislature authorized the Department to create a state-wide task force to develop teacher evaluation standards, which were approved by the Legislature in 2009. The state of Idaho chose to follow the Charlotte Danielson Framework for Teaching Second Edition, so that when she makes a change, the Department also requests a change in order to keep up with modern and best practices.

**Docket No. 08-0202-1301** reflects slight revisions in regard to "instructional outcomes". **Ms. Willits** explained that Senator (Nonini)Nonini had previously contacted her to inquire why the word "goals" was being replaced with the word "outcomes." The Department's research on the question revealed that outcomes refer to what students will learn, not what they will do, and thus permit viable methods of assessment. Outcomes should reflect different types of learning, such as knowledge, conceptual understanding and thinking skills. The other change on page 49 reflects the desire to have a wide range of stakeholders to give input on how evaluations are developed, specifically to include parents.

Additionally, Idaho previously had a law that fifty percent of a teacher's evaluation was based on student achievement. That was part of the SCF referendum repeal. But the need did not go away – it is required by federal law, as well as an agreement stating that a certain percentage of teacher's evaluation should be based on student achievement. The question is what is the right percentage? The Department created a task force that looked at both the principal and teacher provisions, and they looked at the Measures of Effective Teaching (MET) study. The task force concluded from their research that sixty-seven percent of teacher's evaluation should be based on professional practice – parent/guardian input, student input, and/or portfolios. Each school district determines the right combination. Each teacher must have at least two documented observations, one prior to January 1st, which gives adequate time for improvement, plus one additional observation. Whereas the former rule stated that fifty percent of the teacher evaluation would be based on student achievement, the new rule calls for thirty-three percent student achievement, including growth, and utilizing a state-wide measure.

**Ms. Willits** next discussed the portion of this rule which states that any principal evaluator must demonstrate proficiency by passing a proficiency assessment and by participating in two documented classroom observations, one of which shall be prior to January 1st. The 2013 Legislature provided funding to train principals in teacher evaluations.

**Senator Patrick** asked Ms. Willits about the passing rate for the principal assessments. To answer this question, **Ms. Willits** introduced Mr. Greg Alexander. **Mr. Alexander**, Director, Statewide System of Support, State Department of Education, stated that at the beginning of the school year, principals were notified that they could enroll in the training for evaluator proficiency. At this time, between 500-550 certified administrators, 10-20 certified administrators that may not be acting administrators, 10 special education directors, and 40-50 higher education educators have signed up for the training. The training is ongoing, and Mr. Alexander will report back to the Committee as to how many have completed the program. However, he believes that ninety-eight percent of those who have completed the training will be able to pass. **Ms. Willits** reviewed the teacher evaluation rating system of one, two, or three..



**Senator Ward-Engelking** questioned whether the criteria comprising the sixty-seven percent professional practice standards needed to include all items listed, or if it could be made up of just one or two. **Ms. Willits** replied that each school could decide for itself what they wanted. **Senator Ward-Engelking** also questioned whether an exception could be made in the required teacher evaluation which must occur prior to January 1st, for example, in the case of a teacher who joined the school later in the first semester. In consultation with Mr. Alexander, **Ms. Willits** replied that there was no provision at this time, but it was something the Department should probably include for the future, and thanked Senator Ward-Engelking for calling it to her attention.

**Senator Thayne** referenced the inclusion of parents in developing policies for teacher performance evaluations and asked for clarification about that inclusion. **Ms. Willits** explained that prior language had referenced parents, but that the new language emphasized the strong desire that parents be involved. **Vice Chairman Mortimer** questioned the disparity between stating that parents must be involved and the statement that districts could choose which criteria in the sixty-seven percent professional practice standards could be used. **Ms. Willits** explained that the reference to parents pointed to developmental discussion of what to include in teacher evaluations versus the actual criteria.

**Senator (Nonini)Nonini** stated that under SCF, the student achievement portion was fifty percent, and asked if professional practice was also fifty percent. **Ms. Willits** explained that SCF required fifty percent in student achievement, and also required parent input which could be any percentage. The task force found that most districts had some sort of parent input and some districts were beginning to include student input. Therefore, the task force added the professional practice element, together with parental and student input, as part of the menu from which districts could develop their sixty-seven percent.

**Ms. Willits** next stated that the section on principal evaluations is new and effective July 1, 2014, although it has been piloted previously in a temporary rule. Section 121, pages 53-55 are related to standards. These standards run throughout the rules presentations because not only are these domains, such as school climate, collaborative leadership and instructional leadership, among others, but they also appear in standards for administrators and also as endorsements. In other words, if principals and administrators are going to be evaluated on these standards, then these elements must also be part of their training so that there is alignment and consistency across the board. Some of the language in this section has appeared earlier, however the standards in this section are higher in quality, and listed more clearly.

Just as teachers have professional practice standards, so must principals, and the standards are the same for both. The districts can choose from the three elements of teacher input, student input and portfolios for that sixty-seven percent, while the other thirty-three percent remains with student achievement. All of the evaluation policy is laid out – the frequency shall be once per school year, and the district will develop an evaluation plan which will be submitted to the Department for approval. This is a significant rule because it adds professional practice and student achievement standards for principals, for teachers, and it creates a principal evaluation standard for the first time.

**Senator Ward-Engelking** asked who would evaluate the principals. **Ms. Willits** replied that typically it is the superintendent, but it is not specified in that manner. Section 05 on page 57 references the evaluation plan which each district will develop, and that plan would include the evaluator. **Senator Ward-Engelking** acknowledged that this rule has delineated the training which principals will undergo, and questioned whether the same type of training would be required of superintendents who evaluate principals. **Ms. Willits** yielded to **Mr. Alexander** who explained that in sixty percent of districts with 600 students or less the superintendent might also be the principal of the school, in which case one would look to the school board. Likewise large urban districts, such as Boise, have area directors, which is why this section did not get specific. The intent, however, is to train the superintendent or whoever is evaluating the principals. **Ms. Willits** added that ultimately the administrators are responsible to the board of trustees, and the board typically assigns the evaluator. **Senator Ward-Engelking** acknowledged that her question had been answered, and also stated that she does have a concern in this area.

**Senator (Nonini)Nonini** stated a strong concern that student achievement has become a lower percentage than in the past. Speaking as a teacher, she bases her own performance on how well her students are doing and would like to see student achievement as a higher percentage. She asked if the House Education Committee also had concern with this percentage. **Ms. Willits** replied that the House Committee expressed similar concern. She continued that the Department had tried to strike a balance: They formed a committee to review it, they did the research and held discussions. The first iteration had been only twenty-five percent, and the Department urged that the committee at least match the MET study of thirty-three percent. There were those who wished a higher percentage, some lower, but this rule is the result of committee work and the Department felt they needed to support the package which the committee delivered. In answer to procedural questions by **Senator (Nonini)Nonini**, **Vice Chairman Mortimer** outlined that the Committee could continue to ask questions, have discussions, or hold the rule in Committee for future discussion. **Vice Chairman Mortimer** indicated that if other members had concerns, as did he himself, then the appropriate action would be to hold the rule in Committee until all members were present. **Senator (Nonini)Nonini** again stated that student achievement is a very important element to consider.

**Senator Thayn** asked for clarification for the measure of student achievement. **Ms. Willits** replied that the measure is determined at the local level. The Department requires that one element is a state-wide test for accountability, however it does not say what percentage. It must include growth and multiple measures. Different districts have different measurements – some have interim assessments while others may have end-of-course assessments. The local district determines their own combination.

On a separate topic, **Senator Thayn** referenced data collection on page 67 and asked what data would be collected and who would hold that data. **Ms. Willits** responded that the data collected is the evaluation rating for the purposes of this section. Data collected regarding evaluations is held at the local level. The Department collects and holds the aggregate and does not include any individual teacher or principal. **Senator Thayn** asked for further clarification of the term "aggregate." **Ms. Willits** replied that when the Department conducts training and collects data on how the teachers are doing, it is an aggregate, not individual number. It is part of Principle 3, which is part of the ESEA Waiver with the federal government that requires policies and reporting. The Department reports a general number. For example, 250 out of 300 teachers in a district are "proficient" and the other 50 fall into the "basic" or "unsatisfactory" categories with corresponding aggregate numbers.

**Senator Buckner-Webb** expressed that, in looking at principal evaluations especially in small rural communities, it is important to delineate how they will be handled so that the principal evaluations will be appropriate and will also be great for students and communities. **Ms. Willits** agreed and stated that this is a process over time. The Department worked first on teacher evaluations, now principal evaluations, and the next logical step is to ensure that those evaluating the principals are as good as those evaluating the teachers, and that everything is fair and meaningful. She believes that principals affect student achievement as instructional leaders. Principal evaluations are Phase II, and the Department will be bringing Phase III in the future.

**Vice Chairman Mortimer** asked Ms. Willits to address the role that parents play, or don't play, in each of these evaluations – whether they give input and where they actually evaluate – in order to distinguish where they play a role in developing the evaluation and where they actually participate in evaluating teachers or principals. **Ms. Willits** stated that this question was an important one because when parents participate, they have a stake in the outcome and feel comfortable with the system. The Department gives the local districts a menu, and asks them to choose which elements to include. Parents must be involved in that process and be at the table. They help craft and create. Are they done? That is not specific in this rule. That is left to the district to decide. The Department really wants parental involvement, and a lot of school districts have done that in a meaningful way that does not seem threatening. It is a local choice.

**Senator Thayn** asked what broad effect the Department anticipates in the future as a result of parents participating in the process. **Ms. Willits** replied that it goes to the vision of better teachers with guidance of how to improve and share their craft with principals that are the instructional leaders their schools. The end goal is always student achievement, and no other purpose.

**Vice Chairman Mortimer** brought up a procedural matter concerning Senator (Nonini)Nonini's concerns with the student achievement section of this rule. He clarified that while the Committee cannot change the rule, it can reject the rule if it so chooses, but in order for the rule to be completely rejected and come back, it would take both bodies to reject it. If the Committee felt strongly that the percentage should be fifty percent, the Committee could reject the rule, but it would probably go into effect if the House Education Committee (House) has already passed it, or the Committee could have collaboration with the House. **Ms. Willits** indicated that the House had also held the rule. **Senator Thayn** stated that there had been discussion over the years that student achievement had not been well developed and that is perhaps why thirty-three percent is a bit lower, than it could be. The way the rule is written right now, it opens the door for some testing to see how some districts might employ different types of tests or end-of-course assessments and state-wide assessments. **Senator Thayn** indicated he did not have a strong opinion one way or the other but wanted to state some of the reasoning going into the discussion and decision. **Senator (Nonini)Nonini** asked if something was in place right now. **Vice Chairman Mortimer** replied that a temporary rule was in place and this rule is the formal adoption process. If the Committee were to approve it, the thirty-three percent would become permanent. **Ms. Willits** elaborated that a temporary rule is in effect which will expire at the end of this session if the Committee does not approve this pending rule. **Ms. Willits** further explained that the Committee can reject a section, and then the Department can bring back another proposal for that section. There are many parts of this rule that the Department needs. Several Representatives in the House wanted parental input to be required, and others also wanted the percentage of student achievement to be higher. **Ms. Willits** strongly advocated that the Committee pass at least parts of the rule so that the standards can be implemented for principals, and then if the percentage needs to be changed, that can happen. Alternatively, the Legislators

could draft a bill that is the will of the Legislature, and that would supersede the rule. However, the Department needs parts of this rule. If the issues lie with only the percentage, the Department can strike sections, the Legislature can pass a bill to give the Department guidance on this issue. **Ms. Willits** stated that what she did not want to see was for the Department to come back next year with a different percentage and then that not be right either.

**Vice Chairman Mortimer** stated in the essence of time, and to allow for further discussion on the percentage and role of the administrator, the Committee will hold the rule and revisit it at a later date.

**DOCKET NO.  
08-0202-1302**

**Ms. Willits** explained that in the past, many school districts have operated "alternative schools" that are sponsored programs under a traditional high schools, and which are both accredited and participate in the accountability required under Idaho's Five Star Rating system. The proposed rule sets forth a delineation as to when an alternative school should stand on its own for purposes of accreditation and accountability, and when it can be considered part of another school, based on three out of five criteria. These criteria are (1) average daily attendance greater than 36 students; (2) students are enrolled full-time; (3) programs offered are different from the traditional high school; (4) diplomas are issued from the alternative rather than traditional high school; and (5) the school received its own Idaho Five Star rating for federal reporting purposes. The purpose of this rule is to ensure that students of alternative schools are not put at a disadvantage, and that there is actual accreditation tied to these schools. The House questioned whether this accreditation affected the Idaho Star Rating, and the answer is no: they are two different measures.

**MOTION:**

**Senator Thayn** made a motion to adopt **Docket No. 08-0202-1302**. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0202-1303**

**Ms. Willits** explained that in 2004 the State Board of Education passed rules, and the Legislature approved them, to create alternate routes to traditional teacher certification. At that time, the only alternative route was computer based. Now ten years later, other alternative routes are available, such as Teach for America. Therefore, it is appropriate to remove the language limited alternative routes to just computer based models and to change the word "alternative" to "non-traditional" in accordance with modern nomenclature.

**Chairman Goedde** asked if the Pathways for Accelerated Certification and Endorsement (PACE) program at Lewis-Clark State College is considered a non-traditional route to teacher certification. **Ms. Willits** responded that the PACE program was still considered traditional.

**MOTION:**

**Chairman Goedde** made a motion to adopt **Docket No. 08-0202-1303**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0105-1301**

**Tracie L. Bent**, Policy Planning and Human Resource Office, State Board of Education reminded the Committee that in 2013, the Legislature consolidated several scholarship programs and repealed a number of scholarship programs and combined them into the Idaho Opportunity Scholarship Program. The proposed rule therefore eliminates language which previously administered the Idaho Promise Scholarship.

**MOTION:**

**Senator Buckner-Webb** made a motion to adopt **Docket No. 08-0105-1301**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0106-1301**

**Ms. Bent** stated that, as in the previous docket, the Leveraging Education Assistance Partnership Program was repealed by 2013 legislation. The pending rule removes the pertinent language.

**MOTION:** **Senator Ward-Engelking** made a motion to adopt **Docket No. 08-0106-1301**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0109-1301** **Ms. Bent** explained that 2013 was the first year that students participated in the GEAR UP IDAHO Scholarship Program. This is a program that was geared to schools that were identified as having a high need, based on number of students who were eligible for Free Application for Federal Student Aid (FAFSA). The program put into place in programs beginning in middle school which would assist students in becoming prepared to go on to college. It is a component of a federal grant that Idaho received about six years ago, and so the first wave of students are now becoming eligible, and those who participate in these programs are eligible for this scholarship. In beginning to administer this program, certain areas came to light which needed clarification and streamlining. Changes include clarifying the definition of Educational Costs and student application timelines, and removing unnecessary language regarding funds.

**Vice Chairman Mortimer** asked for clarification that financial need is based on on the FAFSA, and asked if that offers flexibility, or if, because it is a GEAR UP program, the FAFSA must be used as the basis for eligibility. **Ms. Bent** replied that FAFSA provides all the information needed to make that determination.

**Senator Patrick** asked if the Board has information about the success rate of the program – is it actually working. **Ms. Bent** replied that the program is administrated by the Department of Education, and that she would provide those numbers to the Committee.

**MOTION:** **Senator Thayn** made a motion to adopt **Docket No. 08-0109-1301**. **Senator Patrick** seconded the motion. In discussion, **Chairman Goedde** questioned the section on the Dependable Strengths Report which has been stricken and asked whether there is still an Idaho Career Information System that assists students in assessing skills and abilities. **Ms. Bent** answered yes, and added that it is housed with the Department of Labor. The motion carried by **voice vote**.

**DOCKET NO. 08-0112-1301** **Ms. Bent** explained that the Idaho Minority and "At Risk" Student Scholarship Program is another of the programs that was eliminated by the 2013 Legislature.

**MOTION:** **Senator Ward-Engelking** made a motion to adopt **Docket No. 08-0112-1301**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0113-1301** **Ms. Bent** stated that the changes to Rules Governing the Opportunity Scholarship Program also result from the 2013 legislation which consolidated several scholarship programs. This proposed change will bring the rule into alignment with amended sections of the Idaho Code. Specific changes remove redundant language in the Idaho Code, clarifies residency for tuition purposes, student eligibility, and academic eligibility and streamlines the renewal application process. Starting on page 25, several definitions have been deleted, except the definition of Grade Point Average (GPA). The section on Objectives has also been deleted. The Eligibility section clarifies what GPA is used (cumulative versus semester) and specifies that home-school students' transcripts must be certified by a parent or guardian of the student. GED students will be matched to Scholastic Aptitude Test scores.

**Senator (Nonini)Nonini** questioned the language in Section 04(b) "if a student has attempted or completed..." and felt that the language was ambiguous because "attempted" could also result in failure. **Ms. Bent** replied that the purpose was language regarding the progress of students. The Board wants students participating in this program to complete in a timely manner, and there is another section that states that for continued eligibility the student must meet the institution's requirement for academic progress. It would be rare for a student to fail one hundred credits and still be meeting academic progress requirements. But if that student did, then the student would have to provide additional information such as a major area of study which will be completed within the next two semesters.

**Ms. Bent** continued that some of the financial eligibility requirements have been streamlined so that it is clearer for students. The old application process language prior to January 1, 2008 has been deleted because it is no longer effective. Further revisions allow for applications both online and through the United States Postal Service, and that award announcements will clearly state that the award is part of the state scholarship program and funded through stated appropriated funds. The next significant changes occur with the Renewal Application section and clarified that community college students were still eligible for this award.

An additional clarification states that eligibility will continue following interruption of continuous enrollment for up to two years. **Senator Mortimer** noted that this section uses both the words "less than two years" and "within two years", and expressed concern for students whose academic progress might be interrupted due to religious or military service for more than two years. **Ms. Bent** replied that a student who has requested an interruption of enrollment may, within the two year period, request an extension, for military service, medical circumstances or "other circumstances approved by the Board." **Ms. Bent** acknowledged that the language was left open on purpose in order to be more inclusive rather an exclusive. **Senator Mortimer** restated his understanding that a scholarship student could have two years or more of interruption in enrollment. **Ms. Bent** replied affirmatively.

**Chairman Goedde** asked about the significance of single versus double underlining. **Ms. Bent** replied that the single underline represented the proposed changes, and the double underline represented additional changes after public comment on the proposed changes.

**MOTION:**

**Senator Thayn** made a motion to adopt **Docket No. 08-0113-1301**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0201-1302**

**Ms. Bent** explained that the General Education Diploma (GED) testing program went through extensive changes beginning in 2011 which take effect January 1, 2014. The testing program is now available online. Previously, the exam was only administered through State entities, the United States military and federal correctional institutions. In Idaho, the Division of Professional-Technical Education manages and administers the program and public schools and institutions were authorized to administer the exam. The new GED Testing service will be allowed to also be administered by private higher learning education institutions. The changes in this rule affect the GED test itself. Language concerning cut scores have been modified and moved from Section 650.01 to Section 650.04. It further clarifies that the Idaho High School Equivalency Certificate will include additional content modules on American Government which were not contained in the old GED test. Students who took the test prior to January 1, 2014 have been grandfathered.

**Vice Chairman Mortimer** referenced the newly added section on Proof of Identity and asked **Ms. Bent** for the background on that decision. **Ms. Bent** replied that since the exam can now be administered by a private entity, the Board wants to ensure that the entity is checking identification. When the exam was administered by a school district, it was easier to check identification and ensure that the person taking the exam was the correct person. Additional forms of identification are listed to accommodate the diverse population of Idaho. **Vice Chairman Mortimer** questions whether two forms of identification was problematic or exclusive. **Senator (Nonini)Nonini** also questioned the phrase "two forms of identification may be provided to meet these criteria" and asked if it could be discriminatory in some way. **Ms. Bent** replied that the word "may" was actually designed to provide more flexibility. For example, if someone did not possess a driver's license, then they could provide two forms of identification to meet the criteria of name, date of birth, signature, address and photograph. **Senator (Nonini)Nonini** further asked that if a person presented one form of identification with all requisite information, then they could not be asked to produce a second form of identification. **Ms. Bent** agreed.

**Vice Chairman Mortimer** noted the age minimum of 18 years and that 16 and 17 year olds can take the GED if certain conditions are met, and asked if someone 15-1/2 years old was prohibited from taking the exam. **Ms. Bent** stated yes, because everyone under the age of 16 is required to attend school.

**MOTION:** **Chairman Goedde** made a motion to adopt **Docket No. 18-0201-1302**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Mortimer turned the meeting back over to Chairman Goedde.

**ADJOURNED:** Having no further business, **Chairman Goedde** adjourned the meeting at 4:35 p.m.

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Senator Goedde  
Chairman

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, January 13, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>DOCKET NO.</b>		
<a href="#"><u>08-0202-1304</u></a>	Rules Governing Uniformity: Clarifies Idaho Educator credential requirements	Luci B. Willits, Chief of Staff, State Department of Education
<a href="#"><u>08-0202-1305</u></a>	Rules Governing Uniformity: Revisions to Code of Ethics for Idaho Professional Educators.	Luci B. Willits
<a href="#"><u>08-0202-1306</u></a>	Rules Governing Uniformity: Proposed standards revision to Idaho Standards for Initial Certification of Professional School Personnel manual, and to operating procedures for Idaho Public Driver Education Programs	Luci B. Willits
<a href="#"><u>08-0202-1307</u></a>	Rules Governing Uniformity: Clarifies standards in "Mathematical Thinking for Education", and out-of-state applicant requirements and waivers for mathematical thinking and comprehensive literacy courses	Luci B. Willits
<a href="#"><u>08-0202-1308</u></a>	Rules Governing Uniformity: Updates professional standards endorsements for educator preparedness programs; strikes driver's education language	Luci B. Willits
<a href="#"><u>08-0203-1303</u></a>	Rules Governing Thoroughness: Change in definition of gun-free schools	Luci B. Willits
<a href="#"><u>08-0203-1301</u></a>	Rules Governing Thoroughness: Corrects an error and aligns changes made in eligibility requirements for high achieving school awards	Tracie L. Bent, Policy Planning/HR Officer, State Board of Education

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini(Nonini)

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, January 13, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini(Nonini), Thayn, Patrick, Buckner-Webb, and Ward-Engelking

**ABSENT/  
EXCUSED:**

**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. He then invited the major education stakeholders to introduce themselves.

**GUESTS:** Marilyn Whitney and Tracie L. Bent, State Board of Education; Rob Winslow and Phil Homer, Idaho Association of School Administrators; Harold Ott, Idaho Rural Schools Association; Robin Nettinga and Matt Compton, Idaho Education Association; Jessica Harrison, Idaho School Boards Association; Luci Willits and Taylor Raney, State Department of Education; Christina Linder, formerly State Department of Education; Mark Dunham and Krystin Kirchenman, Risch-Pisca; and Brad Hunt, Office of Administrative Rules.

**PASSED THE GAVEL:** Chairman Goedde turned the meeting over to Vice Chairman Mortimer.

**DOCKET NO. 08-0202-1304** **Luci B. Willits**, Chief of Staff, State Department of Education, stated that this rule concerns the Mathematics In-Service Program. The revision to this rule is a technical clarification of who needs to take the Mathematical Thinking for Instruction (MTI) course, by adding the words "who is employed". Similar language appears in the section on the Idaho Comprehensive Literacy Course.

**MOTION:** **Senator Thayn** made a motion to adopt **Docket No. 08-0202-1304**. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 08-0202-1305** **Ms. Willits** introduced the revisions to the Code of Ethics for Idaho Professional Educators. These ethical standards are reviewed by the Professional Standards Committee (PSC). The changes clarify several definitions of these standards to include words such as "virtual", "possessing" and "images." Additional provisions have been added concerning the failure to notify of past criminal convictions, either at the time of application, or subsequently violating the statutes and/or rules governing teacher certification. In response to questions posed by Senator Pearce, **Senator Ward-Engelking** confirmed for the Committee that as a teacher, she had been provided with a copy of the Code of Ethics. **Senator Fulcher** stated that he had been aware of instances in which materials used in curriculum would fall out of bounds in accordance with these rules, and asked whether use of such materials would be an infraction. **Senator Fulcher** suggested that he deliver some of the material for Ms. Willits to review. **Ms. Willits** agreed, saying that it could be a fine line if a district had approved a particular curriculum as opposed to a teacher who has introduced the material independently.

**Ms. Willits** enumerated several sections which have been renamed. **Senator Thayn** asked what happened if an applicant failed to report a criminal record that was sealed. **Christina Linder**, former Director of Certification and Professional Standards, State Board of Education, acting at the time the rule was written, said that the application would be denied, however the individual would be given an opportunity to explain, to disclose, and to prove that the case had been cleared and handled appropriately within the legal system.

**Chairman Goedde** noted that certifications are good for five years, and asked what would happen if a current teacher creates a criminal conviction during the time of their licensure, and it is out of state or the local district is unaware. **Ms. Willits** replied that the teacher would be required to disclose that information during recertification. **Ms. Willits** noted that the ethics committee has been renamed Executive Committee and is comprised of members of the PSC and is the body which reviews purported violations of the Code of Ethics.

**MOTION:**

**Senator Patrick** made a motion to adopt **Docket No. 08-0202-1305**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0202-1306**

**Ms. Willits** reminded the Committee that this docket contains proposed revisions to the Idaho Standards for Initial Certification of Professional School Personnel manual, which manual is incorporated by reference, and that twenty percent of this standards manual is reviewed each year. The standards being reviewed this year are English Language Arts (ELA), Gifted and Talented, Teacher/Librarian, and Literacy. For school administrators, the reviewed standards are foundation standards, preparation for school administrators and special education directors. The driver's education manual is also being reviewed.

Throughout these standards, a new emphasis has been placed, not only on knowing, but also on "doing". "The evidence validating candidates' ability to demonstrate these standards shall be collected from a variety of settings including, but not limited to, courses, practicum, and field experiences." The teacher standards in this section have been completely rewritten into ten domains: (1) Learner Development, (2) Learning Differences, (3) Learning Environments, (4) Content Knowledge, (5) Application of Content, (6) Assessment, (7) Planning for Instruction, (8) Instructional Strategies, (9) Professional Learning and Ethical Practice, and (10) Leadership and Collaboration. Each of these domains contains a definition of the standard and then a "performance" matrix, and these are repeated over and over. "Candidates demonstrate...". The standards have been raised in ELA and thus more emphasis is placed on those higher standards. The standards are more about critical thinking than ever before, drawing from a wide range of texts, both fiction and non-fiction. The new standards require the ability to teach writing skills from planning to publishing, and to encourage development of vocabulary. Additionally, the standards require the ability to design, arrange and develop assessments, both formal and informal.

**Chairman Goedde** stated that he had heard conflicting comments about the Common Core specifically that too much emphasis is placed on fiction, and on the other side that not enough emphasis is placed on fiction. He asked **Ms. Willits** to comment. **Ms. Willits** said that the standards represent a balance of both fiction and non-fiction, and both were embedded throughout the standards. They insure that history texts are read not only in history class, but in ELA as well. The standards bring historical context into what students are reading, and it often comes through non-fiction.

**Vice Chairman Mortimer** noted that the standards manual provides the outline for how the content is going to be taught, but not the specifics by grade. **Ms. Willits** agreed, saying that the standards set forth what the Department wants pre-service teachers to do. What the colleges and universities actually teach those pre-service teachers is completely up to the curriculum of that local university.

Similar matrixes of "knowledge" and "performance" occur in the sections dealing with standards for Gifted and Talented Education Professionals. **Senator Thayne** asked what impact these standards might have in terms of time that pre-service teachers spend in university. **Ms. Willits** replied that she did not think the standards would impact the time teachers spent acquiring their course work. A five-year phase-in has begun, and the teachers who are teaching now are grandfathered in. Some institutions already have been including these new standards in their courses.

The Idaho Standards for Literacy Teachers again incorporates the ten domains common to each educator classification, requiring performance as well as knowledge. It includes the teaching of reading, writing, listening, speaking, viewing and language. **Ms. Willits** noted that Reading Teachers are now covered in the section on Literacy Teachers, which again restates standards, performance and knowledge.

**Vice Chairman Mortimer** noted that this manual continues to reference Common Core State Standards rather than Idaho Core Standards, and **Ms. Willits** replied that those corrections will be forthcoming because the standards do belong to Idaho. The only standards that Idaho shares in common with other states are in the areas of ELA and Mathematics. **Brad Hunt**, Office of Administrative Rules Coordinator, stated that because this manual is an incorporated document, changes fall at the Department level, and he will report back to the Committee on what can be done to effect the change without a new rule-making process.

**Senator Fulcher** noted that Chairman Goedde and House Chairman DeMourant have scheduled a significant meeting concerning Common Core State Standards next week, yet this Committee was now reviewing these rules. His preference would be to hold Committee action until after the joint meeting on January 22, 2014.

**Chairman Goedde** asked Ms. Willits to confirm that when the Department introduces rules for adoption, a period for public comments is made available. He also asked if the public comment period allows the public to review the document incorporated by reference, and whether or not any public comments were received. **Ms. Willits** confirmed that the incorporated documents are included both on the website and in State Board materials, and the State Board had the opportunity to review them twice. No more than two public comments were received.

**Ms. Willits** moved to the next major section of the manual which enumerates the Idaho Foundation Standards for the Preparation of School Administrators and defines school climate in fourteen "domains": (1) School Culture, (2) Communication, (3) Advocacy, (4) Shared Leadership, (5) Priority Management, (6) Transparency, (7) Leadership Renewal, (8) Accountability, (9) Innovation, (10) Instructional Vision, (11) High Expectations, (12) Continuous Improvement of Instruction, (13) Evaluation, and (14) Recruitment and Retention. Each domain sets forth expectations of knowledge and performance. Idaho Foundation Standards for School Superintendents and Special Education administrators follow in the same vein, detailing knowledge and performance elements in the domains of School Climate, Collaborative Leadership and Instructional Leadership.

**DOCKET NO.  
08-0202-1308**

**Ms. Willits** introduced the incorporated manual Operating Procedures for Idaho Public Driver Education Programs. The revisions to this manual add provisions for home school programs and on-line course work. Students who violate any school or district policies shall not be permitted to enroll or complete driver's education. Schools shall provide appropriate accommodation for students with special needs. **Senator Thayne** questioned the use of "any school or district policy". **Ms. Audra Urie**, State Department of Education, Drivers Education Program explained that students must be in good standing in their school. Obtaining a driver's license is a privilege not a right. **Ms. Willits** continued that new provisions require reporting of driver training vehicles involved in a collisions, and any student driver convicted of a traffic violation resulting in a crash may have their permit revoked. One parent night is also added to the program prior to issuance of a student permit. **Senator (Nonini)Nonini** asked for clarification of the section requiring that home school students complete one year of home schooling prior to obtaining their permit. **Ms. Urie** clarified that if the student had attended an accredited public high school the prior year, this requirement would be deemed met.

**Vice Chairman Mortimer** stated that the Committee would hold this rule for now. **Chairman Goedde** asked if the House had considered this rule and what they had decided. **Ms. Willits** replied that the House subcommittee had reviewed and passed the rule, however, it has not yet been brought before the full committee.

**Ms. Willits** explained that having reviewed new standards in the previous rule, **Docket No. 08-0202-1308** details the endorsements that are aligned with those standards. The endorsement standards are effective July 1, 2013, and all require supervised teaching experience in the relevant content area. The Driver's Education section has been deleted because it is a license, not an endorsement and is covered in its own manual which was reviewed in the previous rule. Small changes in endorsement requirements appear in the categories of Gifted and Talented, Literacy, and Teacher Librarian. **Vice Chairman Mortimer** questioned the addition of one credit hour in the Literacy category with the concern that the design of credit hours could, in fact, require an entire course for the sake of one credit. Both **Ms. Willits** and **Taylor Raney**, Director Certification of Professional Standards, State Department of Education, assured Vice President Mortimer that seven three-credit courses would meet the requirement, and that courses are currently designed in three-credit blocks. Mr. Raney will double-check and reconfirm. **Chairman Goedde** added if this rule were adopted, he was confident that the universities would ensure that seven courses would meet the requirement.

The endorsement standards for English, grades 6-12, have changed significantly with the adoption of the Idaho Standards for English Language Arts Teachers. The endorsement for English has increased from twenty to forty-five upper division semester credit hours. In order to have a secondary education certificate, teachers must have at least two fields of secondary teaching, usually one with thirty credit hours, and the second with twenty, or teachers could earn a standard certificate of forty-five hours in one subject. This rule eliminates the composite two-subject hours requirements if one of those subjects is English. This is a direct result of the increased standards. The new endorsement requires forty-five credits to include the four domains of reading, writing, speaking, listening and language. **Vice Chairman Mortimer** asked for clarification that these forty-five credit hours applied to grades 6-12 and not to the lower grades. **Ms. Willits** replied affirmatively, adding that an elementary certificate also required some content. **Ms. Willits** supplied data from other northwestern states which showed that Montana currently leads with forty-five course credit hours required and a corresponding higher competency rating for its teachers than in Idaho under the former standards. Current candidates already pursuing their endorsements are grandfathered under the prior standards.

New candidates for the English endorsement after July 1, 2013 will be governed under the new standards.

**Senator Thayn** asked if the Praxis™ teacher certification exam bears a relationship to how those teachers ultimately affect student achievement. **Ms. Linder** replied that she believes that correlation exists because all of the national recommendations that are coming out for teacher certification state that content matters. **Ms. Linder** offered to obtain further information. **Senator Thayn** asked how mastery plays a role in these additional units. **Ms. Linder** stated that the Pathways for Accelerated Certification and Endorsement (PACE) program at Lewis-Clark State College (LCSC) addresses educators who are adding an additional endorsement, or adult career-changers. That program looks at work history and competency in areas such as writing. **Ms. Linder** stated that she strongly believes that in order to raise student achievement and meet the Idaho Core Standards, then teachers must be much better prepared than just twenty credits might provide.

**Senator Ward-Engelking** raised concern for rural schools wherein teachers are often required to teach more than one content area, and felt the combined endorsement of sixty-five credits would be very difficult. **Ms. Willits** indicated that the House committee echoed a similar concern. She again reminded the Committee that these endorsement standards are being phased in over five years which is adequate time to plan. **Ms. Linder** added that alternative pathways to mastery, such as the PACE program, were put into place to meet those needs. The Idaho Education Network (IEN) contributes to increased access. She firmly believes "we need to stop sacrificing our students' learning because it is hard".

**Senator Ward-Engelking** noted that being an English teacher requires tremendous outside work in grading, reading essays, etc., and that often English teachers burn out and go to other content areas. **Ms. Willits** empathized, but stated that the Department wishes to create an environment wherein teachers have more course work content. She agreed that from time to time rules are implemented and then changes are brought back. **Senator Ward-Engelking** suggested that most English teachers now have thirty credit hours; however, **Ms. Linder** suggested that available data did not support that notion. Further, English teachers are expected to teach both reading and writing, communication and language. **Chairman Goedde** asked what percentage of teachers in rural districts had composite endorsements as opposed to single endorsements. **Ms. Linder** did not have that information, but did say that the colleges of education have pushed the composite endorsement. As a result, very few candidates pursue a single subject. **Chairman Goedde** observed that in rural districts it would be likely to have both English and Science because there may not be enough students to keep a teacher employed all day in a single subject area. **Senator Thayn** asked if the jump from twenty to forty five credits was based on Montana. **Ms. Linder** replied that the decision was because a single subject endorsement in English comprises four subjects in one, and a full preparation is needed to teach English in Idaho schools. **Senator Thayn** concluded that it becomes really difficult to have a composite endorsement with English as a component. **Ms. Willits** agreed. **Senator Ward-Engelking** stated that reading and writing have always been taught in concert. **Ms. Willits** replied that due to the Idaho Core Standards, it is more deliberate now. **Vice Chairman Mortimer** noted that the elementary grades is where the reading and writing skills are foundational to success, and asked if this meant elementary teachers would be more likely to have a single endorsement. **Ms. Willis** replied that this particular endorsement is for grades 6-12. **Ms. Linder** added that the Department has a middle school endorsement that is far less rigorous and that all elementary teachers are encouraged to have an additional area of emphasis in which they can obtain a single subject endorsement to teach up to ninth grade.

Turning to the endorsement section on Administrator Certificates, **Ms. Willits** pointed out the new requirement that administrators demonstrate proficiency in evaluating teacher performance by taking a course through the Department. **Chairman Goedde** asked Ms. Willits to explain the reason for stricken language in areas of competency. **Ms. Willits** replied that the stricken and added language throughout this section aligns with the new administrator domains of School Climate, Collaborative Leadership and Instructional Leadership found in the standards themselves.

**Vice Chairman Mortimer** stated that the Committee would hold this rule for further discussion.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer returned the meeting to Chairman Goedde.

**ADJOURNED:**

Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 5:14 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, January 14, 2014**

SUBJECT	DESCRIPTION	PRESENTER
<b>DOCKET NO.</b>		
<a href="#"><u>08-0202-1307</u></a>	Rules Governing Uniformity: Clarifies standards in "Mathematical Thinking for Education", and out-of-state applicant requirements and waivers for mathematical thinking and comprehensive literacy courses	Luci B. Willits, Chief of Staff, State Department of Education
<a href="#"><u>08-0203-1303</u></a>	Rules Governing Thoroughness: Change in definition of gun-free schools	Luci B. Willits
<a href="#"><u>08-0203-1301</u></a>	Rules Governing Thoroughness: Corrects an error and aligns changes made in eligibility requirements for high achieving school awards	Tracie L. Bent, Policy Planning/HR Officer, State Board of Education
<a href="#"><u>08-0203-1306</u></a>	Rules Governing Thoroughness: Clarifies graduation requirements with respect to physical education, math and science for middle and high school graduation	Luci B. Willits
<a href="#"><u>08-0203-1307</u></a>	Rules Governing Thoroughness: ensures continuity of Cursive Writing instruction under Idaho Core Standards	Luci B. Willits
<a href="#"><u>08-0203-1304</u></a>	Rules Governing Thoroughness (Fee Rule): Outlines process for Department review and approval of online courses	Luci B. Willits
<a href="#"><u>08-0204-1301</u></a>	Rules Governing Public Charter Schools: Aligns with 2013 legislative changes; clarifies process for new charter school authorizers and accountability measurement requirements.	Tracie L. Bent
<a href="#"><u>08-0301-1301</u></a>	Rules of the Public Charter School Commission: Aligns with 2013 legislative changes and clarifies process for implementation of new accountability measurement requirements.	Tracie L. Bent

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini(Nonini)

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, January 14, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini(Nonini), Patrick, and Ward-Engelking

**ABSENT/ EXCUSED:** Senators Thayn and Buckner-Webb

**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 3:04, and a silent roll was taken.

**PASSED THE GAVEL:** Chairman Goedde turned the meeting over to Vice Chairman Mortimer for rules review.

**DOCKET NO. 08-0202-1307** **Ms. Luci B. Willits**, Chief of Staff, State Department of Education (Department), explained that the State approved "Mathematical Thinking for Instruction" course is required for all Idaho math teachers and administrators. The rule change offers more flexibility in the offering of this course by allowing a Department approved alternative course. A further change allows a three-year, non-renewable certificate to those out-of-state applicants who are required to take the Idaho Comprehensive Literacy Course. Providing interim certificates to out-of-state teachers who come to Idaho is common practice and allows those teachers time to take Idaho mandated courses. **Senator (Nonini)Nonini** asked the time frame for completing the literacy course. **Mr. Taylor Raney**, State Department of Education, Director of Certification, stated that the course is a standard three-credit course taken during a semester. **Senator (Nonini)Nonini** asked if those teachers would suffer from lack of skills by having three years to take the course. **Mr. Raney** replied that those teachers would be under the tutelage of a qualified principal who has already met this requirement.

**MOTION:** **Senator Ward-Engelking** made a motion to adopt **Docket No. 08-0202-1307**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0203-1303** **Ms. Willits** explained that this rule revises the definition of "gun-free" schools. While each school district must have a comprehensive policy and procedure encompassing safety and discipline, the term "gun-free" schools was not accurate because districts can choose to arm their teachers or not. Thus the language has been changed to require that districts have a policy concerning "possessing weapons on campus" which provides each district the flexibility to choose for itself. **Senator Patrick** asked if the district had discretion to define "weapons." **Ms. Willits** replied affirmatively.

**MOTION:** **Senator Patrick** made a motion to adopt **Docket No. 08-0203-1303**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0203-1301**

**Ms. Tracie L. Bent**, Policy Planning Officer, State Board of Education (Board), explained that this rule redefines how schools are recognized as distinguished schools. Previously that definition was aligned to the state accountability system of "Idaho Adequate Yearly Progress " (AYP). When that system changed to the Five-Star Rating System, the language of this section was revised to align with it. **Vice Chairman Mortimer** asked how the Five-Star Rating System was developed. **Ms. Bent** replied that it is an Idaho standard, based on proficiency and achievement. **Chairman Goedde** suggested that this rule is not defining five-star schools, but that the five-star system is one criteria for determining distinguished school designation. **Ms. Bent** agreed.

**MOTION:**

**Chairman Goedde** made a motion to adopt **Docket No. 08-0203-1301**. **Senator Pearce** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
08-0203-1306**

**Ms. Willits** described the proposed changes in graduation requirements with respect to physical education instruction, and math and science requirements for middle and high school graduation. **Ms. Willits** began with the section affecting middle school students. The State of Idaho has been encouraging students to move faster through the system by using such programs as dual credit. The revised language in this rule allows middle school students to meet high school content and credit requirements if they meet certain criteria, and to have that credit transferred to their high school transcript. **Chairman Goedde** raised an issue from his district wherein middle school students are limited by a four-point grading system, whereas the corresponding high school operates on a five-point grading system. If a student took a course in middle school, his maximum score would be 4.0 whereas if he took the course in high school, he could earn higher than 4.0. This creates a problem for students who really need the Grade Point Average (GPA) to qualify for scholarship programs. **Matt McCarter**, State Department of Education, said that the Department had recently encountered this problem and reached out to the Director of Advanced Education, head of the accrediting body of Idaho schools. The director stated that it was within the boundaries of an accredited high school to expunge a lower grade if the course is taken again and a higher grade is earned.

**Ms. Willits** illustrated the high school mathematics requirement with a powerpoint slide of the game, "Shoots and Ladders." Students must take six units of math in high school regardless of whether they have earned middle school credit. However, if either dual credit calculus or Advanced Placement (AP) calculus are included in those six units, then the math requirement has been met, regardless of when those credits were earned. In response to a question by Senator Ward-Engelking, **Ms. Willits** stated that the Department felt that if students had taken dual credit or AP calculus early in their high school years, they probably would elect additional math courses.

Every student must take the Idaho Standards Achievement Test (ISAT) in math, reading and language usage in the tenth grade in order to graduate. Under this rule, students who receive a proficient or advanced score on the tenth grade ISAT while in grade nine may bank the score to meet the high school graduation requirement. An alternative path is required for students who will graduate in 2016 and have not received a proficient score on the ISAT in grade nine. In answer to a question by Senator Patrick, **Ms. Willits** explained that when the ISAT was instituted as a graduation requirement, it was intended as a tenth grade assessment, not to show maximum competency, but rather minimum competency, allowing for two years of remediation. The fact that ninth graders can pass the ISAT demonstrates that it has a low standard. **Senator Goedde** clarified that this rule does not apply to the class of 2017 or beyond who will be taking assessments under new standards.

In order to determine readiness for graduation, and in conjunction with raising math and science requirements, the State Board instituted a requirement that students take a college entrance exam. Since implementation, some needed adjustments are reflected in this rule, which redefines which tests meet this requirement, and makes provision for students who miss the test during their eleventh year under valid criteria. Additional language in this rule has been eliminated because it no longer applies after high school redesign. In answer to a question by Senator Pearce, **Ms. Willits** stated that many states redesigned their graduation requirements six or seven years ago, but she did not believe it was a result of Common Core State Standards. **Senator Pearce** inquired about the graduation requirements of neighboring states, and **Ms. Willits** agreed to provide that information.

In order to encourage students in science, technology, engineering and math (STEM), this rule also embraces AP computer science, dual credit computer science and dual credit engineering courses within the six credit mathematics requirement if the student has completed Algebra II standards. However, these courses only can be credited as either math or science, but not both. Positive public feedback was received regarding this section.

**Ms. Willits** continued, stating that the Department was asked to review what schools were requiring for physical education at all levels, elementary, middle school and high school. Several meetings were held and information was brought to the State Board, resulting in section 104 of this rule. Elementary school now requires sixty minutes of physical education per week. Effective Fall 2015, the middle school requirement shall be an average of two hundred minutes of physical education on a by-weekly basis, to be increased to two hundred twenty minutes in Fall 2018. Most districts require sixty minutes already in elementary schools. Research supports the middle school requirement of two hundred minutes.

High school school students will now be required to complete one class period on psychomotor cardiopulmonary resuscitation (CPR) training with hands-on training in accordance with the American Heart Association Guidelines, as well as proper utilization of an automatic external defibrillator.

Further revision authorizes districts, if they so choose, to allow students to substitute up to one credit of physical education for any sport recognized by the Idaho High School Activities association or club sport recognized by the local school district. Many districts already provide this credit on an "as requested" basis, however this rule provides flexibility to provide for such credit if the district wishes.

**Senator Ward-Engelking** noted that the extended middle school requirement significantly increased participation time, and asked how students were going to fit this requirement into their day given the push for more reading and math. **Ms. Willits** responded that students were not required to take physical education, but if they did enroll in physical education, than the 200-225 minute requirement would apply.

**TESTIMONY:**

**Ms. Lori Gash**, Joint School District No. 2 (Meridian), testified both for and against the physical education rule changes. Since many coaches are not "certificated" teachers of record, this presents a problem in Idaho System for Educational Excellence (ISEE), the State reporting system, and would ultimately affect funding and accreditation. The Board has suggested they might simply assign the students to another teacher of record, but she felt that was not ethical to impose requirements and grades when no contact had been made. Finally, with over twelve thousand students in the Meridian district, the burden imposed by assigning students to a surrogate teacher of record is unreasonable. In answer to questions posed by Chairman Goedde, **Ms. Gash** confirmed that over fifty percent of Meridian's coaches were not certified teachers. Of those who are certified, many are not endorsed in physical education.

**Matt Kobe**, Area Director for Timberline Quadrant of the Boise School District (Boise district) and Athletic Director, stated that the Boise district supports the proposed legislation for increased physical education. The Boise district already meets or exceeds the time recommendations, and its curriculum centers on life-long learning skills and a "fit for life" plan individualized for each student. The Boise district supports the legislation's goal in providing well rounded wellness approaches. However, Mr. Kobe also believes that the substitution of club or team sports fails to meet the standard set by their current curriculum, and subverts the intended purpose of the legislation by allowing students to take less, not more, physical education. While opposing the team sport provision of this rule, the Boise School District supports the overall goal of promoting fitness participation and life time wellness for Idaho students. **Mr. Kobe** asks that districts be given local control to determine how best to meet the needs of their students. **Senator Ward-Engelking** confirmed with Mr. Kobe that the Boise district supports the physical education minutes proposals, but opposes the team sports for credit language. **Chairman Goedde** confirmed with Mr. Kobe that he would feel more comfortable with the option of local districts choosing the Idaho High School Activities Association recognized sports. Mr. Kobe simply wants districts to be able to choose what is most appropriate for their situation.

**Tim Rosandick**, Superintendent of the Caldwell School District and representing the superintendents of the Southern Idaho Conference (SIC). The SIC superintendents are very supportive of the underlying goals and objectives of the proposed physical education, however, they feel that the timing is detrimental. Due to economic and funding factors over the past few years, many SIC school districts have been forced to make significant cuts to their staffing and are in no position to easily accommodate new demands placed on their limited resources. These new provisions simply come at the wrong time.

**Adrean Cavener**, Director of Government Relations for the American Heart Association (AHA) and American Stroke Association (ASA) said that both organizations support the elementary physical education minutes requirements. Over thirty percent of Idaho elementary students right now are overweight or obese. Multiple studies have shown that physically fit students perform better on standardized tests, have better classroom behavior and less absenteeism. Even our military readiness has been affected because recruiters cannot find enough physically fit men and women to get through boot camp. **Ms. Cavener** pointed out that the elementary and middle school requirements of this proposed rule do not take effect until 2015 so adequate time is available for planning. **Ms. Cavener** echoed the concerns of others concerning the sports substitution for physical education credit. Many times football players only learn that one activity – they eat like an athlete and never learn how to exercise outside of football. **Ms. Cavener** asks that the substitution provision be eliminated from this rule and allow the AHA and ASA to return next year with a high school graduation requirement. **Ms. Cavener** fully supports the CPR class requirement and detailed statistics and stories in support.

**Ms. Willits** addressed the concerns expressed by the speakers. The substitution provision comes at the request of students and parents to extend the school day and allow credits to occur. Certified teachers oversee these activities now with on-line physical education, which is monitored by a parent/guardian and submitted to a certified teacher. She urged the Committee to at least give the substitution provision an opportunity, and to allow for adjustments in the future, if needed. In answer to questions by Senator Pearce, **Ms. Willits** confirmed that school districts can allow substitution credits now, but the majority have not created those local policies.

**Senator Pearce** suggested that the Committee hold this rule for further discussion, and **Chairman Goedde** agreed.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:29 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

JOINT  
**SENATE EDUCATION COMMITTEE  
AND  
HOUSE EDUCATION COMMITTEE**  
3:00 P.M.  
Lincoln Auditorium WW02  
Wednesday, January 15, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation from Department of Education	Tom Luna, Superintendent of Public Instruction
	Governor's Task Force Recommendations	Richard Westerberg, Chairman, Governor's Task Force

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini(Nonini)

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

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MINUTES  
JOINT MEETING  
**SENATE EDUCATION COMMITTEE**  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Wednesday, January 15, 2014

**TIME:** 3:00 P.M.

**PLACE:** Lincoln Auditorium WW02

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini(Nonini), Thayne, Patrick, and Ward-Engelking

Chairman DeMordaunt, Vice Chairman Nielsen, Representatives Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc, and Rubel

**ABSENT/ EXCUSED:** Senator Buckner-Webb, and Representative Wills

**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 Joint Senate and House Education Committee (Committee) to order at 3:01 p.m., and a silent roll was taken.

**Tom Luna**, Superintendent of Public Instruction, State Department of Education (Department), assured the audience that he is very optimistic about the state of Idaho education. Schools are performing well: Idaho has more Five-Star schools this year, and students are being measured by proficiency. He emphasized the importance of dual credit and advanced placement options for students and the benefits gained through those programs. He also detailed several of the technology grant pilot programs which are underway and looked to the day when technology grants would be offered statewide. Every student in Idaho's K-12 public schools is being taught to the new Idaho Core Standards, and this spring they will have the opportunity to trial the new Smarter Balance Assessment Consortium (SBAC) test. **Superintendent Luna** recognized the need to protect student privacy and the data collected in the public education system. He stressed the need to implement the Governor's Task Force recommendations for transforming education, and suggested online sales tax as a means to fund those recommendations. Superintendent Luna's complete remarks are attached.

In answer to questions from the Committee, **Superintendent Luna** said that individual districts educate parents and make policies about electronic books. Most are allowed to go home with the student. He said that the career ladder and tiered licensure is a two part process and that the two are compatible. The salary grid is in place and money is available to give leadership bonuses. He hoped for complete implementation next year. **Senator Pearce** stated that he was a proponent of End of Course (EOC) assessments and asked how they compare with the SBAC. **Superintendent Luna** replied that SBAC only measures math and English language arts. EOC's are useful in history and science. One is not better than the other – they serve different purposes. **Senator Pearce** stated that Arne Duncan, United States Secretary of Education, called the Common Core State Standards (CCSS) a "great experiment" and asked for comment. **Superintendent Luna** replied that Mr. Duncan played no role in the development of CCSS. Under No Child Left Behind, the federal government imposed the standards. What Mr.

Duncan had referred to as the "great experiment" was that fact that for the first time, states were working together to develop standards and raise student learning.

**Representative Gestrin** asked if Mr. Luna felt that "buy-in" from Idaho school districts had been achieved on the new standards and assessments. **Superintendent Luna** replied that their participation is critical. Over one hundred Idaho teachers participated in writing test questions in collaboration with teachers from other states. The CCSS has been a unifying event in education. All education stakeholders, as well as business leaders, support it. The biggest concerns expressed are administration and logistics of the new assessments. The test has been piloted, and students will have a further opportunity to take the test this spring. The Department will know more after that. Meanwhile, **Superintendent Luna** intends to petition the State Board of Education to allow districts administrative flexibility in administering the tests.

**Mr. Richard Westerberg**, Chairman of the Governor's Task Force on Education (Task Force), State Board of Education, explained the work of the Task Force and the process used to narrow its focus. Two committees were formed to focus on fiscal stability, structural change, teacher/administrator effectiveness, professional development and technology. The guiding principles of the two committees were (1) structural changes are required to achieve the sixty percent goal for post-secondary education, and (2) high performance schools require a high performance work environment for teachers and administrators. He then reviewed a summary of twenty Task Force recommendations. Those recommendations are attached.

In response to questions from the Committee, **Mr Westerberg** said that while much work had been done by the Task Force and many recommendations were well-developed, others needed additional and continuing work. He did not know the first steps toward a mastery-based education system. The Governor had recommended \$50,000 to get started and has recommended that the Task Force committees work with the State Board to lead the effort. He said the preschool issue had not garnered enough votes in committee for further study, and that local districts must deal with the issue of wireless connections in student homes.

**Mr. Westerberg** told Committee members that what was done by the Task Force was not new, however, taking it as a whole and implementing as a whole is new and is transformational. He said that funding is a legislative task.

Responding to further questions, **Mr. Westerberg** indicated that the Task Force committees discussed the training of school board members. They discussed this with the Idaho School Boards Association who indicated some school board members desired training, and Mr. Westerberg agreed with the idea. However, **Chairman Goedde** explained that training for elected school board members cannot be required.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:30 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary



AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, January 16, 2014**

SUBJECT	DESCRIPTION	PRESENTER
MINUTES	Approval of Minutes of January 7, 2014 Approval of Minutes of January 9, 2014	Senator (Nonini)Nonini Vice Chairman Mortimer
DOCKET NO. <a href="#">08-0203-1307</a>	Rules Governing Thoroughness: ensures continuity of cursive writing instruction under Idaho Core Standards	Luci B. Willits, Chief of Staff, State Department of Education
<a href="#">08-0203-1304</a>	Rules Governing Thoroughness (Fee Rule): Outlines process for Department review and approval of online courses	Luci B. Willits
<a href="#">08-0204-1301</a>	Rules Governing Public Charter Schools: Aligns with 2013 legislative changes; clarifies process for new charter school authorizers and accountability measurement requirements	Tracie L. Bent
<a href="#">08-0301-1301</a>	Rules of the Public Charter School Commission: Aligns with 2013 legislative changes and clarifies process for implementation of new accountability measurement requirements	Tracie L. Bent
DISCUSSION: <a href="#">08-0202-1306</a> <a href="#">08-0202-1308</a> <a href="#">08-0203-1306</a>	Discussion of rules previously held: standards for initial certification of teachers; standards endorsements for educator preparedness programs graduation requirements	

COMMITTEE MEMBERS

Chairman Goedde	Sen Thayn
Vice Chairman Mortimer	Sen Patrick
Sen Pearce	Sen Buckner-Webb
Sen Fulcher	Sen Ward-Engelking
Sen Nonini(Nonini)	

COMMITTEE SECRETARY

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, January 16, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini(Nonini), Thayn, Patrick, and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 3:03 p.m., and a silent roll was taken.

**MOTION:** **Vice Chairman Mortimer** made a motion to adopt the Minutes of January 9, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator (Nonini)Nonini** made a motion to adopt the Minutes of January 7, 2014. Vice Chairman Mortimer seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Goedde passed the gavel to Vice Chairman Mortimer for a continuation of rules review.

  

**DOCKET NO. 08-0203-1307** **Ms. Luci B. Willits**, Chief of Staff, State Department of Education (Department), explained that in accordance with the 2013 legislative concurrent resolution, **Docket No. 08-0203-1307** ensures the continuity of cursive writing instruction in elementary grades. Ms. Willits reported that public comment was mixed. The grades in which cursive writing shall be taught shall be determined by local districts.

**MOTION:** **Senator (Nonini)Nonini** made a motion to adopt **Docket No. 08-0203-1307**. **Senator Thayn** seconded the motion. **Senator Patrick** voiced a minor objection that he felt this additional requirement places undue burden on teachers and students in light of overall higher educational standards. The motion carried by **voice vote**.

  

**DOCKET NO. 08-0203-1304 (FEE RULE)** **Ms. Willits** explained that the 2013 Legislature approved an online course portal that would display courses and allow parents to enroll their students and to communicate with the home school district through the portal. Idaho Code authorizes the Department to review and approve online courses. The revisions to this rule clarifies that reviewers shall be certified Idaho teachers. Course providers are approved for a period of four years, and that the Department shall charge online course providers submission fees based on the number of courses offered, not to exceed actual costs incurred. Anticipated costs are approximately one hundred dollars. **Chairman Goedde** recalled that the Idaho Digital Learning Academy (IDLA) previously also had authority to approve courses, and asked how IDLA fit into this rule. **Mr. Scott Cook**, Content Director, State Department of Education, responded that IDLA is a provider, as are Idaho schools and universities who are accredited by the same body, but they are not listed as the party who performs the review. The Department is listed as the reviewer for courses. **Chairman Goedde** asked if IDLA would be charged for the review. **Mr. Scott** replied no, nor would

Idaho public schools, Idaho universities and colleges which are mandated by code to meet minimum standards, and it is understood that those courses are aligned. The fees charged would apply to outside providers. **Chairman Goedde** requested that the language be clarified next year. **Vice Chairman Mortimer** concurred, and also requested that some "not to exceed" language be added in regard to the fee charged. **Chairman Goedde** recommended that the Committee approve this rule so that the Department can begin reviewing online courses, with the understanding that language as to fees and entities charged will be clarified in rule next year.

**MOTION:** **Chairman Goedde** made a motion to adopt **Docket No. 08-0203-1304** with the stipulation that clarifying language be forthcoming next year. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0204-1301** **Ms. Tracie L. Bent**, Policy Planning Officer, State Board of Education (Board), explained that during the 2013 legislative session, changes were made to Idaho Code allowing for additional charter school authorizers and the implementation of new accountability standards. The changes reflected in this rule align with the revised code. Numerous provisions have been deleted because they were redundant. Definitions have also been updated to include Authorizer Fee and Institution. Language has been added that specifies the process for petitioners to request authorization, and for notification of the authorizer fee.

**Senator Pearce** asked for clarification of the petition appeals process in Section 101(c). **Ms. Bent** replied that if a petitioner was denied by an institution and they appealed to the Board, the petition would not go back to the institution, but the petitioner still had the ability to request either the district or the commission to authorize them. If the request is to the district or the commission, they have the same appeals process. The concern was that if a private college denied a charter, the Board would not have the authority to require review. The intent was also to prevent a continuous loop of request/denial/request/denial.

Further revision of language occurs in sections concerning Admission Preferences and Review of Petitions to align with the updated code, and adds language to cure deficiencies in a proposed draft petition. Other language is added to include procedure for reviewing request for performance certificate revision. **Vice Chairman Mortimer** asked clarification on the length of time for which a charter is authorized. **Ms. Bent** replied that the exact time is found in code, but believes it is five years. In other words, an authorizing entity cannot arbitrarily revoke a charter which is meeting its requirements.

A final change to this rule concerns the designation of Local Education Agency (LEA), and allows a school district board to designate a public charter school as an LEA with the concurrence of the public charter school board of directors. Both parties shall sign documentation to that effect.

**MOTION:** **Senator Thayn** made a motion to adopt **Docket No. 08-0204-1301**. **Senator Pearce** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0301-1301** **Ms. Bent** stated that the changes in **Docket No. 08-0301-1301** aligns the process for implementing new accountability measurement requirements with 2013 legislative changes for the Public Charter School Commission. Changes include deletion of redundant language, and adds language to comply with additions in code. **Senator Patrick** asked if a public comment period is available any time a charter school wishes to open in a community. **Ms. Bent** replied yes, that public hearing provisions are stated in code. **Senator (Nonini)Nonini** asked why the section was removed on Programmatic Operations Audit. **Ms. Bent** replied that the provision was removed in alignment with legislative changes.

**MOTION:** **Senator Patrick** made a motion to adopt **Docket No. 08-0301-1301**. **Senator (Nonini)Nonini** seconded the motion. The motion carried by **voice vote**.

- DISCUSSION:** **Vice Chairman Mortimer** stated that the Committee would now review rules which previously had been held.
- 08-0202-1306** **Chairman Goedde** reminded Vice Chairman Mortimer that the Committee member who had requested the hold did so based on the Common Core State Standards (CCSS) referenced in the incorporated document and had requested the hold until after the upcoming joint committee hearing on January 22, 2014. **Vice Chairman Mortimer** agreed.
- On a separate matter, **Senator Pearce** questioned Ms. Willits on the status of the No Child Left Behind waiver with the federal government. She replied that a waiver has been in place and that a committee has been reviewing it for possible alterations. The original waiver is on the Department's website.
- 08-0202-1308** **Ms. Willits** reminded the Committee that the Idaho Core Standards (ICS) (Idaho's version of CCSS) also have endorsement standards for teacher and administrator preparation. **Ms. Willits** further reminded the Committee that the revision to the endorsement standards align with ICS and are embedded in pre-service education. **Vice Chairman Mortimer** reviewed for the Committee the two issues which had been voiced: (1) the requirement for forty-five upper division semester credit hours for English Language Arts (ELA), (2) adding one credit hour in the Literacy section from twenty to twenty-one.
- MOTION:** **Senator Ward-Engelking** made a motion to approve **Docket No. 08-0202-1308**, but reject **Section 023.03 English (6-12)** found on page 95. **Senator Thayn** seconded the motion.
- Senator Ward-Engelking** commented that the proposed increase of preparation hours to forty-five credit hours significantly impacts rural districts. Many newly-hired rural teachers are expected to teach in more than one content area. Educators are expected to take additional credits, usually six credits every five years, in their content area. So while an English teacher may only have thirty credits, he/she will certainly gain additional credits over time. **Senator Ward-Engelking** also personally knows English teachers who have burned out with the added burdens placed on that content area, and who have needed to change content areas. **Senator Ward-Engelking** feels that districts need flexibility in their pre-service requirements. **Chairman Goedde** agreed that combined endorsements are important, and that sixty-five hours required for an endorsement containing English is over-burdensome.
- The motion to adopt **Docket No. 08-0202-1308, excluding Section 023.03 English (6-12)** carried by **voice vote**.
- 08-0203-1306** **Ms. Willits** reviewed the rule which sets forth changes in graduation requirements. **Vice Chairman Mortimer** asked Ms. Willits to detail for the Committee any objections the Department has received from districts. **Ms. Willits** replied that, in general, districts do not object if they already are meeting the requirements of the rule change. Where districts are not already meeting the requirements, objections surface. Objections were raised concerning the minimum minutes of physical education required in elementary and middle school, and also concerning the flexible credit allowance for after school sports. **Ms. Willits** clarified that high school participation in physical education has not been required by the Department, although some districts do require it. The Department has attempted in the past to require high school physical education as a graduation requirement, but that proposal has never been accepted by the legislature. **Senator Pearce** stated that the flexibility for sports credit seems to engender objection from districts because now districts have the option to grant credit, whereas this rule would now require that they do so if parents requested it. **Ms. Willits** agreed that the Department desired to make this option uniform among districts. **Ms. Willits** also agreed that this section required that students desiring this sports credit would need to be

supervised by an accredited teacher. **Vice Chairman Mortimer** continued to question that if this option was a "may" option, what would happen if a district did not have a accredited teacher to supervise the credit. **Ms. Willits** responded that in order to teach physical education, an accredited teacher is required. **Vice Chairman Mortimer** countered, stating that districts are not required to teach physical education. **Ms. Willits** further explained that physical education can now be taken online through a certified physical education teacher by reporting the activity, even though that certified teacher never sees the student. **Ms. Willits** stated that she was unaware of any district in the state that did not offer physical education, and she will check with the Department. **Ms. Willits** conceded that if a district does not offer physical education, then a student cannot force the district to hire a certified physical education instructor to meet this option. She agreed that perhaps further clarifying language could be useful. **Senator Pearce** stated that he favors local control on this issue. **Ms. Willits** replied that the entire physical education package was designed to provide uniformity among the districts. **Senator Ward-Engelking** asked if some districts needed to eliminate elementary physical education teachers during the economic cutbacks which occurred in recent years, and worried about the fiscal impact to school districts by requiring minimum minutes in elementary and middle school. **Ms. Willits** replied that she would check on whether any districts did not have a certified physical education teacher at the elementary and middle school levels. As further questions continued, **Ms. Willits** stated that she would like to obtain an attorney general's opinion.

**Senator Thayn** questioned the six credits requirement for high school mathematics. **Ms. Willits** explained that the changes simply align to the new standards.

**Senator Fulcher** asked Mr. Ott, Idaho Rural Schools Association for the opinion of his stakeholders regarding the sports credit flexibility provision. **Mr. Ott** replied that the rural schools' concern centers on the elementary and middle school minute requirement due to the increased expectations for reading and mathematics. The rural schools would like as much flexibility as they have now. **Mr. Ott** suggested that the sports credit could be worked through the Idaho Digital Learning Academy (IDLA) for certified teachers, or through a neighboring school district. Rural school districts have consortia now, and **Mr. Ott** did not believe the sports credit would be a difficult item to work through. **Senator Thayn** asked about the CPR section from the rural school perspective. **Mr. Ott** did not have input from the rural schools, but stated his opinion that CPR is important.

**Chairman Goedde** read into the record a letter from the Region 1 Superintendents in opposition to the increased physical education requirements in all grades. In their opinion, this proposed change would take time and resources away from successful transition to the Idaho Core Standards and Smarter Balance Assessments. The letter is attached.

**Vice Chairman Mortimer** agreed to offer brief public testimony. **Stacy Beeson**, Dietitian at the St. Luke's pediatric obesity team testified in support of the increased minimum minutes for elementary and middle school students. **Lori Gash**, Joint Unified School District No.2 (Meridian), stated the continued concern over the "may" provision of the sports credit as well as certified physical education teacher status. She looks forward to further clarification, because many high school sports coaches are not certified. **Ms. Gash** also questioned the precedent that may be set in other academic areas by substituting a non-participating certified teacher for another non-certified teacher is allowed. **Adrean Cavener**, American Heart Association, stated that over 250 public comments have been submitted to the State Board of Education, and only a handful were against the proposal for increased minutes participation in elementary and middle school physical education. Since the national standard is 150 minutes for elementary school, **Ms. Cavener** believes the sixty minute requirement is reasonable. Further, because

the proposed rule does not go into effect until 2015, schools would have adequate time to prepare the time and budgets.

**PASSED THE  
GAVEL:**

Seeing no further comments from the audience, Vice Chairman Mortimer returned the meeting to Chairman Goedde.

**ADJOURNED:**

Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:26.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, January 20, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
DISCUSSION	COMMUNITY COLLEGE PANEL DISCUSSION	Dr. Bert Glandon, President, College of Western Idaho; Dr. Jeff Fox, College of Southern Idaho; Dr. Joe Dunlap, North Idaho College

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini(Nonini)

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, January 20, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 3:02 p.m., and a silent roll was taken.

**Chairman Goedde** introduced the presidents of Idaho's community colleges: Dr. Bert Glandon, President, College of Western Idaho (CWI); Dr. Jeff Fox, President College of Southern Idaho (CSI); and Dr. Joe Dunlap, President, North Idaho College (NIC); and acknowledged the staff and trustees who were present to support them.

**PANEL DISCUSSION:** **President Glandon** explained that CWI, CSI and NIC are three community colleges which truly work in collaboration with each other. **President Glandon** expressed great appreciation for his colleagues and the manner in which they have worked as a team over the past few years. The three colleges share common priorities of (1) college and career readiness/workforce preparation in order to reach the sixty percent degree certification by the year 2020; (2) dual credit courses, which provide opportunities for Idaho high school students to more effectively enroll in dual credit, not only online, but throughout the various community colleges in the state; and (3) Voluntary Framework of Accountability (VFA), a set of metrics that comes from the national level which the three colleges incorporate to more accurately measure their success in serving students and the community.

**President Glandon** said that CWI's legislative priorities for fiscal year 2015 are assistance with occupancy costs for the Micron Center which was recently gifted to the college, the VFA, and moving the nursing staff from the professional-technical framework to the academic framework so nursing students obtain a nursing degree at the university level. Currently one-third of CWI's programs now are online, and CWI needs to provide a virtual one-stop student services program to assist those students as well as traditional students.



**Dr. Joe Dunlap** said that NIC has been in existence for eighty years. The priorities for NIC include out of district funding, distance education, and career/technical education funding. Because NIC is the only single county district in Idaho, Kootenai County taxpayers and NIC face unique challenges. Increases in dual credit and other educational opportunities for rural Idahoans are placing a burden on available county liquor funds. NIC supports a revision of the 1982 out-of-district student tuition payment code and commits to working with all stakeholders to find an equitable solution which includes traditional, technical and dual credit students. Career and Technical Education (CTE) students are exempted from out-of-county fees. North Idaho's topography often makes traveling to and from NIC's campus challenging for many students. NIC must increase its efforts in offering courses and training opportunities through distance education. CTE funding is crucial to sustain and grow North Idaho's workforce and economy. NIC supports a review and revision of the current CTE funding formula and additional support for career and technical education programs in Idaho.

**Dr. Jeff Fox** stated that in addition to the joint priorities of college/career readiness and dual credit, CSI is also looking for occupancy costs for the new Advanced Technology and Innovation Center which will house several professional and technical education programs (PTE), among which is the new food science program which was created in response to many Magic Valley businesses and industries who need upgraded knowledge and skills in dairy and food production. CSI would also like legislative funding support for the VFA. CSI has been working in collaboration with the Eastern Idaho Technical College and has been offering classes on their campus which provides students with the opportunity for lower division transfer courses. CSI is focusing on the sixty percent graduation goal through counseling and face-to-face interaction with students. CSI has been very active in the Science, Technology, Engineering and Math (STEM) movement and have been partnering with public schools to bring STEM education to the Magic Valley in a meaningful and consistent way.

**Vice Chairman Mortimer** asked the panel to comment on alignment of courses in general education requirements, both at the community and higher education levels, with common course numbers and content. **Dr. Fox** said that the various discipline chairs at all of Idaho's public institutions have met annually to ensure that English 101 is the same everywhere. More recently, discussions have been underway to discuss proficiencies in six major disciplines, to agree upon competencies expected, and to move toward reformation and clarification of general education requirements. Within Idaho, credits transfer well, and the Western Interstate Commission for Higher Education is working toward interstate alignment. Both **Dr. Glandon** and **Dr. Dunlap** agreed that legislating alignment is not the answer – it needs to happen on the department level.

**Chairman Goedde** asked the panel to comment on their remote locations and the percentage of students who come from outside their tax-paying districts. All of the community colleges have remote locations which serve a small percentage of their total enrollment. None of the remote locations are self-sustaining, but the panel considers the outreach programs to be a necessary service to their communities.

**Senator Thayn** asked how dual credit courses were affecting state liquor funding for education. **President Glandon** stated that it is very complex, but with nearly six thousand dual credit students, dual credit courses have severely affected two or three counties. He suggested that a task force may be needed to work through the problem, since CWI is growing and dual credit will continue to impose a financial strain.

**Senator Fulcher** asked the panel how course offerings were responding to local business needs. **President Dunlap** articulated several programs that have been developed through Department of Labor grants in the areas of aerospace, forestry, and the medical assistant fields. **President Fox** said that CSI has applied federal grants in the dairy industry which is now a very high-tech industry. Business say they also need the soft skills of loyalty, integrity and pride of work. CSI has put human relations course work in place to address these ethical concerns. **President Fox** stressed the need to remain innovative and responsive. **President Glandon** enumerated CWI's active involvement in economic and workforce development. The Micron Center, which was gifted to CWI, is being used for large corporate regional training, such as Western Caterpillar. Some automobile manufacturers are also considering CWI's Micron Center for regional training. Both St. Alphonsus and St. Lukes Medical Centers have training programs at CWI.

**Vice Chairman Mortimer** noted that PTE enrollment seems relatively flat, and asked how to increase it. **President Dunlap** replied that NIC's facilities are old and outdated, often with space for only twelve students per class, where they need space for twenty-four. NIC needs a new PTE center, but funding is the problem. **President Fox** agreed that PTE funding has been small, and allocation of those funds needs to be managed in accordance with community needs. Their construction training facility was closed because no jobs were available. **President Glandon** stated that PTE is cost intensive to set up and operate. CWI is working to make the academic portions available online. He said that numerous skilled jobs exist and a cultural shift is needed in the way families and society value those trades. The panel all agreed that funding sources were the greatest issue.

**Senator Pearce** asked what can be done to stimulate jobs in Idaho. **President Fox** replied that the community colleges need to be "nimble" to address whatever is coming, and to be responsive and supportive in their business relationships. **President Dunlap** said it would be useful for community college leaders to be at the table with business leaders who are thinking of locating in Idaho, and felt that community colleges could be very helpful in recruiting new business by partnering workforce needs and availability. **President Glandon** agreed that community colleges are more able to build a base of entry level positions; the right connection could create new industry from the ground up. **Senator Pearce** said that it is an interesting twist in time that law school students are now returning to community colleges for professional technical training. **President Fox** stressed the need for continuing focus on partnerships with business and industry and partnerships with universities.

**ADJOURNED:** **Chairman Goedde** thanked the panel for their participation. Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:17 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, January 21, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS22436</u></a>	Open Meeting Laws (Libraries)	Ann Joslin, State Librarian, Idaho Commission for Libraries
<a href="#"><u>RS22439C1</u></a>	Dual Credit Courses	Marilyn Whitney, Chief Communications and Legislative Officer, State Board of Education
<a href="#"><u>RS22445</u></a>	Board Member Appointment Dates	Marilyn Whitney
<a href="#"><u>RS22353</u></a>	School Bus Color	Chairman Goedde
<a href="#"><u>RS22536</u></a>	District Classified Staff Allowances	Chairman Goedde
<a href="#"><u>RS22578</u></a>	Advanced Opportunity Programs	Senator Thayn
<a href="#"><u>RS22590</u></a>	School Bus Drivers	Robin Nettinga, Executive Director, Idaho Education Association
<b>MINUTES</b>	Approval of Minutes, January 13, 2014	Senator Ward-Engelking

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini(Nonini)

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: sedu@senate.idaho.gov

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, January 21, 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 3:01 p.m., and a silent role was taken. He commented that over the course of the next several meetings, the Committee would review the Governor's Task Force recommendations in depth. He stated that today's focus would be on print hearings for proposed legislation.

**RS 22436** **Ann Joslin**, State Librarian, Idaho State Library said that **RS 22436** corrects and amends an existing statutory citation governing open meeting laws for public libraries. Libraries are already required to follow open meeting laws. The correction is technical only.

**MOTION:** **Vice Chairman Mortimer** made a motion to print **RS 22436**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**RS 22439C1** **Marilyn Whitney**, Chief Communication and Legislative Officer, State Board of Education (Board), stated that the proposed changes in **RS 22439C1** will provide a clear definition in Code of the options for secondary students to attend postsecondary institutions for either secondary credit, for postsecondary credit, or for dual credit. This is the foundational statute that allows for secondary students to take dual credit courses. Additional proposed changes to this chapter would eliminate the requirement that each individual school district have a Memorandum of Understanding with the governing board of each institution from which students take courses from, as well as update terms used in the chapter to better reflect the options students have today.

**MOTION:** **Senator Pearce** made a motion to print **RS 22439C1**. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**RS 22445** **Marilyn Whitney** stated that the proposed legislation would change the timing of Board member appointments from March 1 to July 1. The new timing will avoid the breaks in service of Board members that are reappointed or appointed to vacant seats on the Board. The bill also proposes that Board members 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:** **Vice Chairman Mortimer** made a motion to print **RS 22445**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Chairman Goedde passed the gavel to Vice Chairman Mortimer.

**RS 22353**

**Chairman Goedde** said that the definition described in statute as "school bus chrome" is not an adequate definition of a paint color. School bus colors now comply with international and federal mandates. The proposed change simply corrects the name of the color.

**MOTION:**

**Senator Fulcher** made a motion to print **RS 22353**. **Senator Thayn** seconded the motion. In discussion, **Senator Pearce** noted a discrepancy between the language of the proposed legislation and the Statement of Purpose (SOP). The SOP states that no buses would need to be painted, while current legislation and the proposed bill state that buses need to be painted prior to being sold. **Chairman Goedde** offered to hold the bill, pending further investigation. **Senator Fulcher** withdrew his motion.

**RS 22536**

**Chairman Goedde** said that the proposed bill would try to map a course of compensation for education employees at the district level, and would increase the number of classified employees funded by increasing the current .375 factor per unit to .41 per unit. This would bring the funded employee amount closer to the current level staffed by districts and charters. In concert with other bills to be introduced, this solution would be a step forward in repairing an inequity in current funding.

**MOTION:**

**Senator Thayn** made a motion to print **RS 22536**. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**RS 22578**

**Senator Thayn** said the proposed bill would (1) clarify which students may be eligible for the Master Advancement Scholarship, (2) clarify that professional certificates are eligible for advance opportunity programs, (3) establish a program whereby \$200 will be available for high school juniors and \$400 for high school seniors for dual credit and professional technical certifications (4) change the credits required for 7th and 9th graders that participate in the "8 in 6" program, and (5) clarify how liquor fund monies are to be used in relation to advanced opportunity programs.

**Vice Chairman Mortimer** asked for clarification of how the liquor fund money was to be used. **Senator Thayn** replied that any other monies that would be available would be used prior to the \$200/\$400 in this bill, except for payments bestowed by the liquor fund. The bill was written in this manner because this Committee has never discussed whether liquor funds should be used for dual credit students in high school, even though liquor funds have been used in practice. **Chairman Goedde** and **Vice Chairman Mortimer** confirmed that currently counties are being billed for high school dual credit courses from their general funds; only community colleges have the ability to claim liquor funds for dual credit courses. **Chairman Goedde** also confirmed that portions of this bill reflect the Superintendent of Public Instruction's budget. **Senator Pearce** asked how many credits the \$200 and \$400 would buy. **Senator Thayn** replied that he was not exactly sure how many credits the \$3 million requested in this bill would buy in total, but he did clarify that \$200 for a high school junior would pay for approximately three-quarters of three-credit class; \$200 would buy two advanced placement (AP) tests. **Senator Pearce** said that some students won't take advantage of this program, and those who do would receive three-quarters of the cost for one dual credit class for juniors, and two dual credit classes for seniors. If those students desired to take more dual credit classes, they would need to pay the full cost. **Senator Pearce** suggested it might be better to allocate money to the school, allow sophomores one dual credit class, juniors two, and the balance be awarded to those students who were willing to work harder. In this manner, the money would be fully used. **Senator Thayn** prefers the

present language and will invite Superintendent Brian Kirby to talk about how dual credits are affecting his district.

**MOTION:** **Vice Chairman Mortimer** made a motion to print **RS 22578**. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

**RS 22590** **Robin Nettinga**, Executive Director, Idaho Education Association, stated that **RS 22590** would provide for immunity from civil or criminal liability to school bus drivers who come to the aid of someone on their bus who they believe may be in imminent danger of harm or injury. The additional language being proposed can be found on page 3, lines 13-15 of the bill. While school boards have the authority and responsibility for developing and enacting policies governing student transportation, 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.

**MOTION:** **Senator Buckner-Webb** made a motion to print **RS 22590**. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Ward-Engelking** made a motion to approve the Minutes of January 13, 2014. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:29 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

JOINT  
SENATE EDUCATION COMMITTEE  
AND  
HOUSE EDUCATION COMMITTEE  
3:00 P.M.  
Lincoln Auditorium  
Wednesday, January 22, 2014

SUBJECT	DESCRIPTION	PRESENTER
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Common Core Forum

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

Room: WW39

Phone: 332-1321

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MINUTES  
JOINT MEETING  
**SENATE EDUCATION COMMITTEE**  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Wednesday, January 22, 2014

**TIME:** 3:00 P.M.

**PLACE:** Lincoln Auditorium

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayne, Patrick, Ward-Engelking

Chairman DeMordaunt, Vice Chairman Nielsen, Representatives Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc, Rubel

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman DeMordaunt** called the joint session to order at 3:05 p.m.

**Chairman DeMordaunt** welcomed all in attendance and expressed appreciation for the panelists, and for citizens submitting questions for the Idaho Common Core Forum. He explained the questioning procedure during the Forum. He said all panelists were not required to answer all questions and could simply agree with another panelist.

**Senator Goedde** explained the expectations for the audience and panelists when participating in legislative assemblies. He said the purpose of the Forum was to determine facts from opinion or misinformation.

The panelists introduced themselves to the committees and to the audience: **Tom Luna**, Idaho Superintendent of Public Instruction; **Bruce Cook**, Program Director of Madison School District; **Stephanie Rice**, English teacher, grades 7-12, Council School District; **Dorothy Moon**, retired special education teacher from Challis School District; **Steve Labau**, Sunny Ridge Elementary Principal, Nampa School District; and **Stephanie Zimmerman**, mother and founder of Idahoans for Local Education

In response to questions regarding total implementation of the Idaho Core Standards (ICS), **Supt. Luna** said the state did not receive federal dollars for adopting new standards. He indicated \$11 million was made available by the state last year for transitioning. **Mr. Cook** said his district had received some Title II money but it went quickly. He explained the dilemma of teachers to realign with the standards and to find textbooks. **Ms. Rice** said that resources need to be updated on a regular basis. **Mr. Labau** said the process is ongoing. He said for students to show evidence of learning is a major benefit for them. He said teachers, collaborating to develop assessments, are also beneficial for students.



To a question regarding ICS dictation of curriculum and textbooks, **Mr. Cook** said ICS does not specify the textbooks, however ICS drives instruction. To the question regarding autonomy for local districts, **Ms. Rice** said the teacher chooses the writing topics and the literature. **Ms. Moon** said local school boards do have control, however there is fear the mandates will dampen choice. **Mr. Labau** said having a certain amount of standards is preferable because the artistry and creativity of local teachers then comes into play. **Ms. Zimmerman** said the state board holds the control. **Supt. Luna** asked, "Should the state set academic standards?" He said last spring the State Department of Education was told the curriculum was being dictated by them. When school started they found that was not the case.

In response to questions regarding cost/benefit analysis, plus trials showing ICS and the Smarter Balanced Assessment Consortium (SBAC) showing significant gains in student learning, **Ms. Moon**, **Mr. Cook** and **Ms. Zimmerman** agreed they had found no cost/benefit analysis and the standards and the test had not been piloted or field tested. Mr. Cook said his district is improving and has 5-Star Schools without ICS. Ms. Zimmerman opposed data driven education. **Mr. Labau** said his school had started implementation two years ago and students' Idaho Standard Achievement Test (ISAT) scores had gone up, especially in math. **Supt. Luna** said standards result in improvement; higher standards lead to better improvement. He cited the student success in Kentucky after the state adopted the ICS. He also said Idaho employers have asked more of Idaho's high school graduates, especially in math.

In response to the question of ICS being age appropriate, **Ms. Moon** said there is no proof behind the science standards. **Mr. Labau** said some alignment is looking at sequence in learning. He said the rigor was beneficial. **Ms. Zimmerman** said ICS set algebraic concepts to be taught in kindergarten. She said that was developmentally inappropriate. **Supt. Luna** said in July of 2010, Idaho teachers thoroughly vetted ICS and it was from their recommendations that the state had moved on. He said the ICS were age appropriate. **Mr. Cook** questioned the kindergarten standards. He said the SBAC is very difficult and in New York, proficiency scores fell dramatically. **Ms. Rice** said there will be a gap in the proficiency scores for a few years. However, she cited her students progress in English since the implementation of ICS, as phenomenal.

In response to the question regarding how quickly students, teachers and schools will be held accountable for all of the new standards, **Mr. Labau** said accountability for teaching standards is happening now. He said the assessment accountability will come later. **Ms. Zimmerman** said it was her understanding the schools will be fully accountable in school year 2014-2015. **Supt. Luna** said student achievement is currently part of teacher evaluation. He said ICS have a five year phase in period. They had two years to prepare. This year the standards are being used; there is another year before the testing. He said teacher accountability is based on multiple measures and how students perform on ICS is one of those measures. **Mr. Cook** said teachers are accountable now; rewards and sanctions begin in 2015. He said ICS was a paradigm shift of NCLB teaching and failing. He said with the new SBAC is so difficult, he fears teachers will teach to the test. There is concern it could be used to punish as well as reward.

To a question regarding the portfolio system of assessment, proving multiple opportunities during the school year for student assessment, **Ms. Zimmerman** said it was not possible with the SBAC. **Supt. Luna** said ICS is in line with a mastery based system of testing. With ISAT the emphasis was on how many students can pass the test. Now the heavy emphasis is on growth. **Mr. Cook** said the ISAT Alt Portfolio Assessment provides uploads of student work throughout the year to prove proficiency; that would be preferred over the SBAC. He said instructors want to know immediately how kids are doing. District teachers fear the turnaround time for the SBAC results will not be timely. **Mr. Labau** said multiple assessments are used currently and will continue with SBAC.

In regard to the question concerning constitutionality and the United Nations' role in the development of ICS, **Supt. Luna** said the UN played no role. He said the constitutional authority comes from the 10th Amendment which gives states the jurisdiction to establish, maintain and conduct a general, uniform system of education. He said the state has always had standards to determine what level of achievement is necessary for its citizens. He said the rest is left to local school districts with guidance from the legislative body. **Mr. Cook** said if a local district feels a level in ICS does not fit, the districts would like power to remove the standard. **Ms. Moon** said she believes the federal government along with the Bill Gates Foundation, is involved through funding. She said Idaho has the power to ignore or embrace; but if embraced, not in it's entirety. **Mr. Labau** and **Ms. Rice** agreed ICS to be constitutional. **Ms. Zimmerman** said **Bill Gates** was the instigator of the Common Core School Standards. She said Bill Gates has a position with UNESCO, thus giving the UN influence. She said a memorandum of agreement was signed in 2009 connecting ICS to the federal government, thus making the standards unconstitutional.

In regard to which states are opting out of ICS, **Ms. Moon** said Texas, Nebraska, Alaska, Georgia, and Virginia have opted out. Minnesota has only adopted the English standards. **Ms. Zimmerman** said seventeen states from the testing consortium are leaving. She stated that Kentucky, Massachusetts and North Carolina have governors who want out. **Supt. Luna** said none of the states had opted out. He said many have revisited ICS and SBAC, and some, like Minnesota, have recommitted. He said the same people who claim states are opting out are saying ICS is not voluntary. If states can opt out; the standards, then, are voluntary.

Answering the question as to the comparison of ICS to previous Idaho standards, **Ms. Rice** said they are more rigorous and rather than simply produce an answer, the student must identify the thinking and reasoning process in finding an answer. She said ICS are more cohesive than previous standards, giving more opportunity to teachers for collaboration in interdisciplinary teams. She said it is a more holistic approach rather than one of isolation. **Ms. Moon** said some standards are lowering the bar instead of raising it. She said frustration is coming from both students and parents. Parents are not able to work through the problems as they are now; they cannot help their student with math. **Mr. Labau** agreed with Ms. Rice. He also said the advantage of higher expectations is that the "end game" of college and "career ready" is the goal. **Ms. Zimmerman** said ICS was not the best option for change. She asked why Idaho did not choose to teach the math program used by Massachusetts. **Supt. Luna** agreed on the rigor of the new standards. He said the standards are not more rigorous than other countries' standards, and Idaho students are just as capable. He said remediation needed by Idaho students when entering college or the work force should be greatly diminished by reaching ICS prior to graduating high school. **Mr. Cook** said ICS are not set up to help a child who is struggling. He said students in other countries are faced with extended school hours and Saturday school, and teachers receive higher wages.

With regard to teachers being involved in the creation of standards and concurrent implementation, **Ms. Moon** said the Bill Gates Foundation, and **Arne Duncan**, US Secretary of Education, agree that the federal government must have more to do in setting standards. She said corporate giants, not teachers were involved. She said kids are going to lose their love of learning and that textbooks were scarce, only computers are being made available. **Ms. Zimmerman** said teachers were not involved; they were brought in to be window dressing. **Supt. Luna** said he was involved from the beginning. **Bill Gates** and **Arne Duncan** were not present. He said a small number of state superintendents tried to figure out how to improve learning because the college success rate was poor. He said administrators agreed to the approach and the Idaho Education Association (IEA) knows the names of the teachers who were involved in giving suggestions for standards and improvement. **Ms. Rice** said the teachers take a very large role in implementation. She said with standards as guidelines, we want to make sure learning opportunities are aligned with standards. She said it is vital to have teachers accountable to their students.

Regarding a question speaking to local control of curriculum, reading materials and text selections, **Mr. Labau** said materials are a local choice; standards are not. He said the beauty in that, is how the teachers choose to teach the standards. **Ms. Zimmerman** said the State Board adopted standards with suggested curriculum. **Supt. Luna** said the adoption of standards provides for review and a list of suggestions. The districts are not required to choose from the list. **Mr. Cook** and **Ms. Moon** agreed textbooks are a local choice; standards are not. **Ms. Rice** said standards are a list of skills, not how teachers will teach. She said she has not changed her curriculum.

In response to a question regarding time requirements of ICS on a day to day basis, **Ms. Zimmerman** said first grade lunch recess has been cut in half in order to prepare for SBAC. **Mr. Cook** said the hours for test prepping has increased and teachers feel pressure to prepare for the SBAC. **Ms. Rice** and **Mr. Labau** agreed teachers and students should focus on building skills everyday. If there is proper implementation of ICS teaching strategies, the students should be prepared without sacrificing additional time. **Ms. Moon** said there is concern that keyboarding skills are not in place and additional time improving on keyboarding skills will jeopardize basic courses.

The question to the panelists was: How will the state ensure that elementary students have the keyboarding skills necessary to take the exam without reducing instructional time in core subject areas? **Supt. Luna** said it differs from district to district depending on local policies. He said the SBAC questions are simpler in early grades requiring only short answers. He said in the 120 schools that piloted the SBAC, none had problems with keyboarding issues. **Mr. Cook** said money and time for keyboarding programs were concerns in his district. He said they found an acceptable keyboarding program in use in Utah schools, however, 3rd and 4th grades require a half hour of daily practice. **Mr. Labau** said learning keyboarding may take extra time, but students are learning a necessary life skill.

In regard to a question asking if ICS moves Idaho's educational decisions closer or further away from parents and local schools, **Mr. Cook** and **Ms. Moon** agreed ICS moves parents and the community away from the decision making. **Mr. Cook** said he receives letters from parents asking to move the standards back to those which are more acceptable at grade level. **Ms. Rice** and **Mr. Labau** agreed there has been no real change. **Ms. Zimmerman** said parents and the community have no say in what is put on the tests; it is not part of Idaho's jurisdiction. **Supt. Luna** said Idaho had more influence on the SBAC than on the ISAT, ACT or SAT. He said some will always be opposed to state accountability and state assessments; it's a philosophical difference. The resistance to standards goes back long before the ICS. Natural friction will always be there.

In regard to a question regarding the impact of test scores on student progression and teacher's merit pay, **Ms. Rice** said the SBAC will have the same influence as the ISAT. However, the class of 2017 will have to pass the SBAC to graduate. **Ms. Moon** and **Ms. Zimmerman** agreed it would have the same policy on retention and would be used against merit pay. **Mr. Labau** said it depends on how the legislature approaches merit pay. **Supt. Luna** said it is a local decision. He said Idaho adopted teacher evaluation prior to the ICS. He said the 2013 Governor's Task Force Recommendations are quite specific. The tiered licensure and career ladder are part of those recommendations for which portion would be based on achievement. He said whether the SBAC is one of the measures for evaluation is a local decision.

Answering the question as to what proof there is that ICS will make any difference when poverty, second language, physical disabilities and lack of parent involvement are the contributing factors for student failure, **Ms. Moon** said that ten percent of Idaho's special education receive no benefit from ICS. **Mr. Labau** said there are high expectations, even with special education, but there are alternative paths to graduation. **Ms. Zimmerman** said there is no proof ICS will help any student. She said inter-city teachers are very concerned for students of poverty. **Supt. Luna** said there are accommodations for special education kids. He said we have public education for that reason. He said the quality of the teacher in the classroom is the most influential. He indicated that years ago, when math and science standards were raised, many people believed students would fail, but they did not. **Ms. Rice** said seventy-five percent of her students qualified for free or reduced lunch but they are successful. She said the standards provide cohesiveness. **Mr. Cook** said he would like to see monies go toward hiring and retaining good teachers instead of paying for the SBAC.

In response to a question citing no public forum prior to the adoption of ICS and if the legislature would be willing to halt the deadline in order for lawmakers to revisit their constituents, **Mr. Labau** said there were public forums prior to adoption and the districts were given two years to prepare. He said some districts did not prepare. **Ms. Zimmerman** said she was active in the education, but the public forums were ex post facto. **Supt. Luna** said 21 public meetings were held in 2010; Standards were adopted in 2011. He said there has been one election cycle with legislators facing their constituents since that time. **Mr. Cook** said he had heard of no public meetings. **Ms. Moon** asked the legislature to halt ICS and let legislators hear the dialogue coming from 2014 public meetings organized by citizens.

Responding to a question regarding a stellar education system of decentralized education similar to Finland, **Ms. Zimmerman** said Idaho does not have decentralized education. **Supt. Luna** said Finland has national standards.

In response to a question relating to the 15 percent latitude districts are given to vary from compliance to ICS, **Mr. Cook** said the percentage needs to be more lenient. **Supt. Luna** said in order to align to other states, 85% of the curriculum had to be standards driven. **Ms. Rice** said the percentage doesn't matter, the Advanced Placement (AP) curriculum can be at a different level of complexity. **Ms. Zimmerman** suggested the book, *Detracting for Success*, in order to address the subject of standards and accelerated classes more fully.

Answering a question relating to ACT and SAT exams being changed to accommodate the new standards, **Mr. Cook** said his district would rather use the ACT and SAT for an evaluation rather than ICS. **Ms. Zimmerman** said the processing has begun to align the national test to the SBAC. **Supt. Luna** said the companies are working to align the ACT and SAT with the ICS but have not completed anything. He said college and university presidents are saying Freshman students, who graduate with competency in ICS, will not need remediation.

To a question concerning alternative education such as home school and private school, **Supt. Luna** said Idaho will not regulate home schooling or private schools as to alignment with ICS.

In response to a question on the evaluation of essays within the SBAC and who will grade the tests, **Mr. Labau** said he would hope that teachers would be involved with scorers from across the state. **Ms. Zimmerman** said in math, more weight is put on process rather than on product. **Supt. Luna** said the test is a combination of multiple choice and essay, graded by the writing skills and thinking involved. He said the test will be graded much like the Direct Writing Assessment, by teachers from across the state. **Mr. Cook** said the process of assembling teachers as evaluators will cost money, and student feedback will not be fast. **Ms. Rice** said the test gives students a chance to respond to a two-sided question. Students are asked to reason and use critical thinking.

Massachusetts conducted a complete overhaul of its state education system and became the top state in the nation for education. Why not adopt that thoroughly proven set of standards? Can we change course? **Ms. Moon** said **Bill Gates** wants to sell computers. She would hope Idaho would change its course. **Ms. Zimmerman** said Massachusetts had higher scores before they adopted ICS. They are looking to change. **Supt. Luna** said Massachusetts is recognized as the leader in education. They vetted ICS thoroughly, and they may be reviewing the adoption, but have not changed. **Mr. Cook** asked the question: Can we change course? He said the decision rests with the legislature.

The question of partnering the federal department of education with copyrighters of ICS for standards and for data collection was given to the panel. **Ms. Zimmerman** said the role of the federal government in education is stated in a "Four Pillars" document on the White House website. She said **President Obama** has outlined the steps that include corporate interests. **Supt. Luna** said now that schools have had time to be involved with ICS, the fear of last spring is not there. ICS and the SBAC were copyrighted so that others could not make a profit from their existence, just like Idaho Code is copyrighted. In regard to data collection and security, there are bills forthcoming to strengthen the laws to protect the data. **Mr. Cook** said he is worried about the data collection and the increased data fields.

**Chairman DeMordaunt** informed panelists of time restraints. He said the next question would be the last question posed to the entire panel. He then asked panelists to choose one question, from the remaining question list, to which he or she would prefer to respond.

In response to a question regarding Family Educational Rights and Privacy Act (FERPA) and collection of personal student information without parental consent, **Ms. Zimmerman** said parents have a right to protect student privacy. She said the state cannot opt out of the data collection portion of ICS. She said FERPA has been changed and data can be transferred. Student data is not safe. **Supt. Luna** said FERPA requires parents to give approval for data collection. He said the Idaho Attorney General's opinion said, this is public education and we need some transparency and accountability. If you participate, we must collect a certain amount of data. **Supt. Luna** said the program needs to have "side boards." **Mr. Cook** said parents should have the right to protect their child's privacy. He stated concerns over 288 fields of data. He said there are two people in his district whose total job is that of student data collection. **Ms. Moon** said she retired early because of data collection required for special education students. She felt frustrated having to give out information she judged to be private. She said information such as possession of weapons, one's religious and political preferences should not be collected. **Supt. Luna** said the state education programs do not collect data on religion and politics.

In regard to a question on math concepts and the "process" being more important than the answer, **Supt. Luna** said students are not forced to demonstrate different ways of reasoning for solving a math problem, just explain one reasoning process, the one he or she used. On the SBAC, a math question is worth three points each, two points for the correct answer and one point for the correct explanation of the process for solving it.

**Mr. Cook** and **Ms. Rice** each chose to answer the question regarding instructional days lost to testing. Mr. Cook said there are lost days to testing and no new money for computer labs. Existing labs are tied up for testing. He said history and fine arts are the losers; math and English are gaining. Ms. Rice said she thinks the assessment time is worth it. She says the preparation is more aligned with real world experience.

**Ms. Moon** said her concern focused on releasing Idaho from federal regulation.

**Mr. Labau** chose to answer the question regarding ICS cultivation of creativity and innovation. He said creativity and innovation are encouraged by teachers and students within ICS. He said traditional instruction was algorithm based for all students and was narrow in scope. It did not prepare students for college nor were they career ready.

**Ms. Zimmerman** related her answer to Kentucky and other states reviewing ICS. She said the fact that the states are reviewing their choice should mean something. She said student test results are lower, not only on the SBAC but other national tests.

**ADJOURN:**

There being no further business to come before the committees, the meeting adjourned at 5:15 p.m.

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Senator Goedde  
Chairman

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Elaine Leedy  
Secretary

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Representative DeMordaunt  
Chair

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Jean Vance  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, January 23, 2014**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Lewis-Clark State College	Dr. J. Anthony (Tony) Fernandez, President
	Idaho State University	Dr. Arthur Vailas, President
	University of Idaho	Don Burnett, Interim President

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, January 23, 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 3:02 p.m., and a silent role was taken.

**PRESENTATION:** **Dr. J. Anthony (Tony) Fernandez**, President of Lewis-Clark State College (LCSC) introduced his staff and colleagues, Chet Herbert, Annie Hansen, Kathy Martin, Heather VanMullen, Kathy Stensen, Ed Miller and Mary Flores.

**Dr. Fernandez** introduced LCSC with its mission of "Connecting Learning to Life" through academic programs, professional-technical education (PTE) programs and community programs. LCSC's primary areas of emphasis are arts and sciences, business, justice studies, nursing, PTE, social work and teacher education. LCSC has increased its enrollment over the past 10 years by 29 percent, with a current enrollment of 4,304 students, producing approximately 80,000 credit hours and awarding nearly 700 degrees annually. Their average incoming freshman student has a high school grade point average of 3.1, American College Testing (ACT) scores of 20, and Scholastic Assessment Test (SAT) scores of 920. LCSC offers academic and career planning, free tutoring, computer and web skills training, and special curriculum on college survival skills to its incoming freshmen. As a result, LCSC's student retention rate is nearly 60 percent. Students in nursing, radiological technology, teacher preparation, social work licensure average a 92 percent first-time pass rate in certificated programs, while academic graduates boast an 88 percent job placement rate, and PTE graduates achieve 85 percent job placement. All students, regardless of field, provide service in their community.

LCSC collaborates with regional health facilities and several regional community colleges. In addition, their facility in Coeur d'Alene now serves 484 students in the prime areas of business administration, education, nursing and social work. They offer non-credit classes for community enrichment, workforce training for over 3,000 students and provide small business development consulting. **Dr. Fernandez** stated that LCSC's most critical budget challenge is the significant salary gap for its faculty and staff compared to other similar western colleges. In addition, they need to sustain their current operations, maintain safe infrastructure, and minimize student fee increases. In summary, LCSC runs a lean and practical operation focused on professions that promote economic development. Realistic planning and aggressive management help them to get the most from every appropriated dollar.



**Chairman Goedde** commented that the joint facility in Coeur d'Alene was very important in that community. **Senator Buckner-Webb** asked about LCSC's deferred maintenance issues. **Dr. Fernandez** replied that LCSC has some of the oldest public supported buildings in the state, and carries \$20-25 million in deferred maintenance costs. **Senator Thayn** asked what Dr. Fernandez would like to see as incoming SAT scores. **Dr. Fernandez** said he would like over 1,000 as an average. He supports higher standards for high school graduation. **Chairman Goedde** and **Senator Patrick** asked about remediation rates. **Ed Miller**, Professor of Mathematics, said that the minimum ACT math score is 19; below that requires math remediation. Approximately half of incoming students need remediation in math, and about 20 percent need remediation in English Language Arts (ELA).

**PRESENTATION:** **Dr. Arthur C. Vailas**, President, Idaho State University (ISU) introduced ISU's mission of "Transforming Education through Partnerships." ISU educates more than 17,000 students each year in the areas of energy, health professions, engineering, performing and visual arts, technology, biological sciences, pharmacy and business, and offers 285 programs from certificates to doctoral degrees. With locations in Pocatello, Meridian, Idaho Falls and Twin Falls, earnings from ISU alumni living and working in Idaho contribute \$873 million annually to the state economy. ISU builds skills, flexibility, careers and leaders by focusing on oral and written communication, critical thinking and problem-solving and teamwork. Their early college program for high schoolers and summer programs for low income and first generation students build "bridges" to access and opportunity by instilling the confidence necessary for college success. Career path internships benefit both students and the community, and 80 percent of all graduates and 86 percent of PTE graduates reported post-graduation employment.

ISU's technical education programs continue to receive recognition for nuclear education and training, environmental research, and nanofabrication. A leader in health sciences, ISU is home to eight of the top 11 programs named in Forbes 2013's List of Most-Needed Health Professionals. ISU clinics now serve over 54,000 Idahoans in family medicine, counseling, dental hygiene and physical and occupational therapies. The anatomy and physiology laboratory in Meridian, slated to open in 2015, will provide specialized training for schools and first responders, and foster research and business opportunities in the health care industry. In partnership with the Idaho Education Network, ISU will be able to provide anatomy and physiology presentations to every high school in the state. ISU continues to increase its statewide impact, and appreciates all that the legislature does to support its efforts.

**Vice Chairman Mortimer** asked how long it would take for the colleges and universities to align their course numbers and course content to improve student transferability between them, and whether it would take legislative action to complete the task. **Laura Woodworth-Nye**, Provost, ISU, said that a lot of work has been done over the past two years with sister institutions and community colleges, and progress has been made. The problem lies in pre-requisites for different program areas. As Idaho moves to a more competency based approach to general education, more alignment in pre-requisite content can be achieved. **Ms. Woodworth-Nye** said that two years would be a reasonable projection to accomplish the task. She did not think that legislation would help. **President Vailas** agreed, stating that legislation creates political complexity. Responding to questions from Vice Chairman Mortimer and Senator Thayn, **President Vailas** reported that ISU provides some compensation to high schools for dual credit courses, however, ISU does not offer many PTE dual credit programs. **Ms. Woodworth-Nye** explained that PTE courses are not transcribed while a student is in high school, but rather when they enter ISU. She believed PTE dual credit

courses represented approximately 20 percent of total dual credits. **Vice Chairman Mortimer** expressed his hope that more will be offered because he believes it provides encouragement to student to continue their education. ISU currently confers nearly 1,700 Bachelor's degrees annually.

Responding to questions from Chairman Goedde, **President Vailas** reported that online enrollment has increased by approximately 33 percent. He was pleased to report that students needing remediation has dropped from 48 percent to approximately 30 percent. He attributes this reduction to a pilot grant project aimed at total curricular alignment between high school and universities. He applauds Idaho's core competency standards as the pathway to increased success.

**Chairman Goedde** asked President Vailas to describe the half-life isotope that ISU has developed to treat cancer. **President Vailas** expressed his excitement, and said "The trials are on! If it works, it will change the landscape of our economy."

**PRESENTATION:** **Don Burnett**, Interim President, University of Idaho, proudly introduced Idaho's land-grant university with its missions in research, teaching and outreach. Building on the theme, "*Science brings money to Idaho*", **Interim President Burnett** described a variety of programs in biomedical research, medical education, water resources management, engineering, and energy. His spirited and detailed remarks are attached and incorporated by reference.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:38 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

JOINT  
**SENATE EDUCATION COMMITTEE  
AND  
HOUSE EDUCATION COMMITTEE**  
3:00 P.M.  
Lincoln Auditorium (WW02)  
Monday, January 27, 2014

SUBJECT	DESCRIPTION	PRESENTER
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Public "Listening Session"

The focus of this year's listening session will be the Governor's Task Force Recommendations.

The Chairmen request that anyone desiring to address the joint committee should prepare statements in advance and provide a copy to the Committee Secretary at the meeting. Please limit comments to three minutes.

Detailed suggestions can be submitted to the Committee in writing and will be made available to all Committee members. Comments may be submitted via email to: [hedu@house.idaho.gov](mailto:hedu@house.idaho.gov).

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
JOINT MEETING  
**SENATE EDUCATION COMMITTEE**  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Monday, January 27, 2014

**TIME:** 3:00 P.M.

**PLACE:** Lincoln Auditorium (WW02)

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayne, Patrick and Ward-Engelking

Chairman DeMordaunt, Vice Chairman Nielsen, Representatives Shepherd, Wills, Bateman, Boyle, Clow, Gestrin, Harris, Horman, Mendive, VanOrden, McDonald, Pence, Kloc and Rubel

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 Joint Senate and House Education Committee (Committee) to order at 3:02 p.m., and a silent roll was taken. He explained that the focus of this day's public "listening session" was the Governor's Task Force (Task Force) recommendations, and areas of interest other than Common Core State Standards which previously were covered in depth.

**PRESENTATION:** **Karen Echeverria**, Executive Director, Idaho School Boards Association (ISBA), speaking for the ISBA, the Idaho Association of School Administrators (IASA), and Idaho Education Association (IEA), (Associations) stated that the three Associations had met on several occasions to discuss Task Force recommendations and found all three to be in general agreement. **Ms. Echeverria** stressed that the Associations support the recommendations as a package, and do not support breaking the recommendations up and implementing some parts but not others. Some areas will be easier to implement because work is already underway. Others will take more time to assure proper implementation.

In making this presentation, **Ms. Echeverria** explained that the Associations had divided the Task Force recommendations into three categories: (1) those that are currently being addressed by school districts; (2) those they believe can be implemented next year; and (3) those that are ready for input and work to see them succeed. She then discussed the twenty Task Force Recommendations in detail within this framework. Her complete presentation is attached and incorporated by reference.

**Senator Thayn** questioned the advantage of an enrollment model of funding over average daily attendance (ADA). **Rob Winslow**, Executive Director, IASA, replied that funding needs to be tied in some way to attendance. The enrollment model, or Average Daily Membership (ADM) starts with the number of students in a district and computes the amount of money required to run the district, whether or not all students are in class on a given day. **Senator Nonini** asked about progress toward training trustees. **Ms. Echeverria** replied that approximately 80 percent of school boards have participated in some training over the past four years. Strategic planning is most needed, but the hardest to schedule because it takes a day or more. The private sector is involved. **Senator Patrick** commented that everyone wants the recommendations taken as a whole, but asked what would happen if some did not work out as anticipated. **Ms. Echeverria** replied that time is needed to "put meat on the bones." She is very supportive of the committees being formed to flesh out the details. It may take five years to fully implement the recommendations. Addressing autonomy, **Senator Goedde** said that the State Department of Education (Department) could be of assistance in sorting through the various pieces in Idaho Code to aid in pulling them together. He added that he and Chairman DeMourdant have jointly requested funding for the continued task force committees. The Associations agreed that each would be providing members on the committees.

**Senator Thayn** raised the criticism that the Task Force recommendations had come from the top down and that not many changes have come from the bottom up. **Ms. Echeverria** replied that the Task Force was made up of a very disparate group of legislators, associations, business leaders, and teachers. **Robin Nettinga**, Executive Director, IEA, added that the Task Force contained a large number of parents. **Rob Winslow** said the process was not top down because over 100 topics were considered, and the group kept refining the focus from the bottom up.

Addressing restoration of operational funding, **Chairman Goedde** asked if the Associations would favor designating specific funds for mentoring and segregating health insurance as line items. **Ms. Echeverria, Mr. Winslow and Ms. Nettinga** all strongly supported full restoration of operational funding before any discussions of segregating items had begun.

#### TESTIMONY:

**Ausencio Flores**, a citizen, stated that he believed more money needs to be spent on middle and high school education and not on pre-school. **Mr. Flores** noted that the State currently has "first grade," then kindergarten, and now there is discussion of State-funded pre-school. He believes children need to learn naturally through play. Someday, Mr. Flores wants to open his own business, and he will want employees who have learned critical thinking skills which are taught in middle and high school. **Mr. Flores** favors more money for education, but does not want it spent on pre-school education.

**Don Keller**, speaking as a citizen, but also with Sage International School, asked the Committee to consider how schools are funded and allocated. **Mr. Keller** pointed out the great disparity between per-pupil funding which ranges from a low of \$4,900 to a high of nearly \$18,000. He suggested that Idaho look at the Canadian model which combines state tax funds with property taxes that provides a per-pupil funding level given to each district. Combined with local referendums, districts enjoy a stable funding source that improves their autonomy. **Representative Rubel** asked if any states now do this style of funding. **Mr. Keller** replied with examples of Canadian states.

**Mike Vuittonet**, speaking as a citizen, but also a school board member in the Joint School District #2 (Meridian), strongly supports all of the Task Force recommendations, particularly the recommendation for a mastery based system. He believes that Idaho's current system, which allows a passing grade of "D" or "C", does not prepare students for the rigors of college. **Mr. Vuittonet** also favors the recommendation for autonomy. He gave an example of a pilot program which has created a vertical strand of feeder schools to one major high school. Principals in nine schools are involved and the project will affect 5,400 students. **Chairman Goedde** agreed with the vertical alignment pilot concept. **Senator Thayne** asked Mr. Vuittonet to define "mastery." **Mr. Vuittonet** replied that mastery means proficiency and understanding of content, and the ability to explain content. Just because a student has a birthday does not mean he is ready to move on. **Senator Patrick** asked about differing skill levels in the same classroom. **Mr. Vuittonet** replied that our school system has become very proficient at remediation, while most students will move forward with higher expectations.

**Victoria M. Young**, a citizen, believes that standardized systems produce narrowed curriculum and limited learning opportunities. She is concerned that not all districts are ready for Common Core. **Senator Thayne** asked how she thought students were best engaged. **Ms. Young** replied that teacher preparation and mastery is a high priority. She believes operational funding should be restored and would like to see a gap analysis studied on the current standards, rather than changing them. She expressed concern for teacher accountability based on test scores.

**Steve Berch**, a citizen, stated that "there is a difference between being frugal and being cheap." He believes that Idaho teachers are leaving the state, leaving their districts, or changing professions because the teacher pay scale is too low. He suggested that since education is the largest part of the state budget, cuts in education occur first. He said that children can't wait – every year counts, and that failure to recognize education as an investment will keep Idaho last. **Senator Patrick** commented that he was involved when cuts to education were made, and that K-12 was the very last thing cut after all reserves had been used. It had been difficult to raise taxes during that time period because unemployment was high. **Mr. Berch** replied that any surplus now should be put toward education, not toward corporate tax relief.

**Jane Wittmeyer**, representing Coalition of Idaho Charter School Families, Inc., said that she agreed with Don Keller's statements. She supports adequate school funding, especially for charter schools.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:15 p.m.

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Senator Goedde  
Co-Chair

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Elaine Leedy  
Secretary

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Representative DeMourdaunt  
Co-Chair

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Jean Vance  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, January 28, 2014**

SUBJECT	DESCRIPTION	PRESENTER
PANEL DISCUSSION	Governor's Task Force Presentation	Linda Clark, Chair Fiscal Stability/Effective Teachers and Leaders  Bob Lokken, Co-Chair Structural Change
<a href="#">RS22353</a>	School Bus Color	Chairman Goedde
<a href="#">08-0202-1306</a>	Standards for Initial Certification of Teachers	Luci B. Willits, Chief of Staff, State Department of Education
<a href="#">08-0203-1306</a>	Graduation Requirements	Luci B. Willits

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, January 28, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Patrick and Ward-Engelking

**ABSENT/ EXCUSED:** Senators Thayn and Buckner-Webb

**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 3:07 p.m., and a silent roll was taken. **Chairman Goedde** introduced the subcommittee chairs of the Governor's Task Force (Task Force), Dr. Linda Clark, Superintendent, Joint School District No. 2 (Meridian), and Bob Lokken, CEO, WhiteCloud Analytics and member of the Idaho Technology Council executive committee.

[Note: Questions from the Committee appear following each speaker, rather than in the chronological order in which they were asked.]

**PRESENTATION:** **Dr. Clark** explained that the Task Force quickly coalesced around the State Board of Education's goal of a 60 percent population with post-secondary certificates or degrees by the year 2020 (60 percent goal). Initially several subcommittees were formed, but when it became clear that duplicative issues were being studied, the Task Force formed two major subcommittees. Dr. Clark's subcommittee was tasked with the joint issues of achieving fiscal stability and producing great teachers and leaders.

Dr. Clark's subcommittee found that restoring operational funding was the highest priority in achieving fiscal stability. Significant funding reductions in recent years have created instability in those districts which cannot pass supplemental levies. Operational funds include lights, heat, supplies, books, medical insurance, and other items which are not discretionary. In addition, Idaho's current method of paying teachers creates instability. Non-competitive salaries make it difficult to hire and retain good teachers; movement on the salary scale is difficult to anticipate; some districts must pay above the state scale to hire and retain teachers; and the system lacks incentives and accountability. The subcommittee conducted extensive research into teacher compensation methods, and recommends a career ladder and a tiered licensure system. Each tier – novice, professional and master teacher – would be tied to state licensure and certificate requirements. Movement between tiers would carry specific requirements – experience, additional credentials, and accountability based upon performance. The top two tiers include additional salary based upon additional leadership responsibilities to be determined at the local level. A career ladder model requires additional funding, but it can be phased in. More work needs to be done on this element.

In order to produce excellent teachers, **Dr. Clark** stated that Idaho needs to re-establish and fund a strong mentoring system at the novice teacher levels. Expanded professional development is best accomplished at the local level, however, districts lack the funding for this training. **Dr. Clark** also advocated changing Idaho's school funding system from Average Daily Attendance (ADA) to Average Daily Membership (ADM) (enrollment based system). An ADA based system adds to fiscal instability due to unknown enrollment and attendance, and the Idaho System for Educational Excellence (ISEE) data reporting causes significant stress in reporting. Both committees recommended enrollment based funding, and that funding should follow the student. All agreed that a multi-year strategic plan is needed.

**Senator Thayn** asked Dr. Clark to describe Meridian's funding needs in more detail. **Dr. Clark** replied that between 2008 and the current year, nearly \$6,000 per unit was cut. At the same time, the Meridian district has grown significantly. Under the ADA funding system, 34 schools receive only 95 percent funding. Under an enrollment based system, the funding would cover 100 percent of students. **Dr. Clark** stated that next year's supplemental levy of \$14 million has purchased back nine school days of the 24 days that were cut. The levy allowed one-time funding for the general fund; additional one-time federal money aided staff requirements. If the current budget is approved, Meridian will receive \$4 million more to its operational fund, but needs \$6.5 million just to maintain current levels, and will have a \$4 million deficit if all factors remain equal. Another plant facility is needed as well, but Meridian is simply trying to maintain.

**Senator Thayn** asked how moving to an enrollment system would improve ISEE uploads. Dr. Clark replied that under an ADA system, attendance is recorded several times per year and uploaded into ISEE. With millions of data pieces, the system is very complex, does not always upload accurately, and requires additional staff to verify and correct it. This problem is not unique to Meridian. Idaho is one of the few states that continues to use an ADA model, and changing to an enrollment based system would greatly simplify the process. **Chairman Goedde** noted that data is less valuable when the numbers cannot be trusted.

**Senator Ward-Engelking** commented that she had participated on Dr. Clark's committee. She clarified that in funding career ladders, the committee wanted a better system for appropriation, not a salary schedule that every district had to follow. **Dr. Clark** agreed.

Referencing the decreases in support unit dollars and the impact to operational funding, **Senator Nonini** asked if the subcommittee had studied the inflationary factor and how it affected districts statewide. **Dr. Clark** replied that the committee had numbers for Meridian and that utilities had increased every year. **Senator Nonini** asked Dr. Clark to research those figures statewide over a five-year period.

**Senator Patrick** asked Dr. Clark to clarify whether operational funds were paying teacher salaries in order to remain competitive. **Dr. Clark** replied affirmatively. She also stated that operational funds sometimes pay for unfunded positions such as special education. **Senator Patrick** asked if supplemental levies were needed because operational funds were exhausted. **Dr. Clark** replied that budgeting is a very complex process. When funds were first reduced, the Meridian district decided to shrink all line items, rather than simply cut pieces. She said it was very painful. By the third year, staff and teachers were affected. Kindergarten bussing was eliminated. Many things were cut. **Vice Chairman Mortimer** asked if Dr. Clark knew how much of operational funding was going to salaries. **Dr. Clark** said she did not. She said the amount used to prop up salaries has diminished because staff has been eliminated. When American Recovery and Reinvestment Act (ARRA) money flowed, Meridian's fund balance was \$19 million; currently the balance is only \$2.5 million. Some districts have completely exhausted their ARRA funds and

their fund balances. **Chairman Goedde** referenced proposed legislation which would codify \$16 million for leadership awards, and asked if some of those funds would be used for mentoring. **Dr. Clark** agreed with his understanding.

**Senator Nonini** asked about the difference in interest rates when the district has \$19 million versus \$2 million. **Dr. Clark** replied that in the last state bond, the state guarantee was used. She believes the Meridian district soon will be downgraded by the rating agencies.

**PRESENTATION:** **Mr. Lokken** said that the structural subcommittee began with the premise that schools are not factories, teachers are not machines and students are not widgets. It defied their logic to take a large system, implement a small program, and expect the changes that would achieve the Board's 60 percent goal. Instead, the subcommittee looked at how to set priorities, how to focus people, how to allocate resources and how to make structural change. Technology plays an important role, along with good support systems. A mastery based educational system is critical.

A large portion of the subcommittee's time was spent discussing accountability and autonomy so that the school system would function in a different way. **Mr. Lokken** described two systems models – the mechanical model, which favors top down management and focuses on process and procedures, and the biological model which recognizes multiple pieces, each with its own decision making needs. A biological model defies top down control, and recognizes that teachers are professionals who work with, and need to adapt to, a wide variety of students.

The second major question is how to achieve accountability within the framework of autonomy. The subcommittee favored strategic planning and transparency. Each district would outline for the Board, the State and their community what specific goals they wish to set for the coming year, what they want to improve, and where their energy and efforts lie. These are local goals, and **Mr. Lokken** stated that those goals will provide a pathway to the 60 percent goal. A mastery based system, together with higher standards for accountability, is critically important. Once freed from rigid rules, the brightest students can move faster. The subcommittee supports Idaho Core Standards and technology to support individualized learning to further accelerate students. Structural change – setting priorities, focusing energy, unleashing spirit and creativity – is the cornerstone and does not carry large dollar investments. The subcommittee studied many models nationwide, including Massachusetts and New Plymouth, and found that nearly every best practice came from those who bent or skirted existing rules. **Mr. Lokken** advised, "clean out some of the clutter in the rule book and bring people's own intellect into their jobs."

Speaking to accountability and local control, **Chairman Goedde** noted that districts usually could find a way to take advantage of any new system, such as holding a "hamburger event" on the days that attendance is taken. He asked, "How do you require local control?" **Mr. Lokken** replied that the subcommittee had 31 great ideas and then put them to the following test: if a district is graduating 100 percent of its students, with 80 percent going to post-secondary education, and 0 percent remediation, do we care how they achieved it? Only three ideas survived that test. If a district is producing a great education, the subcommittee did not care how they achieved it. Complete autonomy, or laissez-faire, does not meet Idaho's constitutional responsibility. Idaho does expect teachers to educate, and Idaho cares about the outcome. But accountability should be at the community level with year to year improvements. Pure block funding would be optimal because it is hard to determine what is best from 600 miles away. The subcommittee found that consistently high level outcomes had high standards with freedom for people to take ownership of their own result.

**Vice Chairman Mortimer** asked about performance, and funding following performance. **Mr. Lokken** said that the subcommittee discussed this in depth. It did not make sense to take money away from a district that was struggling, nor would sending in an expert be a good idea. The best approach would be to encourage people to collaborate to solve the problem themselves. It becomes a tougher problem when a district is not meeting its goals. Massachusetts allows public transparency to provide accountability – superintendents publish their plans, their evaluations are televised, and compensation is based on their ability to meet the targets they set. The subcommittee did discuss a governance structure if a district is not meeting its goals. **Senator Fulcher** asked if the subcommittee had addressed parental involvement. **Mr. Lokken** said that a full accountability model would push decision making as close to the student/parent as possible, then to the classroom, then to the building, to the district, and finally to the state, however, the subcommittee did not pursue that model. **Chairman Goedde** outlined a model from North Carolina. **Senator Pearce** voiced concerns about assessments and asked whether more stringent testing is moving Idaho forward. **Senator Pearce** said he favors end-of-course assessments. **Mr. Lokken** replied that the highest best use of testing is learning about what is working and how to adapt to what is not.

**Senator Thayn** commented that Idaho has moved to a more top down system. He is concerned whether the Task Force recommendations will be interpreted that way. He did not see the recommendations empowering students or parents. Even though the recommendations could be applied either way, **Senator Thayn** said he will be very interested to see that they are applied from the bottom up and if they will offer more autonomy. He asked Mr. Lokken how he sees the recommendations being implemented. **Mr. Lokken** replied that the subcommittee favors a one-page strategic plan, signed by the school board. **Senator Ward-Engelking** asked Mr. Lokken to elaborate on how such a plan might be put together by a district. **Mr. Lokken** replied that senior staff within a district, working closely with the school board, might look at current results and compare them to like-kind districts, then pick two or three target area to work on as an annual plan. Modeled after Massachusetts and New Plymouth, it would be a collaborative process between the school board and the State Board so that a public record exists. Oversight needs to occur to ensure that plans are neither too soft nor too ambitious. **Mr. Lokken** said that the Superintendent of New Plymouth found that sometimes their goals were too high, so he put groups of teachers together to formulate their own plan for improving math performance, and local collaboration became the catalyst for change. Each district needs to find its own solution.

**PASSED THE  
GAVEL:  
RS 22353**

Chairman Goedde passed the gavel to Vice Chairman Mortimer.

**Chairman Goedde** presented the revised Statement of Purpose for **RS 22353** which clarified that no school busses currently in service would need to be repainted by updating the language of Idaho Code pertaining to school bus color. When a school bus is sold, all district information is stricken. Often, another school district purchases the bus and the color remains. However, if the bus is used for purposes other than a school bus, it must be repainted.

**MOTION:**

**Senator Nonini** made a motion to print **RS 22353**. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer returned the gavel to Chairman Goedde.

**PASSED THE  
GAVEL:**

Chairman Goedde passed the gavel to Vice Chairman Mortimer for continuation of rules review.

**DOCKET NO.  
08-0203-1306**

**Luci B. Willits**, gave a brief summary of the changes to graduation requirements in this rule. **Vice Chairman Mortimer** directed the Committee's attention to the section of physical education requirements which had previously raised questions. **Ms. Willits** described the three parts of this requirement: (1) 60 minutes of physical education per week at the elementary school level and (2) 200 minutes bi-weekly at the middle school level; and (3) a cardiopulmonary resuscitation (CPR) class was added at the high school level, as well as a mastery section which allowed students to earn one PE credit for certain approved sports. Ms. Willits distributed an Attorney General opinion. In answer to previous questions from the Committee, **Ms. Willits** stated that a recent survey showed that only one school district in Idaho, Bliss School District, did not have a certified PE teacher as needed to certify the mastery sports credit. To obtain this credit, the teacher of record would need to verify that the student participated, and that standards were achieved. Regarding liability, **Ms. Willits** advised that if the activity was not with the Idaho High School Activities Association (IHSAA), then the school district would need to ensure that a background check was performed for any supervising person.

**Senator Pearce** asked why certain school districts oppose the mastery sports section, given that all but one district have certified PE teachers. **Ms. Willits** replied that in her view, opposition came simply because the program was different from what some schools are doing now. **Senator Pearce** asked why the Department wanted this program operational in all districts in light of discussions of local control and autonomy. **Ms. Willits** replied that every district can offer these programs now, but emphasized that the State had a responsibility to ensure uniformity and advance disruptive change when change is not occurring naturally. **Senator Nonini** advised that he had concerns with the Attorney General opinion and would like time to reflect. **Senator Nonini** asked Ms. Willits what the House Education Committee had voted. **Ms. Willits** replied that the House had approved the rule with the exception of the minutes requirement for middle and elementary school. **Chairman Goedde** noted that, since the House had not seen the Attorney General's opinion and had approved this portion of the rule, the rule would stand if this Committee rejected it. He suggested that the Committee make the opinion available to the House for review. **Vice Chairman Mortimer** agreed to hold **Docket No. 08-0203-1306**.

**DOCKET NO.  
08-0202-1306**

**Ms. Willits** reminded the Committee that this rule incorporates by reference the document Idaho Foundational Standards, Preparation for School Administrators, and Special Education Directors, containing standards for pre-service teachers, and administrators, and teachers in the areas of gifted and talented, library media specialist and literacy. The other included manual is the Drivers' Education Manual. Twenty percent of these Professional Standards Commission standards are reviewed every year. **Ms. Willits** reminded the Committee that previous presentations of this rule had raised questions concerning the literacy standards of the manual and reference to Common Core State Standards. Dennis Stevenson, Administrative Rules Coordinator, had agreed that the words "Common Core" could be replaced with Idaho Content Standards. **Senator Patrick** asked if the Task Force recommendation could result in significant revisions to these standards. **Ms. Willits** did not think significant changes would occur beyond the annual 20 percent review. **Senator Fulcher** asked Ms. Willits to what extent the Idaho Core Standards, or Common Core Standards, are being incorporated by reference in this rule. **Ms. Willits** replied that they are no longer referenced. The reference is to the Idaho Content Standards. The Department wanted to clarify that teachers should be prepared to teach that content.

**MOTION:** **Chairman Goedde** made a motion to adopt **Docket No 08-0202-1306**. **Senator Ward-Engelking** seconded the motion. In discussion, **Senator Pearce** asked Ms. Willits how the House had voted. **Ms. Willits** replied that they had passed the rule. **Senators Ward-Engelking, Vice Chairman Mortimer** and **Chairman Goedde** voted **aye**. **Senators Pearce, Fulcher, Nonini** and **Patrick** voted **nay**. The motion **failed**.

**PASSED THE GAVEL:** Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:38 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Wednesday, January 29, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Idaho Department of Juvenile Corrections	Sharon Harrigfeld, Director; Jim Pannell, Education Director; Joseph Buckles, Instructor Specialist
PRESENTATION:	Idaho Department of Correction	Brent D. Reinke, Director; Shane Evans, Chief
PRESENTATION:	Assessments	T. J. Bliss, Department of Education; Luci B. Willits, Department of Education
<a href="#"><u>RS22450C1</u></a>	Public Charter School Commission; Executive Director designee; clarification of policy and rule making authority	Marilyn Whitney, State Board of Education

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

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Phone: 332-1321

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, January 29, 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 to order at 3:02 p.m., and a silent roll was taken.

**RS 22450C1** **Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education (Board) said that this bill amends Idaho Code dealing with the Public Charter School Commission (Commission) and its laws. This change in the bill would add the words "or his or her designee" so that the director has some separation in the event that the Board hears an appeal from a school that is authorized by the Commission. This would help eliminate a conflict of interest, or the perception of one. Other changes clarify the Board's oversight and annual reporting, which are current practices. **Senator Goedde** clarified that the bill replaces a previous version, which would have relocated the Commission to an independent agency. **Ms. Whitney** agreed. **Vice Chairman Mortimer** asked for clarification of the words "make recommendations regarding oversight...". He understood that this section does not change the Commission. **Ms. Whitney** agreed.

**MOTION:** **Vice Chairman Mortimer** made a motion to print **RS 22450C1**. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION:** **Sharon Harrigfeld**, Director, Idaho Department of Juvenile Corrections (IDJC), introduced her staff and presenters. **Jim Pannell**, Education Director, outlined for the Committee the successes, challenges and needs of the IDJC. The 3 IDJC facilities in Lewiston, Nampa and St. Anthony, serve 328 students ranging from 10 to 21 years of age. They offer high school diplomas, GEDs, and high school equivalencies, college credits and career readiness certificates. **Joseph Buckles**, Teacher Specialist and "Teacher of the Year" recipient from the Center for Educational Excellence in Alternative Settings (CEEAS), described his typical day: Juveniles are placed in treatment programs based on treatment needs rather than education needs. Once in the program, they live, eat, take classes and participate in counseling together. Due to the wide variety in ages, class subjects range from simple math to calculus. The IDJC in Nampa has teachers for math, English, science, and vocational studies. All teach social studies. In addition, all instructors must deal with safety and security, which requires additional training. Instructors respond to fights, escape attempts and self harm.



**Senator Patrick** asked how many students go on to further education. **Mr. Panell** replied that 2 years ago, 38 percent continued after release from the system. **Chairman Goedde** asked about the class schedule. **Mr. Buckles** replied that students are in class from 8:00 a.m. to 2:00 p.m., and then participate in counseling or other programs. Answering a question from Senator Buckner-Webb, **Mr. Panell** stated that all therapeutic staff were licensed clinical social workers. He also stated that juveniles participated in the IJDC programs for 12 to 14 months. **Mr. Panell** detailed some of the success stories achieved by students, including many poetry awards. **Mr. Panell** also stated that 71 percent of students who did not have a diploma or GED when they were released for IDJC returned to a public school, and 58 percent of juveniles, 17 or older at release, are receiving a taxable wage 3 to 6 months post-release. Many students are continuing post-secondary education programs.

**PRESENTATION:** **Brent D. Reinke**, Director, Idaho Department of Corrections (IDOC) introduced Chief Shane Evans and Doug Kellis, who he described as an exemplary example of achievement among Idaho inmates. He then explained the mission and vision statement for the IDOC, focusing on improving recidivism rates, safety, and promoting staff success. **Director Reinke** explained some of the unique ways in which connections are established between inmates and staff. He then focused on the increase in resources needed to train correctional officers, most of whom are overburdened by the large caseloads with which they are entrusted. Lastly, **Director Reinke** focused on the impact to the State for assuming operations at the Idaho Correctional Center.

**Doug Kellis** detailed how the IDOC education system had changed his life for the better. He began by describing how he had been involved with correctional facilities in California since the age of 15 and continued to find himself on the wrong side of the law after moving to Idaho. Upon being released from Idaho corrections in 1998 he found work and eventually obtained a master's degree and was subsequently pardoned by the State. He reiterated that his success was due to the value the IDOC places on education and treatment, along with a family that never gave up on him. When asked by Chairman Goedde what he had studied, **Mr. Kellis** replied that his degree was in Materials Science and Engineering. **Mr. Evans** responded that the GED programs were based on standards developed by the IDOC.

**Chief Shane Evans** explained that the transition from a classroom-based GED program to one taught exclusively online was not easy. Despite this difficult transition, a record number of GEDs were obtained by inmates in the latter part of 2013, which gives them access to better wages. **Chief Evans** said that the goals of the GED program for the current year are to improve technology and software for the underserved populations of inmates since they are generally last to realize advancements in education. These goals will enable more inmates to access electronic learning programs that focus on many subjects, such as Khan Academy, when online access is accessible, and KA Lite when it is not. **Senator Thayne** questioned whether the GED programs were based on competency or time spent in class. **Chief Evans** replied that competency is based on IDOC standards.

**PRESENTATION:** **Luci B. Willits**, Chief of Staff, State Department of Education (Department), introduced the Committee to the history and goals of state-wide assessments in Idaho Schools. In 1998, Idaho adopted its first set of standards in core subjects, and shortly thereafter, developed an assessment called the Idaho Standards Achievement Test (ISAT). The ISAT was revised in 2006 to align with new standards in the form of a Direct Writing and Direct Math assessment and was a performance test, which meant students had to show their work. In 2010, Idaho adopted higher standards in math and English language arts (ELA) and also joined the Smarter Balanced Assessment Consortium (SBAC). In 2013, approximately 120 schools pilot tested the SBAC, and in spring 2014, every school will field test the SBAC.

SBAC is a state-held organization. States are the only members, and because of this, Idaho actively participates in the decisions of the consortium. Superintendent Luna sits on the governing board, former Department member, Carissa Miller was Co-Chairman, and Ms. Willits has been elected to the executive committee. The K-12 leads and higher education leads work to ensure that the tests accurately measure the standards that are acceptable to higher education institutions. In developing the assessments, over 100 Idaho teachers and administrators develop and review items, and develop the bank for professional development. Twenty additional faculty members and members of the Department at the State Board of Education (Board) participate as well. It is a collaborative effort, not only in Idaho, but among other states as well.

**Ms. Willits** described the difference between the ISAT and the SBAC. The ISAT is a "summative" test – the sum of what a student has learned that year. Teachers from all over the country have asked for more information, not just at the end of the year. The SBAC is a system, not just one test taken at one time. The foundation for the SBAC is the standards. The role of the assessment is to measure the standards. The focus of the standards is to ensure that every student who leaves high school is college and career ready and does not need remediation.

While the old standards were good, they were not college and career ready, and they did not require students to learn the kind of reasoning skills that are present in the new standards. Teachers from all over the country want critical thinking, not rote memorization. The standards in math require that students learn to reason, to connect, and most importantly to communicate. English and literacy have been combined into ELA which includes writing skills to enable students to inform, argue and analyze a point of view. So how shall Idaho measure this deeper knowledge? Idaho needs an assessment that matches and aligns with the standards. Under the ISAT, 90 percent of questions were multiple choice and required only low level thinking. On the SBAC, 70 percent requires higher level critical thinking, and only 30 percent includes lower thinking skills.

**Ms. Willits** explained the three processes of assessments by which Idaho will achieve the new standards. First are teacher resources for formative assessment practices to improve instruction. Teachers in Idaho are creating that right now – a bank of tools for teachers to use to engage in formative assessments on a daily and weekly basis at the classroom level. This library bank is available for purchase and is completely optional to each district. Second are interim assessments which are done periodically, such as an end-of-course (EOC) assessment. A bank is being developed for this as well. Finally, summative assessments measure college and career readiness on an annual basis.

The SBAC utilizes computer-adaptive testing, which Idaho has used before. This means that the computer adapts to the student's answer. If the student answers correctly, his next question will be harder. If he answers incorrectly, he will receive an easier next question. It measures how high or how low a student can go. The SBAC test, developed with broad input from Idaho stakeholders, contains both multiple choice and short answer questions, plus performance tasks that measure higher level thinking skills. Unlike the ISAT which is taken in the 10th grade and is considered a graduation requirement, passing the SBAC in the 11th grade guarantees admission into any public university in Idaho without need for remediation. Passage of the SBAC certifies that students are college ready.

**Senator Buckner-Webb** asked whether passage of the SBAC in 11th grade would de-motivate students to stay in school for their senior year. **Ms. Willits** replied that additional course credits might still be needed, but acknowledged that it is possible for a student to attain all of their required credits and graduate early. **Senator Patrick** asked how the ACT and SAT tests fit in with the SBAC. **Ms. Willits** assured Senator Patrick that his question would be answered later in the presentation.

The amount of time required to complete the SBAC varies with grades, and can be taken over multiple days or weeks. **Vice Chairman Mortimer** asked if the performance ELA section needed to be performed on the computer. **Ms. Willits** replied that the end result needed to be entered on the computer.

**Senator Fulcher** asked how SBAC will measure improvement, since all variables are changing at the same time – instructional, curriculum, core standards and assessment. **Ms. Willits** acknowledged that math and ELA are changing, just as they did in 2006. She said that improvement will be evident when students go to college without needing remediation. **Vice Chairman Mortimer** clarified the question: If you raise the standard and change the test, how do you measure improvement versus raising the standard, using the previous test and recognizing achievement. **Ms. Willits** replied that the ISAT is not aligned to the new standards. If ISAT is applied, it would not align to what students are being taught. **Senator Pearce** asked where the SBAC has worked. **Dr. T. J. Bliss**, State Department of Education, said that considerable research has been conducted about performance tests, which is the new component being added. Multiple choice and short answer have been used in Idaho for a long time. The performance aspect also has been used for a long time, but not in Idaho due to costs. Idaho did try with the Direct Writing and Direct Math tests, which produced some benefits, but the logistics outweighed the benefits and those tests were eliminated. Performance tests to measure deeper learning and deeper thinking also have been occurring for a long time in the educational measurement community, with teachers and principals asking for it. Superintendent Luna made a promise to bring the performance aspect back to assessment because it addresses higher order thinking. **Senator Pearce** continued to voice his skepticism, referencing No Child Left Behind (NCLB). **Ms. Willits** stated that performance tests work because that is what happens in the classroom. This is not foreign to students when they need to read passages, analyze and write paragraphs. **Superintendent Luna** stated that Idaho has been evaluating students' writing ability with multiple choice tests, which is not the best way to measure how students write and express themselves. Idaho was limited because the ISAT was multiple choice. The Direct Writing test was eliminated because of the expense of boxing up written papers, sending them to Boise, and training teachers to review and grade them over a week's time. The Department promised it would bring back a performance measure when it was feasible. Technology now allows it because the tests are on computer. NCLB worked to the extent that it introduced standards and required that students were measured against that standard. The first time students were measured against standards, only 50 percent were proficient in math and ELA. Last year 90 percent were proficient in ELA and over 80 percent in math. The standards have been changed and raised again, and we have a better method to measure student achievement.

**Chairman Goedde** asked Superintendent Luna to explain what happened in Kentucky. **Superintendent Luna** replied that Kentucky was the first state to implement the core standards. Prior to that time, only 34 percent of Kentucky students went on to college and did not need remediation. After the first year of teaching the standards and measuring against them, that number jumped to 47 percent, and the next year it increased to 54 percent. **Senator Ward-Engelking** asked if Kentucky used the SBAC. **Ms. Willits** replied no. **Senator Ward-Engelking** said she believed the Direct Writing and Direct Math assessments were "authentic" and thought it admirable that Idaho was going to performance assessments because the ISAT never measured what students really knew. However, she is concerned about the timing of SBAC when the standards are just being introduced. She also asked if every school had high speed internet and wireless access because the tools are just becoming available to teachers in 2014. **Superintendent Luna** replied that the Department is doing a three-year phase-in for the test. Last year, 120 schools piloted the SBAC. The Department surveyed

them, learned from them, and is moving now to the field test this spring when all schools will participate. More will be learned from the field test, and in 15 months, the first operational test will be conducted. It will be five years from the introduction of the standards to the first operational test. The time to phase in the standards, and the time to test the SBAC was very deliberate. The Department will learn from the field test how long it actually takes. **Senator Ward-Engelking** asked for assurance that teachers would have some leeway in their performance accountability when the tests become operational since scores are anticipated to be lower the first year. **Superintendent Luna** agreed, but added expectations will increase in a reasonable manner each successive year. Tennessee and Louisiana, for example, developed a 10 year plan from implementation to proficiency. The same will happen in Idaho.

**Senator Fulcher** commented that these standards and assessments are the result of national organizations where the gestation period took place. While he is not against increasing performance, he takes issue with how it is accomplished. He believes there is a tendency to "teach to the test", whether it be SBAC or some other. He fears that we have no control over the test content which is part of an "agenda" for centralization and uniformity, which he further believes can create a "lid" on performance. Without control over the test, Idaho does not have control over what is being taught. **Chairman Goedde** commented that it could be perceived as a "floor" as well. **Superintendent Luna** replied that it is not a lid, it is a floor. Standards do create uniformity and Idaho's Constitution dictates that we have a uniform system of education. **Senator Fulcher** countered that he was referring to the content, not the standards. **Superintendent Luna** said that he believes the State has an obligation to guarantee that every child, no matter where they go to school, has a uniform system and that the schools are common. In other words, every child is given the same opportunity to learn at the same high level as any other child. Prior to standards, what was taught in third grade in one school might not be taught until fourth grade in another, or perhaps not even taught at all. This was a detriment to the children.

**Superintendent Luna** again stated that he had been involved from the very first day, and it had become clear to him that by states not taking the lead toward standards, they were leaving a void of leadership that the federal government was continually trying to fill, which is why NCLB was developed. Thus, the states decided in a very clear way that, if they worked together, they would not only define the states' role in education, but would define the federal government's role as well. By working together, the participating states created a push-back against federal involvement and control in education. As a result, Idaho has considerable influence over the content of the SBAC; whereas, it has none over the SAT or ACT. The Department can look at every item before students see it; Idaho teachers helped develop it, Idaho sits on the governing board, and it is a voluntary project that they choose to do. **Superintendent Luna** sincerely believes that the children will reap the benefits of knowing that when they receive their high school diploma they are ready to go on. **Senator Fulcher** acknowledged that "the debate is healthy", but stated that he did not see the level of state control that Superintendent Luna and Ms. Willits see.

**Ms. Willits** then detailed and showed example math and ELA test questions from the SBAC. **Dr. Bliss** noted that the ELA writing portion on the SBAC is designed to mirror the process used in classrooms of discussion, notetaking, reviewing sources, answering short questions and then writing an essay appropriate to each grade level. Neither Direct Writing or the ISAT could evaluate this process. **Ms. Willits** explained that the reason Idaho has not previously done this type of testing is because of the expense of development and grading. The SBAC affiliation is useful, because it offers economy of scale and will be cost neutral for Idaho. After the pilot test, a survey was conducted. The results showed that both teachers and educators felt the test was easy to use when adequate network connectivity was available. The 2014 field test carries new goals: to determine cut scores, calibrate test items, improve logistics, offer students experience, and provide a test aligned with the Idaho Core Standards. Most students in grades 3-11 will take the field test. In 2015, Grades 3-8 and Grade 11 will take the operational test, and school accountability will be based on the 2015 scores. Passing the Grade 11 test will fulfill the graduation requirement. Test results will be available in tendays, and Idaho teachers will be involved in scoring the tests. Superintendent Luna has asked six superintendents, six principals and three testing coordinators from each region of the State to form a Smarter Balanced Advisory Committee to compile feedback from across the State. Star Ratings will not change in 2014. In summary, **Ms. Willits** said that the essential elements for a quality assessment system in Idaho is: (1) full alignment to Idaho Core Standards, (2) computer based summative assessments, (3) computer based interim assessments, (4) formative assessment tools for teacher development, (5) state involvement in development and quality assurance, (6) sole ownership of student data, (7) data availability to Idaho for further analysis, (8) cost neutrality or savings, and (9) extensive accommodation and accessibility options. The SBAC offers all nine. Neither the ACT or SAT can offer these items because they are college entrance exams and not aligned to standards. **Senator Patrick** asked if students can be expected to do well on college entrance exams if they do well on the SBAC. **Ms. Willits** replied that she believed so but that will be answered in the future.

**Chairman Goedde** asked if home schooled students have any association with either the standards or the SBAC. **Ms. Willits** replied that home schooled children are not subject to the standards and testing because the standards are only for public education. There are no requirements for standards or testing for homeschooled students.

**Senator Nonini** asked about the expense of the SBAC. **Dr. Bliss** replied that if Idaho were to attempt to do this on its own, it would be roughly double the cost of the SBAC. Utah was part of the SBAC, then withdrew due to political pressure. They were unable to create a common core aligned assessment beyond a multiple choice test. Washington, which developed a performance test, estimates the cost at about \$50 per student, whereas Idaho's SBAC is estimated to cost approximately \$27 per student. **Senator Nonini** asked for cost comparison with ISAT. **Dr. Bliss** replied that the cost would be comparable, depending on which pieces of the assessment package are purchased. If just the summative test is purchased, the cost would be approximately \$500,000 less than the ISAT, and if the Department purchases the other teacher support and interim assessment pieces then the price would be approximately \$500,000 more than we are currently spending. **Senator Nonini** summarized that Idaho would benefit if spending \$500,000 more meant that students are college ready versus spending \$500,000 less and finding that high school graduates still need remediation in college. **Dr. Bliss** agreed.

**Vice Chairman Mortimer** asked what the federal government requires Idaho to do in testing both this year and next. **Dr. Bliss** replied that, had Idaho chosen to develop an SBAC-type test on its own, field test one and phase out another, it would be necessary to double-test the students with the ISAT and the SBAC field test in order to meet federal requirements. However, states together said no, we are going to do one test. Idaho chose the SBAC, and will not double test. Individually, states would not have had the influence to accomplish that, but when a number of states pushed back collectively, then they collectively obtained a waiver to transition smoothly and not double test. **Vice Chairman Mortimer** asked what Idaho would be reporting under the waiver. **Superintendent Luna** replied that they will not be reporting any results. This transition period is similar to when Idaho changed to the ISAT several years ago. By testing the test now, Idaho will be able to provide a reliable assessment and provide accurate student performance information based on the 2015 operational test. **Vice Chairman Mortimer** asked about the feasibility of using the ISAT for two more years. **Superintendent Luna** replied that testing on the ISAT would not be aligned to the standards that teachers are using in the classroom. Additionally, if the ISAT were then used as a tool of accountability, some legal issues could arise. The ISAT is no longer aligned with the standards. The window for using SBAC starts in 60 days. This is not new: Idaho is in the third year of a five-year process for implementing both the standards and the test to measure against those standards. **Superintendent Luna** recommended that the field test proceeds because he believes that many of the questions from the Department, the districts and the Committee will be answered by the field test.

**Chairman Goedde** asked how much time would they need and how much would it cost if Idaho used the SBAC next year and put out a bid for a new ISAT that would align to the new standards. **Superintendent Luna** said it would be twice what we are currently spending and twice what the SBAC would cost. **Ms. Willits** added that additional costs would be incurred for developing, field testing, and sensitivity review. **Vice Chairman Mortimer** said his question was not necessarily about developing a new ISAT. They are measuring students by the higher standards that are now in place, and the ISAT would measure increased performance if increased performance existed. **Ms. Willits** replied that if Idaho gave the traditional ISAT this year, some growth from the standards might be seen. But offering the ISAT would most likely be in violation of federal law because the ISAT does not align to the new standards being taught. **Superintendent Luna** added that the ISAT is not adaptive and students would bump up against a ceiling, and that it would not show adaptively how high or how low a student is. Teachers have wanted an adaptive test for a long time. **Senator Thayn** commented about the test question concerning the "pennies". He thought it was an appropriate exercise in a classroom, but found it troubling that research items were limited to those in the prompt. **Superintendent Luna** replied that the point of the exercise is to show that students can identify sources that they use to support their position. **Senator Thayn** restated that he is concerned about the format in a multi-state assessment. **Ms. Willits** replied that what the Committee was shown were practice test items, and these items will be reviewed with the field test. **Senator Fulcher** asked how Idaho would be violating federal law by not using the SBAC. **Ms. Willits** replied that federal law requires that states have a test that aligns to the standards that are being taught in the schools. The state chooses the test. **Senator Fulcher** stated that the standards were teaching to the test. **Superintendent Luna** replied that teachers always have used tests to find out what students know and don't know in order to make changes to instruction. "We test what is being taught, and what is taught must be aligned to the standards. It is circular." **Chairman Goedde** suggested that if the Committee had further questions, they should direct them be to the Department, and the Department should share those with the Committee. He added that the subject of assessments will be revisited again.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 5:14 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, January 30, 2014**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) Update	Dr. Mary Barinaga, Assistant Clinical Dean for Regional Affairs, and Idaho WWAMI Clinical Medical Education Coordinator
PRESENTATION	Idaho the Association for Gifted/Statewide Advocates for Gifted Education (ITAG/SAGE)	Elaine Clegg
MINUTES	Approval of Minutes, January 14, 2014	Senator Pearce
	Approval of Minutes, January 15, 2014	Senator Fulcher
	Approval of Minutes, January 16, 2014	Senator Thayn
	Approval of Minutes, January 20, 2014	Senator Patrick
	Approval of Minutes, January 21, 2014	Senator Ward-Engelking
	Approval of Minutes, January 23, 2014	Senator Nonini

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, January 30, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Chairman Goedde

**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:** **Vice Chairman Mortimer** convened the meeting at 3:05 p.m., and roll was taken. **Senator Mortimer** recognized the guests attending, especially thanking his wife, Judy, for attending.

**PRESENTATION:** **Vice Chairman Mortimer** welcomed Dr. Mary Barinaga, MD of the Idaho WWAMI Medical Education Program, University of Washington School of Medicine. **Dr. Barinaga** said that she is a family physician in Boise. She grew up in Cambridge, and practiced for several years in Plummer, Idaho. **Dr. Barinaga** said that 7 to 11 years after college are required to become a physician. The physician pipeline in Idaho includes two parts: the first is the Idaho WWAMI program, which is the "medical school" part. The second is the Kootenai Family Medicine Residency, which is the "residency" part.

**Dr. Barinaga** indicated that Idaho has significant physician workforce challenges. Idaho ranks 49th in the nation for overall physicians and Idaho physicians are aging. Of the 65 Idaho citizens who started medical school in 2012, only 20 were in enrolled in WWAMI.

**Dr. Barinaga** shared some positive results of WWAMI. It has a retention rate of 51 percent, significantly higher than the 38 percent national number. The cost to educate a student through WWAMI is about two-thirds the cost of other medical schools. Forty-five percent of Idaho WWAMI graduates select primary care specialties. The Targeted Rural Underserved Track (TRUST) program was expanded by 5 additional students in 2013 to 25 students. These students hopefully will return to practice in another underserved Idaho community. TRUST communities in Idaho include Sandpoint, McCall, Hailey, Nampa (Terry Reilly Health System) and Jerome. **Vice Chairman Mortimer** asked how the TRUST areas were chosen. **Dr. Barinaga** replied that the areas must have experience in training students, and they must be rural and underserved areas.

**Dr. Barinaga** had two budget requests for WWAMI. The first was ongoing support for TRUST students that were added in FY14, and the second was to expand the first-year class by 5 students to a 30 student class size.

**Dr. Barinaga** also discussed the Idaho GME (Residency) Data. This information is detailed in Dr. Barinaga's PowerPoint Presentation which is attached and incorporated by reference as Attachment 1.

**Senator Pearce** asked about the difference between a "DO" and an "MD". **Dr. Barinaga** responded that there were many similarities, but Doctors of Osteopathic Medicine (DO) typically have more hands on musculoskeletal training than Medical Doctors (MD). DO schools are usually private schools with much higher tuition. WWAMI is not a DO school and trains students at a significantly lower cost. The students are still able to practice in any specialty upon graduation from WWAMI.

**Senator Patrick** asked what the city of Plummer did for a physician when she moved away. **Dr. Barinaga** responded that the city still has not found a replacement for her. The cost to recruit one doctor is about \$100,000. It is important to train doctors where you want them to remain. **Senator Fulcher** asked about the impact of the new health care laws on Idaho's physician pipeline. **Dr. Barinaga** responded that Idaho received a primary care expansion grant, funds for teaching health centers and funding for five new residencies.

**PRESENTATION:** **Elaine Clegg** was the President of ITAG/SAGE in 2001 and a legislative liaison from 1990-2000. She is also a parent and grandparent of gifted children.

In the 1980s, gifted and talented (GT) students were beginning to be identified in schools. By the early 1990s, success of the students depended on well trained people who knew how to work with these children. Local districts were asked to write their own programs to meet local needs. Ms. Clegg stated that funding for these programs has been cut, and the children have suffered as a result. Students continue to need these services. The accelerated pace of Common Core is not enough. A request has been made for \$500,000 out of the \$8.25 million to be set aside into a separate fund for training gifted and talented teachers. More details of Ms. Clegg's presentation are attached and incorporated by reference as Attachment 2.

**TESTIMONY:** **Tina Polishchuk** past president of ITAG/SAGE, and currently a math teacher at Syringa Middle School. She became involved in gifted education in her first year of teaching. She found the gifted teaching style very motivating for her students in the gifted program. She now teaches math at a basic level and to students "struggling" in math. Using the same teaching concepts as she did in her gifted classes, has enabled her "basic" and "struggling" students to almost double the growth of their grade-level counterparts. **Ms. Polishchuk** indicated that teachers are not being trained to identify and work with gifted students from any walk of life. These students are dropping out of high school at rates higher than Idaho can afford. The loss of gifted programs and trained personnel is detrimental to gifted students. ITAG/SAGE is not asking for new funding, they are asking for a restoration of the funds prior to the budget cuts. More details of Ms. Polishchuk's presentation are attached.

**Senator Ward-Engelking** asked for clarification on whether different districts use different criteria to place children in the GT program. **Ms. Polishchuk** responded that they do, and it varies from district to district. **Ms. Clegg** added that, when districts do not have enough money, they raise the standards to keep the number of students lower.

**Senator Pearce** asked if Ms. Clegg thought the gifted students were going to be taken care of through Common Core. **Ms. Clegg** answered that Common Core parallels many of the principle themes used to teach GT students. It will serve them by the accelerated pace, but it will not give them the depth they need. **Senator Pearce** asked if the testing in Common Core was a concern. **Ms. Clegg** responded that she had significant concerns. There is not a plan in place to take the students further. Teachers are not trained to help the GT students.

**PRESENTATION:** **Michelle Watts** and **Kimberly Popa** are both parents of gifted children. They testified concerning the unique challenges their gifted and talented children face. Their testimonies are attached.

**Ms. Clegg** thanked the Committee for hearing the testimonies of this very emotional issue for the children and families involved. She indicated that the fix being proposed is fairly simple. She encouraged the Committee to carve out the small \$500,000 line item to return funding to this program. **Senator Thayn** asked how the money would be used. **Ms. Clegg** said that the minimum for each district would be \$1,000 which would be used to train one teacher, counselor or specialist to implement the GT program in their district. They would be able to use it at their discretion, and it would be enough to get the program started again. Vice Chairman Mortimer asked how much money had been given to this program over the last few years. **Ms. Clegg** said that the amount was \$1 million beginning in 2006 through 2009.

- MOTION:** Motion was made by **Senator Pearce** to approve the Minutes dated January 14, 2014. **Senator Nonni** seconded the motion. The motion carried by **voice vote**.
- MOTION:** Motion was made by **Senator Thayne** to approve the Minutes dated January 15, 2014. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- MOTION:** Motion was made by **Senator Thayne** to approve the Minutes dated January 16, 2014. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- MOTION:** Motion was made by **Senator Patrick** to approve the Minutes dated January 20, 2014. **Senator Nonni** seconded the motion. The motion carried by **voice vote**.
- MOTION:** Motion was made by **Senator Ward-Engelking** to approve the Minutes dated January 21, 2014. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.
- MOTION:** Motion was made by **Senator Noinni** to approve the Minutes dated January 23, 2014. **Senator Thayne** seconded the motion. The motion was carried by **voice vote**.
- ADJOURNED:** There being no further business to come before the Committee, **Vice Chairman Mortimer** adjourned the meeting at 4:06 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

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Sharon Pennington  
Asst. Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, February 03, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Public School Funding	Tim Hill, Deputy Superintendent, State Department of Education
<a href="#">S 1228</a>	Open Meeting Laws – Libraries	Ann Joslin, State Librarian, Idaho Commission for Libraries
<a href="#">RS22523C1</a>	Agricultural Education	Senator Patrick

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, February 03, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick and Ward-Engelking

**ABSENT/EXCUSED:** Senator Buckner-Webb

**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 3:09 p.m., and a silent roll was taken.

**S 1228** **Ann Joslin**, State Librarian, Idaho Commission for Libraries, said that **S 1228** makes a small amendment in existing law. Idaho public libraries currently are required to follow all provisions of the Open Meeting Law. Unfortunately, the portion of the Idaho statute that deals with Open Meeting Laws omits a few sections. **S 1228** changes the citation within the public library section of the law to encompass the entire Open Meeting Law.

**MOTION:** **Vice Chairman Mortimer** made a motion to send **S 1228** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. **Vice Chairman Mortimer** will carry the bill on the floor.

**PRESENTATION:** **Tim Hill**, Deputy Superintendent of Public Instruction, State Department of Education (Department), began with a brief summary of his background. He said his job is to accurately distribute the public school state appropriation according to statute, and to provide policy makers, education stakeholders and the public with reliable public school information. His presentation describes how the Department currently funds public schools, and answers ten questions: (1) Where do public school funds come from? (2) How are public school funds distributed? (3) How is Average Daily Attendance (ADA) calculated? (4) What is a support unit and how is it calculated? (5) What is salary-based apportionment and how is it calculated? (6) How much is a support unit worth? (7) What is a distribution factor and how is it calculated? (8) What is the payment distribution schedule? (9) How is a school district's/charter school's foundation payment calculated? and (10) What are the three main reasons that revenues per ADA vary?

In Fiscal Year (FY) 2014, the State Legislature appropriated \$1,598,156,500 for public education. An additional \$420 million in property taxes was also allocated to schools, for a total available sum of \$2,018,156,500 (\$2.02 billion). The largest expense, 85 percent, is salaries and benefits. Education is basically a service business where people are paid to teach, administer, and perform other duties as necessary. The three major factors in determining distribution are: size, staff, and student mix. In education funding, size does matter. Larger schools receive more total dollars but less per student; smaller schools receive less total dollars but more per student. The type and experience of staff plays a role, as does the mix of students in each school. The combination of these three factors creates an average amount per attendance.

Average Daily Attendance (ADA) drives 90 percent of school funds distribution. Current discussions may shift ADA to an enrollment system (Average Daily Membership, or ADM). While an enrollment basis may have some benefits, it will not solve all of the problems that ADA can create. **Senator Goedde** asked if there would be advantages to some districts and disadvantages to others by switching to an enrollment system. **Mr. Hill** replied affirmatively. In order to make distributions revenue neutral, the divisors used for attendance would need adjustment as well as adjustment of the minimums. The move from ADA to ADM could potentially send less money to districts and charters with historically high attendance rates and more to those who have low attendance rates. **Chairman Goedde** asked if, by choosing one or two days to calculate ADM, the Department might create incentives to increase attendance on those days. **Mr. Hill** agreed, and suggested that with the systems in place today, the Department can calculate average enrollment. Due to Idaho's large migrant population, students may attend multiple school districts during the year.

Mr. Hill's summary and detailed presentation are attached and incorporated by reference.

#### **RS 22523C1**

**Senator Patrick** explained that **RS 22523C1** creates a grant for the professional technical agricultural program. One facet targets \$25,000 dollars for new startups, limited to four per year. A second facet provide \$10 per qualifying classroom per year, and will allow 60 percent of students to go on to higher education. This legislation is in accord with the Governor's Task Force (TF) recommendations.

**Senator Patrick** said that he became aware of this need in July from teachers and others in the community. Historically, professional technical funds have not gone into high schools, even though they are the pipeline for professional technical programs in community colleges. This legislation would stabilize a program which already exists. The money ensures classroom instruction, a Future Farmers of America (FFA) segment, and a summer-based project component. By having year round training, students learn work ethics and skills.

**Senator Thayn** asked if there was a limit on the number of grants available, and if not, how many grants could be offered. **Senator Patrick** estimated approximately \$500,000 could be available. This could be limited by the Joint Finance and Appropriations Committee (JFAC) as to the amount of money that private industry can donate. However, **Senator Patrick** stated that potential corporate sponsors are plentiful. **Senator Pearce** said that he personally participated in a similar program for four years and has used every aspect of that training in his life. He supports the bill.

**MOTION:**           **Senator Pearce** made a motion to print **RS 22523C1**. **Senator Ward-Engelking** seconded the motion. In discussion, **Vice Chairman Mortimer** questioned the new language concerning private donations. **Senator Patrick** replied that the language was added to enable private donations. **Chairman Goedde** clarified that the appropriation request is in additional funds rather than from the general fund. He also commented that this bill aligns with the TF recommendations. The motion carried by **voice vote**. **Senator Patrick** will carry the bill on the floor.

**ADJOURNED:**   Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:22 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, February 04, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	EduTrends software for computer usage tracking	Stephen Loosli, President/CEO, Labstats
<a href="#"><u>RS22694</u></a>	Board of Education appointment dates	Marilyn Whitney, State Board of Education
<a href="#"><u>S 1264</u></a>	Public Charter School Commission; Executive Director designee; clarifies policy and rule-making authority	Marilyn Whitney
<a href="#"><u>S 1229</u></a>	Dual Credit Courses	Marilyn Whitney
<a href="#"><u>S1232</u></a>	School Bus Drivers	Robin Nettinga, Idaho Education Association
<a href="#"><u>S 1233</u></a>	Mastery Advancement Scholarship	Senator Thayn; Representative Burgoyne
<a href="#"><u>S 1257</u></a>	School Bus Color	Chairman Goedde

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

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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 question 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.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Wednesday, February 05, 2014**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	Professional Technical Educators	Vera McCrink, Interim Administrator, Professional Technical Educators
PRESENTATION	Eastern Idaho Technical College	Dr. Steve Albiston, President, Eastern Idaho Technical College
<a href="#">H 361</a>	Alternative financial instruments for proprietary schools, technical correction	Marilyn Whitney, State Board of Education
<a href="#">H 362</a>	Liquor fund authorization by State Board	Marilyn Whitney
<a href="#">H 385</a>	Public school facilities cooperative funding program, state fire marshal, district share of costs	Marilyn Whitney
<a href="#">RS22704</a>	Data Inventory and Security	Chairman Goedde

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

Room: WW39

Phone: 332-1321

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, February 05, 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** convened the Senate Education Committee (Committee) at 3:05 p.m., and a silent roll was taken.

**PRESENTATION:** **Dr. Vera McCrink**, Interim Administrator, Idaho Professional-Technical Education (PTE) introduced her associates, Heather Luchte, Director of Planning, Kristi Enger, Secondary Coordinator; and Michael Page, Information Technology Coordinator. **Dr. McCrink** outlined PTE's responsibilities and the programs that were in place to meet those responsibilities. The Georgetown Center on Education in the Workforce has stated that 60 percent of Idaho jobs will require some form of postsecondary education or training. It is PTE's responsibility to align programs with the current and future job opportunities. Various delivery systems and PTE programs in Idaho are available to meet this need. In 2013, 1,859 students graduated from technical colleges with PTE degrees and certificates.

The PTE Division has developed a program of Study Framework to give a visual representation of common student learning outcomes that span from high school through postsecondary. The Division is working on enhancing student access to PTE through distributed hybrid programs. A good example is the Physical Therapy Assistant program which was started this spring as a statewide program delivered by a consortium of schools. In response to the State Board of Education (Board) 60 percent completion goal, the Division developed the Integrated Transition & Retention (ITRP) program. The Division also is responsible for administering adult basic education, the certified public manager program and workforce training. In addition to the PTE programs and related programs, they are responsible for GED transcripts, career counseling, health matters for state employee wellness and the Centers for New Directions.

**Senator Patrick** asked if PTE needs more money. **Dr. McCrink** replied that they can always use more money. Postsecondary budgets were hit hard in the last few years. She indicated that PTE can always be more efficient by running multiple sessions and more labs. However, they look to the future and work with the Department of Labor to anticipate what jobs will be available and implement training programs. **Senator Patrick** stated that he is a believer in PTE training. He asked if Dr. McCrink knew how the money was divided to fund those different areas of education. **Dr. McCrink** indicated that PTE is not involved in the budgets. She said that, with the down turn and budget cuts, the postsecondary programs have been cut. **Senator Patrick** said he would like to see more money go to these areas.



**Senator Goedde** asked how new PTE programs are authorized and approved. **Dr. McCrink** said they have a five year plan for developing new programs. The six PTE schools work together and support one another. Early discussion is held so that when the actual proposal is submitted the turnaround time is fairly rapid. Dr. McCrink can sign off if the dollar amount is \$250,000 and under. A sum over that amount needs approval by the full State Board. **Chairman Goedde** said that North Idaho College had a difficult time getting the Aerospace program off the ground and was characterized as a difficult process. **Dr. McCrink** said that funding for postsecondary schools goes to the institutions as a lump sum and can be distributed as they desire, unless it is a line item. Usually lump sums are determined using historical data and need to be predictable from year to year.

**PRESENTATION:** **Dr. Steve Albiston**, president of the Eastern Idaho Technical College (EITC), reviewed the mission of EITC to provide superior educational services in a positive learning environment that champions student success and regional workforce needs. EITC's geographical reach includes the nine adjacent counties and Bingham county. It is a commuter campus. He described the outreach and instruction programs, enrollment and breakdown of graduates for FY 2013. There were over 16,000 students served during FY 2013. He gave a more detailed discussion on the enrollment breakdown during that same time period. **Dr. Albiston** pointed out that, while there is currently much discussion about remediation, EITC does not have many students who require it. EITC has a high placement rate of graduates. Approximately four out of five graduates report working in a job directly related to the training they received at EITC. Dr. Albiston also discussed the breakdown of Financial Aid to EITC students. Scholarships for FY 2013 were funded by the EITC Foundation and the J.A. & Kathryn Albertson Foundation. **Dr. Albiston** discussed several of the collaborative programs they share with other institutions, their Adult Learning Center program focus, off-campus programs, enrollment and their Adult Basic Education (ABE) goal program.

**Senator Goedde** asked whether there was any movement from the taxpayers in the area to support a community college. **Dr. Albiston** responded that there had not been any bond elections since the mid 1990s. **Vice Chairman Mortimer** said that there is a lot of competition in the Idaho Falls area for educational institutions. It is hard to get support for a common goal such as a community college. He expressed that support is not coming fast, but it is coming. **Chairman Goedde** asked if EITC has access to any liquor funds. **Dr. Albiston** replied that they do not.

**H 361**

**Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education stated that Section 33-2406, Idaho Code specifies that a proprietary school must obtain a surety bond in order to register to do business in the State. Changes were approved by the Legislature last year to allow proprietary schools to use alternate financial instruments, as approved by the Board's Executive Director, in order to satisfy this requirement. Alternate instruments could include an escrow account, collateral, a letter of credit or a combination of these instruments. All have to meet the same requirements for the amount of surety which is detailed in Administrative Rule 08-01-11. After the bill was passed, the Department of Finance asked for a change in the order of the wording to clarify that the alternate instrument does not need to be issued by an insurer. In **H 361** language has been struck and moved. In addition, this legislation would remove the surety bond requirement for proprietary schools that meet the same accreditation standards required of a degree-granting institution. If a proprietary school is accredited by a body recognized by the US Department of Education and the Board, then they have met stringent requirements for program quality and fiscal responsibility. Those requirements include regular financial reports prepared according to Generally Accepted Accounting Principals (GAPP). Those reports look at income, operating

expenses, etc. Accreditation provides a reliable, third party assurance that a school or institution meets or exceeds high standards.

**Chairman Goedde** asked if Ms. Whitney was aware of any proprietary schools who had been accredited and walked away. She replied that she was not. **Senator Nonini** asked who brought forth the new language. **Ms. Whitney** said it was the Board and various schools who were currently accredited.

**TESTIMONY:** **Tony Smith**, Northwest Career Colleges Federation testified that he is very supportive of this legislation. He thanked the Board for responding to the needs of educators to keep costs down.

**MOTION:** **Vice Chairman Mortimer** made a motion to send **H 361** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion passed by **voice vote**. Vice Chairman Mortimer will carry the bill on the floor of the Senate.

**H 362** **Marilyn Whitney** stated that **H 362** revises Section 33-2139, Idaho Code with respect to what entity authorizes the disbursement of liquor funds to the community colleges. It gives that authority to the Board. This reverses legislation passed in 2012 that moved authorization from the Board to the State Liquor Division. After that change was made in 2012, the Controller's office pointed out that the liquor funds for community colleges are rightly appropriated to the Board as an education agency, and that payment should be authorized by the Board. The amount of liquor funds distributed to the community colleges is based on a formula. There is no discretion on the part of the Board.

**Senator Pearce** asked how the Liquor Commission felt about the change. **Ms. Whitney** replied that they had no objection. **Vice Chairman Mortimer** asked whether the flow of money goes to the Board through JFAC. **Ms. Whitney** responded that the flow is formula driven and is spelled out in code.

**MOTION:** **Senator Nonini** made a motion to send **H 362** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion passed by **voice vote**. Senator Nonini will carry the bill on the floor of the Senate.

**H 385** **Marilyn Whitney** stated that **H 385** seeks to amend Section 33-090, Idaho Code dealing with the cooperative school facilities funding program. This law allows school districts to petition a panel of state agency directors to intervene and address an imminent safety hazard in a school after local patrons have failed to pass a bond. This mechanism has been used only twice - once in the Plummer Worley district and currently in the Salmon School District. As a reminder, the state panel is the executive director of the Board, the Administrator of the Division of Building Safety, and the director of the Department of Public Works. In this statute, if that panel determines there is an imminent safety hazard, the taxpayers in that school district have the opportunity to vote to pass a bond to either repair, renovate or replace a building found to be unsafe. If the taxpayers do not pass the bond, the state panel assumes authority of the project and uses the repair fund set up by the State. Once the project is completed the taxpayers must repay the state fund. The primary change in this bill would allow the panel to modify the scope of a project, or even terminate a project that has already begun if an alternative plan is proposed that may save the taxpayers money, or be in the best interest of the district/students while still addressing the safety hazard. This change is being sought based on the current situation in Salmon. Two buildings - the elementary and middle schools - were found to have unsafe roofs after engineering studies were conducted. The local taxpayers did not pass a bond to fix the buildings, and the state panel moved forward to repair the buildings. Since the project commenced, the district has come forward with an alternative plan to move the middle school students into the repaired elementary school and the high school. This would allow them to close the middle school and would save the cost of repairing that roof. The panel would like the statutory authority to consider this alternative. Notice there is an emergency

clause in the bill as well. There are two additional minor changes in the bill. On Page 3, lines 8-11 to specify that the State Fire Marshal has authority during a project since these are state projects, and, on Page 3, lines 36-37, to specify that the district's cost will be based on the actual funds expended for the project.

**Chairman Goedde** said that he had received and passed on to the Committee email from people in Salmon expressing support for this legislation to be adopted. He alerted the Governor's office about the situation and the support it was receiving. **Senator Thayne** asked who the district supervisor was and how he was appointed. **Ms. Whitney** responded that the panel appoints a supervisor when they decide to move forward with a project. The supervisor for this project is David Teator. Any modification made to the project must meet the same standards as the panel looked at when an application is requested. The alternative plan must address safety hazards, be cost effective and last for 20 years.

**Senator Nonini** asked what the balance of the remaining fund was and what the projected cost on the Salmon project was. **Ms. Whitney** replied that it was \$16 million. Salmon's projected cost was \$3.6 million with \$342,500 used to this point. The amount remaining is about \$16 million. No other schools have made application for funds. **Chairman Goedde** asked if there were more repairs planned other than the two roofs and what the estimated cost upon completion would be. **Ms. Whitney** said the alternate plan would save about \$1 million. **Senator Pearce** asked if more repairs were being made other than roofs. **Ms. Whitney** said there is a history in Salmon of not passing bonds for school improvements. The middle school needs to be replaced, but the statute only allows the panel to address eminent safety hazards. Replacing the roofs reduces the threat of danger that snow build up poses. The middle school may have other issues, but they are not safety hazards. **Chairman Goedde** asked if seismic studies had been done. **Ms. Whitney** replied that they had. **Senator Patrick** asked if the \$16 million infunds would be replaced. **Ms. Whitney** responded that they would be. Plummer Worley will be making regular payments, as will Salmon, once their project is done. Repayment periods can not exceed 20 years.

**MOTION:** **Senator Thayne** moved that **H 385** be sent to the floor. **Senator Nonini** seconded the motion. The motion carried by **voice vote**. Senator Thayne will carry the bill on the floor.

**PASSED THE GAVEL:** Chairman Goedde passed the gavel to Vice Chairman Mortimer to present **RS 22704C1**.

**MOTION:** **Senator Pearce** moved to send RS22704C1 to print. **Senator Fulcher** seconded the Motion. Motion carried by **voice vote**.

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

**ADJOURNED:** There being no further business to come before the Committee, **Chairman Goedde** adjourned the meeting at 4:20 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

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Sharon Pennington  
Asst. Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, February 06, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	State Board of Education, with Idaho Digital Learning Academy (IDLA) demonstration	Mike Rush, Executive Director, State Board of Education; Ryan Gravette, Director of Technology, IDLA; Dr. Sherawn Reberry, Director of Educational Programs, IDLA
PRESENTATION	Idaho Education Network (IEN)	Julie Best, Communication Director, IEN
<a href="#"><u>RS22709</u></a>	Renews Sunset Clause re H 261	Karen Echeverria, Idaho School Boards Association
<a href="#"><u>RS22710</u></a>	Renews Sunset Clause re S 1147a	Karen Echeverria
<a href="#"><u>RS22711C1</u></a>	Renews Sunset Clause re S 1040a	Karen Echeverria
<a href="#"><u>RS22772</u></a>	Provides procedure for colleges and universities to opt-out of state provided service with 18 month's notice to improve cost efficiencies	Marilyn Whitney, State Department of Education
<a href="#"><u>RS22748</u></a>	Provides that the Department of Education may accept data for certain instructional employees	Jason Hancock, State Department of Education
<a href="#"><u>RS22749</u></a>	Establishes a minimum number of instructional hours for alternative schools	Jason Hancock
<a href="#"><u>RS22751</u></a>	Revises number of payments from the public school income fund	Jason Hancock
<a href="#"><u>RS22620</u></a>	Collaborative plan by December 1, 2014 to provide Idaho residents with opportunities at Idaho community colleges	Senator Buckner-Webb
<a href="#"><u>RS22818</u></a>	Provides the State Department of Education with a tool to calculate funding when students in the 7th through 12th grad attend more than one school at the same time.	Senator Thayn
<a href="#"><u>RS22829</u></a>	Develops an accurate database to account for student-teacher ratios in Idaho school districts.	Senator Ward-Engelking
<a href="#"><u>RS22720</u></a>	Authorizes schools to maintain a supply of Epi-Pens, and to provide protection for schools and staff when used in good faith	Senator Heider

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

Room: WW39

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, February 06, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Fulcher, Nonini, Thayn, Patrick, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Pearce

**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 3:02 p.m., and a silent roll was taken.

**PRESENTATION:** **Mike Rush**, Executive Director of the Idaho State Board of Education (Board) acknowledged the work done by his organization. He then focused on the legal parameters given to the Board by the State Constitution along with the organizational system the Board has established in order to meet these parameters. Dr. Rush noted that the Board had recently hired a new President to the University of Idaho, Chuck Staben. Mr. Staben is expected to fill the position previously occupied by Interim President Don Burnett.

**Dr. Rush** focused on higher education and the goal of the Board to ensure that 60 percent of Idaho's citizens ages 25-34 receive at least one year of postsecondary schooling by 2020. Initial efforts have been promising in reaching this goal, yet more aggressive measures may need to be taken to compete in the current and future markets. Dr. Rush stressed the importance of obtaining a postsecondary degree for individuals, employers, and for the State as a whole. **Dr. Rush** described the actions taken by the Board to address these needs. The Board's Complete College Idaho plan is designed to adapt to changes in education on a yearly basis through various methods. Key strategies are: (1) Strengthen the pipeline by increasing rigor, graduation requirements and opportunities such as dual credit, Tech Prep and Advanced Placement courses; (2) Transform remediation by implementing new methods that increase the likelihood of student success; (3) Structure for success by ensuring that credits transfer easily among instate institutions and by developing a web portal to simplify the transfer process; (4) Reward progress and completion and redesign the State's financial support for postsecondary students; and (5) Leverage partnerships between the education community, business, non-profit and philanthropic organizations.

**Dr. Sherawn Reberry**, Director of Education Programs and **Ryan Gravette**, Technology Director of Idaho Digital Learning Academy (IDLA), demonstrated the portal. **Dr. Reberry** described one of the current objectives of IDLA – developing a website to track resources and clarify the potential distribution of credits for dual credit and transfer students. IDLA has focused on college transfer students, but will continue to develop the site to include all students potentially looking at higher education in Idaho. **Mr. Gavette** explained how IDLA uses statistical data from schools and organizations to plan effectively for the future. Security of data is of utmost importance to IDLA.

**Dr. Rush** stated that last May, the Board directed the four-year public institutions to conduct a review of the efficiency and effectiveness of all academic and non-academic programs. This review will be used for performance based funding. He also thanked the Legislature for approving a Director of Research last year, a position which has produced valuable information on college participation, remediation rates, success of graduates by college major and how majors align in the workforce. Finally, **Dr. Rush** detailed higher education's budget requests to fund: equipment replacements, key faculty in high need areas, key staff, occupancy costs, second year law personnel and operating costs in Boise, Higher Education Research Council, and PTE replacement items and manufacturing programs. In addition, the Board requests line items for a web developer position, increased dedicated fund spending authority, a Charter School Commission Fund shift and funding for education reform special committees.

**Chairman Goedde** asked Mr. Gravette when he expected the IDLA website to be live online. **Mr. Gravette** replied that the first phase would be completed by the end of March. **Senator Thayn** asked if students were becoming more college ready. **Dr. Rush** replied that many still need remediation, and often, those students do not complete their programs. In order to raise completion percentages, more students need to complete their programs. **Dr. Rush** added that 2013 is the first year under the new standards, and much is being done that will produce significant results. **Vice Chairman Mortimer** referenced the \$313,000 that was being changed from general funds to dedicated funds. It was his understanding that a portion of those funds were to stay in general funds, and asked what process was needed to effect that. **Dr. Rush** stated that it was a decision for the Joint Finance and Appropriations Committee (JFAC). He was not involved in the committee which made the change, but said those authorization fees are based on the appropriation from the year before. If all of the State General Account were left in the general fund, plus the \$334,000 from the authorizer's fund, it would double the amount of administrative overhead, and double the fees that the charter schools would be charged. **Dr. Rush** said he did not think this was the original intention, but he is not the correct person to answer the question. **Vice Chairman Mortimer** asked what the Charter School Commission would do if extra funds were available. **Dr. Rush** replied that the legislation passed last year changed how charter schools were approved, increased accountability and local control, but also required more work for plan approval and negotiation. **Dr. Rush** said he felt his office needed another person to handle that responsibility which would carry a fiscal impact of approximately \$85,000.

**Senator Thayn** commented on the fact that data was being housed at the Board as well as at the Department of Labor (DOL), and felt that the Legislature needed to be aware of what data was being shared between the two departments. **Dr. Rush** agreed. **Chairman Goedde** said that, according to his briefings, no data from the education side gets to the DOL, but it is very important that education has the DOL data so graduate employment and earnings can be tracked. **Dr. Rush** commented that all the Board did was to create a mechanism to take advantage of DOL information without increasing risk of misuse.

**Chairman Goedde** asked how the members of the Data Management Council were appointed and what is the scope of their duty. **Dr. Rush** replied that they are appointed by the Board. They make recommendations on all postsecondary and secondary data elements and security processes and procedures. **Chairman Goedde** asked if the \$5 million for higher learning was all distributed to the institutions. **Dr. Rush** answered affirmatively. **Vice Chairman Mortimer** noted that \$5 million toward the 60 percent goal was budgeted to the four, four-year institutions, and asked if it should have been shared more with community colleges and PTE. **Dr. Rush** replied that his presentation had not referenced the PTE and community college budgets. **Matt Freeman**, State Board of Education, said that the Governor did not reference specifically the 60 percent line item that was requested from the community colleges. The Governor recommended funding for outreach centers for both College of Southern Idaho (CSI) and North Idaho College (NIC). Although not framed as a 60 percent line item, it certainly will contribute to it. The advanced manufacturing line item is the only line item that was requested and recommended by the Governor for PTE.

**PRESENTATION:** **Teresa Luna**, Director of the Idaho Department of Administration, described the funding issues that the Idaho Education Network (IEN) has experienced recently with the Universal Service Administrative Company (USAC). USAC is a private contractor hired by the Federal Communications Commission (FCC) to administer the distribution of e-rate funds every year. These e-rate funds have paid approximately 75 percent of IEN costs. IEN has applied for and been awarded these funds since it began in 2009, but funds currently owed are being withheld while USAC reviews contracts that were previously awarded. Despite attempts by IEN to clarify and rectify issues, USAC has not dispersed the expected funds, nor given any indication of when they might. **Director Luna** then noted that many school districts in Idaho had experienced similar problems with USAC. Because of these financial problems, IEN has put forth two funding requests to the Joint Financial Appropriations Committee (JFAC): (1) \$14.5 million to fill the void created by the lack of action by the USAC, and (2) \$3.5 million request to expand the operations of IEN into all elementary and middle schools in the state according to the Governor's recommendation. **Director Luna** reiterated the obstacles facing the IEN to expedite the disbursement of the funds already awarded them along with the attempts to address them.

**Senator Fulcher** asked Director Luna to share an update on the Syringa Networks (Syringa) lawsuit. **Director Luna** replied that the contracts for the IEN were awarded in January 2009. In December 2009, Syringa filed a lawsuit in district court against the State, Education Networks of America (ENA) and Qwest. The district court dismissed all claims, and Syringa appealed that ruling to the Idaho Supreme Court. All claims were dismissed with the exception of part of the complaint against the State regarding the amendment to the Qwest contract. "The Supreme Court remanded the case back to the District Court to determine whether the State's amended contract with Qwest was awarded in violation of the applicable statutes." This is the only piece that is before the district court today. **Senator Fulcher** asked if the delay in payment is connected to the lawsuit. **Director Luna** said that she believes it is a factor, but based on the report just received, it is now clear that a successful resolution of the court issues will not necessarily release the funds. USAC is doing its own independent review. **Senator Fulcher** asked Ms. Luna to share the status of her communications with JFAC and whether monies were being identified to supplant these funds. **Jani Revier**, Administrator, Division of Financial Management, stated that the Governor had recommended a 2014 supplemental \$14.45 million, with carryover authority, which is \$7.15 million for FY 2014 and \$7.3 million for FY 2015. The Governor had recommended transferring \$29 million into the Public Education Stabilization Fund (PESF), and he is proposing that instead



of transferring that money into PESF, we appropriate a portion of that to fund the e-rate share of the IEN.

**Senator Buckner-Webb** asked about the performance of USAC to date, and whether or not their investigation will be completed within a reasonable timetable. **Ms. Luna** replied that her office regularly receives inquiries from USAC. Their experience with USAC has been very favorable. No timetable has been forthcoming, but other districts have reported up to two years for resolution. **Chairman Goedde** clarified that the problem lies in the delay of money, not in the operation of the broadband itself. **Ms. Luna** concurred. **Vice Chairman Mortimer** shared a communication he had received indicating that USAC could seek reimbursement of e-rates from the State dating back to 2009. He asked Ms. Luna what that dollar amount would be. **Ms. Luna** replied that the figure would be just under \$13.5 million, which is the money that e-rate has paid out to date. **Vice Chairman Mortimer** asked about the time frame needed should the State need to re-contract. **Ms. Luna** replied that 12 to 18 months would be required in order to give school districts adequate time and to meet e-rate deadlines for future years. **Senator Nonini** asked Ms. Luna about the ramifications if JFAC does not appropriate the Governor's \$14.45 million supplemental proposal. **Ms. Luna** replied that without the supplemental funds, the IEN will shut down all high-speed connectivity to high schools, and to the 89 school districts that rely wholly on the IEN for their services. **Senator Nonini** asked if it had been collectively advantageous to the districts for the State to capture the e-rate funds, as opposed to individually as had occurred in the past. **Ms. Luna** replied that the e-rate reimbursement is based on a formula involving the federal free and reduced lunch program, and the State can reimburse districts with more money by capturing the e-rate reimbursement in the aggregate. **Chairman Goedde** asked when the last request was made to USAC which generally would receive a 60 day response. **Ms. Luna** replied that the 60 day period in question expired on December 23, 2013. The silence since then is very unusual. **Chairman Goedde** asked Ms. Luna to provide the Committee with a list of the districts which rely solely on IEN for their internet connectivity. **Ms. Luna** replied affirmatively. **Senator Fulcher** asked whether this situation would have occurred were it not for the legal situation. **Ms. Luna** replied that she could only speculate.

**PRESENTATION:** **Julie Best**, Communications Director, IEN said that IEN had been working over the past year to bridge the gap between distance learning and an authentic environment within the traditional classroom. This included distance learning courses, teacher professional development, interactive collaborations and enrichment activities for students, educators, and community members. The IEN also offers school districts and charter schools high speed internet access through its private broadband network. A valuable resource in their success has been the collaborative efforts with IDLA.

**Dr. Serawn Reberry**, Director of Education Programs said that the IDLA hybrid pilot had been born from a need to reach students in rural areas with limited resources to allow students to experience an asynchronous, traditional online course as well as synchronous instruction that resembles face-to-face instruction. Both teachers and students provided positive feedback from the hybrid pilot, and 69 percent of reporting districts would like to use the hybrid model in the future. **Kristin Guidry**, Communication Specialist, IEN, and **Dave Davies**, Principal of Weiser High School, stressed the importance of IEN in rural communities to offer students opportunities they would otherwise not have and equip them with skills they need in the workforce and higher education. Both described several success stories.

**Senator Ward-Engelking** asked about the procedure for handling service problems and about variations in service among the districts. **Ms. Best** replied that IEN offers round-the-clock technical support for the school districts. Ms. Best also acknowledged that variations exist among local carriers.

**RS 22709,  
RS 22710,  
RS 22711C1,  
RS 22772,  
RS 22748,  
RS22749,  
RS 22751,  
RS 22620,  
RS 22818,  
RS 22829,  
RS 22720**

**Chairman Goedde** said that he had reviewed **RS 22709, RS 22710, RS 22711C1, RS 22772, RS 22748, RS22749, RS 22751, RS 22620, RS 22818, RS 22829, and RS 22720**. Several resulted from consensus among stakeholders.

**MOTION:**

**Senator Nonini** made a motion to print **RS 22709, RS 22710, RS 22711C1, RS 22772, RS 22748, RS22749, RS 22751, RS 22620, RS 22818, RS 22829, and RS 22720**. Senator Thayn seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:33 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, February 10, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS22837</u></a>	Augmentation of the record on appeal	Senator Lakey
<a href="#"><u>RS22859</u></a>	Requires legislative ratification of any agreement between the State Board of Education or State Department of Education with multi-state consortia or the federal government pertaining to student data, testing or standards	Senator Fulcher
PRESENTATION	Idaho Public Television	Ron Pisaneschi, Director, Idaho Public Television
PRESENTATION	Education budget	Paul Headlee, Budget and Policy Analysis
DISCUSSION	Education budget	Committee

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, February 10, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 3:02 p.m., and a silent roll was taken.

**RS 22837** **Senator Lakey** stated that **RS 22837** concerns appeals to school board decisions, and provides a mechanism and criteria whereby an appellant may augment the record. It allows that the record may be augmented on appeal to the district court if (1) prior to a hearing date being set, application is made to the court to present additional evidence; (2) the court deems the evidence material and relevant, and (3) good cause exists for failing to present that evidence at the original school board hearing. The court may choose to remand the case back to the school board for reconsideration. A similar procedure applies for appeals to the supreme court. **Senator Lakey** stated that his legislation comes from a cooperative effort between the Idaho School Boards Association and the Idaho Education Association.

**MOTION:** **Vice Chairman Mortimer** made a motion to print **RS 22837**. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

**RS 22859** **Senator Fulcher** said that **RS 22859** requires the Legislature to ratify by statute any agreement between the State Board of Education or the State Department of Education and multistate consortiums or the federal government that deals with student data, testing or standards. It would not apply to agreements already approved, but would apply going forward.

**MOTION:** **Senator Pearce** made a motion to print **RS 22859**. **Senator Nonini** seconded the motion. In discussion, **Chairman Goedde** expressed concerns over the bill's constitutionality and its effect on balance of powers, but agreed that such discussion could occur after the bill was printed. The motion carried by **voice vote**.

**PRESENTATION:** **Ron Pisaneschi**, General Manager, Idaho Public Television (IPTV), stated that IPTV is part of the State Board of Education with funding from the general fund, federal grants, private donations and the Corporation for Public Broadcasting. IPTV provides a valuable service to Idaho. It is the number one most viewed public broadcasting station. IPTV provides award-winning services that have engendered larger donations made by viewers than its peer stations. The FY 2015 Operating and Personnel Budget Recommendation total is \$7.24 million with 64 percent from local funds, 22 percent from state funds and 14 percent from a Corporation for Public Broadcasting grant.

IPTV is trusted by both parents and educators. Data shows that children who watch IPTV children's programming score higher on standardized math and literacy skills tests than those who do not. A Boy Scout Video Collection is available any time to both teachers and parents. National programming continues to be popular. "Antiques Road Show " which came to Boise in 2013, was very successful with 12,000 items appraised. The highest item was valued at \$300,000 and is up for sale at a major auction house. IPTV taped three, one-hour shows which were broadcast nationally in January 2014. "Idaho in Session" broadcasts the business of Idaho's legislators.

IPTV has a highly complex delivery system that reaches nearly 100 percent of households in their viewing area. The delivery system has a highly efficient design and infrastructure. It operates under a lean business model and requires support from the general fund to sustain rural, statewide service.

The Governor's budget recommendation reflects a 2.2 percent increase in operating costs, with no funds for capital replacement. All IPTV funds are audited annually and are available to the public. A \$60,000 grant may be available this year. Areas of risk include critical equipment and infrastructure concerns.

**PRESENTATION:** **Paul Headlee**, Budget and Policy Analysis Division, Legislative Services Office reviewed the Joint Finance and Appropriations Committee (JFAC) schedule for the current week relating to final reports for the annual budget process. Mr. Headlee spoke in detail about : (1) the 22 year general fund appropriation history, (2) a comparison of the FY 2015 public schools budget request with the Governor's recommendation, (3) the FY 2015 public schools compensation metrics and discretionary funds history, and (4) all other education budgets. Mr. Headlee's detailed report is attached and incorporated by reference. The Committee asked several clarifying questions relating to specific numbers in the report.

**DISCUSSION:** **Chairman Goedde** asked the Committee to discuss items that should be included in his Chairman's address to JFAC. He stated that following this discussion, he would draft a proposal which the Committee could further refine. A lengthy discussion ensued. Topics included charter school funding, "use it or lose it", Idaho Educational Network expansion, teacher salaries, and escalating health insurance costs and their effect on teacher salaries. **Chairman Goedde** stated that he would work on the report and present it to the Committee for review.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:45 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, February 11, 2014**

SUBJECT	DESCRIPTION	PRESENTER
MINUTES	Approval of Minutes, January 27, 2014	Senator Ward-Engelking
	Approval of Minutes, January 28, 2014	Vice Chairman Mortimer
	Approval of Minutes, January 29, 2014	Vice Chairman Mortimer
	Approval of Minutes, January 30, 2014	Senator Pearce
	Approval of Minutes, February 3, 2014	Senator Patrick
PRESENTATION	5-Star Rating System; ESEA Waiver	Tom Luna, Superintendent of Public Instruction, State Department of Education
PRESENTATION	Idaho System for Educational Excellence (ISEE)	Joyce Popp, Chief Information Officer, State Department of Education
PRESENTATION	SchoolNet	Alex MacDonald, Director of Instructional Technology, State Department of Education
PRESENTATION	Mileposts	Scott Woolstenhulme, Director of Technology Services, Bonneville Joint School District 93.

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy

Room: WW39

Phone: 332-1321

email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, February 11, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 3:03 p.m., and a silent roll was taken.

**MINUTES:** **Chairman Goedde** announced that the Minutes of January 22, 2014 covering the Joint Education Committee's Forum on Common Core and been prepared and approved by the House of Representative Education Committee and would be made a part of the Committee's permanent record.

**MOTION:** **Vice Chairman Mortimer** made a motion to approve the Minutes of January 28, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Vice Chairman Mortimer** made a motion to approve the Minutes of January 29, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Pearce** made a motion to approve the Minutes of January 30, 2014. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Patrick** made a motion to approve the Minutes of February 3, 2014. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Ward-Engelking** made a motion to approve the Minutes of January 30, 2014. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION:** **Tom Luna**, Superintendent of Public Instruction, State Department of Education (Department) explained that Idaho's system of increased accountability is known as the Five-Star Rating System. The purpose of this system is to provide parents and taxpayers with an understanding of how well each school performs in terms of student achievement. For ten years, beginning in 2001, states measured student progress in terms of Adequate Yearly Progress (AYP), which was established as part of No Child Left Behind (NCLB). States received funding based on AYP, however, AYP only measured proficiency in testing and proved inadequate over the next several years. In 2011, Superintendent Luna announced to the United States Secretary of Education that Idaho was moving forward toward its own accountability system. Focus groups of educators, parents and school boards met to establish standards and accountability, and the Five-Star Rating System was born.



The Five-Star Rating System measures proficiency on Idaho's statewide standardized tests, as well as academic growth. In grade 12, the Five-Star Rating System also measures preparedness for postsecondary education based on the Scholastic Achievement Test (SAT) or the American College Testing (ACT), dual credit courses taken, Advanced Placement (AP) courses taken, Technical Preparation courses, and graduation rates. Based on these criteria, each school is rated. Four-Star and Five-Star schools receive public recognition as top-performing schools. Three-Star schools, while recognized as "good", must develop an improvement plan for increased academic achievement. One-Star and Two-Star schools receive additional time and resources from the Department to support efforts to raise academic achievement.

Once Idaho developed its own accountability system, the federal government granted it a waiver from reporting under NCLB's AYP system. The waiver includes Idaho's plan to transition to the Five-Star Rating System, the formula for calculating Five-Star Rating System results, and how the Five-Star Rating System holds schools accountable and rewards high performing schools. The waiver does not impose federally mandated standards or assessments.

The Five-Star Rating System has been in place for two years, and great progress has been shown among Idaho Schools. The number of Five-Star schools has increased, while the number of One-Star schools has decreased. 158 schools moved upwards in their star ratings in the past year. Superintendent Luna has developed a new task force to identify any additional measures which need to be added to the system, such as the impact of Idaho's new core standards and assessments. The Five-Star Rating System provides an excellent example of how data can be used to improve Idaho's public education system. Superintendent Luna's complete remarks are attached.

**Chairman Goedde** commented that in order for data to be useful in the classroom, it must also be timely.

**PRESENTATION:** **Joyce Popp**, Chief Information Officer of the State Department of Education, stated that the use of current, accurate data at the classroom, school and state levels is important to make the best decisions for students. She said we must have data, and we must make sure all data collected remains secure.

In October 2013, the State Department of Education contracted with Applied Engineering Management (AEM) Corporation to audit the State's data collection system, known as the Idaho System for Educational Excellence (ISEE). The results showed that the State is collecting the amount of data required by the State, federal law or policy. The main report required by the U.S. Department of Education is called EDFacts. EDFacts is a collection of numerous reports which is used to calculate distributions of federal funding, such as Title 1 funding, school improvement grants, and special education funding. Data is provided in the aggregate, and no individual data is shared with the exception of information on migrant students, which is shared among school districts.

Data is collected in 12 main areas: (1) student demographics, (2) student attendance, (3) district calendar, (4) special education students, (5) gifted students, (6) staff demographics, (7) staff assignments, (8) student course enrollment, (9) teacher attendance, (10) student test results, (11) disciplinary action, and (12) incidents of crime or violence. Data is collected at the student-level for four specific reasons: (1) Idaho accepted American Recovery and Reinvestment Act (ARRA) and State Fiscal Stabilization Fund (SFSF) funds with the stipulation that the State create a longitudinal data system that provides insight to a student over time - the digital backpack, (2) data that is aggregated for reporting must be repeatable, (3) data that is aggregated must be auditable, and (4) data must be defensible. Data points do not include religion, voting records, sexual preference/gender bias, gun ownership, medical records or any biometric data.

The data is collected through the longitudinal data system, known as Idaho System for Educational Excellence (ISEE), on a monthly basis. First, data is entered on students at the beginning of the school year. On the third Friday of each month, the data is uploaded into ISEE. Transition to ISEE has caused many frustrations. With the financial help of the Legislature, one full-time regional coordinator has been hired in each region of the State to provide needed technical assistance. The Department conducted ISEE boot camps with their internal staff to provide training. While challenges still remain, progress is being made. The Department's goal is for every district and public charter school to trust the data in their system and to automate their data uploads into ISEE.

Data is also used to calculate state funding, and audits showed that the data was not changed to affect funding outcomes. Once collected, the data goes back to the classroom where it can be used most effectively. Idaho is piloting Schoolnet to make the data available to teachers, parents and school administrators. Data provided to the classroom includes student profiles, enrollment and academic records, standardized tests, program participation and student growth charts. Disciplinary data and socio-economic information are not provided. The data also creates the Fiscal Report Card which compares funding and expenditures based on state averages.

Requests for data must be submitted to the Department's Communication Director and must meet the Idaho Public Records Law and Family Educational Rights and Protection Act (FERPA). All requests are reviewed by the Department's Deputy Attorney General. Requests may not include student level data, or any personally identifiable student information.

The Department takes data security very seriously and utilizes multi-level firewalls, virus and malware detection software, proactive notifications to specific IT security personnel, bulk encryption, 128 bit encryption, and multiple layers of intrusion detection technology. Data is beneficial, but it must always be protected. Ms. Popp's complete report is attached.

**Vice Chairman Mortimer** questioned the use of student names versus student identification numbers used in ISEE. **Ms. Popp** replied that in the initial report, a name must be matched to an identifier to ensure accuracy. Subsequently, only the identifier is used. **Senator Nonini** noted that Idaho was the last state to develop a longitudinal data system and asked if Idaho had learned from mistakes of other states. **Ms. Popp** replied that Idaho listened carefully and continues to do so. She has been asked to speak at every national convention as an expert. **Senator Thayne** asked if consideration had been made for uploading only portions of data monthly. **Ms. Popp** said that other states collected daily or weekly, but the Department felt that monthly uploads provided the most mobility. Some data subsets upload nightly. **Chairman Goedde** asked about the number hits to ISEE's firewall. **Ms. Popp** stated that the firewall receives anywhere from zero to thousands of hits per day. **Vice Chairman Mortimer** asked if districts collect more data than the State.

**Ms. Popp** said that districts do collect medical and immunization information. A random audit also showed problems, such as lack of documented procedures, multiple input staff, excessive time requirements and mistakes. The Department is working with the districts to ensure data is entered correctly the first time. **Vice Chairman Mortimer** asked if the Department had a policy to restrict access to student data. **Ms. Popp** answered affirmatively. **Chairman Goedde** asked if the Department was making progress toward automation of data in order to eliminate upload problems. **Ms. Popp** replied that districts use 70 different vendors statewide. The Department is working to provide specific pull-down menus so that data will be entered consistently regardless of vendor. **Chairman Goedde** asked if districts are able to mine ISEE data without using SchoolNet. **Ms. Popp** replied that SchoolNet provides instructional feedback, however other vendors may also exist. **Chairman Goedde** asked questions concerning ISEE's pilot program. **Ms. Popp** replied that 57 districts participate in the pilot project and 70 use a five file upload. She will provide a link to that report.

**PRESENTATION:** **Alex MacDonald**, Director of Instructional Technology, State Department of Education, explained that ISEE Phase II, or SchoolNet, is an Instructional Improvement System (IIS) and is the means by which teachers, administrators and parents can use ISEE's data to improve student achievement. He reviewed a flow chart of a typical teacher's year in the classroom and the ways in which she might use SchoolNet feedback to guide instruction based on student achievement data, lesson planning tools and assessment resources. Currently 57 districts participate in the SchoolNet pilot project, which has been funded by federal grants and the J.A. and Kathryn Albertson Foundation (JKAF). Districts apply to participate in the pilot and receive professional development and on-site technical assistance. In turn participating districts help the State to identify benefits and challenges which has resulted in a Year 3 Work Plan.

Some of the challenges uncovered in the pilot included communication issues, misperceptions of platform functionality, disaggregated approaches to professional development opportunities and difficulty tracking platform issues. The Department has implemented several resolutions to re-engage local school districts. Many districts struggled with accuracy and age of data due to the ISEE monthly uploads. In response, the Department created the Five File Upload. This allows districts to weekly or nightly upload staff demographics and assignments, student demographics and courses, and a test file. While this data upload does not undergo a full ISEE validation process, it does allow much faster access in SchoolNet. The Department is creating new professional development modules, as well as modules that integrate Idaho Core Standards, Smarter Balanced Assessment and digital content. Data shows that SchoolNet login and activity have increased up to 74 percent. Within the next year, the Department hopes to see teachers collaborating with other teachers, parents viewing and tracking the student information, teachers viewing student data before school starts in August, teachers and administrators managing student interventions and greatly increased usage. The Department's budget request includes \$1.54 million for SchoolNet maintenance, support and hosting; \$900,000 for Discovery Education streaming; \$1 million in assessment creation and sharing, and \$1.05 million for professional development. Mr. MacDonald's presentation is attached.

**Chairman Goedde** noted that some educators have tried SchoolNet and do not like it. He asked how the Department plans to overcome their negativity. **Mr. MacDonald** replied that the Department has focused its re-engagement efforts by working with individual districts and small groups who were willing to try it again. They demonstrate and allow teachers to pilot the beneficial aspects, and keep the lines of communication open. **Chairman Goedde** and **Senators Thayne and Patrick** asked questions concerning the creation of assessments in SchoolNet. **Mr. MacDonald** said that the \$1 million requested would be used to contract with teachers to develop assessments that are aligned to Idaho Core Standards. He did not know how much assessments would cost individually or how many might be created for that sum. Formative assessments would be aligned to Smarter Balanced Assessment Consortium (SBAC) assessment for math and English language arts, and include all subjects, such as health and history. The lessons posted in SchoolNet would be optional for teachers to use; they are examples of lessons that could match Idaho Core Standards which are posted in order to share what other teachers have found successful. Rather than coming from top down, it rises from bottom up: from teacher to principal, principal to administrator, administrator to district, district to other districts and to the State.

**Vice Chairman Mortimer** and **Senator Nonini** asked about the future in light of SchoolNet's bumpy start and the end of its contract in June 2014. **Mr. MacDonald** replied that SchoolNet had initially been chosen because it scored the highest among other IISs. The Year 3 Work plan is part of SchoolNet's commitment to sustainability. The Department is drafting a contract renewal agreement.

**PRESENTATION: Scott Woolstenhulme**, Bonneville Joint School District 93 (District), in his capacity as Director of Technology Services, stated that he had first hand knowledge of ISEE and the Five Star system, and reviewed the recent improvement in star ratings for the District. Using the principals of Professional Learning Communities (PLCs) to create a culture of collaboration, focus on learning and focus on results, the District reviewed both SchoolNet and Mileposts as their IIP. Initially they chose Mileposts, but cancelled the contract before implementation when SchoolNet first was announced. SchoolNet was implemented in Fall 2011, but the District soon became frustrated with the errors in data and the 3-12 week delays in usable results. In Fall 2012, they turned to Mileposts with a focus on assessments and nightly uploads of data. In Fall 2013 the District expanded its Mileposts functionality to include learning plans and interventions. **Mr. Woolstenhulme** reported that the District now has a comprehensive view of each student and can create Individualized Educational Plans (IEP) for struggling students.

**Mr. Woolstenhulme** illustrated the differences between the data flow of a statewide system (SchoolNet) versus a district system (Mileposts). SchoolNet data takes three weeks to three months to reach teachers; data availability and accuracy depend on accurate submission from other districts, and test scores are the only data input from the State. Mileposts data reaches teachers within one day; data availability and accuracy is independent from required reports; the local system allows district-specific assessments and results to be uploaded; the data warehouse is separate from ISEE reporting processes.

**Chairman Goedde** asked why it takes districts so long to "clean" data. **Mr. Woolstenhulme** replied that IEPs often are created for students with disabilities who do not fall within standard categorizations. Error messages result. The department has supplied an electronic system, but now the District must keep data in two different systems. **Mr. Woolstenhulme** is in daily conversation with the Department to resolve these errors.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 5:14 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Wednesday, February 12, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1317</u></a>	Sunset clause re H 261	Karen Echeverria, Executive Director, Idaho School Boards Association
<a href="#"><u>S 1318</u></a>	Sunset clause re S 1147a	Karen Echeverria
<a href="#"><u>S 1319</u></a>	Sunset clause re S 1040a	Karen Echeverria
<a href="#"><u>S 1275</u></a>	Agricultural Education	Senator Patrick
<a href="#"><u>S 1287</u></a>	Board Member appointments	Marilyn Whitney, Chief Communications & Legislative Officer, State Board of Education
<a href="#"><u>S 1326</u></a>	Classroom Size	Senator Ward-Engelking
DISCUSSION	Continuing discussion of Education budget	Committee

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, February 12, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Rohn(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 3:08 p.m., and a silent roll was taken.

**PRESENTATION:** **Paul Headlee**, Budget and Policy Analysis, stated that he had researched answers to the Committee's previous budget questions of February 10, 2014. His tables are attached and incorporated by reference.

(1) The number and percentage of instructors that generate less than or equal to the minimum salary of \$31,000 is 4,303 instructors, or 27.8 percent of the total number of instructors in the current 2013-2014 school year.

(2) Table 2 details the recent history of major deposits or withdrawals from the Public Education Stabilization Fund (PESF), the end of year variances, and special transfers to and from the fund.

(3) Table 3 shows the actual and appropriated mid-term support units, including percentage change.

Addressing (3), the 182 support units for Fiscal Year (FY) 2013-2014, **Vice Chairman Mortimer** asked how much had been estimated and its impact on PESF if no action is taken. **Mr. Headlee** replied that the actual was 64 units short, however other variables that may neutralize that shortfall. Referencing (1), **Chairman Goedde** asked how many teachers had reached their maximum on the Experience and Education Matrix. **Mr. Headlee** replied that 40.9 percent had reached the maximum. **Senator Ward-Engelking** clarified that those teachers would not get a raise unless an increase to the base is made. **Mr. Headlee** confirmed that a local district salary schedule could determine a raise, but those teachers do not generate funding from the Legislature unless the base is increased.

- S 1317**      **Karen Echeverria**, Executive Director, Idaho School Boards Association (ISBA), stated that last year when ISBA presented all of its labor bills, they had agreed to a sunset clause on three of those bills. The purpose of the sunsets was to allow time to collect data and bring that information back to the Legislature in order to make the laws permanent or to let the sunsets die. After collecting one year of data and working through the recommendations of the Governor's Task Force for Improving Education (Task Force) , ISBA would like to extend the sunsets for one more year in order to collect more data and to determine what other legislative action might occur related to the Task Force recommendations. The Idaho Association of School Administrators and the Idaho Education Association agree to extending the three pieces of legislation for one more year.
- S 1317** will extend the sunset on H 261 from last year. That legislation dealt with seniority and clarified that when imposing a reduction in force, the school district could not use seniority as the only determining criteria.
- MOTION:**      **Senator Patrick** made a motion to send **S 1317** to the floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**. Senator Patrick will carry the bill on the floor.
- S 1318**      **Ms. Echeverria** stated that **S 1318** would extend the sunset on S 1147a from last year. That legislation dealt with the removal of evergreen clauses from master agreements. The legislation sets out that all master agreements are in effect from July 1 to June 30 of each year.
- MOTION:**      **Senator Thayn** made a motion to send **S 1318** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. **Senator Pearce** and **Chairman Goedde** clarified that the purpose was to extend for one more year and then either make the sunsets permanent or let them die. The ISBA will not ask for an extension next year. The motion carried by **voice vote**. **Senator Thayn** will carry the bill on the floor.
- S 1319**      **Ms. Echeverria** stated that **S 1319** will extend the sunset on S 1040a from last year. That legislation gave school districts the ability to reduce the salaries of certificated staff under certain conditions. This bill is slightly different from the first two because there are dates in the actual legislation that need to be amended as well as the date in the sunset clause. Those dates can be found on page 2, lines 4 and 9.
- MOTION:**      **Vice Chairman Mortimer** made a motion to send **S 1319** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. **Chairman Goedde** will carry the bill on the floor.
- S 1275**      **Senator Patrick** explained that **S 1275** creates a standards program for extending grants for the professional technical agricultural program. One part targets \$25,000 for new startups, limited to four per year. The second part provides \$10,000 per qualifying classroom per year. These year round programs, which include FFA and a summer program, teach practical skills, including business management, public speaking, and job application skills. Many Idaho employers look to students from these programs to fill their available positions. **Senator Patrick** assured the Committee that a ground swell of supports exists across the State.
- Senator Nonini** asked if money had already been pledged or collected. **Senator Patrick** replied that the program needs legislation in order to allow for donations. Until legislation is passed, Senator Patrick cannot approach donors.



**TESTIMONY:**

**Shawn Dygert**, Idaho Vocational Agriculture Teachers Association (IVATA) stated that **S 1275** would direct "the board of professional-technical education [to] adopt and implement Idaho quality program standards for agricultural and natural resource education programs." These programs would be delivered through a integrated model that incorporates classroom and laboratory instruction, experiential learning, student leadership and personal development through year-round instruction provided by competent and technically certified agriculture instructors. Mr. Dygert's presentation is attached. **Senator Pearce** asked if every Idaho high school offers FFA or resource management. **Mr. Dygert** replied that 90 percent do, and 25 percent of students participate in agricultural courses. Other high schools desire to have agricultural programs, however they are expensive to start.

**Bret Wilder**, State President of FFA, stressed the importance of start up grants because agricultural education includes fabrication, welding, mechanics, equipment, horticulture, botany, veterinary science. Classroom programs include record keeping, funds management, marketing and risk management.

**Macy Hagler**, Idaho FFA, told the Committee how her agricultural courses made her education relevant to life. Initially she thought soil was "just dirt", but through agronomy, she learned what can be grown in certain soils, how much fertilizer is needed, and how to help farmers solve problems with their soils. Through livestock management, she learned how to give vaccinations and helped vaccinate a large herd of cattle. Her education matters and she can use the skills that are important for her.

**Teresa Fabricius**, Superintendent of the Fruitland School District, said that she, herself, is a product of the program, and she uses those skills every day. In Fruitland, two-thirds of students study agricultural science and participate in FFA. In Science, Technology, English and Math (STEM) courses, they apply what they read. The skills they learn help them with college applications and scholarship applications. Agricultural education benefits all students across the State.

**Rob Winslow**, Executive Director, Idaho Association of School Administrators, and also speaking for the Idaho Rural School Association, said that their organizations were supportive of the concept and the program, but they are concerned about the funding source. They do not want to see funds taken from the general appropriation, but rather, would prefer a new appropriation.

**Andy Beitia**, Washington Trust Bank (bank), said that agribusiness represents 30 percent of the bank's portfolio, and is the backbone of Idaho. In considering prospective employees, the bank needs people with an agricultural background, whether in information technology or risk management. He seeks these students for the ability to communicate and make decisions that they learn through this program. **Senator Mortimer** asked if Washington Trust Bank would be a contributor to the program. **Mr. Beitia** replied that the bank already contributes at the local level.

**Dan Sample** said that he is a former member of FAA, a graduate of the University of Idaho, taught agricultural sciences and now is a credit officer with Intermountain Community Bank (ICB). Because of his background, he believes that agricultural programs are important because 20 percent of Idaho's economy comes from agriculture; 12 percent of all jobs are agricultural related, and because a shortage exists of qualified candidates, as well as teachers, in agricultural fields. Startup costs are overwhelming, and professional technical funding has gone to postsecondary, not to secondary schools where many companies now are recruiting. **Senator Patrick** asked if ICB would be a contributor to the program. **Mr. Sample** replied that many local branches help.

**Pratt Mark**, FFA alumni and high school agriculture teacher said "the pendulum swings." Finance has been good, but it was not good in the 30 years prior. He believes the center of the world will not be finance; it will be the producers of real goods. He distributed a report entitled, "What If We Could," which is attached.

**Shane Stevenson**, a high school teacher in Meridian, said that their FFA program students utilize the Agricultural Experience Tracker (AET) system to document participation in experiential learning activities, FFA and community service. He believes agricultural education creates financial wealth and sustains natural resources. His report is attached.

**Clara Lee Evans**, a parent, FFA alumni, FFA officer and professional technical teacher has travelled extensively meeting with agricultural educators. She described the "glimmer" in students' eyes when they are motivated because they see a purpose outside the classroom. She came to Idaho from Alabama because she wanted to be among people who were dedicated to agriculture. She is extremely supportive of FFA programs.

**DISCUSSION:** **Chairman Goedde** asked the Committee to continue its discussion of education budget recommendations for his presentation before the Joint Finance and Appropriation Committee (JFAC). A lengthy discussion ensued concerning restoration of discretionary funding, agricultural and professional technical education, teacher salaries and health insurance costs, annual strategic planning, the Idaho Education Network (IEN), technology pilot programs, leadership awards, charter school funding, SchoolNet, and gifted students.

The Committee's final report to JFAC is attached and incorporated by reference.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 5:23 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, February 13, 2014**

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS22866</a>	Request for Unanimous Consent to send to State Affairs for Printing: Concurrent Resolution to create interim committee to make recommendations for professional-technical education	Vice Chairman Mortimer
PRESENTATION:	Boise State University (BSU)	Dr. Bob Kustra, President, BSU
PRESENTATION	Wireless Network Update	Tom Luna, Superintendent of Public Instruction, State Department of Education
<a href="#">S 1342</a>	Augmentation of Record on Appeal	Senator Lakey
08-0203-1306	Graduation Requirements	Luci B. Wittits, Chief of Staff, State Department of Education

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, February 13, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Buckner-Webb(Rohn) 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 3:08 p.m., and a silent roll was taken.

**UNANIMOUS CONSENT:** **Vice Chairman Mortimer** stated that **RS 22866**, a Concurrent Resolution, requests that an interim committee be appointed to study Idaho's Professional Technical Education (PTE) system. **Vice Chairman Mortimer** noted that the PTE system has not been reviewed for a long time, yet it is an integral component in the State Board of Education's 60 percent college goal.

**RS 22866**

**Senator Fulcher** made a request for unanimous consent to send **RS 22866** to the State Affairs Committee for a print hearing. There were no objections.

**S 1342** **Senator Lakey** explained that in the 2013 Legislative Session, **S 1150** established the school board as the finder of fact in hearings involving administrative leave. **S 1342** adds a section allowing an appellant to augment the record under specific criteria: (1) that the request is made in a timely manner; (2) that the new evidence to be presented is relevant; and (3) that good cause exists for the appellant's failure to present the evidence at the initial hearing. Additional language clarified that this section applies only to certificated employees. The proposed legislation has consensus from the Idaho School Boards Association.

**MOTION:** **Vice Chairman Mortimer** made a motion to send **S 1342** to the Senate floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Senator Lakey will carry the bill on the floor.

**PRESENTATION:** **Dr. Bob Kustra**, President, Boise State University (BSU), said that a significant correlation exists between Idaho's hot jobs for 2010-2020 and the courses offered at BSU. The top 20 jobs include registered nurses, medical and health services managers, physical therapists, dental hygienists, pharmacists, software developers/applications, management analysts, physicians and surgeons, network and computer systems administrators, market research analysts and marketing specialists, radiologic technologists and technicians, family and general practitioners, physician assistants, licensed practical nurses, mechanical engineers, electrical engineers, computer systems analysts, industrial machinery mechanics, loan officers and elementary school teachers. BSU is working hard to provide degrees to meet current economics demands. Strong emphasis has been placed

on science, technology, english and math (STEM) areas. Progress has been made in the last five years to more closely align appropriate degree programs to economic demands.

BSU has implemented four new ways to better prepare their students for their careers. A foundational studies program has been developed to teach more critical thinking and problem solving skills. E-Portfolios will show what students have learned and bridge the gap between college and career. A career center has been expanded to facilitate relationships between students and employers. Students are introduced to the career center in their freshmen year rather than waiting until their senior year. A Venture College has been opened to give students a chance to start their own businesses with the help of local mentors. Steps have been taken to improve transferability from other institutions. Smooth transitions get students to graduation more quickly.

BSU is taking seriously the State Board of Education's goal to have 60 percent of Idahoans between the ages of 25-34 obtain a postsecondary degree or credential by 2020. Their numbers are steadily increasing. In 1934, BSU had 25 graduates. In 2013, they had 3,757 graduates. BSU awards more than 40 percent of all public university Bachelor's degrees in Idaho.

BSU has been a good steward of taxpayer and tuition money. BSU receives the lowest per-student share of the State General Fund dollars, but produces the highest number of graduates each year. Tuition dollars make up a greater part of their operating budget than funds received from the State. BSU can be efficient, but they cannot stop innovating and providing students with the skills they need to succeed in the world. BSU is trying to increase administrative flexibility by removing multiple layers of oversight that currently exist. They would like the same flexibility that the University of Idaho enjoys which would even the playing field. BSU is behind in its student/faculty ratio. They would like to add 72 new full-time positions which would provide 432 additional course sections per year. These positions would increase capacity in high demand majors, remove bottlenecks to degree progression and graduation, reduce scheduling conflicts for students, increase offerings at night and on weekends, and increase online courses and degree programs.

BSU also needs approximately 12 more advisors to keep graduates moving smoothly through their programs. A first generation student (about 36 percent) who works with an advisor throughout their college years has a 13 percent higher rate of graduating. A college education is worth more today, and its value will continue to grow. The cost of not going to college has risen also. Those with only a high school diploma are faring worse today than their counterparts in earlier generations.

**Senator Nonini** asked about the "Finish in Four" program. **Dr. Kustra** replied that Finish in Four is offered to first year students and their families and guarantees that the student will finish in four years provided s/he sign a contract and agree to take a proscribed course of study in his/her choice of major. If the student meets that obligation and does not finish in four years due to a BSU course bottleneck, BSU will pay for the remainder of courses need to finish the degree. **Dr. Kustra** reported that while the program works, it works better for those students who have the resources to attend classes full time for four years. Many students are "stop-outs" who decrease their course load in order to work. **Senator Thayn** asked if the increase in graduation numbers is expected to continue. **Dr. Kustra** replied that applications to enroll have increased by 1,000 over one year ago, and so he expects graduation number to continue to rise as well. Recruitment efforts have increased, as well as workshops and science fairs to engage families with small children. **Senator Patrick** commented that many students who work while attending university graduate with no debt. **Dr. Kustra** said that BSU is in the process of creating more scholarships for their students. Internal discussions have

concluded that half scholarships are more useful than full scholarships in relating the "earning" with "learning" which helps to instill a work ethic in students.

**Chairman Goedde** commented on a letter from the Office of Performance Evaluations (OPE). He suggested that the Committee might ask OPE to look into PTE funding, both secondary and postsecondary.

**Chairman Goedde** invited Anna Pietz to the podium for her last day as a Senate Page. **Anna Pietz** said that she had learned a tremendous amount about how local government works. Previously she did not know how similar or different it was from the federal government, but with personal experience, government has become more important to her. She enjoyed being a key part and being of service.

**Ms. Pietz** said that she has applied to Boise State University, College of Western Idaho and College of Idaho and been accepted to all three. She has also applied to Whitman in Washington. She hopes to study government and psychology.

Chairman Goedde presented Ms. Pietz with letters of recommendation and a gift.

**Madison Burno** introduced herself as the Page for the second half of the legislative session. She has lived in Idaho for 8 years and has been homeschooled all her life. She enjoys writing and hopes to become an author. She plans to attend CWI in the fall. She lives in Meridian, and is originally from California.

**PRESENTATION:** **Tom Luna**, Superintendent of Public Instruction, State Department of Education (Department), outlined the efforts being undertaken to close the technology gap that exists between urban and rural school districts. In 2013, the Legislature approved \$2.25 million for the installation, repair, replacement and support of a wireless technology infrastructure in each public high school of sufficient capacity to support mobile devices by all students. Experts in industry and educational technology advised that this goal was best accomplished through a managed service contract. The Request for Proposals included 11 items: (1) a complete and fully managed wireless service; (2) content filtering; (3) event logging; (4) system implementation; (5) user reporting, maintenance and upgrades of technology as necessary; (6) deployment management; (7) help desk support; (8) deployment of the wireless infrastructure; (9) implementation of professional development at multiple levels; (10) project management; and (11) customer relations management.

A committee of experts in industry and education reviewed all bids and scored them in three equally weighted categories: (1) company overview; (2) technology and solution; and (3) cost. Each category contained multiple subcategories. After the initial scoring process, the committee invited the top three vendors to appear for interviews. The committee unanimously recommended Education Networks of America (ENA) for the statewide contract. In July 2013, the Department signed a five-year contract with the ability to extend twice at the end of five years. As with any statewide contract, this contract includes a non-appropriation clause, which means that if at any time the appropriation is not available, the contract can be terminated at no cost.

After the contract was signed, schools and districts responded overwhelmingly in favor of the statewide service. 175 sites opted-in for connection. Currently 125 sites have been installed, 112 sites are turned on and working, and the March 15 completion deadline will be met.

**Superintendent Luna** stated that the Federal Communications Commission (FCC) recently announced an additional \$2 billion in e-rate funds, which are used to provide internet access to schools and libraries, to expand the ways in which those dollars can be used, and to simplify the application renewal process. However, no details have yet been forthcoming. Currently, wireless connectivity is a Priority Two eligible service, and typically, not enough funding has been available. **Superintendent Luna** said he had been led to believe that some of the additional \$2 billion will be used to fund wireless managed services. Should the federal funds not become available, Idaho's contract with ENA does allow for the state to use e-rate funding to reduce the amount of the overall contract.

**Chairman Goedde** asked what savings might be realized from a statewide program versus districts purchasing wireless services themselves. **Superintendent Luna** has the information and will provide it. **Chairman Goedde** asked several questions concerning ENA's obligation to upgrade equipment under the contract. **Superintendent Luna** replied that new standards for connectivity went into effect in January 2014. ENA is required to upgrade equipment every five years to the most current technology. **Chairman Goedde** asked what changes would need to be made if e-rate funding can be used for wireless devices. **Superintendent Luna** replied that the FCC has not yet identified the process, however the contract is clear that when e-rate is an option, Idaho's costs will be reduced. **Chairman Goedde** asked about expansion to elementary and middle schools, and whether or not current capacities are sufficient for student assessments. **Superintendent Luna** replied that without an appropriation from the legislature, wireless expansion will not proceed to elementary and middle schools. Those schools have the access necessary for student assessments, but not on wireless devices.

**PASSED THE  
GAVEL:**

Chairman Goedde passed the gavel to Vice Chairman Mortimer.

**DOCKET NO.  
08-0203-1306**

**Chairman Goedde** reminded the Committee that **Docket No. 08-0203-1306**, among things, revised the minutes required for physical education (PE) in elementary and middle schools, and provided an option for PE credit for club sports activity.

**PASSED THE  
GAVEL:**

Due to scheduled meeting, Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**Senators Thayn, Ward-Engelking, Nonini and Rohm(Buckner-Webb)** raised concerns over liability if students were allowed to participate in outside sports while being credited through a teacher of record. **Superintendent Luna** replied that the same liability exists when students work off campus on projects. Districts have the option to require a release of liability form. When students take courses through IDLA, a teacher of record from the school verifies their participation. **Superintendent Luna** explained that districts are not required to offer or participate in sports programs sanctioned by the Idaho High School Activities Association (IHSA), and that districts have the option to allow credit for outside sports now if parents request it, but many choose not to do so. This bill empowers parents with the right to request a PE credit, and to obligate the district to grant the parental request. He argued that the Governor's Task Force recommendations included a movement to "mastery" rather than "seat-time" and said that "this is just the beginning of the conversation."

**Chairman Goedde** clarified that the House of Representatives Education Committee ("House") had approved the rule, but rejected Section 104.02(c) concerning minutes of physical activity in elementary and middle school.

- MOTION:** **Senator Ward-Engelking** made a motion to approve **Docket No. 08-0203-1306** with the exception of Section 105.01(i). **Senator Pearce** seconded the motion. **Senator Thayn** suggested that the Committee discuss the minutes portion in Section 104.02(c), since the House had rejected it. **Senator Patrick** stated that he supports Section 105.01(i) as a means of encouraging physical activity. **Senator Thayn** requested input from the stakeholders present regarding the minutes required in elementary and middle school. **Rob Winslow**, Executive Director, Idaho Association of School Administrators, stated that staffing had been a concern. Several districts have PE specialists that work with them, and that adding additional time requirements could be an issue. **Robin Nettinga**, President, Idaho Education Association, added that several districts had voiced concern that "at a time when we are trying to catch up, it is not a time to add more to our plates."
- SUBSTITUTE MOTION:** **Senator Thayn** made a substitute motion, mirroring the House motion, to approve **Docket No. 08-0203-1306**, but reject Section 104.02(c) concerning minutes of physical activity in elementary and middle school. The substitute motion died for lack of a second.
- Senator Pearce** suggested a conversation with the House so that each side had better clarity, and suggested further that the Committee hold this rule for another day. **Senator Pearce** withdrew his second of the Senator Ward-Engelking's Motion, and **Senator Ward-Engelking** withdrew her motion.
- MOTION:** **Senator Pearce** made a motion to hold **Docket No. 08-0203-1306** until Tuesday, February 18, 2014. **Senator Nonini** seconded the motion. **Senator Patrick** restated his belief that more physical activity is good for students. **Senator Nonini**, agreed to the importance of PE, but felt it was important to have an understanding of the House's reasoning. The motion carried by **voice vote**. **Chairman Goedde** stated that since the Committee had discussed this rule on more than two occasions, the next discussion would be the last.
- ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:53 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary



AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, February 17, 2014**

SUBJECT	DESCRIPTION	PRESENTER
AWARD WINNERS	Milken Award Recipient	Katie Graupman, Timberlake High School
	Idaho Teacher of the Year	Jamie Esler, Lake City High School
<a href="#">S 1275</a>	Agricultural Education Program	Senator Patrick
<a href="#">S 1327</a>	Epi-Pens	Senator Heider

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Rohn(Buckner-Webb)  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, February 17, 2014  
**TIME:** 3:00 P.M.  
**PLACE:** Room WW55  
**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Johnson(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:** **Tom Luna**, Superintendent of Public Instruction, State Department of Education introduced the 2014 Idaho Teacher of the Year, Jamie Esler, and the Milken Award Recipient, Katie Graupman.

**Mr. Esler** thanked the many colleagues who have contributed to his success and love of teaching. **Mr. Esler** said he brings a clear theme and message to the Committee: "The public education system in our state is in great need of your confidence and your support." He described The Confluence Project which was funded largely through grants and outside donations. Yet that funding is uncertain and requires time and effort away from the classroom to apply for additional grants. Class sizes, diminishing paraprofessional support staff, dwindling building budgets and the critical need for supplemental levies further illustrate the economic strain placed on communities which jeopardizes the State's constitutional responsibility to provide a "uniform and thorough system of public, free common schools." **Mr. Esler** urged the Committee and the Legislature to reinvest in the operational funding for public education. Mr. Esler's complete remarks are attached.

**Senator Patrick** asked Mr. Esler to describe the Confluence Project. **Mr. Esler** replied that in the fall, students go out in the field to collect and analyze water quality. In the winter, they measure and chart snow pack. Because 85 percent of Idaho's precipitation falls as snow, snow quality and quantities are important measures. In spring, students participate in projects to improve an aspect of their local community. **Chairman Goedde** asked about Mr. Esler's usage of the Idaho Education Network. **Mr. Esler** replied that he uses it primarily for video conferencing. **Chairman Goedde** stated that grant money for technology pilots had worked well. **Mr. Esler** responded that his reference to reliability of funding was to growth and sustainability for education programs as a whole.

**Ms. Gaupman** thanked her colleagues and supporters. She described the roots of her passion for education and teaching. She believes that Idaho faces a challenge in inspiring Idaho youth to choose the teaching profession, and in retaining good teachers. **Ms. Guapman** said that she is encouraged by the Governor's Task Force recommendations, particularly No. 6 - empowering autonomy; No. 11 - restoring operational funding; No. 15 - mentoring for new teachers; No. 16 - ongoing professional development; No. 17 - site-based collaboration; No. 18 - training and development of school administrators, superintendents and school boards; No. 19 - enhanced pre-service teaching opportunities through the State's colleges and universities. Ms. Graupman's complete remarks are attached.

**S 1275**

**Senator Patrick** summarized **S 1275** which provides start up grants for new agriculture and natural resource programs in secondary schools, as well as enhancing a proven, existing program. Extensive testimony was heard on Thursday, February 13, 2014 and is available in the Minutes of that date.

**Steven Braun** from Troy High School spoke briefly in support of **S 1275**. **Dennis Tanikuni**, Assistant Director of Governmental Affairs, Idaho Farm Bureau also spoke in support.

**MOTION:**

**Vice Chairman Mortimer** made a motion to send **S 1275** to the Senate floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. **Senator Pearce** and **Vice Chairman Mortimer** briefly enumerated the skills that they had learned early in life from the FFA program. The motion carried by **voice vote**.

**S 1327**

**Senator Heider** explained that **S 1327** would authorize schools to voluntarily maintain a supply of epinephrine auto-injectors for the treatment of life-threatening allergic reactions, and to hold harmless from civil liability schools and staff who administer an epinephrine auto-injector in good faith. An existing manufacturer has agreed to supply the auto-injectors (Epi-pens) to schools for free. Training is minimal. **Senator Heider** pointed out that allergic reactions from food or bee stings can be life-threatening.

**TESTIMONY:**

**Starla Higdon**, head of the Treasure Valley Food Allergy Network, stated that she is a licensed pharmacist and has potentially life-threatening allergies, as does her child. Epinephrine is used to treat anaphylaxis, which is a severe allergic reaction that can progress very rapidly and can cause cardiovascular or respiratory collapse in as little as 30 minutes. Food allergies have increased over 50 percent in the past 15 years, and many parents do not know that their child could react in a life-threatening manner. Epinephrine is a safe and effective treatment for anaphylaxis, and because the body can eliminate it in about 15 minutes, no danger exists should it be used on a student who is not in a life-threatening situation. First responders do not always carry epinephrine, especially in rural areas, and might not always respond as timely as needed.

**Berkeley Fraser**, Deputy Executive Director, Idaho Board of Pharmacy, described the pharmacy portion of the bill and the language which had been satisfactorily corrected to satisfy the Idaho Board of Pharmacy. Changes were made to (1) dispense in the name of the school rather than a specific person; (2) allow exception to the prescriber-patient relationship with a documented patient evaluation; and (3) allow agents or employees of schools to possess epinephrine. The Idaho Board of Pharmacy supports **S 1327**.

**Alicia Jordan**, a school nurse for the Kuna School District and the National Association of School Nurses (NASN) Epinephrine School Resource Nurse for Idaho, stated that she has first hand experience with a reaction to an unknown allergy and responded by calling emergency services to administer epinephrine. Having epinephrine available in schools can save lives. The NASN program offers a scripted training for unlicensed school staff to administer epinephrine using an auto-injector during an anaphylactic emergency. The NASN supports **S 1237**. **Senator Pearce** asked what other drugs schools are allowed to stock. **Ms. Jordan** replied that they only stock Benedryl and need permission from parents to administer it.

**Senator Heider** reminded the Committee that epinephrine auto-injectors are safe, free, easy to use, and they save lives. Schools may choose to participate if they wish.

**MOTION:** **Senator Pearce** made a motion to send **S 1327** to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** Having no further business before the committee, **Chairman Goedde** adjourned the meeting at 4:18 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #3**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, February 18, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Reducing Barriers to Postsecondary Education	Rakesh Mohan, Director, Office of Performance Evaluations; Bryon Welch, Principal Evaluator
PRESENTATION	Technology Pilot Programs: Middleton High School Go One-Go On 1:1 Project: Dr. Bauscher, Paige Goodson, Lisa Pennington, Mike Williams, and student McCall-Donnelly High School iPad Integration Project: Glen Szymoniak, Superintendent; Shelly Chamberlain, Tim Thomas; Brooke Thomas; Kuna Middle School 1:1 Learning Project: Wendy Johnson, Superintendent; Devan DeLashmutt, Assistant Superintendent and Administrator of Information Technology; Deb McGrath, Kuna Middle School Principal; Ashleigh Jensen, Educational Technology Specialist; Emily Leckie, 1:1 Implementation Coach, Math Teacher, Kuna Middle School student	Alex MacDonald, Director of Instructional Technology, State Department of Education
<a href="#"><u>S 1325</u></a>	Provides the State Department of Education with a tool to calculate funding when students attend more than one school at the same time	Senator Thayn
08-0203-1306	Graduation requirements	Luci B. Willits, Chief of Staff, State Department of Education

COMMITTEE MEMBERS

Chairman Goedde	Sen Thayn
Vice Chairman Mortimer	Sen Patrick
Sen Pearce	Sen Buckner-Webb
Sen Fulcher	Sen Ward-Engelking
Sen Nonini	

COMMITTEE SECRETARY

Elaine Leedy  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, February 18, 2014  
**TIME:** 3:00 P.M.  
**PLACE:** Room WW55  
**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Johnson(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 3:00 p.m., and a silent roll was taken.  
**Chairman Goedde** stated that **S 1325** would not be heard today.

**PRESENTATION:** **Rakesh Mohan**, Director, Office of Performance Evaluations ("OPE"), stated that OPE had prepared an evaluation report in January 2012 entitled "Reducing Barriers to Postsecondary Education" which was updated in June 2013. That report included three types of information: (1) Barriers to postsecondary education; (2) the State Department of Education's 60 percent goal and how to determine when that goal is reached; and (3) linking efforts to the Department of Labor.

**Byron Welch**, Principal Evaluator, OPE, stated that the three major barriers to postsecondary education are (1) academic readiness (2) access, and (3) affordability. Two findings of the report which caused surprise were (1) confusion over the baseline of current education levels, and (2) lack of linkage between education efforts and workforce needs.

**Mr. Welch** explained that lack of academic readiness included fear or uncertainty concerning postsecondary expectations and poor academics in high school. Access barriers included the lack of family support, lack of interest, or insufficient awareness of the importance of postsecondary education. Affordability issues included the inability to pay, access to financial aid, access to scholarships, and insufficient number of available scholarships.

Current State efforts to address academic readiness include the requirement of college entrance exams, implementation of Idaho Core Standards, availability of more advanced placement options, and availability of high school professional-technical education courses (PTE). Studies have shown that two-thirds of high school PTE students go on to postsecondary education.

Efforts to address access center upon the student to counselor ratio. In Idaho, the counselor ratio is two times higher than the national average. Additional efforts target low income families with the College Access Challenge Grant, GEAR UP, and TRIO programs. The State Department of Education has recommended a position to serve as statewide K-12 counselor coordinator.

From 1999-2009, median family income has increased only 10 percent, while college tuition has increased 50 percent, and Idaho ranks low among neighboring states in the amount students receive in financial aid. In response, the State Department of Education has reviewed and consolidated many of its scholarship programs, as well as created additional needs-based scholarships. **Senator Pearce** questioned the 50 percent rise in tuition, however Mr. Welch did not have a breakdown of those increases.

**PRESENTATION:** **Tom Luna**, Superintendent of Public Instruction, State Department of Education (Department), said "prepare to be wow-ed!" In 2013, the Legislature appropriated \$3 million to be used for technology pilot projects. In choosing among those schools who applied for the grant, the Department looked for projects that were full integration models, scalable and sustainable, and that could be replicated and would increase student achievement. Mr. Luna introduced three of the 11 schools who received grants and are transforming education.

**Brooke Thomas**, a senior and McCall-Donnelly High School (MDHS), stated that her principal, Mr. Thomas, offered to give her an iPad in her junior year on the condition that she answer the question, "How could this technology change the way students at MDHS 'do school'?" She worked on the project throughout her junior and senior year, and the 2013 technology pilot grant funded her vision in which student-centered learning occurs and is student-driven. Members of the Committee were provided with iPads for a demonstration, and Ms. Thomas directed the Committee to "type your name and enter submit."

**Alix Stanley**, a junior at MDHS, described iClub which was formed to promote the productive educational use of iPads through teacher collaboration, student/teacher training sessions, and positive role modeling. IClub provides teacher tutoring and technical assistance.

**Keenan Walgren**, a senior at MDHS, said that distributing iPads to all students has helped to create a sense of equality wherein different social groups are now able to interact better and with less judgement. The iPads have helped create "an equal opportunity learning environment for all students."

**Taylor Howell**, a senior at MDHS, described the various applications and programs that have help MDHS succeed with the pilot program. Through Google Drive, students can prepare assignments in the cloud to share assignments with teachers and other students. Nearpod allows every student an equal opportunity to answer teacher questions. Kahn Academy and Math XL allow teachers to send out assignments for students to finish online. NoodleTools assist students with organizing their notes and writing essays. Lili and Pro-Quest are both useful online libraries.

**Noah Walgren**, a freshmen at MDHS, said that e-textbooks have been useful for accessing information used in assignments. All the information is in one place which makes homework easier. Students keep their iPads after high school which provides an incentive to keep them in good condition.

**Christian Beckham**, a freshman at MDHS stressed the need for adequate bandwidth when an entire school is using iPads. Students also learn time management.

**Britani Phelps**, a junior at MDHS, said that the iClub created iTutors who are assigned to teachers to help them integrate iPads into the classroom. The iClub also supports other students.

**Kylie Hoogendyk**, a junior at MDHS, said that teachers no longer have to make so many copies. They can send information via email or share them through Google Drive. Because all information is stored on the iPad, classroom time is enhanced. Everyone has abundant resources at their fingertips, such as apps, books, dictionaries, and calculators. Many classic books are available free through the public domain.

**Taylor Garber**, a junior at MDHS, said that some maturity is needed for students to use iPads effectively. Some students fail to bring their iPads to class. Another teacher frustration occurs with inadequate bandwidth. The Committee was asked to draw a picture illustrating the consequences of inadequate bandwidth.

**Savannah Summers**, a junior, said the administrators also have concern with bandwidth and infrastructure. Full integration across all grade levels and classrooms has not occurred. Teachers sometimes lag behind their students in technology usage. MDHS has experienced approximately 10 percent breakage, consistent with national 1:1 projects, and have been easy to fix locally. In conclusion, the MDHS iPad Pilot Project is a work in progress, and a lot of progress is being made.

**Vice Chairman Mortimer**, and **Senators Nonini, Johnson** and **Ward-Engelking** asked the students about their iPad usage and the importance to teachers. The students replied that all students and their parents are required to sign an agreement ensuring appropriate usage. When breakage occurs, a local business has contracted for the repairs at a discounted rate. Repair needs have been minor, and the school pays the bill. The iPad project has allowed teachers to grow in their technology usage. Every student has an email account and can email fellow students or teachers to collaborate and share documents. The students prefer an iPad over traditional textbooks. The iClub has researched, tested and recommended some of the apps currently in use.

**Devan DeLashmutt**, Assistant Superintendent and Administrator of Information Technology, Kuna Middle School (KMS), said that Kuna is a growing community. In the last few years, Kuna has built three new elementary schools and added 16 classrooms to their high school. Their goal is to prepare all students to be competitive which takes alignment with the students, parents, the community and the district. **Mr. DeLashmutt** said that KMS's technology goals were to (1) pilot cost effective devices, (2) implement wireless capable of supporting a minimum of one device for every student and staff, and (3) develop an alternative support structure and train students to help. KMS chose the Lenovo Chromebook. Many services exist in the cloud, making the Chromebook cost efficient and easy to support. Currently KMS can support 30-40 devices per classroom. KMS created a help desk and Chrome Squad and students have now taken over all Level One tech support. Six graders are also learning the help desk. Bandwidth has been a problem and KMS has needed to upgrade.

**Deb McGrath**, Principal at KMS, speaking via video conferencing, said that KMS's goals were to use real world tools to better tailor instruction to student needs. KMS also found that teachers needed more training, both formal and informal. Everyone is now participating. The Chromebook has become the tool for learning, just like the pencil was for past generations. They have engaged an implementation model to make everyone feel comfortable at their own level.

**Emily Leckie**, Math Teacher and 1:1 Implementation Coach, KMS, said that teachers came in for two days in August to learn teaching techniques on their Chromebooks. Next year, training may be conducted in June in order to allow teachers to work on their Chromebooks over the summer months. KMS's presentation is attached.



**Terry Harding**, Middleton High School (MHS), said that students need to take responsibility for their education through academic ownership and digital citizenship. His role as a teacher is to collaborate in real time and share documents. **Ms. Wilson**, a teacher, said that the laptop usage in speech class was amazing, and students work in real time on the laptop.

**Hunter Kuntz**, a senior at MHS said that he uses his laptop every day to complete assignments and access the cloud. Having everything on one device has made school more gratifying; he can stay on track with the learning plan. Without it, he is certain he would have fallen behind. "It is the key to our futures."

**Joe Hardy**, a freshman at MHS, started high school with the laptop and it has enhanced his education. He can work on assignments anywhere with a variety of media sources. **Mr. Hardy** said that in order to be successful, students need to develop with changing times. "I cannot thank you enough...it has changed our lives."

**Lisa Pennington** reported that breakage at MHS was less than one percent, and 95 percent of students and stakeholders have bought into the new program. **Mike Zacus** reported that bandwidth was not an issue at MHS and that a 40,000 pipe is sufficient.

**Page Goodson**, in charge of technical integration, said that MHS provides both formal and information training for teachers. Age is not a factor – some more experienced teachers have embraced the technology and collaborate to bring the younger teachers along. MHS's presentation is attached.

**Docket No.  
08-0203-1306**

**Chairman Goedde** said that he had spoken with the House Education Committee (House). Their issues with the minutes portion of the physical education (PE) requirements were that (1) it eliminated local control, and (2) additional minutes required in PE would take from other programs and they thought that decision should be made at the local level. **Chairman Goedde** advised that the minutes portion of the rule was the only item which the Committee could affect because the House passed the remainder of the rule.

**Senator Ward-Engelking** said that she had looked at the standards for PE credits and found them to be very strict, with many components, and that she did not feel those standards would be present in a club sport. She stated that she understood that this portion of the rule would stand since the House had approved it, but hoped that the Department would re-look at it next year.

**MOTION:**

**Senator Ward-Engelking** made a motion to adopt **Docket No. 08-0203-1306**, with the exception of Section 105.01(i) concerning PE credits for sports. **Senator Buckner-Webb** seconded the motion. **Vice Chairman Mortimer** asked Luci Willits to clarify that no requirement for high school PE exists, and that this section would provide an option for students to earn a credit.

**Luci B. Willits**, Chief of Staff, State Department of Education, confirmed that rejection of this section would remove the option for students to gain a credit for sports. PE is not a high school graduation requirement.

**SUBSTITUTE  
MOTION:**

**Vice Chairman Mortimer** made a substitute motion to adopt **Docket No. 08-0203-1306** in its entirety. **Senator Patrick** seconded the motion. **Senators Patrick, Nonini, Johnson(Fulcher)** and **Vice Chairman Mortimer** voted **aye**. **Senators Ward-Engelking, Buckner-Webb, Thayn, Pearce** and **Chairman Goedde** voted **nay**. The motion failed.

**Chairman Goedde** called for discussion on the original motion. **Senator Thayn** said that he was concerned that no additional funding had been appropriated for additional minutes which could cause problems for districts.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Senator Thayn** made an amended substitute motion to adopt **Docket No. 08-0203-1306**, but with the exception of Sections 104.01.a. and 104.02.c. concerning PE required minutes in elementary and middle school, and 105.01(i). concerning PE credit for sports. **Senator Pearce** seconded the motion. **Senators Thayn, Nonini, Pearce** and **Chairman Goedde** voted **aye**. **Senators Senator Ward-Engelking, Senator Buckner-Webb, Patrick, Johnson(Fulcher)** and **Vice Chairman Mortimer** voted **nay**. The motion failed.

**Senator Ward-Engelking** said that not only does Section 105.01(i) not meet the standards set by the Department for PE, but also in a large school wherein a PE teacher supervises 125 to 150 students, adding the PE requirement from club sports would greatly increase the workload.

**VOTE ON  
ORIGINAL  
MOTION:**

**Senators Ward-Engelking, Buckner-Webb, Pearce** and **Vice Chairman Mortimer** voted **aye**. **Senators Patrick, Thayn, Nonini, Johnson(Fulcher)** and **Chairman Goedde** voted **nay**. The motion failed.

**Senator Pearce** suggested that the Committee send an emissary to the House to voice the Committee's concern with Section 105.01(i). **Chairman Goedde** reminded the Committee that today is the 18th of February, and the Legislature is scheduled to sine die on March 21, 2014. **Senator Nonini** stated that he had held conversations with House members, the Chairman of the subcommittee that addressed this rule, and with Superintendent Luna. **Senator Nonini** recommended yielding to the Department, and readdressing the rule with changes next year.

**Ms. Willits** commented that a change has been recommended to this rule, which the Superintendent supports, allowing extracurricular sports to count as a credit, but adding language to require evidence that standards have been met. **Ms. Willits** acknowledged that such language does not address all of the concerns, but new language would address the mastery issue. **Ms. Willits** also reminded the Committee that this rule had been fully vetted in public hearings. **Ms. Willits** urged the Committee to allow the Department to try the sports credit section, and assured them that the Department would address any problems that occur.

**PASSED THE  
GAVEL:**

**Chairman Goedde** advised the Committee that Vice Chairman Mortimer is charged with chairing rules review. Chairman Goedde passed the gavel to Vice Chairman Mortimer. **Vice Chairman Mortimer** stated that he would consider any additional motions.

**Chairman Goedde** stated that, with the assurance from the Department that they would work on Section 105.01(i), he was comfortable with that section, but he still had concerns with the minutes requirement in elementary and middle schools.

**MOTION:**

**Chairman Goedde** made a motion to adopt **Docket No. 08-0203-1306**, with the exception of Section 104.01.a. (elementary school minutes) and Section 104.02.c (middle school minutes). **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**ADJOURNED:**

Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:53 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Wednesday, February 19, 2014**

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	North Idaho College Adult Basic Education (ABE) and GED	Rex Fairfield,, Director, ABE/GED, North Idaho College
PRESENTATION	Statewide Informational Technology Academy for Idaho Schools	Jason Kreizenbeck, Lobby Idaho LLC; Adrian Wilson, Microsoft Corporation
<a href="#">H 429</a>	Student residency requirements	Marilyn Whitney, Chief Communications and Legislative Officer, State Board of Education
<a href="#">S 1326</a>	Classroom size	Senator Ward-Engelking
<a href="#">S 1287</a>	Board member appointments	Marilyn Whitney
<a href="#">S 1323</a>	Payment schedule from the public school income fund	Jason Hancock, Deputy Chief of Staff, State Department of Education

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde	Sen Thayn
Vice Chairman Mortimer	Sen Patrick
Sen Pearce	Sen Buckner-Webb
Sen Johnson(Fulcher)	Sen Ward-Engelking
Sen Nonini	

COMMITTEE SECRETARY

Elaine Leedy  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, February 19, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Johnson(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 Education Committee (Committee) to order at 3:03 p.m., and a silent roll was taken.

**PRESENTATION:** **Rex Fairfield**, Director, North Idaho College (NIC) Adult Basic Education (ABE) and GED, explained that ABE is an important part of NIC's mission: student success, educational excellence and community engagement. ABE is a federally funded program that provides basic skills instruction to adults who fall below a 12th grade level in reading, writing, or math. It also provides instruction in English as a Second Language. Because of their funding, they can offer their classes free of charge to the students. The last few years has seen a shift of emphasis from primarily GED preparation to college/career readiness and retention in order to assist populations who are underserved and/or need remedial coursework. In 2013, NIC's ABE program served 7,398 students statewide. ABE is funded under the Adult Education and Family Literacy Act of 1999. Each of the five regional ABE programs throughout Idaho follow the same reporting and data collection processes.

The ABE program is now located on the main campus at NIC. This has helped the students to embrace the culture at NIC, diminish the stigma associated with ABE and acts as a catalyst for the students to go beyond GED completion.

NIC's ABE program is currently involved with pilot projects and collaborative efforts. Some of those are with Idaho Department of Labor, and the ABE staff members provide basic instruction related to career paths. Math boot camps provide basic math remediation to prepare for college level math. School district instructors provide ABE instruction at the Kootenai County Juvenile Detention Center.

Community colleges face challenges to increase graduation rates and to improve the success of students in their remedial education programs. It is imperative that students have the skill sets necessary to ensure completion of courses on their first attempt to eliminate wasted time on repeated efforts. ABE programs provide students with alternatives for remediation. The Office of Vocational and Adult Education (OVAE) in Washington, D.C. has implemented new Common Core standards, entitled "College and Career Readiness Standards for Adult Education." Their directives include standards to accelerate progress for low-skilled students and improve retention and achievement rates and/or reduce time to completion. For adult students, ABE educators and community college faculty must work more closely to better identify pathways to college success. Colleges that develop a plan addressing the unique needs of lower-level learners find that investing in these

students reaps rewards in many aspects of their own personal lives as well as adding to the quality of life in the communities in which they live.

**Senator Thayn** asked **Mr. Fairfield** to describe some of the innovative instructional models that he had referenced. **Mr. Fairfield** replied that ABE helps to remediate math at no additional cost through grants for co-teaching in professional technical education (PTE), **Chairman Goedde** asked about the Math Boot Camp. **Mr. Fairfield** said that Math Boot Camp was designed for students who were not college ready. These students typically scored less than 44 on the ACT Compass test or had participated in developmental math and failed. Math Boot Camp is a five week intensive course. Last year 18 students participated, and 16 now are in program-appropriate math.

**PRESENTATION:** **Jason Kreizenbeck**, Partner, Lobby Idaho, LLC said that the Committee would hear about an exciting information technology (IT) program, and hoped that the Idaho would fund a statewide pilot project. He introduced Adrian Wilson, from Microsoft Corporation.

**Mr. Wilson**, Director of Public Sector Strategic Initiatives at Microsoft Corporation (Microsoft), explained that the landscape of employability has shifted greatly in the past few years. Fifty percent of jobs today require some level of technology skills and that number is expected to increase to at least 77 percent in the next decade. Currently, there are more than 700 open, advertised jobs available that prefer or require Microsoft skills and/or Microsoft certifications. These jobs require basic to advanced skills in Microsoft technology. The future demand for technical workers across Idaho is expected to grow. Economists have estimated that STEM jobs in Idaho will expand by 12 percent by the year 2018.

In order to prepare students for these challenging demands, Microsoft recommends that Idaho consider leveraging the Microsoft IT Academy as a pilot program statewide. The Microsoft IT Academy is a college and career-ready education program designed to provide students with the technology skills necessary to be competitive in today's workplace. IT Academy offers more than 250 courses for students to develop proficiency with commonly used Microsoft products. It is the world's most popular IT certification program, and is both rigorous and flexible. The IT Academy provides opportunities for adult learners which helps to address unemployment and career changes within the larger community. Previous experience in other states has shown that the IT Academy benefits all students regardless of circumstance or demographics. In the 3.5 years since North Carolina implemented the program, over 100,000 high school students have received certifications. Microsoft admits that statewide implementation of its IT Academy program will not completely satisfy Idaho's needs for career-ready graduates, but it is a step in the right direction.

**Mr. Kreizenbeck** said that in preliminary discussions with Jodie Mills, Director of Curriculum in Caldwell, it was estimated that \$850,000 would fund 160 high schools and campuses in the State, one per district, and would also include the four-year institutions and community colleges. Microsoft would assign a program manager to provide counseling so that students are encouraged to participate in the program.

**Vice Chairman Mortimer** asked several questions about how the program is implemented. **Mr. Wilson** responded that the program is implemented as an online/teacher-supported program. Thirteen states have already implemented it. The program coordinator creates and maintains user IDs and ensures that parents and students are aware of the program. Different states have implemented the program in various ways. North Carolina has implemented it as part of curriculum, and the demand is very high. The program counts as part of science and math graduation requirements. Washington has used the program for 1.5 years, and will award 20,000 certifications this year. In Arkansas, students participate in the program on their own.

**Chairman Goedde** asked about the lead time to implement the program. Mr. Adrian replied that it generally takes 60 to 90 days to train staff through Skype. Microsoft IT staff also would come to Idaho to work regionally on a train-the-trainer model. Students can start as early as age 14. It is a mastery and competency based process that builds to higher level skills.

**Chairman Goedde** asked if legislation would need to be drafted. **Mr. Kreizenbeck** replied that through a pilot project, intent language could be adequate. The program could be set up on a fee per site at a rate of \$850,000 for 160 sites. Utah started with 150 sites; Washington has over 700. The program also benefits teachers in professional development. **Chairman Goedde** suggested that a site should be offered at the Department of Labor offices so that the unemployed could obtain certification.

#### **H 429**

**Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education (Board), explained that two sections of Idaho Code deal with residency requirements for tuition. Idaho Code § 33-3717b specifies the residency requirements for 4-year public institutions of higher education, and Idaho Code § 33-2110b specifies the residency requirements for community colleges. While the two sections are different in some respects, there are areas where the two sections should be aligned.

**H 429** seeks to bring the two sections back into alignment for those sections that are applicable to all public higher education institutions. In the community college section, the bill clarifies that the definition of domicile shall be the one used in this section of code. It also clarifies that members of the military who are residents of a community college district retain their residency even if they are stationed outside the community college district on military orders.

Additionally, a change is proposed to § 33-3717b, to remove the list of tribes whose "traditional and customary boundaries" were within the state of Idaho and thus whose members are considered residents for tuition purposes. The change would remove the list of the individual tribes, but retain the requirement. A requirement has been added stipulating that the State Board of Education maintain a list of tribes that meet the requirements. The requirement remains, but this change will eliminate the need to bring legislation to amend the code each time a new tribe is identified. A final change amends the states participating in the veterinary medicine program.

**Senator Nonini** clarified that the definitions in this section are for tuition purposes. **Ms. Whitney** answered affirmatively.

#### **MOTION:**

**Senator Ward-Engelking** made a motion to send **H 429** to the Senate floor with a **do pass** recommendation. **Senator Johnson** seconded the motion. The motion carried by **voice vote**. Senator Ward-Engelking will carry the bill on the floor.

**S 1326**

**Senator Ward-Engelking** explained that **S 1326** would develop an accurate database which accounts for the actual student-teacher ratio in every Idaho school district. It defines how class size is determined, requires the Board to gather data in a uniform manner, and requires a report generated for every classroom. It would provide parents and teachers with data to determine actual class size. **Senator Ward-Engelking** said that the current method takes the number of students in a given school, and divide by the number of certificated personnel. But that does not accurately measure the classroom because it includes counselors, school nurses and some principals. This bill tries to match the actual classroom size with the teacher at the front of the room.

**Vice Chairman Mortimer** questioned some of the definitions in the bill to ensure that no loopholes exist. **Senators Patrick** and **Thayn** asked about the available data. **Senator Ward-Engelking** replied that the data exists now because attendance is taken in every class period. This bill would report that data differently. **Jason Hancock**, Deputy Chief of Staff, State Department of Education (Department), stated that he could not accurately project classroom size based on the reporting system currently in place. If the bill passes, the Department would work with Joyce Popp to review the data elements.

**MOTION:**

**Senator Buckner-Webb** made a motion to send **S 1326** to the Senate floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**. Senator Ward-Engelking will carry the bill on the floor.

**S 1287**

**Marilyn Whitney** explained that **S 1287** would amend Idaho Code § 33-102 to change in the timing of Board member appointments from March 1 to July 1, and would allow Board members to continue to serve after their terms have expired until a successor has been appointed. Language also has been added to allow Board members to assume their duties upon appointment, with such appointments subject to Senate confirmation at the next regular legislative session. The Board believes these changes and the new timing will avoid the breaks in service of Board members who are reappointed and will help avoid prolonged vacancies.

**MOTION:**

**Vice Chairman Mortimer** made a motion to send **S 1287** to the Senate floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Senator Johnson will carry the bill on the floor.

**S 1323**

**Jason Hancock** explained that **S 1323** simply reduces the number of times that the Department send payments to districts from five to four. The State Treasurer has confirmed that the change would have negligible impact on interest earning. By this change, 70 percent of a district's payments would be received in the first half of the fiscal year instead of 80 percent. Because payments have been based on previous year's data, the Department was concerned that the five-payment formula could over distribute money to a district, leaving the Department in a position of asking for the money back. **Vice Chairman Mortimer** queried effects on interest rates, and **Mr. Hancock** repeated that the State Treasurer had confirmed that the impact was negligible.

**MOTION:**

**Senator Nonini** made a motion to send **S 1323** to the Senate floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Senator Nonini will carry the bill on the floor.



**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:20 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room EW 42**  
**Thursday, February 20, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Idaho Parent Teachers Association (PTA)	Emily Perkes, President, and Zach Wesley, Legislative Vice President, Idaho PTA
<a href="#">S 1321</a>	Staff hired after October 15	Jason Hancock, Deputy Chief of Staff, State Department of Education
<a href="#">S 1322</a>	Minimum hours for Instruction in Alternative Schools	Jason Hancock
<a href="#">S 1324</a>	Requires stateholder collaboration to develop a plan for community college participation by Idaho residents	Senator Buckner-Webb
<a href="#">RS22940</a> UNANIMOUS CONSENT REQUEST	Request for Unanimous Consent to send to Judiciary and Rules Committee for printing: Data Security Policies	Chairman Goedde
APPROVAL OF MINUTES	Minutes of February 4, 2014	Senator Thayn
	Minutes of February 5, 2014	Senator Nonini
	Minutes of February 6, 2014	Senator Patrick
	Minutes of February 10, 2014	Senator Ward-Engelking
	Minutes of February 11, 2014	Vice Chairman Mortimer
	Minutes of February 12, 2014	Senator Patrick

COMMITTEE MEMBERS

Chairman Goedde	Sen Thayn
Vice Chairman Mortimer	Sen Patrick
Sen Pearce	Sen Buckner-Webb
Sen Johnson(Fulcher)	Sen Ward-Engelking
Sen Nonini	

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, February 20, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room EW 42

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Johnson(Fulcher), Nonini, Thayn, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Patrick

**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 3:08 p.m., and a silent roll was taken.

**PRESENTATION:** **Zach Wesley**, Legislative Vice President, Idaho Parent Teachers Association (PTA), explained that the goal of the annual PTA Day on the Hill was to educate members on the legislative process and the issues being discussed. Several members and board members have come from Pocatello to participate.

The PTA is the only parents organization that is both state and nation wide. The Idaho PTA is growing, with participating member organizations in 124 elementary and middle schools. Members participate in classrooms working with teachers and principals to advocate for their children and to help realize the PTA goal of enhancing each child's potential. The PTA is involved in fundraising as well as advocacy.

The PTA's top legislative priority for the 2014 Legislative Session is for increased educational funding for all choices for traditional, charter and virtual charter schools. The PTA favors increased educational standards, but wants to ensure that parents are involved at the state and local levels. The PTA also supports early childhood education as long as the program is independently and adequately funded and does not take away from existing K-12 programs. The PTA advocates for bills which support parental rights for involvement, and that stress childhood safety.

**Senator Pearce** asked about Mr. Wesley's statement of educational support from birth to age 5. **Mr. Wesley** replied that his statement was meant in a broad context, that parents should be engaged with their children throughout their lives and prepare their children with basic fundamentals. **Chairman Goedde** queried about parental involvement in setting standards, since the Common Core Standards had been adopted by 45 states and endorsed by the national PTA. **Mr. Wesley** responded that implementation occurs on the local level, and parents should be informed about expectations, testing requirements and opportunities to voice any concerns they may have.

**S 1321** **Jason Hancock**, Deputy Chief of Staff, State Department of Education (Department), explained that **S 1321** modifies a date by which the Department needs staffing information to fund salary based apportionment. The bill provides flexibility on the current October 15 date and districts would not be assessed a penalty under "use it or lose it" provisions.

**MOTION:** **Senator Thayn** made a motion to send **S 1321** to the Senate floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**. Senator Thayn will carry the bill on the floor.

**S 1322** **Mr. Hancock** explained the history of instructional hours for alternative schools. In 1991, legislation was passed that increased instructional hours for high schools from 900 to 990. The Department had a form for approving alternative schools that required at least 900 hours based on the State Board of Education's (Board) previous rule. That form should have been changed to 990 hours at that time, but inadvertently was not. In 1996, the Board revised, rewrote and reenacted the rule to remove the 900 hour provision that was in conflict. The Department did not notice this change either and did not change their form from 900 to 990 hours. Thus, since prior to 1991, the Department has used a form to approve alternative schools which requires them to provide a minimum of 900 hours of instruction. **S 1322** would carve out a separate category for alternative schools to require a minimum of 900 hours. If not passed, the Department will notify districts that henceforth, alternative schools would only be approved at 990 hours, as provided by law since 1991.

**Senator Nonini** questioned the fiscal impact. **Mr. Hancock** said that some programs are operating on a 900 hour standard which will require 990 hours if **S 1322** is not passed. That could mean a schedule change or longer days which would carry associated costs. **Senator Ward-Engelking** asked if the stakeholders had been informed. **Mr. Hancock** replied affirmatively.

**MOTION:** **Senator Nonini** made a motion to send **S 1322** to the Senate floor with a **do pass** recommendation. **Senator Pearce** seconded the motion. **Vice Chairman Mortimer** requested testimony from the stakeholders. He questioned whether or not alternative high schools need more hours.

**TESTIMONY:** **Rob Winslow**, Executive Director, Idaho Association of School Administrators (IASA), said that the IASA had sought input. The 900 hours gives flexibility to districts. **Vice Chairman Mortimer** asked if the State was paying for 180 days for high schools and 163 days for alternative high schools. **Mr. Hancock** replied that funding was based on hours, not days. Districts can choose how to structure days as long as the hours requirement is met.

**Robin Nettinga**, Executive Director, Idaho Education Association, said that her organization had been informed and were aware that the statute provides for 990 hours of instruction. **Vice Chairman Mortimer** asked **Ms. Nettinga** if she had any information back from teachers on whether alternative schools should be doing more hours. **Mr. Hancock** replied that the question was difficult to answer because the programs are diverse. At some alternative high schools, students may flow in and out of the program; in others, they main remain until they graduate.

**Jessica Harrison**, Policy and Government Affairs Director, Idaho School Boards Association (ISBA), stated that the ISBA did not find a clear consensus and so remains neutral.

**DISCUSSION:** **Senator Thayn** commented that alternative schools are paid more on the number of hours which is different than traditional high schools. **Mr. Hancock** replied that the Department does look at number of hours as a basis of ADA. **Vice Chairman Mortimer** again questioned the benefit of 900 versus 990 in the alternative school setting. **Chairman Goedde** noted that changing to 990 hours would add 17 days to the school year in an alternative setting. **Senator Nonini** expressed concern that alternative high school students might become discouraged and dropout with increased hours. **Senator Ward-Engelking** commented that districts can provide more than 900 hours, and **S 1322** would allow flexibility to the districts. **Senator Thayn** agreed with Senator Nonini. **Senator Johnson** noted that alternative high school students had been suspended from traditional high schools and so had lower hours, smaller classroom sizes and more individualized instruction. **Mr. Hancock** clarified that the hour requirements refers to what the district must provide, not whether or not a student attends.

**ALTERNATIVE MOTION:** **Vice Chairman Mortimer** made an alternative motion to hold **S 1322** pending further discussion. The motion failed for lack of a second.

**VOTE ON ORIGINAL MOTION:** The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**ADJOURNED:** Having no further business before the committee, **Chairman Goedde** adjourned the meeting at 4:10 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

AGENDA  
**SENATE EDUCATION COMMITTEE**  
3:00 P.M.  
LINCOLN AUDITORIUM WWO2  
Monday, February 24, 2014

SUBJECT	DESCRIPTION	PRESENTER
DAY ON THE HILL	Idaho School Boards Association (ISBA)	Todd Wells, President, ISBA, Castleford Joint School District # 417
PRESENTATION	School Security	Julie Hart, Public Policy Advisor, Westerberg & Associates
<a href="#">S 1323</a>	School Bus Drivers	Robin Nettinga, Executive Director, Idaho Education Association (IEA)
<a href="#">H 504</a>	Leadership Premiums	Representative Lance Clow; Representative Julie VanOrden
<a href="#">RS22940</a> UNANIMOUS CONSENT REQUEST	Request for Unanimous Consent to sent to Judiciary and Rules Committee for printing: Data Security Policies	Chairman Goedde

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Johnson(Fulcher)  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: sedu@senate.idaho.gov

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, February 24, 2014

**TIME:** 3:00 P.M.

**PLACE:** Lincoln Auditorium WWO2

**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 3:01 p.m., and a silent roll was taken. **Chairman Goedde** welcomed the large audience of school board trustees and school administrators who were guests at the Capitol for their annual Day on the Hill.

**PRESENTATION:** **Todd Wells**, President, Idaho School Boards Association (ISBA), summarized the ISBA's annual resolutions, adopted in November 2013 and which remain in effect for two years. As anticipated, several of the resolutions support the findings of the Governor's Task Force (Task Force). These resolutions include (1) restoration of operational funds before specifically funding any new programs; (2) support for the Idaho Core Standards, (3) development of a knowledge and skills based salary reimbursement plan and appropriate state funding for salary schedules, and (4) emphasis on mastery learning and achievement rather than "seat time". The ISBA also favors provisions for funding professional development for trustees to improve leadership skills. Mr. Wells' complete comments are attached.

**Senator Patrick** asked Mr. Wells to detail the implications of reduced funding in his district. **Mr. Wells** replied that in Castleford School District #417 (Castleford), the budget has been very tight, and reserves have dwindled. They successfully ran a \$300,000 supplemental levy to try to remain stable, but they now need to ask for an increase of \$100,000 more in the supplemental levy this spring. If the voters reject their request, Castleford will need to cut a program or decrease support staff.

**PRESENTATION:** **Officer Brad Ford**, Nampa Police Department, Skyview High School School Resource Officer (SRO), explained that, following a failed emergency response simulation, the Idaho School Safety & Security Stakeholder group released several determination statements. They found that (1) the majority of districts in the State lack the resources to establish meaningful school safety and security improvement, (2) school districts must work more closely with their first responder community, (3) school safety includes violence prevention, school climate and drug/alcohol issues, (4) a dedicated funding source for state and local activities must be established, and (5) existing state-level activities and infrastructure must be leveraged to support school safety efforts.

**Officer Ford** said that in the past year, a school shooting has taken place in America every two weeks on average. Schools in general are lacking in emergency response and communications. Currently, a lockdown order is communicated via the intercom (if available) by front office staff, but in a true event, the risk of crashing the 911 system is likely and necessary information might not be received. Dispatch gives as much information as possible to responding officers who enter the building and listen for sounds of chaos, without knowing who, what and where.

At Skyview High School in Nampa, 100 radio-frequency identification (RFID) badges are worn by all adult staff – teachers, administrators, secretaries, custodians, kitchen staff, etc. In the event of a lockdown situation, a teacher simply pulls down on their tag which alerts all others wearing a badge and police dispatch. Police dispatch and patrol are alerted to the exact location where the incident is occurring and who made the request for help. Since implementing the system, the medical alert request has been used two to three times a week on average for injuries, seizures and diabetes; security assistance has been utilized three to five times per week on average for physical fights, unruly or out of control students. The emergency lockdown pull tag has not been needed. All tags and software can be customized to each school's specific needs.

**Senator Ward-Engelking** asked about accidental activation of the tag. **Officer Ford** responded that in the first week of operation, 11 incidents of accidental activation occurred, causing 11 lockdowns. The software was immediately modified so that the first alert goes to the SRO who investigates the situation and alerts other badge wearers. Also an accidental alert can be turned off. **Senator Fulcher** asked if the beep on the tag could pose a "target" danger to the wearer. **Officer Ford** replied that the audible alert turns off after 10 seconds. **Senators Pearce and Nonini** asked about the cost of the system. **Officer Ford** replied that Skyview High School was the first in the nation to use the system and received a price break. 100 tags and 100 chargers cost approximately \$35,000, which is the upfront cost. An additional 15 to 17 percent per year is charged for maintenance and upgrades. For smaller schools, the per tag price is \$300.

#### **S 1232**

**Matt Compton**, Director of Public Policy, Idaho Education Association (IEA), stated that, following public hearing on this legislation, the Trial Lawyers Association had assisted in crafting language to more clearly define when a school bus driver is granted immunity from civil or criminal liability when "reasonably acting or failing to act to aid a rider on the bus whom the school bus driver reasonably believes to be in imminent danger of harm or injury."

**Vice Chairman Mortimer** stated that the Committee hopes the drivers made the best decision, and believes that the notion of "reasonable" was an appropriate addition to the language in this bill.

#### **MOTION:**

**Senator Ward-Engelking** made a motion to send **S 1232** to the 14th Order for possible amendment. **Senator Patrick** seconded the motion. **Senator Patrick** said the bill was better with the amendment.

**Senator Thayn** stated that the word "reasonable" will need to be defended on the floor.

The motion carried by **voice vote**.



**Representative Lance W. Clow** explained that **H 504** aligns with at least three of the Task Force recommendations, i.e., #12 tiered licensure, #13 career ladder compensation model, and #15 teacher mentoring. Specifically, it combines "incentives" and "rewards" into leadership premiums, which will provide school boards with the ability to reward teachers in specific leadership categories. The premiums will be set by local school boards and are not subject to collective bargaining. **Representative Clow** addressed the fiscal impact of \$15.88 million, beginning in fiscal year (FY) 2015. He said that by implementing the leadership component of the Task Force's career ladder recommendation this year, the estimated costs of implementation of a career ladder will decrease from \$42.4 million to \$26.5 million in FY 2016.

**Representative Julie Van Orden** explained the leadership premium guidelines. Each district would receive \$850 for each actual full time equivalent teacher. The local school boards would then award a minimum of \$70 up to \$480 per month to teachers who meet leadership requirements. These requirements include, but are not limited to (1) holding a master's degree in their subject area, (2) teaching a dual credit course in high school or middle school; (3) holding and providing service in multiple certificate or endorsement areas, (4) serving in an instructional position that is hard to fill; (5) providing mentoring and professional development, (6) providing career and academic counseling in addition to instructional duties, (7) other leadership duties as identified by the local school board. Sports coaching and club advisor roles do not qualify. The bill further requires that the State Department of Education would report to the Legislature beginning January 2016.

**Senator Thayn** asked how elementary teachers participate in the leadership premiums and what percentage can be received. **Representative Van Orden** replied that mentoring would be a beneficial area, as well as special endorsements for hard-to-fill areas. **Representative Clow** said that no percentage had been placed on the amount received. It could vary from \$70 to \$480 per month.

**Senator Patrick** noted that elementary teachers often teach two subjects in small schools. Some days the principal may be away and so a teacher may volunteer to fill in. **Senator Ward-Engelking** asked how this bill fits in with tiered licensure and a career ladder. **Representative Clow** replied that he had always seen the leadership premium as "sitting on the side" of tiered licensure and career ladder. Once those are in place, the leadership premiums may dissolve. He envisions the payment of these funds as a "premium" for performing a particular leadership function. Districts can choose how they wish to allocate the premiums.

**MOTION:**

**Vice Chairman Mortimer** made a motion to send **H 504** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**Senator Pearce** asked whether a district could simply divide up their premium funds so that every teacher received additional pay. **Representative Clow** replied that the bill does not contain any provision to stop that from occurring; however, that is not the true nature of the bill. **Senator Nonini** said he thought the bill did a good job in defining areas to reward, and said that he is in strong support of the bill. **Chairman Goedde** stated that the ISBA, IEA, Idaho Association of School Administrators (IASA) and Tom Luna, Superintendent of Public Instruction, State Department of Education, were in the audience and prepared to testify in support of **H 504**. **Chairman Goedde** said that some teachers will not participate because they do not want to take on additional responsibilities, but for those who do, premium rewards should be made available.

The motion carried by voice vote. **Chairman Goedde** will carry the bill on the floor.

**UNANIMOUS  
CONSENT  
REQUEST  
RS 22940**

**Chairman Goedde** explained that **RS 22940** deals with student data security policies and was previously printed as S 1296. Vice Chairman Mortimer had made recommendations and the fiscal note was changed by adding a half-time employee.

**Senator Nonini** requested unanimous consent to send **RS 22940** to the Senate Judiciary and Rules Committee for printing. There were no objections.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:08 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, February 25, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Idaho Commission for Libraries	Ann Joslin, State Librarian
PRESENTATION	Coalition of Charter School Families, Inc.	Jane Wittmeyer
GUBERNATORIAL APPOINTMENT HEARING ONLY	Donald J. Soltman to the State Board of Education	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Johnson(Fulcher)

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, February 25, 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 3:03 p.m., and a silent roll was taken.

**GUBERNATORIAL APPOINTMENT HEARING:** Donald J. Soltman of Rathdrum, ID was appointed to the State Board of Education (Board) to serve a term commencing March 1, 2014 and expiring March 1, 2019. This appointment was made subject to confirmation by the Senate. Mr. Soltman appeared before the Committee.

**Mr. Soltman** stated that he has served on the Board since 2009, and his current term expires on February 28, 2014. **Senator Nonini** commented that since 2009, Idaho has experienced some difficult times, and asked Mr. Soltman to comment. **Mr. Soltman** stated that in 2010, Superintendent Luna came forward with the Students Come First legislation which passed and was then repealed by referendum in 2012. At that time, the Board was asked to organize a task force, which was led by Board member, Richard Westerberg. Since publishing the task force recommendations, informal meetings have taken place, and the Board wishes to move forward with additional subcommittees to further the work of the task force. **Vice Chairman Mortimer** asked Mr. Soltman to describe some of the work that lies ahead. **Mr. Soltman** replied that priorities include the 60 percent goal for postsecondary certificates or degrees, the Complete College Idaho program to encourage more students to go on to college, remediation and how it is delivered in various settings, and the "15 in 4" program that guides students through their course of study to graduate in four years. Accessibility and affordability surround these areas. **Vice Chairman Mortimer** complemented the Board on its work on articulation and competency.

**Senator Pearce** asked about the working relationship between the State Superintendent of Public Instruction (Superintendent) and the Board. **Mr. Soltman** stated that for some time, the Board was focused on higher education, but with the work of the task force, more time will be spent with K-12. **Senator Pearce** restated his question and asked whether the Board is a "rubber stamp" for the Superintendent's policy, or whether the Board will set the agenda for the new Superintendent. **Mr. Soltman** replied that the Superintendent is the constitutional officer, and as such, his agenda will come to the Board. However, the Board is a policy board and most K-12 issues are policy. Many times policy issues have gone back and forth between the Board and the Superintendent. The issue over required minutes of physical education was a recent push back to the Superintendent.

**Senator Ward-Engelking** asked Mr. Soltman to outline his background. **Mr. Soltman** replied that he was born and raised in Grangeville, ID and attended the Air Force Academy. During his 10 years in the Air Force he attended Baylor University where he earned a master's degree in health administration. He recently retired from Kootenai Health in Coeur d'Alene, ID. He has been a member of the Lakeland Joint School District #272 for 13 years.

**Senator Patrick** stated that he had served on the committee which is studying tiered licensure and asked if that study would continue. **Mr. Soltman** said that he, too, served on that committee, and felt that the work was very productive in studying other state models.

**Chairman Goedde** asked Mr. Soltman to comment on outcome-based funding. **Mr. Soltman** replied that the Board was studying a metrics based system to pay institutions using pay for performance. At the same time, the Governor requested zero-based budgeting. During a Board retreat, Richard Dickenson presented a model for program prioritization, and the Board subsequently asked the four, four-year postsecondary institutions to prepare a report using the Dickenson model. Those reports are expected by fall, and upon review, the Board will be in a better position to look at performance funding. **Chairman Goedde** asked about professional technical programs and the problems that North Idaho College had experienced in the approval process. **Mr. Soltman** replied that the Board has worked to remove obstacles and streamline the process.

#### **PRESENTATION:**

**Ann Joslin**, the State Librarian and Director of the Idaho Commission for Libraries (Commission), introduced her staff: Stephanie Bailey-White, Read to Me (RMT) Project Coordinator; Jeannie Standal, school library consultant; and Teresa Lippis, public relations specialist. **Ms. Joslin** explained the role public school libraries play in K-20 education. Recent studies show that technology and the internet are changing Americans' reading habits. What has not changed is Americans' love for books, and the important part libraries play in their communities. Public library programs and attendance have increased circulation of materials to the highest level ever reported. Even with internet use, the primary role of libraries is still filling the need for information in their communities.

The mission of Idaho libraries is to build the capacity to better serve their clientele. They do it in the following ways: maintain a library of current online resources; provide professional development opportunities; and develop, pilot and scale library programs. The Commission does the research and development, then packages the programs with public information and staff training. They continue to leverage national initiatives that support their work. The Commission was recently awarded one of 17 grants as part of the "Smart Investing @ Your Library" program.

The most important predictor of school success and high school graduation is grade-level reading by the end of third grade. Idaho libraries have a long history of providing early learning services. The RTM program is in its 17th year and helps to level the playing field so any family can raise a proficient reader. Through RTM, the Commission provides resources for public and school libraries to advance early literacy services in their communities. A variety of RTM program elements have been reviewed by an independent evaluator and were found to be efficiently administered and change parent and caregiver behavior to more actively support early learning. A current focus of RTM is increasing access to books for young children who are unlikely to have them at home. When kids have access to books, they read them.

A September 2012 Elementary School Library Study showed that most school districts have inadequate or non-existent budgets to provide quality books for their students. Since 50 percent of Idaho school children live in poverty, many are not likely to have age-appropriate reading material at home and do not have convenient access to reading materials.

**Ms. Joslin** indicated that there were three RTM initiatives for increasing access to books for kids. The first is "Routes to Reading" including "Books to Go". Books were packaged around a theme and placed in over 300 bins around the State. The first year parents indicated that they increased the amount of time spent reading as a result of the program. The second is the Summer Reading Program. This program has resulted in approximately 100,000 Idaho kids who keep reading over the summer to minimize the summer reading slide. During the summer of 2013, "Literacy in the Park" was created as a joint effort between the library and the Idaho Food Bank's Picnic in the Park program. Also, Meridian, Kuna and Garden City libraries provided books for the Ada County Boys and Girls Club library, with librarians bringing weekly summer reading programs on site. The third program is the RTM mini-grants which increase funding to elementary school libraries for the purchase of more books. All grant funds must be spent on books with at least 40 percent on non-fiction to help introduce kids to science, technology, engineering and math ("STEM") concepts. The school libraries must also let the students check books out to be taken home. The K-2 age students must be allowed to check books out as well. Children who are not reading on grade level by the end of first grade have only a 1 in 8 chance of catching up with their peers. Early reports indicate that teacher use of library resources has soared, and students are "obsessed" with the nonfiction books.

A new initiative piloted "Make It at the Library: Where Idaho Makers Meet," a project that supports the creation of a "maker" culture in Idaho public libraries. Teams from five public libraries were invited to learn about the makerspace culture, with a focus on their teen programming in STEAM: science, technology, engineering, art, and math. Outcomes have been successful and the pilot program is being expanded for a second year.

**Senator Ward-Engelking** asked how involved the Library Commission had been with the Governor's Education Task Force recommendations. **Ms. Joslin** responded that they had not been involved at all to date. They have talked with Superintendent. Luna about early learners and asked to be at the table when discussions about literacy were held. **Senator Ward-Engelking** asked how young people find out about summer reading programs. **Ms. Bailey-White** said that promotional efforts were focused on parents, caregivers, principals or anyone involved with children to make them aware of the information. Summer programs have served at least 60 percent of low income children. They are trying to keep the school libraries open over the summer to help get test scores up. **Chairman Goedde** inquired whether other states were keeping libraries open during the summer. **Ms. Bailey-White** responded that Idaho is modeling their program after other states.

**Jane Wittmeyer**, Coalition of Charter School Families, Inc., introduced two charter schools: Inspire and ICON. **Marcia Rowe**, a board member and parent of students in the Inspire Charter School, stated that Inspire is in its 9th year of operation with 800 students in K-12 classes. Her son's previous school was not a good fit for her family. Her son suffered from frustration and low self esteem. With the flexibility Inspire provided, her son has flourished. She thanked the Committee for giving choices in education to her family and to so many others who have received their education through a charter school.

**Dana Higbee** said that Inspire was good for both of her sons. They had different challenges, but Inspire was able to meet their different needs. It also provided a solution to their education when her husband had to go to Seattle for a bone marrow transplant for five months. They were able to pack up their children and take their education with them. They maintained the stability of friends and teachers as if nothing changed.

**Braedon Higbee** said that he is in 9th grade and has been at Inspire for three years. He indicated that he had the flexibility to move as quickly as he wants to with some classes and take more time for the ones he struggles with. It's his choice. He gets help with those classes that he struggles with and feels that the teaching becomes personalized to his needs. **Senator Pearce** asked what Braedon was going to major in and if he was planning on graduating early. Braedon said he was considering medical school or nuclear physics. He may graduate early and if so, will go right to college and get a head start on his postsecondary education.

**Vickie McCullough**, a leader for Idaho Connects Online School ("ICON"), said that ICON is a public, virtual charter school serving students in grades 6-12 across the State of Idaho. **Ms. McCullough** stated that choice is all around us and gave many examples of the choices we make every day. In some areas of Idaho there are very limited choices for families to make in regard to their children's education. ICON offers three ways for students to use their services: They can go to school full time from their home environment; they can school part time with ICON in addition to their local school of choice; and they can choose to school with ICON while getting support in various residential treatment facilities. **Caitlyn Dovel** said that she had taken advantage of all three ways to use the ICON approaches to education. She made all of the choices work for her. Caitlyn shared the many life skills that she had learned while using the ICON program in addition to her educational accomplishments. Caitlyn is on target to graduate from high school in June.

**David High**, Chairman of the Board of ICON Charter School, emphasized the importance of innovation and experimentation, with Caitlyn Dovel as an example. When students are enrolled in ICON, they can earn credit and build self-confidence as they complete their treatments in residential facilities. Students who attend ICON are not the average student. Approximately two-thirds of their students are in the "at risk" category. ICON's flexibility and choices give these students the chance to be successful. The student/teacher ratio is low. ICON quickly found that expanded advisor functions helped the students in planning their education and motivating them to complete their plans. ICON has tried many different ideas, some have worked and some haven't. When they have found success, they share it with the greater community of charter schools.

**Senator Nonini** thanked Mr. High for being innovative and finding ways to help make "at risk" students successful.

**Senator Thayn** asked if the students could progress at their own speed at ICON. **Mr. High** replied the students can learn when it works for them due to the online curriculum. This is advantageous for students who are working, traveling with their parents or who have a need to take an extended time off. The flexibility is tremendous. The challenge is to keep the students going.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:04 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

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Sharon Pennington  
Asst. Secretary



**AMENDED AGENDA #2**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Wednesday, February 26, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
GUBERNATORIAL APPOINTMENT HEARING ONLY	Richard D. Westerberg of Preston, ID, appointed to the State Board of Education to serve a term commencing March 1, 2014 and expiring March 1, 2019	
PRESENTATION	Legislative Role in Implementing College and Career Ready Standards, and Educator Effectiveness Policy	Michelle Exstrom, National Conference of State Legislators
GUBERNATORIAL CONFIRMATION VOTE	Donald J. Soltman of Rathdrum, ID appointed to the State Board of Education to serve a term commencing March 1, 2014 and expiring March 1, 2019.	
<a href="#"><u>H 501</u></a>	Provides equity in due process of grievance appeals	Rep. Paul E. Shepherd; Karen Echeverria, Executive Director, Idaho School Boards Association
UNANIMOUS CONSENT REQUEST <a href="#"><u>RS23003</u></a>	Request for Unanimous Consent to sent to State Affairs Committee for Printing: Removes language relating to online courses and authorizes the board of trustees of each school district to adopt their own curricular materials consistent with Idaho content standards	Chairman Goedde

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde	Sen Thayn
Vice Chairman Mortimer	Sen Patrick
Sen Pearce	Sen Buckner-Webb
Sen Fulcher	Sen Ward-Engelking
Sen Nonini	

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, February 26, 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 Education Committee (Committee) to order at 3:10 p.m., and a silent roll was taken.

**GUBERNATORIAL APPOINTMENT HEARING:** Richard D. Westerberg of Preston, ID was appointed to the State Board of Education to serve a term commencing on March 1, 2014 and expiring March 1, 2019, subject to confirmation by the Senate. Mr. Westerberg appeared before the Committee.

**Mr. Westerberg** stated that he has served on the State Board of Education (Board) for the past eight years. His background includes 12 years on local school boards, six years as county commissioner and a career in the electric utility industry. He is presently retired, but serves as an interim hospital administrator. He has enjoyed his service on the Board, especially in the past few years where he has seen significant improvements and several important initiatives going forward.

**Senator Thayn** asked Mr. Westerberg to describe some of the important initiatives to which he referred. **Mr. Westerberg** said that he was referring to the 20 recommendations of the Governor's Task Force for Improving Education (Task Force) on which he served as Chairman. He feels that the biggest problem in education lies in motivating students to go on to postsecondary education. Despite all of the information and statistics available that point to the lifetime earnings benefit of a postsecondary education, many students still do not see postsecondary education as a logical decision. The challenge, then, is to encourage students to demonstrate for themselves that they have the ability for college level work through dual credit and advanced placement courses.

**Senator Ward-Engelking** and **Chairman Goedde**, who both served on the Task Force, stated their appreciation for the leadership that Mr. Westerberg had provided. **Chairman Goedde** added that the consensus derived from 31 people of varying backgrounds was amazing.

**Senator Patrick** agreed that the go on rate is significant, but he expressed his concern that raising standards might cause more high school students to drop out. **Mr. Westerberg** replied that studies have shown that people perform to the level of expectation around them. If they perform better, then they will be encouraged to go on which is why college entrance exams are taken in the junior year. Mr. Westerberg feels that raising the bar is important to ensuring that students are ready. **Senator Patrick** agreed that competency will increase student confidence. **Senator Patrick** said that he had served on a subcommittee that studied tiered licensure and asked if data from that subcommittee would inform Mr. Westerberg's approach to tiered licensure for teachers. **Mr. Westerberg** replied affirmatively. **Chairman Goedde** inquired if the Task Force would incorporate approaches from other states as well. **Mr. Westerberg** replied that all information is being considered. The Task Force recommendations are primarily theoretical. The focus going forward will concern the details and application of those recommendations.

**Chairman Goedde** thanked Mr. Westerberg for his appearance and informed him that the Committee will vote on his appointment at a subsequent meeting.

**PRESENTATION:**

**Michelle Exstrom**, Idaho liaison to the National Conference of State Legislators (NCSL) stated that the NCSL was founded in 1975 as a bipartisan organization that provides research, technical assistance and opportunities for states to exchange ideas. Ms. Exstrom reviewed the 45 states which have adopted the Common Core State Standards (CCSS), or incorporated them into their own state standards, and reviewed the number of legislative bills in those states that address CCSS. Ms. Exstrom also suggested that an examination of current teacher policies is key to successful implementation of CCSS. Teacher preparation, support and evaluation are critical elements. Teacher evaluations based on the new standards require proper timing.

No Child Left Behind required that student progress be measured against standards, and that assessments must be aligned to those standards. Thus, with the development of CCSS, new assessment development is underway. In 2010, the U.S. Department of Education announced a new Race to the Top competition and grants aimed at consortia of 15 or more states to help develop the new assessments. Two consortia received grants under this program, the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC), to which Idaho belongs. The new assessments differ from previous systems by focusing on a balanced system, changing the structure of assessments, and integrating more technology and computer use. The new assessments move away from bubble tests to more performance based tasks, open ended questions, and real world problem solving. Considerations for states to address include costs of the new assessments, time spent on testing, proper professional development and resources, technology needs and capabilities, and data security and privacy. Ms. Exstrom's complete presentation is attached.

**Senator Thayne** asked Ms. Exstrom to explain her statement that states were implementing the new assessments differently. **Ms. Exstrom** replied that available technology can differ from state to state and school to school. Implementation will generally be the same, and both PARCC and SBAC have optional parts to their assessment packages, so that the cost of the assessments is decided by each school district. **Chairman Goedde** asked about the State's ability to review the bank of test questions and remove some if it so chooses. **Ms. Exstrom** replied that the question should be answered by SBAC. Each state can augment up to 15 percent of the test to fit individual state's customized standards. **Vice Chairman Mortimer** said that a parent committee has been exploring that question and has been assured that 15 to 20 percent of questions could be removed and still have a good model. He asked Ms. Exstrom to research and verify that information.

**Senator Nonini** asked if it might be better to delay the assessments until other states have experience with them. **Ms. Exstrom** answered that many questions remain unanswered about technology requirements, customizing the test, etc., and the deadline for implementation is looming. She cannot advise on delaying the test because teachers would not have assessments, and states could lose federal funding. The Elementary and Secondary Education Act (ESEA) waiver is predicated on adoption of new assessments. Slowing down implementation is not a viable policy option. **Senator Nonini** expressed concern about the level of federal involvement. **Ms. Exstrom** replied that the federal government played no role in creating the CCSS, but it has created incentives to move forward with standards and assessments. States are not required to apply for the ESEA waiver, but many felt that they needed to in order to remain in compliance with federal reporting. Several state departments of education have adopted new standards and assessments, but some of their legislatures are not comfortable which puts their relationship in flux. **Chairman Goedde** stated his understanding that the federal government requires that states have assessments which match the standards. Idaho adopted CCSS and the Idaho Scholastic Achievement Test (ISAT) is no longer in alignment. If Idaho were to pause on SBAC, it would have to develop a replacement assessment at a cost of approximately \$25 million. **Ms. Exstrom** concurred, adding that states were not happy with the old assessments so then moved to a consortia for the economy of scale. Utah opted out early enough to develop a test, but if states back out now they will need to hurry or face potential penalties. **Chairman Goedde** asked if Idaho already has reliable questions that have been satisfied by SBAC. **Ms. Exstrom** replied that the SBAC will be given in 2014-15 with the assurance that it has been fully vetted. She believes it will achieve "a comfort level that is the best you have ever seen."

**Senator Fulcher** asked if using the ISAT or ACT still had merit in assessing improved achievement under the new curriculum. **Ms. Exstrom** replied that the ACT and ISAT are a one-time snapshot, not successive pieces that all fit together. SBAC should be a good indicator because it is given in grades 3 through 8, and again in grade 11. **Chairman Goedde** added that all 4 Idaho 4-year colleges and universities have stated that any 11th grade student who passes the SBAC will receive exemption from remediation in their first year of college.

**Senator Pearce** asked if Ms. Exstrom knew what states were paying to develop new assessments if they had opted out of SBAC or PARCC. **Ms. Exstrom** said that she did not know but would research that information. **Senator Pearce** inquired about Texas who returned to their 1995 standards. Ms. Exstrom replied that Texas was the first to use standards based education. They felt their standards were already good, but that they were testing too much, so they have scaled back on assessments. Texas now has a statewide assessment, a summative assessment, options for interim assessments, and they encourage formative assessments.

**GUB APPT:**

**Senator Nonini** made a motion to send the appointment of Donald J. Soltman of Rathdrum ID to the State Board of Education to to the floor with a recommendation that he be confirmed by the Senate. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**. Senator Nonini will carry the appointment on the floor.

**H 501**

**Karen Echeverria**, Executive Director, Idaho School Boards Association (ISBA) explained that this legislation results from a resolution that ISBA has worked on for four years regarding the grievance process. After meeting with the Idaho Education Association (IEA) and exchanging several drafts, agreement was reached on the specific language of **H 501**. The bill makes changes to § 33-517, Idaho Code which outlines the procedures for non-certificated staff grievances. The first significant change is the removal of the term "unfair treatment" from the statute. This term is very subjective and overly broad, and its removal is the main thrust of this legislation.

**H 501** provides definitions and direction on the appropriate subject matters for grievances. The list of grievable offenses cover a range of valid issues while also being open enough to encompass a variety of possible concerns that could arise. Classified employees are provided with a procedure at an earlier stage in the grievance process in order to informally and more quickly resolve issues and concerns between individuals. It also lengthens deadline dates to provide additional time, including a weekend, for the grievant to ponder next steps and prepare appropriate documentation. The legislation outlines the next steps if the grievance cannot be resolved informally, and provides equity in due process of the grievance appeal procedure by clarifying that "interested" individuals shall not participate in the appeal panel process.

**TESTIMONY:**

**Robin Nettinga**, Executive Director, IEA, thanked the ISBA for working together with the IEA on this legislation. **Ms. Nettinga** stated that **H 501** is a compromise, but the IEA agreed to try it, and if it appears too narrow in the future, the parties have committed to work together for a solution.

**MOTION:**

**Senator Ward-Engelking** made a motion to send **H 501** to the floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**. Senator Ward-Engelking will carry the bill on the floor.

**UNANIMOUS  
CONSENT  
REQUEST  
RS 23003**

**Chairman Goedde** explained that **RS 23003** removes language relating to online courses and authorizes the board of trustees of each school district to adopt their own curricular materials consistent with Idaho content standards.

**Senator Patrick** requested unanimous consent to send **RS 23003** to the Senate State Affairs for printing. There were no objections.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:32 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #2**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, February 27, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Idaho Services for the Deaf and Blind	Brian G. Darcy, Administrator
PRESENTATION	UpStart Pre-K Program	Terry Ryan, President, Idaho Charter School Network; Claudia Miner, Vice President Program Development, Waterford Institute
08-0203-1301	Reconsideration of Rule: error in rules provided	Dennis Stevenson, Administrative Rules Coordinator
GUBERNATORIAL APPOINTMENT VOTE	Appointment of Richard D. Westerberg, appointment to State Board of Education to serve a term commencing March 1, 2014 and expiring March 1, 2019	
DISCUSSION	Discussion of Letter to Office of Performance Evaluation	Chairman Goedde
MINUTES APPROVAL	Minutes of February 13, 2014	Senator Pearce
	Minutes of February 17, 2014	Senator Nonini
	Minutes of February 18, 2014	Senator Mortimer
	Minutes of February 19, 2014	Senator Buckner-Webb
	Minutes of February 20, 2014	Senator Thayn

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, February 27, 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 3:16 p.m., and a silent roll was taken.

**PRESENTATION:** **Brian Darcy**, Administrator, Idaho Educational Services for the Deaf and the Blind ("IESDB"), explained that IESDB was established in 2009 to assist school districts in providing accessibility, quality and equity to students in the state with sensory impairments. Service and placement options are determined by the child's individual educational need, not by level of hearing or vision loss. Those needs are generally served through either the "Outreach" or "Campus" departments. IESDB currently supports 1,663 students. The Fiscal Year (FY) 2014 budget was \$7,983,000 and the Governor has recommended \$8,772,400 for FY 2015.

The Outreach Department serves the entire state through 7 different regional "Education Centers." The Outreach Educational Specialists serving these areas are certified teachers who perform a variety of duties in identification and service delivery throughout the entire state. As the number of students grow, so do the teacher's caseloads. Through Outreach, IESDB also runs periodic "short term programs" which target specific age groups and skill development areas. The Media/Library Services assists with materials and technology for districts throughout the state. If a blind child is assigned a printed text book as part of his/her curriculum, the book is reproduced in Braille at their media center at no cost to the district.

The physical campus is located on 40 acres in Gooding, ID and serves 87 students from pre-school through 12th grade. Technology plays a large part of their student's lives and the curriculum is based on Idaho Core standards. At IESDB, the students get a "normal" high school experience including student government, track, volleyball, prom, basketball, hunter safety and driver's training. IESDB continues to receive high ratings.

IESDB has five strategic goals to help them continue to grow and progress. They include, (1) understanding needs, (2) delivering the best educational services, (3) expand access, (4) promote entity services, and (5) grow revenue. Recruitment and teacher retention are two barriers they see as challenges. Mr. Darcy's complete presentation is attached.



**PRESENTATION:** **Claudia Miner**, Vice Present of development and UPSTART Program Director, Waterford Institute, Sandy, UT, explained that the UPSTART Program (UPSTART) was established as a pilot program by the Utah Legislature as a five-year pilot to address Utah's kindergarten preparedness problem. The Waterford Institute was selected to administer UPSTART, working through the Utah Legislature and Utah State Office of Education.

UPSTART is an in-home school readiness program using Waterford Institute's award-winning software. Preschool age children receive an individualized reading, math, and science curriculum with an emphasis on reading. Computers and internet are provided if the home does not have them. UPSTART'S dual-language support organization maintains frequent proactive contact with parents to ensure that children get the most from the program's learning opportunities.

After four years, the average child in UPSTART entered kindergarten reading at the Kindergarten Advanced level, and gained even more s/he were from a lower economic status and/or not attending other preschool. Overall gains were not significantly different regardless of ethnicity, socio-economic status, parent education level, or geographic locale, indicating that all children benefited from the program. Parent surveys showed that close to 99 percent said that participating in UPSTART was beneficial and that the children enjoyed the software.

External evaluation of the program was equally positive. In November, the U.S. Department of Education announced the results of the Investing in Innovation (i3) competition. Waterford's UPSTART grant of \$11.5 million was announced as one of the highest-rated applicants.

Annual cost per child in Utah averages \$1,300 per year, which includes providing up to 30 percent of homes with computers and internet. In contrast, the Head Start Bureau estimates an annual cost of \$7,222 per child, and Pre-K school education is estimated at \$8,700 per child.

In summary, **Ms. Miner** said the four things to remember about UPSTART are: (1) children like the program and use it, (2) UPSTART as shown by external evaluation, (3) parents give UPSTART the highest marks, and (4) UPSTART is uniquely cost effective. Ms. Miner's complete presentation is attached.

**DOCKET NO.**  
**08-0203-1301**

**Dennis Stevenson**, Administrative Rules Coordinator, Department of Administration, explained that when the legislative rule package was assembled for the Committee, the final version of **Docket 08-0203-1301** inadvertently was not included. An earlier version was included in error, which was presented to and passed by the Committee.

**WRITTEN**  
**TESTIMONY:**

**Traci L. Bent**, Policy Planning, State Board of Education (Board), submitted a written memo stating that the difference in the final version lies in the metrics used for establishing which schools are the top performing schools. The earlier version included an additional metric that is not included in the Star Rating system. The final version of the Pending Rule aligns the metrics for Star Rating with those used for determining distinguished schools. Ms. Bent's written testimony is attached.

**Chairman Goedde** explained that the rule had come about because the Board had gone out to present a distinguished school award, and found that the school was not a five star school. He further confirmed that the new version is the rule currently in use.

**MOTION:** **Senator Thayn** made a motion to adopt **Docket No. 08-0203-1301** with the current language. **Vice Chairman Mortimer** seconded the motion. **Vice Chairman Mortimer** asked for clarification that no school would be penalized by adopting these changes. **Mr. Stevenson** stated that the current language was adopted as a temporary rule and has been published since December 2013. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** Appointment of Richard D. Westerberg appointment to the State Board of Education to serve a term commencing March 1, 2014 and expiring March 1, 2019.

**MOTION:** **Vice Chairman Mortimer** made a motion to approve the appointment of Richard D. Westerberg. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senator Tippetts will carry the bill on the floor.

**DISCUSSION:** **Chairman Goedde** referred the Committee to a letter addressed to the Office of Performance Evaluation (OPE) requesting that the OPE research how the Idaho System for Educational Excellence and Idaho's statewide instructional improvement system, currently SchoolNet, can be made to work effectively without additional pressure on local school district staff. **Senator Patrick** stated that he supported the research request. Hearing no objections, Chairman Goedde said that he would deliver the request letter to OPE.

**APPROVAL OF MINUTES:** **Senator Pearce** made a motion to approve the minutes of February 13, 2014. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.  
**Senator Nonini** made a motion to approve the minutes of February 17, 2014. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.  
**Vice Chairman Mortimer** made a motion to approve the minutes of February 18, 2014. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.  
**Senator Buckner-Webb** made a motion to approve the minutes of February 19, 2014. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.  
**Senator Thayn** made a motion to approve the minutes of February 20, 2014. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:10 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, March 03, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
PRESENTATION	Idaho's Challenge: Accelerating the Progress in Achieving Excellence in Education for All Students	Jeanne Allen, Center for Education Reform
<a href="#">S 1324</a>	Community College Accessibility and Affordability	Senator Buckner-Webb
<a href="#">H 521</a>	Strategic Planning	Rep. Wendy Horman
<a href="#">S 1372</a>	Data securities policies	Chairman Goedde
UNANIMOUS CONSENT REQUEST <a href="#">RS23019</a>	Data collection regarding students, limitations, sharing and destruction	Senator Pearce
<a href="#">S 1377</a>	Local School Districts and Adoption of Curriculum	Chairman Goedde

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, March 03, 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:** **Vice Chairman Mortimer** called the Senate Education Committee (Committee) to order at 3:04 p.m., and a silent roll was taken. **Vice Chairman Mortimer** noted that Chairman Goedde was presenting a bill in another committee and would join the Committee shortly.

**PRESENTATION:** **Jeanne Allen**, Senior Fellow and President-Emeritus, Center for Education Reform (Center), Washington, D.C., explained that the key to accelerating progress in achieving educational excellence for all students lies in creating a local economy of educational partnership, innovation and entrepreneurship in which organizations, and money, would willingly come to Idaho to participate. Indiana, for example has demonstrated that fusing all core pieces of educational innovation together in law and execution makes accelerated achievement possible.

The Center's Parent Power Index measures state's reform progress based on how well enacted reforms increase parental engagement, autonomy, variety of choice, quality teaching and transparency. In the Parent Power Index, Indiana is ranked No. 1; Idaho is No. 19. Restrictions persist in providing charter school options, and the Idaho Charter School Commission appears highly focused on process, procedures and in monitoring performance standards, all of which inhibit innovation. Virtual schools, which could support innovation, receive fewer dollars, and are measured by systems which ignore the disparities in starting point of the students that attend. Idaho must continue to invite new innovations in schooling, through chartering or traditional education. Indiana and other states have achieved great results by providing choice for students who have least excelled in traditional school. Transparency requires clear communication of data which the public can easily understand. With an above average charter school law, an increasingly strong charter school movement, seeds planted for better accountability and an appetite to revolutionize education, Idaho stands at the convergence of potential and reality.

**Ms. Allen** offered three suggestions to accelerate Idaho's progress: (1) Embrace choice fully and resist the temptation to overregulate. Ensure that money flows equitably across all schools and that money follows the student; encourage other education models; engage parents directly in the use of funds by allowing choice; and support state standards and accountability. (2) Reset the accountability system so that the 5-Star system truly measures the progress a school has made. (3) Create a new way to support the teaching and leadership professions, moving from discussion about pay and benefits to discussions about purpose and reward. The state's existing obligations for supporting and advancing the teaching profession could be more equitably met by maintaining minimum standards for the qualifications of teachers, and providing incentives for schools to pay teachers more for doing more and for doing well.

**Senator Ward-Engelking** asked where Massachusetts fell on the Parent Power Index. **Ms. Allen** said she would provide that information, and noted that the Center looks at how education reform is closing gaps. Massachusetts students more often come from higher income, higher educated families of influence. **Vice Chairman Mortimer** noted that the Center's graduation rate for Idaho looked very low and asked how it was calculated. **Ms. Allen** replied that she would look to see if the information has been updated.

**S 1324**

**Senator Buckner-Webb** said that the Community College Opportunity Act of 2014 ties in well with the recommendations of the Governors Education Task Force (Task Force). It supports action to ensure greater numbers of Idaho students are ready to achieve post secondary education and/or embark upon a career by creating and optimizing opportunities. The bill requires the collaboration of the State Board of Education (State Board), community colleges and key stakeholders to develop a strategic plan that would ensure every Idahoan has the opportunity to attend one of the State's community colleges, in person, or virtually. It is a collaborative approach that identifies gaps in opportunities and sets the course for the future collectively, instead of individually. The legislation calls for a strategic plan for the State's community colleges to provide reasonable and affordable curriculum readily available to students across the State. Requested completion of the plan is December 1, 2014 to be delivered to the germane communities.

Community Colleges have shared their support: Dr. Glandon, College of Western Idaho (CWI), Dr. Jeff Fox, College of Southern Idaho (CSI), Dr. Joe Dunlap, North Idaho College (NIC) and Dr. Steve Albiston, Eastern Idaho Technical College (EITC). The State Board indicates that the scope of this bill is in alignment with current processes for State Board and institution planning.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer passed the gavel to Chairman Goedde.

**Senator Fulcher** asked why the bill was necessary. **Senator Buckner-Webb** replied that the bill required that the community colleges collaborate up front to look for gaps in access and affordability and together develop a strategic plan to address them. Each institution creates their own budget, and this bill would have them work together. **Vice Chairman Mortimer** noted that the bill singled out the community colleges but did not include professional technical education or EITC which is not a community college, and asked why EITC had not been included. **Senator Buckner-Webb** said that she had spoken to Dr. Steve Albiston at EITC who indicated his willingness to participate as a stakeholder. **Vice Chairman Mortimer** said he thought it appropriate that EITC be named because they do serve a role, and **Senator Buckner-Webb** agreed to add them.

**TESTIMONY:**

**Dr. Bert Glandon**, President, CWI stated that he, Dr. Fox and Dr. Dunlap meet on a regular basis. The past year, the chairman of the three local governing boards of the three community colleges and three presidents have also met regularly. The State Board is working on a statewide plan, but the community colleges would welcome any conversation on how to better serve and engage all parties and stakeholders to deliver educational opportunities to all Idahoans. Challenges exist in rural areas, but all three community college presidents and Dr. Albiston are very much in support of this conversation and moving forward in a formal fashion.

**Senator Thayn** asked Dr. Glandon how this bill encourages or facilitates the community colleges and State Board to work together. **President Glandon** replied that the community colleges are actively working together right now. CWI, for example, has 30 percent of its coursework online, and is working actively with CSI and NIC to expand access to rural areas. The State Board has worked actively to move the community colleges into more aggressive conversation on how to provide access to rural areas. **Dr. Glandon** noted that Idaho State University and Lewis-Clark State College have professional technical roles as well as EITC.

**Senator Buckner-Webb** said that an overarching strategic plan is very valuable when trying to look for a competitive edge.

**MOTION:**

**Senator Ward-Engelking** made a motion to send **S 1324** to the Senate Floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. **Senator Fulcher** stated that he did not have a conflict with the ideas in the bill, but felt it was a resolution, not a statute. **Vice Chairman Mortimer** agreed. **Chairman Goedde** said the language of the bill was creating a new section of code and would be a statutory change. **Senator Patrick** agreed that the bill was actually a resolution. **Vice Chairman Mortimer** stated that he would support the concept as a resolution with EITC as part of the solution, and noted that the end date for the strategic plan was December 2014.

**ROLL CALL  
VOTE:**

**Senators Thayn, Patrick and Buckner-Webb** voted **aye**. **Senators Nonini, Fulcher, and Pearce, Vice Chairman Mortimer and Chairman Goedde** voted **nay**. The motion **failed**.

**H 521**

**Representative Wendy Horman**, District 30, Idaho Falls, explained that **H 521** creates legislation rising out of two of the Task Force recommendations: strategic planning and professional development for administrators and school boards. **Rep. Horman** said that she reviewed existing plans and spoke with those in the field about the work they already do in this area. She also spent time learning from state and national experts, and business community experts in the area of educational strategic planning and continuous improvement. **Rep. Horman** stated that she also has participated in strategic planning a number of times with different organizations. Even though the Task Force recommendations were unanimously supported, there was not consensus on implementation. **H 521** strikes a balance of competing opinions while still moving toward fulfilling the Task Force recommendations #7 and #18.

Recommendation #7: Annual Strategic Planning, Assessment, and Continuous Focus on Improvement lists seven elements:

1. The plan must be data driven, specifically in student outcomes, and outline current strengths and key areas for improvement, which is represented in the bill on lines 23-26.
2. The plan must set clear, measureable targets based on student outcomes, represented in line 27.
3. The plan must define focus areas for improvement, lines 23-26.
4. The plan must address specific local plans for technology, innovation, and collaboration. This requirement is not explicitly included in the bill because districts are already required by the State to have a technology strategic plan.
5. The plan must specify plans for professional development of staff, which again is covered by other strategic plans.
6. The plan must encourage community and parent engagement, lines 20-21.
7. The plan must describe high-level budget priorities. No recommendation is included in the legislation. Districts and charters are not prohibited from including budget information, but budgeting conversations for Fiscal Year (FY) 2015 are already occurring at the local district level.

**H 521** is not a plan about operational items. It is a strategic plan about student learning, including targets for progress, and ways to get there.

The Task Force also recommended two accountability mechanisms for execution of the plan.

1. The Task Force wanted accountability included in the superintendent or administrator's evaluation, lines 36-37; and
2. A state reporting mechanism which is not included. At this time, no accountability mechanism exists between a local board or superintendent and the State Department of Education or the State Board.

**H 521** requires that strategic plans be posted publicly to ensure transparency. It also includes strategic plan progress in an administrator's evaluation. Additional details may come forth from study committees who will examine all reporting aspects of districts and recommend consolidation or simplification of other strategic planning functions. That is the time to discuss the accountability function of a state-reporting mechanism.

Finally, Task Force recommendation #18 called for training and development of school administrators, superintendents and school boards. **H 521** provides up to \$2,000 to each district and charter school upon completion of the training.

**Rep. Horman** stated that this bill is supported by the education stakeholders, Idaho Business for Education, the State Department of Education and the State Board.

**Senator Nonini** referenced the bill's Statement of Purpose and asked whether districts now had strategic plans. **Rep. Horman** replied that they do, but those plans are compliance based. What the Task Force contemplated was not operational plans, but plans about student performance and student targets, and then tying a budget to those priorities. **Senator Nonini** asked if new Idaho code was needed. **Rep. Horman** replied that in order to fulfil the vision of the Task Force, the State needs to train their school boards.

**Senator Ward-Engelking** asked **Rep. Horman** about the role of educators and teachers in developing these strategic plans. **Rep. Horman** replied that the vision is set out in lines 17-21. Because this year was under a tight time line, the process was left to the local community. A good plan does that.

**Vice Chairman Mortimer** said that in his District No. 93, many board members are new, and asked how this bill would help them. **Rep. Horman** replied that under election consolidation, turnover has changed every four years, which speaks to the need for training. Task Force recommendation #18 calls for professional development for school boards, and the State needs to invest in that training.

**MOTION:**

**Vice Chairman Mortimer** made a motion to send **H 521** to the Senate floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. **Senator Thayn** stated that he was supportive of the bill. **Vice Chairman Mortimer** noted how little time trustees have together, both in planning and education, yet they are held accountable. If the State wishes to hold them accountable, then the State needs to train them. **Senator Fulcher** asked whether the bill was to mandate planning that is not happening, or if it was more an appropriation vehicle for planning that already occurs. **Rep. Horman** replied that the planning is mandatory, the training is not. **Chairman Goedde** said that he served on school boards for many years and took what training he could. He added that the State passes decision-making authority to districts; it cannot mandate that they make good decisions, but it could provide training. The motion carried by **voice vote**. **Senator Pearce** voted **nay**. Chairman Goedde will carry the bill on the floor.

**PASSED THE  
GAVEL:**

Chairman Goedde passed the gavel to Vice Chairman Mortimer.

**S 1377**

**Chairman Goedde** explained that during the public discussion on Idaho Core Standards, it was pointed out that Idaho code was in conflict with practice as well as rule in regard to who is responsible for adoption of curriculum. **S 1377** clarifies that this responsibilities lies at the local school district trustee level. **Chairman Goedde** recommended that this bill move to the Senate Consent Calendar.

**MOTION:**

**Senator Thayn** made a motion to send **S 1377** to the Senate floor with a **do pass** recommendation and with the recommendation that it be placed on the Consent Calendar. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

**DISCUSSION:  
S 1372 and  
RS 23019**

**Chairman Goedde** explained that both **S 1372** and **RS 23019** deal with data security policies, and as such, both are on the agenda for discussion. If it is the will of the Committee to send **RS 23019** to print, then **Chairman Goedde** would agree to that action, however he stated that **RS 23019** had not been vetted by the State Department of Education or the State Board which caused him concern.

**PASSED THE  
GAVEL:**

Chairman Goedde passed the gavel to Vice Chairman Mortimer.



**Vice Chairman Mortimer** asked Senator Pearce for his recommendation since he is the sponsor of **RS 23019**. **Senator Pearce** said he would like to print the bill, discuss it and get input from the State Board. **Senator Fulcher** asked if the language of the two bills was in conflict. **Chairman Goedde** replied affirmatively. If one passes and then the other passes, the second one passed would become statute. **Senator Fulcher** replied that he would like to vet both of them, evaluate both approaches independently, and then select the one which the Committee feels is best. **Chairman Goedde** replied that the would agree to the Consent Request, but pointed out that the stakeholder vetting process could take months, with several revisions. With less than three weeks left in session, **Chairman Goedde** said he felt something needed pass. **Senator Nonini** said that he agreed with **Senator Fulcher** and would like to have deep conversation about both bills. **Senator Nonini** expressed concern that too much legislation was being passed. **Senator Ward-Engelking** said that it was important that data security be put in place this legislative year even if it needs to be revisited later. **Senator Thayn** said it was good to have both bills on the internet for comment, and would like to see the RS printed.

**UNANIMOUS  
CONSENT  
REQUEST TO  
PRINT  
RS 23019**

**Vice Chairman Mortimer** called for Unanimous Consent to Print **RS 23019** in a privileged committee, to be returned to the Committee for further action. **Chairman Goedde** said that he did not object, but asked Senator Fulcher, as a member of the Leadership Team, if he thought sufficient time existed to print, hear the bill and move it to the Senate Floor. **Senator Fulcher** agreed. **Chairman Goedde** said that he would expedite the bill's printing, and recommended that the sponsor transmit a copy to the State Department of Education and to the State Board for comment. **Vice Chairman Mortimer** ordered that **RS 23019** be sent to a priveleged committee for printing.

**PASSED THE  
GAVEL:**

Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**ADJOURNED:**

Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:07 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #3**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Wednesday, March 05, 2014**

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 557</a>	Use it or Lose It	Chairman DeMourdant
UNANIMOUS CONSENT TO PRINT RS 23087	Unanimous Consent request to print RS 23087, regarding establishment of an assessment review committee, in a privileged committee and to be returned for hearing	Vice Chairman Mortimer
<a href="#">S 1372</a>	Data security policies	Chairman Goedde

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, March 05, 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 3:14 p.m., and a silent roll was taken.

**H 557** **Representative Reed DeMourrant**, Chairman, House Education Committee, explained that during the Great Recession, the Legislature had provided flexibility on a previous requirement that school districts hire 100 percent of the instructional staff positions funded by the State or lose funding for those positions that were not hired. Instead, districts were allowed to decrease staff by 9.5 percent and retain 100 percent of funding. While this provided budget flexibility, it also increased class sizes. That flexibility carried a sunset clause of June 30, 2014. Without legislation, the loss of that flexibility will be dramatic to some districts, especially rural districts.

**H 557** offers a phase-out of flexibility while also addressing large class sizes. Beginning in fiscal year (FY) 2016, this legislation begins a nine-year targeted reduction of flexibility by one percent for each year in which a school district's average class size is at least one student above the statewide average class size. For school districts with large class sizes, general flexibility would reduce from 9.5 percent in FY 2015 to 8.5 percent in FY 2016, and by further 1 percent increments in the future under the same criteria. The goal of this legislation is to encourage large districts to begin hiring teachers in order to reduce class size while keeping flexibility for those smaller districts who need it.

**Chairman DeMourrant** stated that **H 557** also provides predictability which is critical when budgets are tight. **H 557** provides a long glide path.

**Senator Patrick** said that growth in his district had increased, and some schools are extremely overloaded. He asked how this bill would address that situation.

**Chairman DeMourrant** replied that it would, just as it had in Meridian. Funding is now available for the teachers and classrooms that they need.

**Senator Thayn** noted that the flexibility could theoretically go to zero. **Chairman DeMourrant** agreed. If a district began by using the entire 9.5 percent in staff reduction and still maintained above average class size, then 10 years from now, their flexibility would have been gradually reduced to zero. **Chairman DeMourrant** said that most districts are not using the full 9.5 percent. **Chairman DeMourrant** added that the State's present funding model assumes a certain type of classroom, which is not the classroom of the future. In the meantime, it is imperative to address the short term need, which is class size.

**Senator Nonini** asked if this bill had a sunset clause. **Chairman DeMourrant** deferred to **Jason Hancock**, Deputy Chief of Staff, State Department of Education, who said that the State now has in place legislation granting the 9.5 percent flexibility, with a sunset date of June 30, 2014 imposed by 2013 legislation. **H 557** repeals the sunset clause and replaces it with a gradual elimination of the flexibility percentage.

**Senator Ward-Engelking** noted that if class size is used as a trigger, then accurate data becomes important. **Chairman DeMourrant** agreed. Several Committee members asked about the percentage used by their respective districts. Chairman DeMourrant provided a list, which is attached.

**TESTIMONY:** **Rob Winslow**, Executive Director, Idaho Association of School Administrators (IASA), stated that the IASA strongly supports **H 557** because it allows for planning. Districts hope that money continues to be restored, and for now, the districts need this bill in order to retain flexibility.

**MOTION:** **Senator Thayne** made a motion to send **H 557** to the floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**RS 23087** **Vice Chairman Mortimer** reminded the Committee about its work on the new assessment, the Smarter Balanced Assessment Consortium (SBAC). One concern expressed had been whether or not Idaho could review questions and eliminate those it felt were inappropriate. In researching this concern, he had learned that other states had established assessment review committees for this purpose. This bill would provide for the organization of an assessment review committee consisting of parents, teachers and administrators representing public and charter schools in all six regions of the State. No compensation would be paid to committee members, but certain travel expenses would be covered.

**UNANIMOUS CONSENT:** Without objection, **Chairman Goedde** stated that **RS 23087** would be sent to a privileged committee for printing.

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

**S 1372** **Chairman Goedde** reminded the Committee that two bills have been presented dealing with data security. Given the time frame of the legislative session, the stakeholders met and agreed that **S 1372** would be presented to the Committee with the understanding that the Committee would send it to the Amending Order so that some of the suggestions from the alternate bill might be incorporated. In addition, Chairman Goedde said that a State Board of Education (State Board) memorandum had indicated that the alternate bill might pose conflicts with Idaho's longitudinal data system.

**S 1372** is based on similar legislation brought in Oklahoma which eight other states also have modeled. **S 1372** has been vetted by the State Board, State Department of Education (State Department), Idaho Digital Learning Academy, Data Quality Campaign, Software & Information Industry Association, and two private companies, Microsoft and Apple.

1. Section 1 states that this act shall be known as the Student Data Accessibility, Transparency and Accountability Act of 2014 (Act)
2. Section 2 states that the intent of this bill is to safeguard student information and to honor, respect and protect student privacy.
3. Section 3 provides definitions, and charges the State Board with oversight, as is the current practice, since a data management group is already in place. Section 3 requires that the State Board or State Department ensure that private vendors comply with the privacy provisions of this Act, except in certain situations. These situations include, among others, when: a student transfers out-of-state, a vendor contract with the State Board requires the information, a student transfers to another district, and a student is classified as migrant for reporting purposes as required by federal law. In addition, Section 3 requires that a detailed data security plan be developed, and that the State Board and State Department comply with the Federal Family Educational Rights and Privacy Act (FERPA) and other privacy laws. Section 3 requires that contracts governing databases, online services, assessments or instruction support that include student data must contain express provisions for privacy, restrictions on secondary uses, a time frame for destruction, and penalties for noncompliance. The State Board must notify the Governor and the Legislature annually of any new student data proposed for inclusion, changes to existing data collections or to federal reporting requirements. They also must report any exceptions granted by them, results of privacy compliance and security audits, and data collected specific to a grant program. School districts must provide parents with copies of their minor child's education records upon request. The State Board must develop a model policy for school districts and charter schools that will govern data collection, access and security, consistent with the Act, and each district must adopt and implement the model policy. The State Department will provide outreach and training.
4. Section 4 provides that this Act shall be in full force and effect upon passage and approval.

**Chairman Goedde** stated that he encouraged the Committee to send **S 1372** to the Amending Order and asked them to post items which they felt were important.

**Vice Chairman Mortimer** noted that most of the bill is very restrictive except in Section 3 when data is a necessary part of a contract governing databases, online services, assessments, special education or instructional supports with a vendor. He asked for clarification. **Chairman Goedde** deferred to **Tom Luna**, Superintendent of Public Instruction, who said that the language was directed to efforts at the state level when working with vendors for online services and, more recently, for assessments. **Superintendent Luna** said that over the past 10 to 12 years, Idaho has contracted with vendors to administer assessments and collect data. That information is contracted out of state because Idaho does not have an in-state vendor for this work. This bill makes clear that vendors can use data in very specific ways, and if that data falls outside of those written parameters for promotion, for example, the vendor must obtain parental consent. The language is specific so that the Department can continue its efforts with assessments. **Vice Chairman Mortimer** asked if the information shared with the vendor contained a name or an identifier. **Superintendent Luna** replied that information shared with a vendor contains only a unique student identifier, and the data is returned to the State in the same form. **Vice Chairman Mortimer** again questioned why that section was not more specific. **Superintendent Luna** replied that specificity exists in other parts of the bill, in definitions and elsewhere. Throughout the bill, the language addresses the form in which information is shared with a vendor, what the vendor can do with it, and how it returns back to the State. Vendors are specifically prohibited from

using data for secondary use without parental consent. Appropriate uses are well specified throughout the bill, and are limited to academic performance data.

**Senator Pearce** stated that he was bothered by the word migrant and the implication of a label. **Superintendent Luna** replied that this term is specific to how states report a certain group of children on a national basis. A certain number of children reside in Idaho for a certain number of months, they reside in California for a certain number of months, in Arizona, etc., and it is an annual migration. A national databank houses these students' information so that when a child spends three months in another state, that state has access to the student information. The term migrant is not intended to be derogatory, nor describe students who tend to move several times a year, but rather it describes students for whom moving is part of their family life and culture – their families migrate from state to state based on the seasons. It is the term used in federal reporting. **Senator Pearce** expressed concern that groups of children may also be subject to labels in the future.

**Senator Fulcher** said that use of a unique identifier suggests that the state is not trying to label, track or tie records to a person. However, the bill details migrant students whose data follows state to state. Senator Fulcher asked why that was important, what interest it served. **Superintendent Luna** said that students who live in a migrant culture need their information to be available to schools in multiple states each year. Additionally, the federal government requires that states share the information. Another subsection allows information to be shared out of state if a student voluntarily participates in an out of state program for which that data transfer is a condition or requirement of participation; it is a voluntary decision of parent and student.

**Senator Fulcher** continued to question the language. **Chairman Goedde** stated that section 3(c) contains seven exceptions. He verified that the federal government requires migrant data to be submitted. In Idaho, some districts have difficulty obtaining information from another district. The impact is much greater for a student who travels from state to state. Without a central database to serve these students, a student coming into a school with no history is at considerable disadvantage; the teacher has no idea what they know, what they do not know, and whether or not an individual education plan is needed. **Chairman Goedde** stated that a federal migrant database was created for the sake of the student, not for the desire of the federal government to compile more information. **Senator Fulcher** asked what the penalty would be if the federal reporting requirement was not met. **Chairman Goedde** replied that when Utah chose not to comply with No Child Left Behind, the federal government threatened to take away all federal funding, and discussions occurred about closing Hill Air Force Base. **Superintendent Luna** stated that Idaho receives money annually from the federal government for migrant students. At minimum, those funds might be at risk. Normally a corrective plan is put in place with a time for compliance. He added that migrant reporting is the only case in which Idaho sends individual student data outside the State.

**Senator Thayn** referred to language stating, "unless otherwise approved by the State Board of Education...", and asked why that language was chosen. **Chairman Goedde** stated that he was in possession of the State Board's data security plan, which is well thought out, and data security is already under the auspices of the State Board.

**Superintendent Luna** stated his support for the bill in its entirety, saying that as he travelled the State throughout the summer, it was clear that Idahoans' concern with the new educational standards focused on data security. **Superintendent Luna** said that he sent a letter to Chairman Goedde and Chairman DeMourdant calling for the need to create legislation dealing with data security. To do nothing would be failing to address the concerns of the people of Idaho. In his opinion, legislation must be passed this year. The Legislature must remain continually vigilant, and **S 1372** requires annual review.

**Chairman Goedde** stated that he had received information that the loss of federal funds for migrant students would total \$3.5 million. He again addressed the Committee, stating that the bill was well vetted and suggested that it go to the 14th Order for amendment.

**Senator Fulcher** said that he was reminded of the strings attached when the federal government is involved. He stated that he did not like the bill, did not like what it did, and his only question was if it was worse to do nothing. He stated his appreciation for those who had worked hard to make the bill as successful as possible. **Senator Thayn** also acknowledged that much work had gone into the bill, and agreed that it should move forward.

**MOTION:** **Senator Thayn** made a motion to send **S 1372** to the 14th Order for amendment. **Senator Pearce** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**PASSED THE GAVEL:** Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:20 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #2**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Monday, March 10, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
UNANIMOUS CONSENT <a href="#">RS23112</a>	Unanimous consent request re RS 23112 to print in privileged committee: rejection of Docket No. 08-0202-1306, manuals incorporated by reference.	Chairman Goedde
<a href="#">H 549</a>	Allows Idaho colleges to opt out of state services	Marilyn Whitney, Chief Communications and Legislative Officer, State Department of Education
<a href="#">H 576</a>	Drivers Training courses	Jason Hancock, Deputy Chief of Staff, State Department of Education
<a href="#">H 577</a>	Codifies Math Initiative	Jason Hancock
<a href="#">H 569</a>	Attendance of students at alternative schools	Jason Hancock
HEARING	Teresa Luna, Director, Department of Administration re IEN questions	Committee
MINUTES APPROVAL	Minutes of February 24, 2014	Senator Ward-Engelking
	Minutes of February 25, 2014	Senator Patrick
	Minutes of February 26, 2014	Senator Fulcher
	Minutes of February 27, 2014	Senator Pearce

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: sedu@senate.idaho.gov



MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Monday, March 10, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators, Fulcher, Nonini, Thayn, Patrick, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Senator Pearce

**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 3:00 p.m., and a silent roll was taken.

**H 549** **Marilyn Whitney**, Chief Communications and Legislative Officer, State Board of Education (State Board), explained that this bill was developed by the State Board in coordination with the Department of Administration, the Division of Human Resources and the Office of the State Controller. **HB 549** would impact Boise State University, Idaho State University and Lewis-Clark State College. It would allow these institutions to opt out of state administrative services upon approval of the State Board. That approval would be based on State Board policy and would require the institutions to show expected fiscal savings. The University of Idaho already has the ability to use administrative services other than those provided by the state administrative agencies. Community colleges also are not required to use state administrative services. The State Board does not expect that all of the four-year institutions would seek approval to exercise this flexibility. Some institutions have the infrastructure and staff to manage their own administrative services and others do not.

The State Board has contemplated this flexibility for the four-year institutions for some time. The State Board continues to ask the institutions to review programs and services to find efficiencies in order to ensure access and affordability to public higher education. Based on consultation with the agencies, the State Board believes that the best course of action to ensure that no conflicts arise with existing code sections is to amend individual sections where necessary. Ms. Whitney provided a written summary of the 15-page bill which is attached.

**Senator Patrick** asked if schools could easily opt out and opt in again. **Ms. Whitney** replied that the parties set mutually agreeable terms which generally require 18 months notice. The State would not expect changes sooner than 18 months. **Senator Patrick** asked how this option was working for schools who already have it. **Ms. Whitney** replied that University of Idaho (U of I) has always operated this way and the purchasing flexibility has worked well.

**Senator Nonini** stated that group health insurance companies look at the age and gender mix of a given pool. If a school opts out, it changes the mix. While that may be beneficial for the school, it might negatively affect another pool. **Ms. Whitney** replied that the State will look at the system wide impact of requested changes. Some schools have already looked for more cost effective health care and were unable to find any better than the State offering. **Senator Nonini** asked when a school could opt back in to health care if they chose to leave the State services. **Tracie L. Bent**, Policy and Planning Officer, State Board, replied that five years would be the minimum time due to the required contracting. If a problem arose in that time period, the State Board would work with the Department of Administration to find a solution. Schools must be cognizant that promotional cost-savings offers from other insurers may not continue beyond the initial low-cost rate.

**Chairman Goedde** asked if the U of I would have an opportunity to opt in to state services. **Ms. Whitney** replied that they could talk with an agency about coming in to some of the services. **Chairman Goedde** stated that the Controller's office had some concerns with the legislation last year, and asked if they had been satisfied with the present version. **Ms. Whitney** replied that the State Board had worked closely with the controller's office, they reviewed the final version and did not have concerns. **Chairman Goedde** noted that Boise State University stands ready to take advantage of this flexibility, and asked if any other institutions also had expressed readiness. **Ms. Whitney** replied that some discussions had taken place, but no proposals have been forthcoming. **Chairman Goedde** stated that attorneys are quick to name every possible party in a lawsuit, and since a higher education institution answers to the State Board, a lawsuit that addresses one of those institutions would include the office of the State Board. **Chairman Goedde** asked if any provisions had been made in the liability insurance language stating that the State Board would be held harmless and defended by the liability insurance that the institutions might purchase. **Ms. Whitney** replied that since the State Board is the governing body for all of the institutions, they are generally named. However, with the definitions that have been included in the bill, the State Board has made a clear distinction between the State Board and the institutions. **Ms. Bent** explained that an extensive conversation had taken place with legal counsel from each institution as well as counsel for risk management. The State Board was satisfied, based on the information provided, that if the institutions had pulled out of risk management, their insurance would need to cover their board of trustees, which is the State Board.

**TESTIMONY:**

**Bruce Newcomb**, former Speaker, Idaho House of Representatives, representing BSU, stated that BSU fully supports **H 549**. He said that over time, 83 percent of expenses at BSU are paid by students. BSU's fiduciary duty requires them to look for efficiencies, eliminate duplication and find economies of scale. Whereas BSU does not intend to leave state services in the near future, they do want the opportunity to examine contracts and make good decisions.

**Kent Kunz**, representing Idaho State University (ISU), stated that ISU supports the bill. The State Board allowed ISU and its counsel to provide input in order to ensure protections against unintended consequences. ISU does not intend to opt out of any services, with the possible exception of risk management. They may choose to purchase enhanced risk management coverage.

**MOTION:**

**Senator Patrick** made a motion to send **H 549** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senator Patrick will carry the bill on the floor.

- H 576**                    **Jason Hancock**, Deputy Chief of Staff, State Department of Education (Department), stated that **H 576** would help reduce reporting burdens from drivers education training companies. Currently, companies must submit reports within 45 days in order to receive reimbursement from the Department. Several of these companies conduct multiple courses throughout the year, and would like to submit reports once per year. The Department is agreeable to the change.
- MOTION:**            **Senator Fulcher** made a motion to send **H 576** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senator Fulcher will carry the bill on the floor.
- H 577**                    **Mr. Hancock** explained that **H 577** codifies the math initiative which has existed through intent language only since 2007. Teachers have reported that this professional development training has translated into immediate utilization in the classroom. This legislation does not create a funding formula – the decision to allocate remains year to year – but it does codify that the math initiative will continue.
- Chairman Goedde** commented that reducing intent language is advantageous. **Senator Patrick** asked if the math initiative was included in intent language for this year. **Mr. Hancock** replied that the math initiative is included in a group which includes math, reading and remediation. The languages allows the Superintendent of Public Instruction to determine the amounts used in each category. The Department anticipates that \$2 million will be used for the math initiative in fiscal year (FY) 2015. **Senator Thayn** asked if empirical data exists to show that the math initiative is beneficial. **Mr. Hancock** replied that feedback from teachers has been overwhelmingly positive. The math initiative incorporates brain research and the latest methodologies in thinking that allow for different avenues to the right answer. **Mr. Hancock** agreed to provide student outcome data via email.
- MOTION:**            **Senator Ward-Engelking** made a motion to send **H 577** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Senator Ward-Engelking will carry the bill on the floor.
- H 569**                    **Mr. Hancock** explained that **H 569** addresses a potential problem whereby a small school district could receive double funding for certain students if that district created an alternative school. The current funding formula states that districts will always receive a minimum of eight support units because districts must always provide math, science, English, etc. regardless of the number of students they have. A problem could arise if a small district creates an alternative school and shifts Average Daily Attendance (ADA) from their regular secondary program into the alternative program. They would still receive full funding for these students under the eight unit secondary minimum, but would then also receive a full stream of formula funding for the same students on the alternative funding table. **H 569** closes that loophole.
- MOTION:**            **Senator Thayn** made a motion to send **H 569** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senator Thayn will carry the bill on the floor.
- MOTION:**            **Senator Ward-Engelking** made a motion to approve the Minutes of February 24, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.
- MOTION:**            **Senator Patrick** made a motion to approve the Minutes of February 25, 2014. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.
- MOTION:**            **Senator Fulcher** made a motion to approve the Minutes of February 26, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**HEARING:**

Teresa Luna, Director, Department of Administration (DOA), appeared before the Committee to answer questions concerning the Idaho Education Network (IEN) contract and lawsuit.

**Director Luna** said that she was always happy to appear before the Committee to answer questions. She said that she had brought with her Meryln Clark, Special Deputy Attorney General on the Syringa litigation who would discuss the recent court ruling and answer questions about the litigation.

**Senator Fulcher** stated that he wanted to identify the potential exposure to the State over the IEN contracts and to understand the events leading up to the current IEN contract litigation with a goal of preventing a similar situation in the future.

**Senator Fulcher** asked Director Luna to state her role at the DOA at the time of the original IEN contract award. **Director Luna** replied that in January 2009 when the contracts were awarded, she served as Communications Director for the DOA. She was moved to Chief of Staff sometime in 2009, and was appointed Director in March 2011.

**Senator Fulcher** stated his understanding that some problems arose from a multiple contract award with Education Network of America (ENA) and Qwest, later, CenturyLink. He asked if multiple awards were common practice. **Director Luna** replied that the contracts to ENA and Qwest (CenturyLink) were awarded in 2009 by Mark Little, the State purchasing manager, now retired. Verizon had also bid for the contract. ENA and CenturyLink were awarded the exact same contract, which is common practice, so that agencies could negotiate packages and prices to best fit their needs. Multiple awards are common, particularly in the information technology (IT) arena.

**Senator Fulcher** asked how the IEN contract was split and which company has responsibility for those services now. **Director Luna** replied that identical awards went to ENA and to CenturyLink in March 2009. Later, the IEN recognized that ENA was very strong on e-rate and services, while CenturyLink was very strong on the backbone side. IEN chose ENA for e-rate, network and help desk services, and chose CenturyLink to manage the broadband piece, which was memorialized in an amendment to both companies. E-rate is administered through the Universal Service Administrative Company (USAC).

**Senator Fulcher** asked Ms. Luna to describe Syringa's role. **Director Luna** replied that Syringa was a subcontractor to ENA on the original bid in January 2009. Syringa sued in December 2009. Syringa's fight has been with ENA and with the State. Director Luna then deferred to Mr. Clark to describe Syringa's role.

**Merlyn Clark**, stated that he is an attorney with Hawley Troxell in Boise. He has also served with the Attorney General's office as a special deputy on selected matters. He has been appointed by the Attorney General to represent the State in the Syringa lawsuit. Syringa sued the State, ENA, CenturyLink, Mr. Gwartney and Mr. Zickau. The only claim that remains is the claim against the State. The district court has recently ruled that Syringa will be allowed to amend its claims challenging the original awards to ENA and CenturyLink and the amendments to those awards.

When the initial awards were issued by the Department of Purchasing, Syringa had a partnering agreement with ENA which provided that if ENA received all of the contract, ENA would utilize Syringa to help them with the backbone. Syringa was not a bidder on the initial contract – they were too small to handle the entire state. Syringa thought they had a subcontract to work with ENA to help provide some of the backbone. When IEN split the contract, ENA was appointed to handle the management of the statewide service system. CenturyLink was delegated to handle the backbone work, because CenturyLink already had a large amount of backbone in place and were best able to do the backbone work. ENA concluded that they did not need Syringa, Syringa was left out, and Syringa sued ENA for breaching their agreement. The district judge ruled that Syringa did not have an agreement because it did not include material terms, such as pricing. The district judge dismissed the claim, and the Idaho Supreme Court affirmed.

Syringa also sued the State, alleging that the State could not split the award in the manner that it had been split. The district judge said that Syringa did not have standing to make that challenge because they did not exhaust their administrative remedies when the contract was initially issued or when it was later split. The district judge dismissed Syringa's claims against the State. Syringa appealed to the Idaho Supreme Court which reversed the district court decision, saying that Syringa did not have a chance to object to the split, so they did have standing to challenge. The case was sent back to the district judge to proceed on that basis – to determine if the split with CenturyLink and ENA was legal. That point has never been decided; it has never even been argued because when the State went before the district judge it challenged the procedure, saying that Syringa did not have standing. Syringa did not have a contract; it was not the bidder; and it did not protest when it should have. The State initially won on that point, until the Idaho Supreme Court reversed.

**Mr. Clark** said that in its written opinion, the Idaho Supreme Court stated that the contracts appeared to be illegal in violation of Idaho Code § 67-5718a. Mr. Clark stated that the legality of the contracts were not the issue before them. It was not necessary to their decision. The issue before the Idaho Supreme Court was whether Syringa had the right to challenge the contract. However, that language by the Idaho Supreme Court led USAC to conclude that Idaho had not complied with its statutes and the contracts were illegal. At that point USAC cut off the IEN e-rate funding.

When Syringa filed the lawsuit in 2009, it sent a copy of the complaint to USAC as a whistleblower. USAC waited to see what would happen to the lawsuit, and when the Idaho Supreme Court made its unnecessary remarks that the contracts might be illegal, USAC wrote to the State concluding that Idaho Supreme Court had ruled the contracts were not legal – that they violated Idaho statute. Mr. Clark then wrote to USAC explaining that the Idaho Supreme Court said Syringa could challenge the contract, but they had not decided the legality of the contract. The Idaho Supreme Court had made a dicta statement.

**Senator Fulcher** suggested that it might not be fair to say that the Idaho Supreme Court made a gratuitous statement. **Chairman Goedde** asked Mr. Clark to step down, and he recalled Director Luna.

**Senator Patrick** recalled that at the time of funding through the Joint Finance-Appropriations Committee (JFAC), several discussions had taken place about how funding might work since J.A. and Kathryn Albertson Foundation, federal and state monies were involved. With some hesitancy, JFAC moved forward because it was best for the children of Idaho. He asked **Director Luna** what the next steps would be if the case were to settle and whether or not the money would then be released.

**Director Luna** responded that USAC has not made a final determination on whether or not the State is eligible for the funds currently being withheld. USAC is waiting for the court decision to play out. Should the decision come in favor of the State, the DOA believes that funds will be released and funds will be available in the future. At this time the funding is simply being held pending the court decision.

**Senator Patrick** asked if a settlement might solve the issue rather than waiting for a court ruling. **Director Luna** said that the DOA and its attorneys have concern that a settlement could appear to be an admission by the State that contracts were awarded in a manner inconsistent with state procurement rules, in which case USAC could deny funding in total. On the other hand, it could be considered a closed case by USAC and they would release the funds. Part of the drama surrounding this situation is that USAC is no longer communicating with the DOA. ENA's e-rate experts believe that Idaho is still on solid footing, and they believe the funds will be released, but it will take some time.

**Senator Thayn** asked if anything new had come to light about the State's liability to pay back e-rate funds. **Director Luna** replied that as of March 2013, e-rate has subsidized the IEN program \$13.3 million. The DOA is concerned that should USAC rule adversely against the State, they may require the State to return the funds. But before that would happen, the State has avenues of relief: (1) appeal that decision to the Federal Communications Commission (FCC) on the basis that the State has always maintained the validity of the contracts; and (2) request a waiver from the FCC. Typically, FCC waivers are granted when the spirit of the e-rate funds have been met, and waivers are awarded in contract disputes where no issues of waste, fraud or abuse have been alleged. The e-rate funds in Idaho have been used for procurement of services that the contract required, and no accusations of waste, fraud or abuse have been raised. Thus, an FCC waiver is the likely next course of action.

**Senator Nonini** asked whether all individual school districts were capitalizing on their full 100 percent quota prior to the State administering all the e-rate dollars. **Director Luna** replied that e-rate is a cumbersome process. The State has purchasing guidelines, USAC has guidelines, and numerous forms must be completed. Small, rural districts were not participating in e-rate at all. They had neither the time nor the expertise to complete the process, so they had not been taking advantage of e-rate. Prior to the IEN, the districts averaged 65 percent reimbursement, but because the State uses an aggregated model, it now receives reimbursement of 74 to 76 percent. **Senator Nonini** asked if Director Luna could translate those percentages into dollar figures. **Director Luna** replied that she could, but did not have the information at hand and would email them.

**Senator Nonini** asked Director Luna to describe the situation surrounding Mr. Gwartney's laptop computer. Director Luna deferred to **Mr. Clark** who stated that the laptop was erased. When a person leaves the DOA, standard procedure requires that their laptop be returned to the rental company for cleaning. However, the DOA was able to reconstruct all emails; seven documents were recovered from his assistant's computer; and his calendar was recovered except for a brief period of time. The calendar became significant because accusations were made by Syringa that CenturyLink had met with the Director in an attempt to manipulate him about the contract allocation. But a log kept at the front desk of the DOA shows everyone in and out. No significant evidence was lost.

**Chairman Goedde** asked Mr. Clark to describe the USAC investigation. **Mr. Clark** replied that USAC received a copy of the Idaho Supreme Court decision. As the administrator of the e-rate funds, USAC's obligation is to protect those funds. If any question arises as to whether those funds are legally dispensed, USAC stops the payment, and they conduct a review to determine whether the procurement process complied with Idaho statutes. That review is independent of the courts.

**Chairman Goedde** advised the Committee that he is a member of Idaho Education Network Program Advisory Council (IPRAC) which oversees the IEN. The minutes of October 2013 stated that e-rate funds were being collected. The December 2013 minutes contained no mention of a problem with e-rate funds. **Chairman Goedde** asked Director Luna to explain why the withholding of e-rate funds was not mentioned at those meetings.

**Director Luna** replied that she had not recently reviewed the minutes of the October IPRAC meeting, but did offer a timeline. The DOA had received notification from ENA on July 31, 2013 that they not received their e-rate funds since the end of March. At that time, the DOA had no communications with USAC to indicate funds were being withheld. The DOA made inquiry to USAC. The Division of Purchasing then received an email from USAC referencing the Idaho Supreme Court decision. The email was lengthy and contained one question at the end asking if the contracts were valid in the Division's opinion. Mr. Clark wrote back stating that the contracts were valid and explaining why, and the DOA assumed that this inquiry was a Program Integrity Assurance (PIA) request which requests are received routinely throughout the year. The first question was answered in September 2013; in mid-October the DOA received a second set of questions from USAC regarding the contract award and performance. They also requested copies of the original Request for Proposal (RFP), all of the proposals received from CenturyLink, ENA and Verizon, and any and all communications between the DOA and the parties dating back to the inception of the IEN. Two cases of documents were sent to USAC, and their review should have been completed by December 23, 2013 and the funds released. Their lack of response was not a cause for concern because they had requested this same information when the contracts initially were awarded, and the contracts had passed muster at that time. The DOA also felt the delay might be in response to the Christmas holidays, and they expected to hear by the first of the year. **Director Luna** acknowledged that the IPRAC was not happy with the DOA communication to them, and stated that processes have been put in place to ensure that communication delays to IPRAC do not happen again.

**Chairman Goedde** stated that the DOA had renewed the IEN contract a year early and that IPRAC had not been informed of that decision until after the fact. **Chairman Goedde** asked Director Luna to explain to the Committee why the renewal took place early.

**Director Luna** acknowledged that the DOA had been questioned about the early renewal and why legislative approval had not been obtained. **Director Luna** said that the Division of Purchasing renews and awards hundreds of contract every year. The IEN team worked on the renewal for over a year, and renewal was precipitated by the fact that the IEN team had completed phase 1 installation a year early. The project was successful from the outset, particularly in rural communities. The IEN team worked with the technical team of IPRAC, and those conversations are reflected in the meeting minutes of the Information Technology Advisory Council (ITAC). The vendors then worked with the subcontractors on pricing and enhanced infrastructure. They worked with the Division of Purchasing and the Attorney General's office, both whom approved early renewal. When the contracts were renewed, the district court had dismissed all of Syringa's claims on summary judgement, and e-rate funds had been received for over three years without interruption. Renewal was discussed in broad terms at IPRAC. **Director**

**Luna** acknowledged that the DOA was not clear enough with IPRAC about their intention, nor did they obtain a formal motion or approval from IPRAC to renew the contract. **Director Luna** then introduced Brady Kraft, Director of Technology, IEN.

**Brady Kraft**, Director of Technology, IEN stated that as a result of the contract renewal, and based on the savings incurred from contract renewal to date, the IEN cost is \$175,000 per month lower than it would have been if the contract were not renewed. **Mr. Kraft** reviewed a bubble chart, which is attached. The vertical axis represents the cost per megabit and the horizontal axis is the number of students served. The size of the bubble represents the percentage of overall cost at a given point in time. The color represents the provider. As Ethernet replaced time division multiplex technology (TDM) significant cost saving were realized. Over time, CenturyLink also lowered the port fees which resulted in a 5 percent savings, or \$87,000 per month. Even though the contract was set and prices were set, strategies could be employed to lower costs and allow more sites to go online. At that point, phase 1 was complete with 194 schools.

**Mr. Kraft's** team next investigated what would make the IEN more scalable and sustainable to support the schools. They requested more Ethernet throughout the state and developed a comprehensive plan to reduce costs overall. At the time of contract renewal, the State's costs per month were \$714,000. Had the Ethernet changes not been implemented, costs would have risen to \$850,000 per month. As a result of contract renewal, the State's costs are \$650,000 per month. The reduction in cost resulted from a second reduction in port fee costs statewide, increased deployment of Ethernet in CenturyLink territories, and CenturyLink added 21 additional sites onto Ethernet. Syringa upgraded its sites to pure Ethernet. Frontier's TDM sites were upgraded to fiberoptics. Fiberoptics now cover approximately 87 percent of the state. Each of these strategies resulted in significant savings to the State.

**Chairman Goedde** asked Mr. Kraft which reductions were specifically a result of the early contract renewal. **Mr. Kraft** replied that a direct result was the revised contract with Syringa. **Chairman Goedde** asked if the contract could have been revised without renewal of the contract. **Mr. Kraft** replied that CenturyLink had been working for over two years with both Frontier and Syringa in an attempt to obtain a buy-sell agreement for the State to buy Ethernet. With only 1.5 years remaining on the current contract, early renewal provided CenturyLink enough leverage to negotiate with Frontier and Syringa. In addition, the long term business commitment allowed CenturyLink to commit to installing fiber to 21 additional locations. CenturyLink and Syringa invested millions of dollars in infrastructure. As a result of these efforts, costs to IEN were significantly reduced.

**Senator Patrick** asked whether the State or ENA were liable on the e-rate portion of the contract. **Director Luna** replied that the funding mechanism places the State on a service provider invoice (SPI) basis. That means that the State only appropriates 25 percent for the IEN project. ENA bills USAC for the other 75 percent. The agreement to obtain the USAC payment is between the State and USAC. It is the State that contracted for the services; it is the State that applied to USAC for e-rate funds; and it is the State who advised USAC which vendors to pay. The liability lies with the State.

**Senator Fulcher** asked what could be the worst case outcome. **Director Luna** replied that the worst case would be that USAC would find against the State, and the FCC would deny the State's appeal and waiver. If they were to then require repayment, the amount would be \$13.3 million. **Senator Fulcher** asked for an assessment of the future in the event USAC found against the State. **Director Luna** replied that the \$13.3 million is the amount that e-rate has paid to the State. If USAC ruled against the State and the contracts are found invalid, then the State would need to rebid the contract and reapply for funds through USAC.



**Senator Fulcher** stated his understanding that other agencies such as Health and Welfare are using IEN, and questioned whether or not their participation was voluntary. **Director Luna** replied that the IEN is a statewide contract, and all agencies are required to use statewide contracts. The IEN contract contains two components— one is the IEN and the other is the statewide area network. Agencies are required to use this contract for their broadband services. Many agencies also use the IEN for outreach in their communities. The agencies are not e-rate subsidized, but they do run off of the statewide contract.

**Senator Fulcher** asked if the agencies were saving money as a result of the statewide contract with IEN. **Director Luna** made a distinction between the IEN statewide contract and the IEN as used by schools. The statewide contract not only covers the State's ability to purchase bandwidth for schools but also for agencies. Agencies are not voluntarily participating in the statewide area network. They are buying off of the statewide contract which is required for all procurement purposes, whether a service or a product. Higher education institutions continue to use the statewide contract because that is what gives the State the purchasing power to leverage costs.

**Senator Fulcher** asked if the contract would be rebid if Syringa wins their lawsuit. **Director Luna** replied that the answer would lie in the ruling, and deferred to Mr. Clark. **Mr. Clark** said that if the court were to rule that the contracts are invalid, then the State would not have a contract to provide services to the IEN, and the IEN would go dark. The State would then need to replace that service in order to provide connectivity to schools, libraries and state agencies. The rebidding process would begin. **Chairman Goedde** asked about the time frame for the rebidding process. **Mr. Clark** replied that it would take 18 months to rebid the contract and to get e-rate funding initiated. A concern would be whether USAC would honor Idaho's request for e-rate funding if the original contract were declared invalid. USAC has the ability to debar the State from any further e-rate funding. **Chairman Goedde** clarified that the system could be running in less than 18 months but that e-rate funding may require the additional time.

Note: Subsequent to her testimony before the Committee, Director Luna submitted additional written answers which are attached.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:50 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #2**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Tuesday, March 11, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">HCR 53</a>	Education and workforce needs	Rep. John Rusche
<a href="#">HCR 54</a>	House rejection of Docket No. 08-0203-1306, Section 104.01.a and Section 104.02.c., regarding minutes of physical activity	Chairman DeMourdan
<a href="#">HCR 55</a>	House rejection of Docket No. 08-0202-1308, Section 023.03., pre-service semester credits in English	Chairman DeMourdan
<a href="#">S 1396</a>	Assessment review committee	Vice Chairman Mortimer
UNANIMOUS CONSENT TO PRINT <a href="#">RS23128</a>	Wireless Technology Standards	Chairman Goedde
MINUTES APPROVAL	Minutes of February 27, 2014	Senator Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: [sedu@senate.idaho.gov](mailto:sedu@senate.idaho.gov)

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, March 11, 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 3:03 p.m., and a silent roll was taken.

**HCR 53** **Representative John Rusche** explained that **HCR 53** was developed to address the importance of building a pipeline of students to the workforce. It recognizes the intense tie between education, workforce development, and business growth and success. **HCR 53** requests that the Directors of Departments of Commerce and Labor work with the State Board of Education to develop policy recommendations and legislation, if needed, to provide improved work opportunities.

**MOTION:** **Senator Nonini** made a motion to send **HCR 53** to the floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by voice vote. Senator Nonini will carry the bill on the floor.

**HCR 54** **Chairman Reed DeMourant**, House Education Committee, explained that **HCR 54** deals with the Department of Education's pending rule, **Docket No. 08-0203-1306**. That rule would require that 60 minutes per week of physical education be provided in elementary schools, and 200 bi-weekly minutes be provided in middle school, accelerating to 225 minutes in 2018. Both the House and Senate education committees rejected this rule. **Chairman DeMourant** asked that the Committee approve the concurrent resolution.

**Vice Chairman Mortimer** made a motion to send **HCR 54** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**HCR 55** **Chairman DeMourant** explained that **HCR 55** deals with the Department of Education's pending rule, **Docket No. 08-0203-1308**. That rule would require pre-service educators to complete 45 semester credits for a teaching endorsement in English. **Chairman DeMourant** explained that the House could not justify the increase from 20 to 45 credit hours.

**Vice Chairman Mortimer** made a motion to send **HCR 55** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**S 1396**                    **Vice Chairman Mortimer** explained that **S 1396** creates an assessment review committee to review summative computer adaptive test questions for bias or sensitivity, and to make recommendations to the State Board of Education (Board) for revision or removal. **Vice Chairman Mortimer** said that the Smarter Balanced Assessment Consortium (SBAC) had assured him that 20 percent of SBAC test questions could be removed without compromising the integrity of the assessment. The committee would be comprised of parents, teachers and administrators representing public and charter schools in all six regions of the state. The committee would serve in staggered four year terms.

**MOTION:**                **Senator Fulcher** made a motion to send **S 1396** to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion carried by **voice vote**. Vice Chairman Mortimer will carry the bill on the floor.

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

**RS 23128**                **Chairman Goedde** explained that **RS 23128** concerns wireless technology. The current wireless appropriation for education refers to standards which local districts must meet to obtain funding. This bill sets forth those standards.

**UNANIMOUS CONSENT:**    **Chairman Goedde** asked for unanimous consent to send **RS 23128** to the Finance Committee for a print hearing. There were no objections.

**PASSED THE GAVEL:**      Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**MOTION:**                **Senator Pearce** made a motion to approve the Minutes of February 27, 2014. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**            Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:14 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary

**AMENDED AGENDA #1**  
**SENATE EDUCATION COMMITTEE**  
**3:00 P.M.**  
**Room WW55**  
**Thursday, March 13, 2014**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 568</u></a>	Employment of spouses by board of trustees or board of directors	Representative Marc Gibbs
<a href="#"><u>H 599</u></a>	School building maintenance funding	Luci B. Willits, Chief of Staff, State Department of Education
<a href="#"><u>S 1410</u></a>	Wireless technology	Chairman Goedde
MINUTES APPROVAL	Minutes of March 3, 2014	Senator Nonini
	Minutes of March 5, 2014	Vice Chairman Mortimer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde  
Vice Chairman Mortimer  
Sen Pearce  
Sen Fulcher  
Sen Nonini

Sen Thayn  
Sen Patrick  
Sen Buckner-Webb  
Sen Ward-Engelking

COMMITTEE SECRETARY

Elaine Leedy  
Room: WW39  
Phone: 332-1321  
email: sedu@senate.idaho.gov

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, March 13, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayne, 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 3:04 p.m., and a silent roll was taken.

**Chairman Goedde** announced that today's meeting could be the last of the session. He called upon Madison Barno, the Senate Education Committee Page to tell the Committee about her experiences and what she had learned.

**Ms. Barno** said that she had loved the experience at the Senate. She not only learned how a bill becomes a law, but she also learned how to operate the copy machine. As a homeschooler, she had never operated one before. She enjoyed seeing the behind the scenes processes and activities both on the Committee and on the Senate floor. Despite the seriousness of the bills being considered and how they affect the citizens of Idaho, she enjoyed how members of the Senate joke around with one another. **Ms. Barno** said that through her experience as a Page she has gained more confidence in herself, both as an individual and in the way she interacts with people at work. Finally, the experience has peaked a political interest that she had not felt before. She thanked the Committee for their support.

Chairman Goedde offered Ms. Barno letters of appreciation from the Senate, letters of recommendation, and a gift.

**H 568** **Representative Marc Gibbs** explained that Idaho's legislative districts were designed each to represent approximately 45,000 Idahoans. In urban areas, some legislators can walk their entire district in an afternoon. On the other hand, Representative Gibbs' district covers five counties and nine school districts. One size does not fit all, particularly in education. **H 568** addresses the need for rural school districts to fill non-academic positions with the spouse of a school board member, which has been against policy. Currently, two spouses are volunteering. **H 568** would allow spouses to be compensated in districts with less than 1,200 students. The job must be advertised annually.

**TESTIMONY:** **Robin Nettinga**, Executive Director, Idaho Education Association (IEA) stated that every school district, regardless of its size, is challenged to find highly qualified teachers at one time or another. The Idaho State Board of Education has several rules in place to provide districts with options for districts struggling to fill teaching positions with qualified staff. A currently employed teacher could earn a new certification, for example. The already-employed teacher can have up to three years to earn certification in another area while continuing to teach with the district, including the course for which s/he is working to obtain full certification. Another option available to districts is Content Specialist. Under this alternative authorization, the route to certification is expedited for individuals who are highly and uniquely qualified in a subject area but do not hold a teaching certificate. Under this option, the district with an identified need for teachers in a specific subject area may hire the individual and assign them to teacher in the district while they earn state certification. Again, under this alternative route, the individual has up to three years to earn full certification. The IEA requested that the Committee hold **H 568**.

**Karen Echeverria**, Executive Director, Idaho School Boards Association (IASA) stated that the IASA supports **H 568**.

**Harold Ott**, IASA and Idaho Rural Schools Association, stated that rural districts often lack certified teachers in performance areas such as drama and music, and those positions also cannot be replaced with online courses. Mr. Ott joined with Ms. Echeverria in supporting **H 568**.

**Senators Nonini and Patrick** spoke in favor of the bill.

**MOTION:** **Vice Chairman Mortimer** made a motion to send **H 568** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. The motion carried by **voice vote**. Senator Thayne will carry the bill on the floor.

**H 599** **Tim Hill**, Deputy Superintendent, State Department of Education (Department) said that **H 599** provides more flexibility to school districts in coping with limited budgets by providing one-third relief in fiscal year (FY) 2015 from the requirement that school districts allocate a certain amount of funding for school building maintenance. This relief was provided in full for the FY 2010-2013 period, and for two-thirds of these monies in FY 2014. This legislation is consistent with the second year of a three-year, phased-in reinstatement of the maintenance match requirement approved in the FY 2015 public schools appropriation bill.

**MOTION:** **Vice Chairman Mortimer** made a motion to send **H 599** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. The motion carried by **voice vote**. Senator Patrick will carry the bill on the floor.

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

**S 1410** **Chairman Goedde** explained that school districts must comply with wireless service standards in order to qualify for state appropriation. **S 1410** sets forth those standards. **Chairman Goedde** emphasized that **S 1410** details standards only. The Department will be charged with writing specifications in concert with the Idaho Education Technology Association (IETA).

**Senator Thayn** asked if the requirements would be written in rule. **Chairman Goedde** deferred to **Tom Luna**, Superintendent of Public Instruction, who stated that two methods were available: policy or rule. Timing becomes an issue because districts need to make decisions by July 1, 2014. **Senator Thayn** said that establishing specifications through policy would be the better course.

**Senator Fulcher** asked if the standards, functionality or testing criteria favored any particular supplier. **Chairman Goedde** replied that he was very conscious of that in drafting the bill. **Chairman Goedde** had the bill reviewed by people in his District No. 4 who are not involved with the Education Network of America, as well as IETA, and all were comfortable with the language of the bill. The standards could be used for any provider. **Vice Chairman Mortimer** noted that the Department had also vetted the standards.

**MOTION:** **Senator Fulcher** made a motion to send **S 1410** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**PASSED THE GAVEL:** Vice Chairman Mortimer passed the gavel back to Chairman Goedde.

**Chairman Goedde** thanked Elaine Leedy, Education Committee Secretary for her two sessions of service to him and to the Committee.

**Chairman Goedde** invited Tom Luna to the podium for closing remarks. **Superintendent Luna** thanked the Committee for the opportunity to speak to them one last time. He stated that he had learned a lot about how bills were made and laws passed. "It has been a great eight years," he said, and he has greatly appreciated his time working with the Committee. "We have become friends."

**Chairman Goedde** also thanked Vice Chairman Mortimer for his service to the Committee.

**MOTION:** **Senator Nonini** made a motion to approve the Minutes of March 3, 2014. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Vice Chairman Mortimer** made a motion to approve the Minutes of March 5, 2014. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:34 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary



AGENDA  
**SENATE EDUCATION COMMITTEE**  
**3:45 P.M.**  
**Room WW55**  
**Tuesday, March 18, 2014**

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 621</a>	School district subdistricts	Rep. Boyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Goedde

Vice Chairman Mortimer

Sen Pearce

Sen Fulcher

Sen Nonini

Sen Thayn

Sen Patrick

Sen Buckner-Webb

Sen Ward-Engelking

COMMITTEE SECRETARY

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Room: WW39

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MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Tuesday, March 18, 2014

**TIME:** 3:45 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Goedde, Senators Pearce, Fulcher, Nonini, Thayn, Buckner-Webb and Ward-Engelking

**ABSENT/ EXCUSED:** Vice Chairman Mortimer and Senator Patrick

**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 3:56 p.m., and a silent roll was taken.

**H 621** **Representative Judy Boyle** explained that **H 621** is designed to bring into alignment the language in two sections of Idaho Code. Idaho Code § 33-1102 already allows a regular school district to bond. Under **H 621**, a school subdistrict created under Idaho Code § 33-351 would also be allowed to bond for the same purposes.

**Chairman Goedde** asked Representative Boyle to describe a situation where a subdistrict might be created. **Representative Boyle** responded that in a large district with four high schools, for example, each high school might create a subdistrict in order to keep their competitive advantage.

**Senator Thayn** asked if subdistricts were defined in Idaho Code. **Jason Hancock**, Deputy Chief of Staff, State Department of Education, replied that Idaho Code § 33-351 defines a subdistrict.

**MOTION:** **Senator Pearce** made a motion to send **H 621** to the floor with a **do pass** recommendation. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**. Chairman Goedde will carry the bill on the floor.

**ADJOURNED:** Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 4:00 p.m.

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Senator Goedde  
Chair

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Elaine Leedy  
Secretary