

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Wednesday, February 18, 2015

TIME: 8:30 A.M.

PLACE: Room EW41

MEMBERS: Chairman DeMordaunt, Vice Chairman VanOrden, Representatives Shepherd, Wills, Boyle, Clow, Gestrin, Harris, Mendive, McDonald, Dixon, Kerby, Pence, Kloc, Rubel

**ABSENT/
EXCUSED:** Representative Shepherd

GUESTS: Taylor Raney, JoAnn Bujarski and Tim Corder, SDE; Tomi Hawkins, IAPDB; Robin Nettinga, IEA; Conrad Freeman, Zion's Bank; Mark Medema, Building Hope; Rob Winslow and Phil Homer, IASA; Harold Ott, Rural Schools; Dennis Stevenson, Rules Coordinator; Mike Ryals and Mike Arnell, Idaho Driving Businesses; Audra Urie, Sherri Ybarra, and Tim Hill, SDE

Chairman DeMordaunt called the meeting to order at 8:33 a.m.

MOTION: **Rep. Mendive** made a motion to approve the minutes of the February 11, 2015, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Kloc** made a motion to approve the minutes of the February 12, 2015, meeting. **Motion carried by voice vote.**

S 1019: **Tim Corder**, Special Assistant to the Superintendent, State Department of Education (SDE), continued with his presentation of **S 1019** which was interrupted in committee on February 16, 2015. He said **S 1019** would help the SDE recover administrative costs of the program which requires background checks and includes fingerprinting. He said the legislation represents a fee hike of \$5.00 to each new teacher and staff hire.

ORIGINAL MOTION: **Rep. Kerby** made a motion to send **S 1019** to the floor with a **DO PASS** recommendation.

A discussion was held concerning the actual cost of fingerprinting and the specific fee breakdown of the school district, the Idaho State Police and the Federal Bureau of Investigation. Concern was expressed regarding the increased charge on new teachers and staff to pay for elements of the background check.

SUBSTITUTE MOTION: **Rep. McDonald** made a substitute motion to **HOLD S 1019** in committee until further information can be obtained on fingerprinting costs incurred by participating agencies.

In response to a question from the committee regarding the consequence of holding the bill in committee, **Mr. Corder** indicated the background check fee for teachers and new staff would remain at \$40.

AMENDED SUBSTITUTE MOTION: **Rep. Harris** made an amended substitute motion to **HOLD S 1019** in committee.

ROLL CALL VOTE: **Rep. Wills** requested a roll call vote on the amended substitute motion to **HOLD S 1019** in committee. **Motion carried by a vote of 8 AYE, 6 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. DeMordaunt, VanOrden, Clow, Harris, Mendive, McDonald, Dixon, Rubel. Voting in opposition to the motion: Reps. Wills, Boyle, Gestrin, Kerby, Pence, and Kloc. Rep. Shepherd was absent/excused.**

RS 23599: **Jessica Harrison**, Policy and Government Affairs Coordinator, Idaho School Boards Association (ISBA), presented **RS 23599** regarding one year master agreements, also known as the removal of evergreen clauses. She said the proposed legislation would lift the sunset clause from **S 1147** which originated in the 2013 Legislative Session. She stated **S 1147** requires that salaries and benefits in a master agreement be in effect for one year and all other non-financial matters may have a length of two years. She said the sunset clause will expire July 1, 2015. Ms. Harrison stated in order for school boards to set annual budgets in a timely manner, and based on the funding provided for the upcoming fiscal year, ISBA's members believe master agreements cannot be ended.

MOTION: **Rep. VanOrden** made a motion to introduce **RS 23599**.
In response to a question regarding stakeholder agreement to **RS 23599**, **Ms. Harrison** said administrators and the Idaho Education Association were part of the discussion and they have an agreement.

VOTE ON MOTION: **Chairman DeMordaunt** called for a vote on the motion to introduce **RS 23599**. **Motion carried by voice vote.**
Rep. McDonald explained the subcommittee recommendations on Administrative Rules. **Chairman DeMordaunt** accepted the report from the McDonald Subcommittee and presented each of the pending rules from the State Board of Education.

DOCKET NO. 08-0202-1404: **Chairman DeMordaunt** presented **Docket No. 08-0202-1404** regarding the classroom observation and clarification for measuring teacher performance.

MOTION: **Rep. Kloc** made a motion to approve **Docket No. 08-0202-1404**. **Motion carried by voice vote.**

DOCKET NO. 08-0203-1402: **Chairman DeMordaunt** presented **Docket No. 08-0203-1402** regarding the "proficient" clarification of a limited English proficient student and a plan for accountability.

MOTION: **Rep. Wills** made a motion to approve **Docket No. 08-0203-1402**. **Motion carried by voice vote.**

DOCKET NO. 08-0203-1404: **Chairman DeMordaunt** presented **Docket No. 08-0203-1404** regarding the instructional offerings in high schools and the annual review of parent-approved learning plans for high school students.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 08-0203-1404**. **Motion carried by voice vote.**
Rep. Mendive explained the subcommittee recommendations on Administrative Rules. **Chairman DeMordaunt** accepted the report from the Mendive Subcommittee.

DOCKET NO. 08-0111-1401: **Rep. Mendive** presented **Docket No. 08-0111-1401** regarding the definition of an "Idaho presence" for college registration and for state authorization purposes.

MOTION: **Rep. Gestrin** made a motion to approve **Docket No. 08-0111-1401**. **Motion carried by voice vote.**

DOCKET NO. 08-0201-1401: **Rep. Mendive** presented **Docket No. 08-0201-1401** regarding the strategic plan that focuses on improving the district or charter school students' performance.

Tracie Bent, Chief Planning and Policy Officer, State Board of Education, was called upon to answer a question concerning the use of the term "strategic" plan instead of "continuing improvement" plan. She stated the rule change will be incorporated in the 2016 Administrative Rules, since **H 122** was just recently passed in the House.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 08-0201-1401**. **Motion carried by voice vote.**

DOCKET NO. 08-0201-1402: **Ms. Bent** was called upon to review the content of **Docket No. 08-0201-1402**. She said it was an effort correct two technical errors in this portion of the rule for Exceptional Child Support Units concerning the percentages.

MOTION: **Rep. Harris** made a motion to approve **Docket No. 08-0201-1402** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1403: **Ms. Bent** said this rule changes the endorsements which fall under "exceptional child" certificates, in this case the deaf and hearing impaired.

MOTION: **Rep. Dixon** made a motion to approve **Docket No. 08-0202-1403**. **Motion carried by voice vote.**

DOCKET NO. 08-0202-1402: **Rep. Mendive** said he would like consideration by the full committee on the **Docket No. 08-0202-1402**, regarding teacher certification and driver's education.

Mike Ryals, Idaho Association of Professional Driving Businesses, spoke in opposition to **Docket No. 08-0202-1402** as it related to driving businesses.

Chairman DeMordaunt put the committee at ease at 9:23 a.m.

Chairman DeMordaunt reconvened the meeting at 9:26 a.m.

After giving a history of the problems connected with the approval of **Docket No. 08-0202-1402**, **Mr. Ryals** summarized his three objections: First, the rules were made absent of "negotiated rule-making" or any communication from the Department of Education to those it would impact. Secondly, the wording in the rule is an attempt to control the fees that businesses would be allowed to charge and third, the rule interferes with local control by the school district to determine their contracts.

Mike Arnell, Idaho Association of Professional Driving Businesses, said he was a retired Certified Fraud Examiner and spoke in opposition to **Docket No. 08-0202-1402**. He said there is no statute that dictates where a student must enroll for Drivers Education or that he/she must enroll with the chosen private contractor. He indicated the \$125 reimbursement paid to the public school where a student is enrolled, and completes his/her Drivers Education, should be paid without predisposition of what a private school charges. He said it is not the role of the Department of Education to determine what a private driving school charges.

Tim Corder, SDE, spoke in support of **Docket 08-0202-1402**. He said it is not required of SDE to promulgate rules nor is it required to negotiate. He said the SDE is mandated to protect the tax payer dollar and prudently manage the benefit of the \$125 reimbursement per student of those participating in Driver's Education. He indicated the rule was not an attempt by SDE to manipulate the right of the individual school districts to determine the contracts they choose to make with private industry. He said the SDE followed the law; it is the task of the Legislature to decide policy.

A discussion was held regarding the deletion of Driver's Education from the public school curriculum and efficiency of private industry. Committee members discussed the risk of waiting for a year to study the situation.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 08-0202-1402** with the exception of **Section 004, Subsection 03. Motion carried by voice vote.**

Chairman DeMordaunt called upon **Tracie Bent** to present the pending fee rule: **Docket No. 08-0501-1401.**

DOCKET NO. 08-0501-1401: **Ms. Bent** presented **Docket No. 08-0501-1401.** Rule Governing Seed and Plant Certification. She said the Idaho State Board of Education Regents of the University of Idaho promulgated this rule. It is to correct an oversight in legislation passed years ago. The rule is in response to a statute incorporating the current process of seeds, researched and developed at the University of Idaho, being offered for sale by the University.

MOTION: **Rep. Harris** made a motion to approve **Docket No. 08-0501-1401. Motion carried by voice vote.**

A group presentation on charter school finance was given by **Terry Ryan**, President, Idaho Charter School Network, **Conrad Freeman**, Senior Vice President, Vectra Bank and Zion's Bank, and **Mark Medema**, Director, Building Hope. Mr. Ryan said there are three million students enrolled in charter schools across the nation. He also indicated charter schools are located in the most populated areas of Idaho, however, the 2014 report indicates negative growth in Idaho even though many students are on waiting lists for entrance to existing charter schools. Mr. Freeman and Mr. Medema spoke on the process for charter school finance. They discussed the financial institutions requirements for funding. They said charter schools should participate in all funding streams.

A discussion was held regarding the underwriting of charter schools, granting loans for charter schools from the Endowment Fund and successful management for lower interest rates for charter schools. The successful charter school profile and the benefit of higher bond ratings were also considered.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:34 a.m.

Representative DeMordaunt
Chair

Jean Vance
Secretary