

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, March 14, 2016

TIME: 2:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Mortimer, Vice Chairman Thayn, Senators Nonini, Patrick, Den Hartog, Buckner-Webb and Ward-Engelking

ABSENT/ EXCUSED: Senators Souza and Anthon

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 Mortimer** called the Education Committee (Committee) to order at 2:00 p.m.

H 537 **Jessica Harrison**, Policy and Government Affairs Director, Idaho School Boards Association (ISBA), presented **H 537**, Relating to Education: Revise Provision Regarding Supplemental Contracts. She stated this legislation is based upon a resolution from the convention. She explained currently § 33-515a, Idaho Code only issues supplemental contracts for purposes that are outside of the certificated employee's regular teaching duties. She said there are some certified personnel that need to work additional days in the school year. Currently, there is not a mechanism in Idaho Code for school districts to deal with those additional days. This legislation would allow school districts to issue separate contracts for extra days worked (see attachment 1).

Senator Den Hartog asked if this bill addresses the concern for those teachers who advise for Future Farmers of American (FFA). **Ms. Harrison** replied in the affirmative and explained how this bill addresses the different contracts.

Vice Chairman Thayn asked if the six-week summer classes fall under this category. **Ms. Harrison** explained that summer school contracts are on the standard teaching contract. The contract in this bill is a different contract. **Vice Chairman Thayn** asked in regards to due process procedures, if a teacher was teaching a summer school class one year and the next it was no longer available, would they have to go through a due process hearing. **Ms. Harrison** replied in the negative and explained that would be a reduction in force procedure.

Senator Patrick asked if a teacher goes through a due process hearing does that become part of their permanent record? **Ms. Harrison** replied to the best of her knowledge, she believes that it would.

Vice Chairman Thayn asked if a teacher with both a renewable teaching contract and an extra duty contract were to be relieved of their extra duty contract would that be subject to a due process hearing?. **Ms. Harrison** replied in the negative and explained the extra duty contract is not part of their teaching contract. She explained the reasons for a due process hearing.

Ms. Harrison stated this is a new category of contract that gives the districts more flexibility than the standard contract but also provides some protections to the teachers if the districts decide to reduce those days. The extra day(s) contract becomes part of the teacher's standard contract.

Chairman Mortimer asked her to expand on the differences between extra day(s) contract and extra duty contracts. **Ms. Harrison** said extra duty is for those positions that are not tied to teaching, such as coaching. Extra day contracts are necessary for those positions such as career-technical or FFA teachers. She said those teachers may have programs that require them to teach some days beyond the regular teaching contract. This legislation give the districts some flexibility to issue the extra days on an as need basis, not as part of the standard contract. **Ms. Harrison** explained this legislation will keep those days that are over and above, that fluctuate from year to year, which are outside of the regular contract, off of the regular contract and put into a supplemental contract. This gives the district's board of trustees more latitude in dealing with additional days. There would be two different contracts for a teacher; regular and supplemental. The supplemental contract is negotiable.

Chairman Mortimer asked why a school board would issue an extra day contract rather than an extra duty contract. **Ms. Harrison** replied that according to current Idaho statute, extra duty contracts can only be used for an assignment that is not part of the teachers' regular teaching duties.

MOTION:

Senator Ward-Engelking moved to send **H 537** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**. Senator Ward-Engelking will carry **H 537** to the floor.

H 560

Blake Youde, Chief Communications and Legislative Affairs Officer, State Board of Education (SBE), presented **H 560**, Relating to Continuous Improvement Plans and Training: Provide an Additional Requirement for Annual Continuous Improvement Plans. He said this improvement plan was part of the Governor's Task Force to Improve Education (Task Force). In 2014, legislation was enacted to require the plans. He explained these are a series of plans with measureable indicators. These were developed at the school district level between superintendents and school trustees to set goals for each indicator and report the annual progress. All plans are submitted to the SBE for review as well as being posted for their communities to review. This legislation requires that all continuous improvement plans, at a minimum, include a series of statewide student readiness and improvement score categories. He explained the categories that were in the legislation.

Mr. Youde stated the scoring measurement will be established by the SBE and emphasized the SBE will use existing assessments for measurement. Improvement scores will be based on year-to-year improvement in the level of readiness produced by the school, and would be shown as a percentage of change in the applicable readiness score. **Mr. Youde** said that the oversight subcommittee strongly recommended that the districts look at the indicators to back student and district progress. The SBE will set the guidelines so there will be comparable measurements from district to district.

Senator Ward-Engelking said this seems vaguely similar to the No Child Left Behind (NCLB) rating system, which was punitive. She asked how low and at-risk students would be accounted for. **Mr. Youde** replied the continuous improvement plan is not intended for the statewide accountability system. This is a district level improvement plan developed by the superintendents and trustees as a way for parents and constituents to observe student progress. He emphasized this better empowers parents and districts to see where improvements are needed and to work together to achieve that goal.

Senator Ward-Engelking asked which assessments will be used for measurement. **Mr. Youde** replied the measurements and goals will be determined by the individual school district board of trustees. This is a common way to measure readiness so that parents can be better informed on how their local school district is performing.

Vice Chairman Thayn asked if he would explain the 14 measurement matrix in the legislation. **Mr. Youde** referred to **Tracie Bent**, Chief Planning and Policy Officer, SBE.

Ms. Bent explained the matrix in the legislation would go through the negotiated rulemaking process. She stated they would be using the current statewide assessments. The intent is not to require additional assessments. Many of the districts are already using them. She outlined the possible tests for each level. She said they didn't specify assessments because over time they change.

Chairman Mortimer asked if all of these assessments are currently being carried out and are all of the districts doing the same assessment? **Ms. Bent** replied in the affirmative. She explained that during the rulemaking process the SBE would have the opportunity to review any local assessments to see if those could be used statewide. The plans that have been submitted reveal that many districts have struggled to understand what the measureable performance standards are.

Chairman Mortimer said there is a college-and-career ready matrix; does it measure that readiness. **Ms. Bent** explained there are different tests that students take and those could be used for setting benchmarks.

Senator Ward-Engelking asked if the current Idaho Standards Achievement Test is the Smarter Balanced Assessment Consortium (SBAC). **Ms. Bent** replied in the affirmative and explained that could change over time. **Senator Ward-Engelking** asked if the assessments would be published. **Ms. Bent** replied in the affirmative and explained they would be published as allowed by the student data security section of Idaho Code. She said the intent of the continuous improvement plan is to help school boards and communities to review data to measure progress and make suggestions for change, if necessary.

Senator Den Hartog asked if these measurements are complementary not duplicative. **Ms. Bent** replied it is the same reporting. In the bill they will report the information through the continuous improvement plan.

Senator Den Hartog asked if the continuous improvement plan will allow for a different type of matrix for college and career readiness, one that could report the different avenues students are selecting for postsecondary education. **Ms. Bent** replied in the affirmative. She explained there is data that districts can assess to determine student progress. She said districts can customize their continuous plan.

Mr. Youde stated this comes from the recommendations made by the Task Force. It is to help school districts and their constituencies see how their students are progressing. He emphasized this is not step one toward a statewide accountability plan.

Senator Patrick wondered if this creates more work for local school districts. **Mr. Youde** replied this is information that school districts already accumulate and submit to the State. The continuous improvement plans have been in place since 2014. He said the document is only about one to three pages.

Chairman Mortimer said he is concerned that the SBE is not adding new burdens on the school districts. He asked if these assessments have been discussed with stakeholders. **Mr. Youde** replied in the affirmative.

MOTION:

Vice Chairman Thayn moved to send **H 560** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. The motion passed by **voice vote**. Vice Chairman Thayn will carry **H 560** to the floor.

HCR 50

Representative Linden Bateman presented **HCR 50**, Stating Finding of the Legislature: Civics Test to High School Seniors. He said with the passing of **S 1071**, which made passing the civics test a requirement for graduation, he thought there should also be some questions concerning Idaho. This legislation requests that at least 20 percent of the civics test to be specific to Idaho's state government and history which would begin in the 2016-2017 school year for graduating seniors. **Representative Bateman** gave examples of the types of questions that could be included.

DISCUSSION:

Senator Ward-Engelking asked if students could take this test as early as seventh grade. **Representative Bateman** replied in the affirmative and stated it would be part of the civics test, so they could take it at the same time.

Senator Patrick said that **S 1071** specifies that students can take the civics test any time starting in seventh grade. He said the title of the bill is confusing. He asked if **HCR 50** is only a suggestion to the SBE. **Representative Bateman** replied in the affirmative and said it is just a recommendation.

Senator Buckner-Webb stated that students learn about Idaho history is in the fourth grade and there is no required teaching of Idaho history after that year. She asked if this would put undue pressure on students who didn't receive that education. **Representative Bateman** replied that was also his concern. He said that if a civics test is to be required, he believed that some Idaho history should also be a part of the civics test. This would encourage social studies teachers to add a bit more Idaho history to their lessons.

TESTIMONY:

Lori Gash, Social Studies Coordinator, West Ada School District, said they are not in support **HCR 50** because it specifies the test must be taken during a student's senior year of high school. She explained the only time Idaho history is required is in the fourth grade. This test would create difficulties for students who moved into Idaho after fourth grade. She specified the Idaho statutes and administrative rules that contradict **HCR 50** (see attachment 2).

Teri Powell, Assessment Coordinator, West Ada School District, explained how their district implemented the current civics test. She reported to the Committee the costs to their district to implement the required civics test. She urged that **HCR 50** be held in Committee (see attachment 3).

Representative Bateman said the fiscal note states there is no impact to the General Fund and the cost to school districts is in the course of doing business. He stated in secondary school, American social studies is taught and that could include a segment on Idaho history. **HCR 50** is a suggestion that questions about Idaho be added to the current required civics test.

Senator Ward-Engelking said she understands Representative Bateman's desire to have Idaho students know Idaho history. She stated that **HCR 50** adds an undue burden on schools and high school students.

MOTION:

Senator Ward-Engelking moved to hold **HCR 50** in Committee. **Senator Buckner-Webb** seconded the motion.

Vice Chairman Thayn said he hopes the public school system is not so rigid that they cannot make some simple changes. He would like to see the recommendations of **HCR 50** carried out.

SUBSTITUTE MOTION:

Vice Chairman Thayn moved to send **HCR 50** to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion.

Senator Den Hartog said she appreciates Representative Bateman's enthusiasm for Idaho history and also feels his frustration that there are students who don't know basic Idaho history. She said has some apprehension with the title in the bill and is struggling with **HCR 50**.

Senator Patrick said he has some concerns with the title. He explained the challenges that were incurred with **S 1071**. He emphasized that **HCR 50** is just a suggestion to the SBE. He has faith the SBE will be able to implement **HCR 50** requests in rulemaking.

Chairman Mortimer reminded the Committee that concurrent resolutions cannot be sent to the 14th Order for amendment.

Vice Chairman Thayn said **HCR 50** is a request to the SBE to try to add this to the civics test; it is not a mandate. Some of the issues, such as timing, could easily be resolved.

Senator Buckner-Webb asked if the SBE has agreed to this request. **Mr. Youde** replied that the SBE has not done a formal review on **HCR 50**.

The substitute motion passed by **voice vote**. **Senators Buckner-Webb** and **Ward-Engelking** requesting they be recorded as voting nay.

Vice Chairman Thayn will carry **HCR 50** on the floor.

ADJOURNED: There being no more business, **Chairman Mortimer** adjourned the meeting at 3:10 p.m.

Senator Dean M. Mortimer
Chair

LeAnn Mohr
Secretary