

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Friday, February 26, 2016

TIME: 9:00 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:** None

GUESTS: Norm Stewart, Marsing School District; Curt Shankel, Nampa Police; Anita Christenson, Nampa School District; Gaylen Smyer, Cassia School District; Ron Whitney, Kelly Pearce, Division of Building Safety; Will Boganoff, Sage International School; Terry Ryan, Suzanne Metzgar, Emily McClure, Chris Yorgason, Idaho Charter School Network; Tamara Baysinger, Public Charter School Commission; Shane Pratt, Rolling Hills Public Charter School; Angel Gonzalez, Bluum; Paul Stark, Idaho Education Association; Helen Price, Idaho Association of School Administrators; Blake Youde, State Board of Education.

Chairman DeMordaunt called the meeting to order at 9:00 a.m.

MOTION: **Rep. Mendive** made a motion to approve the minutes of February 22, 2016. **Motion carried by voice vote.**

MOTION: **Rep. Rubel** made a motion to approve the minutes of February 23, 2016. **Motion carried by voice vote.**

RS 24599: **Rep. Horman** spoke to **RS 24599**. She said school districts would like more autonomy to respond to their individual, local needs. One of the recommendations of Governor Otter's task force on education was to empower local autonomy by removing constraints, she added. This legislation does not remove the current rules and policies in place, said Rep. Horman, but it allows school districts to request waivers if they feel the policies are impeding their progress. The legislation authorizes ten Innovation Schools per year for five years, and the school districts are only granted flexibility if they demonstrate students are meeting goals and outcomes.

In response to questions from the committee, **Rep. Horman** said some examples of the flexibility schools want are seat time measurements and the local assessments used. Most of the teachers and administrators must be in agreement with the changes. This allowance for flexibility will help STEM schools, because classes like welding and auto body need longer class periods, she said.

MOTION: **Rep. McDonald** made a motion to introduce **RS 24599**. **Motion carried by voice vote.**

H 514: **Rep. Horman** spoke to **H 514**. She said this bill establishes an office of school safety and security within the Division of Building Safety. Assessments of school safety and security need to be ongoing, she added, and not only done once a year.

In response to questions from the committee, **Rep. Horman** said making a building secure involves more than just locks on doors. The climate of the school is also important, and a safe environment is important for learning.

Norm Stewart, Marsing School District Superintendent, spoke **in support** of **H 514**. He said the city of Marsing does not have its own police department. The Owyhee County Sheriff patrols 7,607 square miles with twelve full-time deputies. Because of the size and scope of the county, it may be ten minutes before a law enforcement officer can arrive at the school. **H 514** could give school districts the resources to improve safety and be proactive, rather than reactive, about school security. Assessments and protocols need to be updated more than once a year, he added.

Curt Shankel, Nampa Police Department, spoke **in support** of **H 514**. He said the bill is a great resource for all sizes of school districts. A third party does the assessments, which are suggestions for best practices, which are given to the administrators. Nampa has ten police officers assigned to schools, he said, and the bill will give resource officers tools and resources to do their job.

Anita Christenson, Nampa School District Assessment Administrator, spoke **in support** of **H 514**. She said school districts need an impartial third party to see changes which need to be made regarding best practice resources and tools. The third party can help a school district find resources to solve its unique challenges. For example, she said, a consistent communication system for a large district like Nampa is important but expensive. Without the bill, schools are left to their own devices to find the best practices for safety. **H 514** can help schools make better, more systematic decisions, she added. In response to questions from the committee, Ms. Christenson said it is important to share information with other departments involved, such as a local police department.

Gaylen Smyer, Cassia School District Superintendent, spoke **in support** of **H 514**. He said the Cassia School District has seventeen schools, which serve approximately 5,500 students. Geographically, the school district is larger than Delaware, with mountains in the middle of the district. It can take forty-five minutes for law enforcement from Burley to arrive. Having a third party assess safety issues is helpful, he said, because an objective, outside perspective sometimes identifies things the school district administration is too close to notice.

MOTION:

Rep. Wills made a motion to send **H 514** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Horman** will sponsor the bill on the floor.

S 1248:

Senator Nonini spoke to **S 1248**. He said Idaho has one of the most restrictive laws in the country regarding charter school teacher contracts. **S 1248** removes the requirement for charter schools to use the state contract. Idaho Code requires charter schools use the contract approved by the Superintendent of Public Instruction. One of the recommendations of the governor's task force on education, said Senator Nonini, was to empower autonomy by removing constraints, which is what this bill does. In Chapter 52, Section 33-502, the legislative intent for charter schools was to provide new opportunities and expanded choices for teachers, students and parents. The bill does not force charter schools to use a different contract, he said. They can continue to use the state contract. The bill is supported by the Idaho Public Charter School Commission and the Northwest Professional Educators Association, he added. New Mexico is the only other state in the country with a similar contract requirement.

In response to questions from the committee, **Senator Nonini** said charter schools would like to use at-will contracts with new teachers, when the cultural fit is a component which can only be tested on the job. Although there are no particular problems with the state contract, he said, schools want extra flexibility. The Idaho State Board Association and Idaho Association of School Administrators testified at the Senate hearing, he said, because they thought the bill made using a different contract mandatory. They are not testifying today, he added. If a teacher wants the state contract, said Senator Nonini, the charter school administration could decide to offer that. In Minnesota, he said, all teacher contracts are one-year, at-will contracts, and they have worked well.

MOTION:

Rep. Clow made a motion to send **S 1248** to the floor with a **DO PASS** recommendation.

Terry Ryan, Idaho Charter School Network, spoke **in support** of **S 1248**. He said 12 schools had sent letters of support, and the support has increased since the hearing in the Senate. One area where flexibility in teacher contracts would be helpful is in blended learning, where students of varied ages are in one classroom. The Upper Carmen Charter School, he added, allows contracts which work best for these types of classes, and the Northwest Professional Educators Association supports **S 1248**.

Shane Pratt, Rolling Hills Charter School, spoke **in support** of **S 1248**. He said Rolling Hills is a kindergarten through eighth grade school. The teachers have no union and work under the current state contract. When the expectations for common core standards came out, the teachers thought they were too low and raised the expectations for the school. Instead of the 50% state goal, the Rolling Hills goal is 75% proficiency. The current issue with the standard contract, said Mr. Pratt, is that personnel in small schools wear many hats, and supplemental contracts are needed for all their jobs. In response to questions from the committee, Mr. Pratt said Rolling Hills would probably continue to use the state contract, but some schools are looking at using a year-round schedule. Charter schools were established to be innovative, he added, and having flexibility within a contract for the school and teacher will be helpful. For example, one school has large enrollment and only one facility, so students are put on a rotating schedule, and teachers teach year round.

Paul Stark, Idaho Education Association, spoke **in opposition** to **S 1248**. He said charter schools are already being innovative under the current system. In Chapter 52, Section 33-5202, the legislative intent for charter schools is that they operate independently from a school district, but within the public school system. In Chapter 52, Section 33-5203, Idaho Code, teachers are considered public school teachers, and funding for staff comes from the same source as traditional schools. The bill would be more palatable, he added, if teachers could influence the contract, but the school boards get the flexibility, not the teachers.

In response to questions from the committee, **Mr. Stark** said having public school teachers on at-will contracts goes against the governor's task force's goal of recruiting and retaining good teachers. A teacher on a renewable contract at a traditional school would lose that status if the teacher moved to a charter school. The market doesn't work well for teachers, he said, and they don't have that much choice of where they work. Charter schools are not prohibited from collective bargaining, said Mr. Stark. The teachers must show support of 50% plus one for the school to agree to participate in collective bargaining. There is nothing in the standard contract, said Mr. Stark, which does not allow for flexibility, and he fears the flexibility will not be beneficial to the teachers, who are the most vulnerable workers in the state. The system is not broken or inhibiting charter schools, he added. The effect could be that different teachers in the same building are on different contracts, which creates massive instability in the teachers' lives, said Mr. Stark. Qualifications are not the only thing which determines contract status, he

added. He said he has seen personality differences and politics which cause some teachers to be treated differently or lose their jobs. This bill is an employment issue, he said, not a teaching issue, and he has not seen anything which shows the contract used influences student achievement. Public school teachers will be at-will employees in Idaho.

Emily McClure, Idaho Charter School Network, spoke **in support of S 1248**. She said when the charter school statute was enacted in 1998, there was no requirement to use the state-issued contract. The state has increased constraints on charter schools since then. If a teacher moves from a traditional school to a charter school, the educational experience accrues in both schools. It is the choice of the teacher to accept the charter school contract or not. The steps of the career ladder, she added, are based on years of service and evaluations.

Currently, a public charter school sends its contract to the State Department, then to the authorizer, and it is up for renewal every three to five years, said **Ms. McClure**. In response to questions from the committee, Ms. McClure said rural schools could change the contract to recruit teachers to that area. She said she believes there was probably a time when it was important to protect a vulnerable employee, but she believes the teachers can speak for themselves. One section of Idaho Code addresses teachers coming from a different district or out of state, said Ms. McClure, and this would apply to teachers moving from a traditional school to a charter school.

Chris Yorganson, Idaho Charter School Network, spoke **in support of S 1248**. He said some examples of contract terms which may be used are a non-compete clause, so a teacher who leaves the charter school can not encourage students or faculty to transfer also. Benefits can also be negotiated, as well as more time off. A process for placing teachers from out of the district or out of the state on the career ladder is already in place. Currently, a teacher with a renewable contract who moves to a different district does not keep that renewable contract status. Flexibility in the contract would allow the teacher to keep that renewable contract status.

Rep. Rubel said she would be voting against **S 1248**. She said it seemed the arguments in favor of the bill are attacks on collective bargaining. When attacks on collective bargaining came up in the Luna Laws, she added, voters let it be known they were against those attacks. She said she did not think there was a need for flexibility in teacher contracts to be more innovative, and she had not heard a compelling reason to change the law. She said the charter schools present represented only approximately 25% of the state charter schools, and other charter schools are against the bill.

Rep. Clow said most charter schools do not participate in collective bargaining, but they might. They would have to be careful in how they use the contract flexibility, he said, but he supports the bill.

VOTE ON MOTION:

Motion carried by voice vote. Reps. Kloc, Pence and Rubel requested to be recorded as voting **NAY. Rep. Clow** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:33 a.m.

Representative DeMordaunt
Chair

Jenifer Cavaness-Williams
Secretary